

Analysis of a Comparative Study of Criminal Provisions on Criminal Acts Against Narcotics Crimes in Indonesia and Thailand

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ABSTRACT

This study discusses the comparison of criminal provisions for narcotics crimes in Indonesia and Thailand. This research was conducted to understand the similarities and differences in the legal systems of the two countries in handling narcotics cases, as well as to assess the effectiveness of each system in preventing and eradicating narcotics crimes. The method used is a literature review and comparative analysis of laws, regulations, and cases related to narcotics in the two countries. The research results show that although there are some similarities in legal approaches, there are significant differences in terms of penalties applied, law enforcement procedures, and rehabilitation policies. This research provides deeper insight into how the two countries respond to the challenges posed by drug crime and can serve as a reference for researchers.

Keywords: Narcotics, Law, Comparison

INTRODUCTION

A comparative study of criminal provisions for narcotics crimes in Indonesia and Thailand aims to compare and analyze the laws regulations and legal policies implemented by the two countries in dealing with narcotics problems. Indonesia and Thailand, as countries in the Southeast Asian region, face serious challenges related to narcotics abuse and trafficking. The two countries have different approaches to dealing with this crime, both in terms of law, enforcement, and sanctions imposed.¹

In Indonesia, the criminal provisions for narcotics crimes are regulated in Law Number 35 of 2009 concerning Narcotics. This law covers various aspects, from prevention, and supervision, to legal action against violators. The sanctions applied are quite severe, including life imprisonment to the death penalty for perpetrators proven guilty in major narcotics cases.² Meanwhile, Thailand also has strict laws related to narcotics, which are regulated in the

¹ et al., "The Determinants Affecting the Violent Crime in Indonesia and Thailand (1990–2019)," *Oblik i Finans* 7, no. 4(102) (2023): 105–17, [https://doi.org/10.33146/2307-9878-2023-4\(102\)-105-117](https://doi.org/10.33146/2307-9878-2023-4(102)-105-117).

² Suwinda Suwinda et al., "Models of Sentencing Children as Criminals (A Comparison of Several Countries)," *Law Research Review Quarterly* 8, no. 3 (2022): 317–402, <https://doi.org/10.15294/lrrq.v8i3.60022>.

Narcotic Act B.E. 2522 (1979). Thailand is known for its very tough approach to drug offenders, including the execution of the death penalty for certain cases. However, recently Thailand has begun to adopt a more lenient approach by introducing rehabilitation programs for narcotics users. Through this comparative study, it is hoped that the advantages and disadvantages of each legal system can be found, as well as policy recommendations that can be adopted to increase the effectiveness of countering narcotics crimes in both countries.³

METHOD

This research uses a descriptive qualitative approach, namely research presented in descriptive form through oral and written data from related sources. Descriptive research aims to explain, describe, and map facts based on a certain perspective or frame of mind. This type of research is qualitative descriptive research because this research emphasizes meaning and process so that the data produced is in the form of descriptive rather than numbers in the form of written or oral words from observable informants. Therefore, in this study, an in-depth study will be carried out to describe the initial analysis of the corruption case.⁴

RESULTS AND DISCUSSION

A comparative study of the criminal provisions for narcotics crimes in Indonesia and Thailand shows several similarities and significant differences in the legal approaches of each country. In Indonesia, the law that regulates narcotics crimes is Law Number 35 of 2009, while in Thailand it uses the Thai Narcotics Act B.E. 2522 (1979).⁵ The main similarity between the two countries is that there are very heavy sanctions for violators, including life imprisonment and the death penalty. Both countries also implement fines as part of the punishment. In Indonesia, the fine imposed can reach up to twenty billion rupiah, while in Thailand the maximum fine is five million baht (about one billion seven hundred and fifty million rupiah).

The main difference is seen in the classification of narcotics types. Indonesia classifies narcotics into three groups, while Thailand divides them into five groups. These differences reflect variations in the types of narcotics regulated and how each class is handled in the laws of each country. In addition, the minimum penalty in Indonesia is one year in prison, while in

³ Maskun Maskun, "Drugs Law and Legal Practice in Southeast Asia: Indonesia, Singapore, and Vietnam," *Indonesia Law Review* 7, no. 1 (2017): 135, <https://doi.org/10.15742/ilrev.v7n1.294>.

⁴ Anonim, "Metodologi Penelitian," eprints.uny.ac.id, n.d.

⁵ Kornel Bielawski, "Drugs and State Vigilantism as a Strategy of Political Activity: The Example of Thailand, the Philippines, and Indonesia," *Polish Political Science Yearbook* 52, no. 3 (2023): 43–54, <https://doi.org/10.15804/ppsy202306>.

Thailand it can be as little as one month in prison. These different approaches show how each country adapts to the problem of narcotics based on its own legal and social context, albeit with the same ultimate goal of combating narcotics abuse and protecting society from its negative impacts.⁶

Based on its punishment and criminal approach, Indonesia applies harsh criminal penalties for narcotics crimes, including the death penalty, life imprisonment, or imprisonment for a certain period. The death penalty is applied mainly to major cases of narcotics trafficking. The Indonesian government focuses on strict law enforcement and eradication of narcotics trafficking in response to narcotics problems that are considered serious and damaging to society.⁷

Thailand also has severe criminal penalties for narcotics crimes, including the death penalty. However, the application of the death penalty is less common than in Indonesia. In addition to tough law enforcement, Thailand has also shown a tendency to expand its rehabilitation approach for drug users, with greater emphasis on remedial and root cause efforts.⁸ Based on Indonesia's social and cultural aspects, the stigma against narcotics users is still very strong, where narcotics users are often considered a serious threat to society. Indonesia's culture tends to emphasize the eradication of narcotics as part of efforts to protect morals and social welfare. Thailand has a history and culture that may be more tolerant of the use of some types of narcotics, especially those derived from traditional natural ingredients used in cultural or medicinal contexts.⁹

Based on Statistics and Social Impact, statistical data shows that the problem of narcotics is still a serious concern in Indonesia, with a significant number of users and narcotics circulation. Its social impacts include disruption of social stability, an increase in narcotics-related crime, and serious public health impacts. Thailand also faces similar challenges when it comes to narcotics use, although there are differences in the scale and characteristics of the problem

⁶ Juna Karo Karo et al., "Comparison of Regulations in the Eradication of Money Laundering Criminal Offence Originating From Narcotics Between the Countries of Indonesia and the United States of America," *Proceedings of the Second International Conference on Public Policy, Social Computing and Development (ICOPOSDEV 2021)* 642, no. ICOPOSDEV 2021 (2022): 71–77, <https://doi.org/10.2991/assehr.k.220204.012>.

⁷ Suci Ramadani et al., "Criminal Law Politics on Regulation of Criminal Actions in Indonesia," *Linguistics and Culture Review* 5, no. S1 (2021): 1373–80, <https://doi.org/10.21744/lingcure.v5ns1.1651>.

⁸ Bielawski, "Drugs and State Vigilantism as a Strategy of Political Activity: The Example of Thailand, the Philippines, and Indonesia."

⁹ Muhammad Nur, "An Overview of Drug-Related Criminal Acts as Extraordinary Crimes in Indonesia Abstract :," 2024, 38–49.

compared to Indonesia. Rehabilitation efforts and a more holistic approach in Thailand try to address the social impact resulting from drug use.¹⁰

Policy Effectiveness: Policy evaluation and international implications of discussions on the effectiveness of severe punishment versus rehabilitation approaches in responding to narcotics problems. The two countries are active in international cooperation related to the eradication of cross-border narcotics trafficking and participation in international forums related to narcotics policy.¹¹

Based on the findings and elaboration above, several things are discussed, first about the differences in the application of the death penalty in Indonesia, the death penalty is often applied to perpetrators of narcotics crimes, especially for those involved in the trafficking of narcotics in large quantities. A well-known example of a case is the execution of drug dealers in 2015 and 2016. The implementation of the death penalty reflects a tough approach to drug law enforcement in the country.¹²

Meanwhile, in Thailand, the death penalty is also a punishment option available for certain cases including narcotics crimes. However, Thailand has changed its approach to the death penalty, with the number of executions declining significantly in recent years. In 2018, Thailand abolished the death penalty for some types of crimes, although it still retains the death penalty for large-scale narcotics cases.¹³

Approach to Recovery and Rehabilitation, Indonesia has begun to adopt a more inclusive approach to recovery and rehabilitation for narcotics users. Rehabilitation programs are primarily geared towards differentiating between narcotics users and narcotics dealers, with a priority on rehabilitation for users. Nonetheless, there are still challenges in the implementation of these rehabilitation programs, especially related to accessibility and quality of services.¹⁴

On the other hand, Thailand has taken significant steps in expanding rehabilitation programs for narcotics users. The country has launched various rehabilitation programs that focus on medical care and social support for individuals involved in narcotics use. These programs aim to reduce the number of incarcerations and place more emphasis on a

¹⁰ Maskun, "Drugs Law and Legal Practice in Southeast Asia: Indonesia, Singapore, and Vietnam."

¹¹ Ramadani et al., "Criminal Law Politics on Regulation of Criminal Actions in Indonesia."

¹² Maskun, "Drugs Law and Legal Practice in Southeast Asia: Indonesia, Singapore, and Vietnam."

¹³ Bielawski, "Drugs and State Vigilantism as a Strategy of Political Activity: The Example of Thailand, the Philippines, and Indonesia."

¹⁴ Nur, "An Overview of Drug-Related Criminal Acts as Extraordinary Crimes in Indonesia Abstract :"

rehabilitative approach rather than a purely law enforcement approach.¹⁵

There are challenges in law enforcement and the judiciary. Both countries face challenges in law enforcement and justice related to narcotics crimes. In Indonesia, there are concerns about fairness in the legal process of narcotics cases, including transparency and human rights issues in the application of the death penalty. In Thailand, there are also similar concerns about transparency and fairness in their justice system, especially in the context of law enforcement against narcotics crimes.¹⁶

As for policy changes and legal reforms. Both countries have experienced policy changes and legal reforms that have had an impact on the handling of narcotics crimes. Indonesia faces several policy changes aimed at strengthening narcotics law enforcement while beginning to evaluate its approach to rehabilitation and rehabilitation. Thailand is also undergoing legal reforms focused on reducing penalties for certain types of narcotics offenses, as well as improvements in rehabilitative approaches.¹⁷

CONCLUSION

A comparative study reveals the complexity of narcotics problems in Indonesia and Thailand, with Indonesia implementing the death penalty for certain cases, demonstrating a strong commitment to law enforcement, but also raising questions about justice, human rights, and effectiveness.

Indonesia and Thailand are focusing on recovery efforts and rehabilitation for drug users, balancing strict law enforcement with individual rights and social welfare. This approach emphasizes the importance of continuous evaluation of legal policies and practices in addressing narcotics problems. Future studies could analyze the effectiveness of these approaches and consider civil society, academia, and international organizations.

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¹⁵ Yingyos Leechaianan and Dennis Longmire, "The Use of the Death Penalty for Drug Trafficking in the United States, Singapore, Malaysia, Indonesia and Thailand: A Comparative Legal Analysis," *Laws* 2, no. 2 (2013): 115–49, <https://doi.org/10.3390/laws2020115>.

¹⁶ Ramadani et al., "Criminal Law Politics on Regulation of Criminal Actions in Indonesia."

¹⁷ Nur, "An Overview of Drug-Related Criminal Acts as Extraordinary Crimes in Indonesia Abstract :"

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