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RESEARCH ARTICLE

ACTUALIZATION OF PANCASILA VALUES IN PREVENTION AND ERADICATION EFFORTS NARCOTICS ABUSE IN INDONESIA

Gatot Susanto¹, Eddy Rifai², Maroni² and Heni Siswanto²

1. Doctoral Student in Law, Faculty of Law, University of Lampung, Indonesia.

2. Doctoral Lecturer in Law, Faculty of Law, University of Lampung, Indonesia.

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Abstract

Pancasila is a state ideology that has been agreed upon as the basis for organizing social, national and state life in Indonesia. The practice of Pancasila values will certainly lead to the development of a society that is devout, humane, united, democratic and just. On the other hand, weak understanding and implementation of these basic values will cause various disorders that can threaten all areas of life, one of which is narcotics abuse. Sanctions or punishments for those who abuse narcotics themselves are different from dealers, couriers, dealers, and so on, because in the Narcotics Law there is a grouping of narcotics crimes. This is in accordance with the double trick system adopted by the Narcotics Law. Actualizing the values of Pancasila in efforts to prevent and eradicate narcotics abuse cannot be separated from the awareness of the entire community and law enforcement officials, in this case judges, in deciding narcotics abuse cases for the sake of justice based on God. This is because the values of Pancasila maintain the credibility of Indonesian culture and attitudes and have a major impact on the life and character of the nation by fighting narcotics abuse and breaking the chain of narcotics problems. We must understand the meaning of Pancasila values correctly, Pancasila as Indonesia's national ideology for unity, as a national standard for preventing and eradicating narcotics abuse. The related Pancasila values are the value of God, the value of humanity, the value of unity, the value of people and the value of justice, so in everyday life you must adhere to these five precepts in order to avoid the dangers of narcotics.

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Introduction:-

Currently, Indonesia can be said to be in a narcotics emergency. Narcotics abuse occurs at almost all levels of social strata of society. Therefore, various efforts are needed to prevent and eradicate narcotics abuse in Indonesia, one of which is by actualizing the values of Pancasila. In Indonesia, if viewed from a juridical aspect, the existence of narcotics is legal, Law Number 35 of 2009 concerning Narcotics only prohibits the use of narcotics without permission from the law in question. The use of narcotics without permission is called narcotics abuse. The use of

Corresponding Author:- Gatot Susanto

Address:- Doctoral Student in Law, Faculty of Law, University of Lampung, Indonesia.

narcotics is often abused not for the purposes of medicine and science when seen from this situation at an empirical level.¹

Abuse of narcotics is not for medical or scientific purposes and does not have permission from the authorities, which is also known or referred to as a crime or narcotics crime. Narcotics are widely abused and used as a promising business opportunity by producers, dealers and dealers and are growing rapidly, where these activities have an impact on the mental, physical and psychological damage of narcotics users as drug abusers, especially the younger generation who are the nation's assets.

The distribution and abuse of narcotics is a rapidly growing problem, therefore the Indonesian government must continue to update narcotics regulations so that they are in line with current developments. Abuse of illegal drugs in Indonesia such as narcotics, psychotropic substances and other addictive substances has grown and made Indonesia a drug emergency country.²Narcotics abuse in Indonesia has reached a very worrying and dangerous point with targets that have touched all levels of society. This can be seen from a survey conducted by the National Narcotics Agency of the Republic of Indonesia, usually abbreviated as BNN throughout 2019. Based on the survey, there were 3,376,115 people in the 10-59 year age group, this number is the number of Narcotics Abusers throughout 2019.³Likewise, based on the Press Conference on the Destruction of Drug Evidence from the Lampung Regional Police, the South Lampung Police for the period from August 2022 to October 2022 and the Lampung Provincial National Narcotics Agency (BNNP) by the Public Relations Division of the Lampung Regional Police dated November 9 2022, it is known that in the period 3 (three) month, namely from August 2022 to October 2022, 28 (twenty eight) criminal cases of narcotics abuse have been disclosed with a total of 64 (sixty four) suspects and evidence obtained in the form of marijuana totaling 310,643.52 grams (310 .6 Kg), 172,563.74 grams (172.5 Kg) of Shabu, 43,381 ecstasy pills, and 4,998 Happy Five Pills, with an estimated economic value of the destroyed evidence of Rp.272,728,767,000,- (two hundred seventy-two billion seven hundred twenty-eight million seven hundred and sixty-seven thousand rupiah), of which the amount of evidence destroyed was able to save 1,049,274 lives. (one million forty nine thousand two hundred and seventy four) people.⁴

Narcotics crime is an extra ordinary crime. Its meaning is as a crime that has a large and multi-dimensional impact on social, cultural, economic and political aspects, and the negative impacts caused by this crime are very powerful. For this reason, extra ordinary punishment seems to be relevant to accompany the model of crime with extraordinary characteristics which is currently increasingly spreading throughout the earth as transnational crime.⁵

In order to overcome or deal with the distribution and abuse of narcotics which has become so widespread, various regulations regarding the eradication of narcotics crimes have been implemented which began with the enactment of the Drug Ordinance (Verdoovende Middelen Ordonantie) Stbld.1927 No.278 jo No.536, then replaced by Law No. .9 of 1976 concerning Narcotics, then replaced again with Law No.22 of 1997 and finally replaced with Law No.35 of 2009 concerning Narcotics. Apart from that, there are various other statutory regulations that implement and clarify the rules of the Narcotics Law, such as Republic of Indonesia Government Regulation No. 40 of 2013, Government Regulation No. 25 of 2011, Republic of Indonesia Minister of Health Regulation No. 2415/MENKES/PER /XII/2011, Regulation of the Minister of Health of the Republic of Indonesia No.46 of 2012,

¹Supriyadi Widodo, et al, Strengthening the Revision of the Narcotics Law as Proposed by Civil Society, Institute for Criminal Justice Reform, 2017, p 10.

²Andri Winjaya Laksana, Review of the Law of Punishment of Narcotics Abusers Using the Rehabilitation System, Legal Reform Journal, Vol 2 No.1, Faculty of Law, Sultan Agung Islamic University, 2017, Semarang, p 10. DOI: <http://dx.doi.org/10.26532/jph.v2i1.1417>.

³Data and Information Research Center of the National Narcotics Agency of the Republic of Indonesia, National Survey of Drug Abuse in 34 Provinces in 2019, Annual Report (Jakarta: National Narcotics Agency of the Republic of Indonesia, 2019). P.28

⁴Bidhumas Polda Lampung, Press Conference on the Destruction of Drug Evidence from Polda Lampung & Polres Lampung Selatan Period August to October 2022 and BNNP Lampung, Press Release No. /XI/HUM.6.1.1./2022/BIDHUMAS.

⁵Roni Gunawan Raja Gukguk, Nyoman Union Putra Jaya, Narcotics Crime as Transnational Organized Crime, Journal of Indonesian Legal Development Vol 1, No 3, Faculty of Law, Diponegoro University, 2019, Semarang, pp 337-351.

Circular of the Supreme Court of the Republic of Indonesia No.04 of 2010, and Circular of the Supreme Court of the Republic of Indonesia No.03 of 2011.⁶

It was hoped that this law enforcement would be able to prevent the rise in cases of narcotics abuse, but the opposite is happening, cases of narcotics abuse are actually increasing, affecting millions of Indonesians. Law enforcement against perpetrators of Narcotics Abuse in the final stage of the trial process is the handing down of a decision (verdict) by the Judge. If the perpetrator of Narcotics Abuse is declared by the Judge to be legally and convincingly proven guilty of committing a criminal act as charged by the Public Prosecutor, then the Judge issues a decision by imposing sanctions (punishment) in the form of a crime, which can be in the form of the death penalty, imprisonment, fine, or criminal punishment in the form of medical rehabilitation and social rehabilitation.

There have been many judge's decisions against perpetrators of narcotics abuse in the form of punishment, either in the form of the death penalty or imprisonment for decades, but in reality, from year to year, cases of narcotics abuse still continue to occur and even tend to increase, up to now. This proves that even severe punishments do not have an absolute deterrent effect for both drug abusers and people who would commit similar acts. Against such conditions, other efforts are needed outside of law enforcement in the form of punishment to prevent and eradicate the occurrence of narcotics abuse, at least reducing the number of narcotics abuse, namely by actualizing the values of Pancasila in the lives of Indonesian society, both in daily life in the family, in social life and in state life, including law enforcement officers.

Method:-

The research method used is normative juridical which is based on literature study using primary and secondary sources in the form of books, journals, documents and other sources related to the topic you wish to research. Through this research, researchers want to get an overview and information regarding the actualization of Pancasila values so that it can be a solution to the problem of narcotics abuse in Indonesia.

Discussions:-

Prevention and Eradication of Narcotics Abusers in the Concept of Pancasila Values

The history of narcotics and dangerous drug abuse throughout the world proves that this problem is not easy to resolve. In 1971 Richard Nixon declared a war on drugs and until now it has not been completed. In 2011, the Australian Ministry of Health stated that it had 40 years of experience in fighting drugs using a legal approach and apparently failed. It is not much different in Indonesia, where law enforcement is continuously carried out but has not been able to solve the problem of narcotics abuse, in fact consumers tend to increase.

Narcotics abuse is an extraordinary and transnational crime that can threaten the world. Narcotics are a powerful weapon in a proxy war so that a nation's power can be paralyzed without having to resort to physical attacks. To deal with this, it is clear that a massive and comprehensive awareness and eradication movement is needed by inviting the entire community to actively participate in fighting narcotics abuse. Don't let our negligence endanger the future of our nation's children and make Indonesia a failed country.

The problem of abuse and illicit trafficking of narcotics cannot be separated from the failure of Indonesian people to absorb the values of Pancasila as a noble value resulting from the consensus of the nation's founders. The narcotics problem exists because the nation's children only understand Pancasila in the context of memorization without trying to implement it seriously and as fully as possible in their daily lives. In fact, since its birth, Pancasila has contained a noble understanding imbued with the spirit of divinity, humanity, unity, democratic life and social justice. If we fully understand and apply these five great values in our daily lives, then the crime of narcotics can be stemmed, because the Pancasila personality has been formed in the minds, hearts and actions of Indonesian people..

Narcotics crimes in law enforcement cannot be separated from the judge's authority in deciding a case, especially narcotics crimes. The judges who have the authority to examine and try cases of narcotics abusers are judges within the general justice environment.

⁶Nugroho Prasetyo Hendro, Qualifications of Drug Abusers, Addicts and Victims of Narcotics Abuse in the Implementation of Law no. 35 of 2009 concerning Narcotics, *Varia Judiciary Magazine* No. 344 July 2014, p. 131.

The Narcotics Law adheres to the concept of strict liability, containing an element of absolute responsibility.⁷ This means that every person who fulfills the criminal elements of the Narcotics Law can be held absolutely accountable.

The purpose of the Narcotics Law is known as stated in Article 4 of the Narcotics Law. This article means that the existence of the Narcotics Law is the main forum for saving Indonesia from the rise of narcotics abuse, namely by guaranteeing and preventing the spread of narcotics abuse.

The definition of narcotics abuser is regulated in Article 1 Number 15 of the Narcotics Law, a drug abuser is a person who uses narcotics without rights or against the law. In the attached form, the classification of types of narcotics is also explained in the Narcotics Law, where narcotics are classified into three types or groups, namely groups I, II and III.

Class I narcotics are not permitted to be used for health service purposes. Category I can only be used for the purposes of developing science and technology.⁸ The use of class I narcotics also requires approval from the Minister on the recommendation of the Head of the Food and Drug Supervisory Agency with a certain quantity limit.⁹

The interesting thing is the discretion that judges have to decide on crimes related to narcotics abuse, namely in Article 127 paragraph (2) jo. Article 103 paragraph (1) of the Narcotics Law, this article means that the judge has the right to determine alternative punishment, meaning:

1. The judge can make the rehabilitation sentence a final sentence (permanent decision) against a narcotics abuser who is proven guilty by ordering the person concerned to undergo treatment and/or care;
2. The judge can determine that rehabilitation is not a final decision (sentence) for narcotics abusers who are not proven guilty. This means that even if the person concerned is not proven guilty, they are still obliged to carry out rehabilitation as a form of pressure on narcotics abusers who are not proven guilty to continue undergoing treatment and treatment. So it can be concluded that the important point from the existence of this article is the importance of rehabilitation for narcotics abusers, both guilty and innocent.

Article 127 Paragraph (2) of the Narcotics Law means that judges are obliged to pay attention to the elements in Articles 54, 55 and 103 of the Narcotics Law in deciding cases of narcotics abuse, where Article 54 itself explains that narcotics addicts and narcotics abusers are obliged to undergo medical rehabilitation and social rehabilitation. Article 55 contains an explanation that parents/guardians of narcotics abusers who are minors are required to report to health centers and rehabilitation institutions, whereas if the abuser is old enough then they are required to report themselves or be represented by their family to health centers and rehabilitation institutions.¹⁰ Article 103 itself briefly explains that the judge can decide to order narcotics abusers who are proven guilty to undergo rehabilitation and can order narcotics abusers who are not proven guilty to undergo treatment through rehabilitation. From these provisions it can be concluded that the important points contained in these three articles are mandatory for judges to pay attention to when handling narcotics cases so that the implementation of the Narcotics Law can be applied appropriately and correctly.¹¹

In Article 127 Paragraph (3) of the Narcotics Law it is explained again firmly and clearly that in the event that a narcotics abuser as referred to in paragraph (1) can be proven or proven to be a victim of narcotics abuse, the abuser is obliged to undergo medical rehabilitation and social rehabilitation, so that Rehabilitation for self-narcotics abusers is mandatory. One of the factors that there are different interpretations between law enforcers or implementation that is not in accordance with the Narcotics Law is because the law on narcotics does not yet regulate the grammage, quantity or weight of narcotics found in the hands of users as evidence so that it often becomes a problem for law

⁷Firman Floranta Adonara, *The Principle of Judges' Freedom in Deciding Cases as a Constitutional Mandate*, Constitutional Journal. Vol 12 No 2, Constitutional Court of the Republic of Indonesia, 2015, Jakarta, p. 2. <http://dx.doi.org/10.31078/jk1222>

⁸Dadang Hawari, *Abuse and Dependence on NAZA (Narcotics, Alcohol & Addictive Substances)*, Gaya Baru 2006 Jakarta FKUI, p. 134

¹⁰Adi Sujatno, *Enlightenment Behind Prison From Cage To Studio Towards Independent Man*, Teraju, Jakarta, 2008, p. 85

¹¹Sri Endah Wahyuningsih, *Principles of Criminal Individualization in Islamic Criminal Law and Reform of Indonesian Criminal Law*, Diponegoro University Publishing Agency, Semarang, 2013, p.82

enforcement officials to determine whether the person can be designated from the start as an abuser, addict or user who must be prosecuted or not, as well as determining the severity of the punishment.

The existence of abuse and distribution of illegal narcotics cannot be separated from the failure of Indonesian people to absorb the values of Pancasila as noble values resulting from the consensus of the founding fathers of the nation.¹²The narcotics problem exists because the nation's children only understand Pancasila in the context of memorizing without trying to implement seriously and optimally every principle contained in it in their daily lives. In fact, since its birth, Pancasila has contained a noble understanding imbued with the spirit of divinity, humanity, unity, democratic life and social justice. If we deepen and apply these five great principles in our daily lives, then the crime of narcotics can be stemmed, because the personality of Pancasila has been formed in the minds, hearts and actions of Indonesian people.

Philosophically, Pancasila has values that have developed since Indonesia was a kingdom. At that time, the values of customs, religion and culture merged into one unity which formed the birth of Pancasila itself. Through religious values, Indonesian people are educated to know and believe that life requires the presence of Almighty God. Without the guidance of spiritual values, a human's life will experience barrenness and will have no guidance in life. For this reason, Indonesian people must have religion as a guide to life with the freedom from the state to embrace their respective religions and beliefs.¹³

Actualization of Pancasila Values in the Prevention and Eradication of Narcotics Abusers in Indonesia

The actualization of Pancasila is how the process of Pancasila values can truly be reflected in the attitudes and behavior of all citizens, from state leaders, state officials to ordinary people. The actualization of Pancasila values in social, national and state life requires situations and conditions that enable all levels of society to reflect Pancasila values and can be seen in social, national and state behavior.¹⁴The problem is what concrete form of actualization of Pancasila values will take place in overcoming narcotics abuse in Indonesia. Because after all the five precepts in Pancasila need to be applied in the form of applicable operational values.

Collective, structured and massive awareness is needed to restore the values of Pancasila into the lives and personalities of Indonesian society. The noble values of Pancasila require Indonesian citizens to be physically and mentally healthy, so that staying away from narcotics is the same as actually actualizing the values contained in Pancasila. The ideals of a prosperous, just and prosperous country as outlined in the constitution, including Pancasila, can only be achieved if people stay away from narcotics and encourage other citizens to reject narcotics from entering their personal lives and the surrounding environment.

Pancasila must be embedded in the personality of every Indonesian. Those who practice Pancasila not just by memorizing it in the classroom will easily realize that there is a close intersection between Pancasila and the war on narcotics agenda. Because in terms of the five precepts in this noble teaching, drug abuse clearly experiences a lot of conflict. Narcotics are a common enemy of the entire Indonesian nation, so to expel them from Indonesia requires the joint participation of all groups in Indonesia. The relationship between the precepts in Pancasila and narcotics abuse in Indonesia is:

Precepts of Belief in One Almighty God.

The value of the Almighty God. When everyone embraces a religion, any religion, which believes in the existence of God, of course there is a fear of God if they violate His prohibitions, so they do not use narcotics in the context of narcotics distribution. Because basically all religions prohibit things that are intoxicating, which are destructive and dangerous both for oneself and for others, such as narcotics abuse. In the religious concept, narcotics crimes and narcotics abuse will not occur if people who are religious and fear God always strengthen their faith and piety by not violating God's prohibitions, including committing narcotics crimes or being narcotics abusers.

¹²Nurhadianto, Internalization of Pancasila values in an effort to form anti-drug students, Journal of Social Sciences Education, Year, 2014, p. 44-54.

¹³Rivelino, Pancasila Value Revolution in Overcoming Narcotics Abuse in Indonesia, Inspiration Journal Volume 8 No. 2 September 2017: p. 91-99.

¹⁴Nurhadianto, 2014, "Internalization of Pancasila Values in Efforts to Form Anti-Drug Students. Journal of Social Sciences Education, p. 44-54.

The value of believing in the Almighty God also teaches you to always think positively and respect yourself as God's creation. In this way, a person will have self-confidence, will have the awareness not to do things that are not commendable, so that they will not easily be tempted and fall into abusing narcotics. he Principles of Just and Civilized Humanity.

Fair and civilized human values teach to appreciate and respect human life. In this way, a person will consider the impact that narcotics abuse has on the health of themselves, their family and other people in the surrounding environment.

Civilized humans will not abuse narcotics and distribute narcotics to other people, because this is an immoral act or contrary to adab/noble character which is one of the values contained in Pancasila. Abusing narcotics is an act that damages one's own health and mental health, which means oppressing oneself and going against adab or noble character or good character, especially if it involves distributing narcotics to other people which results in many sufferers due to the negative effects of narcotics, this act is clear. as an uncivilized act. Likewise, if someone practices the value of justice, he will definitely not commit disgraceful acts such as abusing narcotics or distributing narcotics to other people, because this is very detrimental and does not provide a sense of justice either for himself or for others.

The Principles of Indonesian Unity.

The value of Indonesian unity teaches all Indonesian people/nation to always maintain unity and integrity. By having a spirit of unity and unity, a person will consider the impact of narcotics abuse on other people and society in general. Apart from that, in order to achieve the state's goals as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, namely creating a just and prosperous society that is materially and spiritually equitable for all Indonesian people, one of them must be a sense of unity, namely the unity of all Indonesian people.

In relation to narcotics abuse, a sense of unity or solidarity must continue to be maintained and enhanced so that we can jointly contribute to combating narcotics trafficking and abuse. By uniting all levels of society to eradicate narcotics abuse, it is hoped that in the future we can eradicate, at least reduce the number of narcotics abuse in our beloved country, so that the State's goal of creating a just and prosperous Indonesian society can be achieved.

Popular Principles Led by Wisdom in Deliberation/Representation.

Popular values led by wisdom in deliberation/representation teach us to always carry out deliberation and consultation in making decisions. In the case of narcotics abuse, a person can consult with family, relatives, friends, or experts, both medical experts and religious experts, to get understanding, help and support, so as not to become involved in narcotics abuse either as a narcotics abuser.

Principles of Social Justice for All Indonesian People.

The value of social justice for all Indonesian people teaches us to prioritize the interests of society as a whole. In the case of narcotics abuse, someone who understands, implements and practices the fifth value of Pancasila will of course consider the negative impact it has on society as a whole and not only think about himself if he commits an act of abusing narcotics. In this way, it is hoped that the person will not commit acts of narcotics abuse.

These are the values of Pancasila which are expected to maintain the credibility of the nation's culture and attitudes and have a major impact on the moral education and character of the Indonesian nation in order to combat the distribution and abuse of narcotics and break the chain of narcotics problems. By knowing and understanding the meaning or values contained in each point of Pancasila, it is hoped that awareness will increase the importance of protecting oneself from narcotics crimes. Abusing narcotics is the same as deviating from the rules of life which are based on the Pancasila values that exist in the Indonesian nation. Implementing Pancasila values, especially among teenagers, is the right step to form teenagers with anti-narcotics characters. However, awareness is needed from all parties to be able to do this.

In the context of Pancasila as a guideline in breaking the chain of narcotics abuse, it is influenced by several related factors, including religious/belief factors, environmental factors, lifestyle factors and so on. A person whose attitude is far from or deviates from the religious values/beliefs he adheres to, a bad environment such as being friends with people who are involved in narcotics problems, as well as a luxurious/hedonistic lifestyle, having fun, likes going to discos and so on, are factors These factors can have a negative effect on efforts to break the chain of narcotics abuse.

Therefore, the values of Pancasila must continue to be actualized and used as guidelines in the daily lives of Indonesian people to be able to break the chain of narcotics abusers.

Conclusions:-

Based on the description above, in the research it can be concluded that actualizing the values of Pancasila in efforts to prevent and eradicate narcotics abuse cannot be separated from the awareness of law enforcement officials, in this case judges, in deciding cases of narcotics abuse for the sake of justice based on God, towards the community as abusers. . This is because the values of Pancasila maintain the credibility of Indonesian culture and attitudes and have a major impact on the life and character of the nation by fighting narcotics abuse and breaking the chain of narcotics problems. We must properly understand the meaning of Pancasila values as Indonesia's national ideology for unity, as a national standard, and to prevent and eradicate narcotics abuse. The related Pancasila values are the value of God, the value of humanity, the value of unity, the value of democracy and the value of justice. Thus, in our daily lives we must continue to adhere to the five precepts in order to avoid the dangers of narcotics abuse.

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