

## **Harmonization of Narcotics Criminal Law: Reconstructing the Paradigm for Aligning Law No. 35 of 2009 with Law No. 1 of 2023 from the Perspective of the *Lex Specialis* Principle**

**Reyhand Parlindungan<sup>1</sup>, Sumarno<sup>2</sup>, Suci Ramadhani<sup>3</sup>, Aries Kata Ginting<sup>4</sup>, Daniel Naibaho<sup>5</sup>**

Email: <sup>1</sup>[reyhand.parlindungan@gmail.com](mailto:reyhand.parlindungan@gmail.com), <sup>2</sup>[sumarno@dosen.pancabudi.ac.id](mailto:sumarno@dosen.pancabudi.ac.id),  
<sup>3</sup>[suciramadani@dosen.pancabudi.ac.id](mailto:suciramadani@dosen.pancabudi.ac.id), <sup>4</sup>[aries\\_kginting@yahoo.com](mailto:aries_kginting@yahoo.com),  
<sup>5</sup>[dnaibaho61@gmail.com](mailto:dnaibaho61@gmail.com)

*Universitas Pembangunan Panca Budi*

### **ABSTRACT**

*The enactment of Law No. 1 of 2023 concerning the National Criminal Code (KUHP) has initiated a fundamental shift in Indonesia's criminal law doctrine, moving from a predominantly retributive and punitive paradigm toward a restorative and rehabilitative approach to justice. Nevertheless, narcotics-related offenses remain governed by Law No. 35 of 2009 on Narcotics, which occupies the position of a *lex specialis systematica* within the Indonesian legal system. This normative legal research aims to examine the urgency of juridical harmonization between these two legislative frameworks and to analyze the role of a legislative adjustment mechanism in eliminating normative dualism. Employing both a statutory approach and a conceptual approach, this study reveals that inconsistencies between the National Criminal Code and the Narcotics Law, particularly regarding mandatory minimum sentencing provisions and alternative penal mechanisms, have the potential to generate legal uncertainty (*rechtsonzekerheid*). Such normative discrepancies may create difficulties in the uniform application of criminal law and undermine the objectives of legal reform. Accordingly, this study argues that the reformulation of penal policy must be accommodated through a comprehensive adjustment statute designed to harmonize the relationship between the National Criminal Code and the Narcotics Law. Such harmonization is essential to ensuring proportionality in sentencing, particularly by differentiating between perpetrators involved in illicit narcotics trafficking as part of organized criminal networks and narcotics users who should be regarded primarily as victims of substance abuse requiring rehabilitation and restorative intervention.*

**Keywords: Legal Harmonization; Narcotics Law; National Criminal Code; Lex Specialis Principle; Restorative Justice.**

### **INTRODUCTION**

The evolution of Indonesia's criminal law has reached a significant sociological and juridical milestone with the enactment of Law No. 1 of 2023 concerning the National Criminal Code (hereinafter referred to as the National Criminal Code). This legislation officially marks the end of the relevance of the *Wetboek van Strafrecht* (WvS), the colonial criminal code inherited from the Dutch East Indies. The National Criminal Code embodies the broader project of legal decolonization through the crystallization of the principle of balance, under which the objectives of punishment are no longer identified solely with absolute retribution (*absolute theorie*). Instead, criminal sanctions are directed toward crime prevention, conflict resolution, restoration of social equilibrium (*rechtsherstel*), and offender rehabilitation. However, this codification reform has generated normative tensions (*legal antinomies*) with various criminal statutes outside the Criminal Code, particularly Law No. 35 of 2009 on Narcotics.

As a form of extraordinary crime characterized by transnational and organized dimensions, illicit narcotics trafficking in Indonesia is widely regarded as a latent threat to national security and the quality of future generations. Empirical evidence demonstrates that narcotics law enforcement has traditionally been dominated by a punitive and incarceration-oriented approach. This tendency has contributed significantly to chronic prison overcrowding across correctional institutions, raising concerns regarding the effectiveness and sustainability of existing penal policies.

From the perspective of legal dogmatics, the Narcotics Law is generally regarded as a manifestation of the principle *lex specialis derogat legi generali*. Its special character encompasses both substantive criminal law through the criminalization of narcotics-related conduct and the imposition of mandatory minimum sentences and procedural criminal law, particularly through the investigative powers granted to the Indonesian National Narcotics Board (*Badan Narkotika Nasional*). Normative inconsistencies emerge, however, when the National Criminal Code introduces new forms of punishment, including supervision orders and community service sanctions, which have not yet been incorporated into the Narcotics Law. The coexistence of these divergent sentencing frameworks raises important questions concerning the coherence of Indonesia's criminal justice system.

If these normative disparities remain unresolved, they may generate inconsistent judicial decisions, thereby undermining legal certainty (*rechtsonzekerheid*) and substantive justice (*gerechtigheid*). Such circumstances create a pressing need for a comprehensive reassessment of the position and function of the Narcotics Law following the enactment of the National Criminal Code. Equally important is the examination of whether an Adjustment Law can serve as an effective legislative instrument for harmonizing the two legal regimes and resolving inconsistencies in sentencing policy. Accordingly, this article seeks to analyze the contemporary regulatory framework governing narcotics offenses in Indonesia and to formulate an ideal model for integrating narcotics law enforcement within the broader framework of the National Criminal Code. Particular attention is given to the reconstruction of the *lex specialis* paradigm and the urgency of legislative harmonization as a means of ensuring legal certainty, proportionality in punishment, and coherence in criminal justice policy.

## METHODS

This study employs a normative legal research (*doctrinal legal research*) methodology, which examines law from an internal legal perspective with a particular emphasis on the coherence of legal principles, vertical and horizontal synchronization of legal norms, and the systematic structure of statutory regulations. Normative legal research is designed to analyze the consistency and interaction of legal provisions within a broader legal framework, thereby facilitating the identification of normative conflicts and potential solutions for legal harmonization. The research utilizes two principal approaches. First, a statutory approach (*statute approach*) is employed to conduct a comparative examination of the legal norms contained in Law No. 35 of 2009 on Narcotics and Law No. 1 of 2023 concerning the National Criminal Code.

This approach enables an assessment of the extent to which the two legislative instruments are aligned or potentially contradictory in regulating narcotics-related offenses and sentencing policies. Second, a conceptual approach (*conceptual approach*) is adopted to analyze relevant

legal doctrines, theories of law enforcement, theories of punishment, and the general and special principles of criminal law that underpin the relationship between the two statutory frameworks. The legal materials used in this study consist of primary and secondary sources. Primary legal materials include statutory regulations relevant to the subject matter, particularly the Narcotics Law and the National Criminal Code. Secondary legal materials are derived from legal literature, accredited scientific journals, scholarly commentaries, and contemporary legal research addressing criminal law reform, legislative harmonization, and penal policy.

## RESULT AND DISCUSSION

### Reformulation of the Sentencing Paradigm under the National Criminal Code (Law No. 1 of 2023)

The National Criminal Code positions itself as a new *magna carta* of Indonesian substantive criminal law by adopting what may be described as an integrative theory of punishment. The most fundamental transformation lies in the statutory formulation of the objectives of punishment, which emphasize the protection of society, offender rehabilitation, conflict resolution, and the restoration of social equilibrium. Retribution, which historically occupied a dominant position within the criminal justice system, has been relegated from its status as the primary objective of punishment. This modernization agenda is reflected in the restructuring of the national sentencing system. The National Criminal Code introduces a framework of alternative sanctions designed to reduce reliance on short-term imprisonment.

Under the new codification, the principal forms of punishment include imprisonment, confinement, supervision orders, fines, and community service. These innovations are intended to mitigate the adverse consequences of incarceration, particularly the stigmatization and institutionalization effects associated with custodial sanctions. Furthermore, capital punishment is no longer categorized as a principal punishment. Instead, it has been repositioned as a special and exceptional sanction, imposed alternatively and subject to a ten-year probationary period. This reform reflects a broader movement toward a more humane and proportional sentencing policy, consistent with contemporary developments in comparative criminal law and international human rights discourse.

### The Antinomic Position of the Narcotics Law as a *Lex Specialis Systematica*

The existence of Law No. 35 of 2009 on Narcotics is grounded in the principle of *lex specialis derogat legi generali*, under which a specific legal norm prevails over a more general one. In contemporary legal theory, however, the relationship between special and general legislation is more appropriately understood through the concept of *lex specialis systematica*. Under this approach, deviations introduced by special legislation remain permissible only insofar as they do not undermine the fundamental legal principles embodied within the general criminal law framework, particularly those contained in Book I of the National Criminal Code.

In practice, the Narcotics Law establishes a rigid categorical distinction between narcotics traffickers and narcotics users. Traffickers are subject to severe criminal sanctions, including long-term imprisonment, life imprisonment, and capital punishment. By contrast, users and victims of narcotics abuse are formally entitled to medical and social rehabilitation measures.

Nevertheless, significant normative tensions arise because the Narcotics Law maintains mandatory minimum sentencing provisions that provide limited flexibility for judicial interpretation.

This rigidity becomes particularly problematic in cases involving defendants with dual legal characteristics, such as individuals who are narcotics addicts while simultaneously possessing small quantities of narcotics for personal consumption. Under such circumstances, the application of mandatory minimum penalties may result in disproportionate punishment and contribute to the phenomenon of overcriminalization. Consequently, individuals who should primarily be treated as persons suffering from substance dependency may instead be subjected to punitive criminal sanctions that are inconsistent with contemporary rehabilitative approaches.

### **The Urgency of an Adjustment Law**

Vertical and horizontal harmonization of legal norms is essential to prevent legal uncertainty (*rechtsonzekerheid*) within Indonesia's criminal justice system. In principle, the doctrine of *lex posterior derogat legi priori* provides that a newer statute prevails over an older one. However, because the Narcotics Law constitutes a special legislative regime, its provisions are not automatically superseded by the enactment of the National Criminal Code. Any modification of the special regime requires a specific legislative instrument capable of reconciling the two frameworks. The establishment of an Adjustment Law therefore becomes a matter of considerable urgency. Such legislation should address at least three fundamental legal issues. First, it should harmonize terminology and sentencing categories by incorporating supervision orders and community service sanctions into the regulatory framework governing minor narcotics abuse offenses. This integration would ensure consistency between the sentencing philosophy of the National Criminal Code and the treatment of narcotics users.

Second, it should restructure the framework of corporate criminal liability in accordance with the comprehensive standards introduced in Book I of the National Criminal Code. Such harmonization is necessary to ensure coherence in the regulation of corporate involvement in narcotics-related offenses. Third, it should facilitate limited decriminalization by providing a clear legal basis for prosecutors and courts to discontinue criminal proceedings or apply depenalization mechanisms in appropriate cases involving victims of narcotics abuse. Such reforms would strengthen the implementation of restorative justice and reinforce the distinction between narcotics traffickers as perpetrators of organized crime and narcotics users as individuals requiring treatment and rehabilitation. Accordingly, the enactment of an Adjustment Law should not merely be viewed as a technical legislative exercise. Rather, it represents a strategic legal policy instrument aimed at preserving coherence within Indonesia's criminal law system, ensuring proportionality in punishment, and reconciling the special character of narcotics regulation with the broader philosophical transformation embodied in the National Criminal Code.

### **Sectoral Implications for the Enforcement of Narcotics Abuse Laws**

The transformation of Indonesia's criminal legislation carries significant implications for the functional responsibilities of law enforcement institutions. Judges can no longer be viewed

merely as the *bouche de la loi* (the mouthpiece of the law); rather, they are increasingly expected to function as agents of justice who apply the principle of proportionality when assessing the degree of culpability and determining appropriate sanctions. The adoption of this principle necessitates a bifurcated law enforcement strategy. On the one hand, a repressive and deterrent-oriented approach must continue to be directed toward organized narcotics trafficking networks through the imposition of severe criminal sanctions, asset forfeiture, and other measures aimed at dismantling criminal enterprises. On the other hand, a rehabilitative and restorative approach should be prioritized for narcotics users, emphasizing access to medical and social rehabilitation rather than reliance on custodial sanctions. This distinction reflects the broader shift in contemporary criminal policy toward differentiated responses based on the offender's role, culpability, and social circumstances.

### Implementation Challenges and Structural Barriers

Despite the progressive nature of this integrated justice model, its practical implementation faces several structural challenges. First, significant disparities persist in the perceptions of law enforcement officials. Many investigators and prosecutors continue to operate within a predominantly positivistic and punitive legal culture in which imprisonment is regarded as the primary indicator of successful law enforcement. Such perspectives often impede the adoption of rehabilitative measures and contribute to the continued criminalization of narcotics users. Second, institutional capacity remains inadequate to support a comprehensive rehabilitative framework. The limited availability of state-operated medical and social rehabilitation facilities creates a substantial gap between judicial decisions ordering rehabilitation and the actual capacity of institutions to accommodate individuals requiring treatment. Consequently, the effectiveness of rehabilitation-oriented sentencing may be undermined by practical constraints unrelated to the legal framework itself.

### Doctrinal Analysis of Sentencing Theories in Relation to Victims of Substance Abuse

From a historical perspective, Indonesian criminal law has been strongly influenced by the classical school of criminal law, which focuses primarily on the criminal act itself (*daadstrafrecht*). Under this approach, violations of legal norms are viewed principally as wrongful acts deserving proportionate punishment, with limited consideration given to the psychological condition or social background of the offender. This perspective is theoretically supported by absolute or retributive theories of punishment. However, developments in modern criminal law, particularly those associated with neo-classical and sociological schools of thought, have shifted attention toward the offender (*daderstrafrecht*) and the broader objective of social defense. These approaches recognize that criminal responsibility cannot be evaluated solely through the lens of the prohibited act but must also take into account the personal circumstances of the offender and the broader interests of society.

Within the context of narcotics law enforcement, the rigid application of *daadstrafrecht* has produced significant systemic shortcomings. Individuals who consume narcotics for personal use are, in many cases, victims of substance dependency that affects their psychological and neurological functioning. From a medical standpoint, such individuals may suffer from mental

and behavioral disorders associated with psychoactive substances. Subjecting individuals requiring treatment to custodial environments alongside conventional offenders may aggravate their psychological condition, increase the likelihood of recidivism, and facilitate their exposure to illicit criminal networks operating within correctional institutions. The National Criminal Code seeks to address these doctrinal deficiencies by incorporating values derived from neo-classical criminal law. The new legislation explicitly recognizes conflict resolution, the restoration of social equilibrium, and the promotion of public security as objectives of punishment. In the case of narcotics users, restoring social balance cannot realistically be achieved through physical confinement alone. Rather, it requires comprehensive interventions including medical detoxification, psychological counseling, and long-term social rehabilitation.

### **Harmonizing the Antinomy of Mandatory Minimum Sentences: A Comparative Analysis**

One of the most critical issues in harmonizing the Narcotics Law with the National Criminal Code concerns the existence of mandatory minimum sentencing provisions found throughout Law No. 35 of 2009. For example, Article 111 Paragraph (1), which regulates possession of Category I narcotics in plant form, prescribes a minimum sentence of four years' imprisonment. Similar provisions appear in Article 112 Paragraph (1) concerning non-plant narcotics and Article 114 Paragraph (1) concerning narcotics trafficking. Mandatory minimum sentencing was originally introduced to reduce sentencing disparities and ensure that narcotics offenders received sufficiently severe punishment to generate a deterrent effect. In practice, however, these provisions have often constrained judicial discretion and limited the ability of courts to achieve individualized justice. Investigators and prosecutors frequently rely on possession-based provisions such as Articles 111 and 112 when charging individuals found in possession of small quantities of narcotics for personal use, rather than utilizing Article 127, which specifically addresses narcotics abuse.

Once possession offenses are proven at trial, judges may be compelled to impose mandatory minimum sentences of four years' imprisonment despite recognizing that the defendant is, in substance, a narcotics-dependent individual requiring treatment rather than incarceration. This situation illustrates the tension between formal legality and substantive justice that has characterized narcotics law enforcement in Indonesia. The National Criminal Code introduces an important reform intended to address this doctrinal impasse. Under its sentencing framework, judges are granted authority to impose sentences below statutory minimum thresholds where mitigating circumstances exist. This development represents a significant transformation in Indonesian criminal law. By restoring a degree of judicial flexibility, the National Criminal Code reaffirms the fundamental role of judges as arbiters of substantive justice rather than merely mechanical enforcers of statutory provisions.

Accordingly, any future Adjustment Law should explicitly address the relationship between mandatory minimum sentencing provisions contained in the Narcotics Law and the sentencing philosophy embodied in the National Criminal Code. Such reform may take the form of revising mandatory minimum provisions or introducing explicit exception clauses that permit judicial departures in appropriate circumstances. Harmonization of this nature is essential to ensuring consistency with the principles of proportionality, individualized sentencing, and

judicial discretion, including the broader concept of judicial pardon introduced under the National Criminal Code. Ultimately, the reconciliation of these competing normative frameworks is indispensable for achieving a coherent criminal justice policy that differentiates between organized narcotics traffickers and individuals suffering from substance dependency. Without such harmonization, the objectives of criminal law reform embodied in the National Criminal Code risk being substantially undermined by the continued operation of rigid sentencing mechanisms under the Narcotics Law.

### **The Regulatory Framework of Alternative Sanctions and Their Implementation Mechanisms**

The introduction of alternative sanctions, particularly supervision orders and community service penalties, under the National Criminal Code represents an important legal instrument for addressing prison overcrowding. Nevertheless, these sanctions cannot be automatically applied to narcotics offenses without a clear legal bridge established through an Adjustment Law. Under the general provisions of the National Criminal Code, community service may be imposed where the term of imprisonment would not exceed six months, while supervision orders may be applied where the prospective sentence does not exceed three years.

In narcotics cases, the classification of offenders constitutes the primary criterion for determining the applicability of alternative sanctions. Individuals proven to be traffickers, producers, or professional couriers should remain categorically excluded from such measures. Their conduct constitutes a serious threat to public welfare and national security, thereby justifying the application of severe punitive sanctions. By contrast, for individuals engaged solely in personal narcotics consumption, supervision orders combined with mandatory participation in government-administered medical rehabilitation programs represent the most appropriate legal response.

In designing the implementation mechanism for these alternative sanctions, the Drug Court model adopted in several jurisdictions may serve as a useful conceptual reference. Under this approach, judges impose supervision-based sanctions rather than custodial sentences, requiring offenders to report periodically to supervisory authorities and participate in structured rehabilitation programs. Should the offender violate the conditions of supervision—for example, by relapsing into narcotics use as evidenced through periodic drug testing—the alternative sanction may be revoked and replaced by the custodial sentence that had previously been suspended. Such a framework promotes legal certainty while simultaneously providing meaningful opportunities for recovery and reintegration.

### **The Application of Restorative Justice in Narcotics Cases**

In recent years, restorative justice principles have been partially incorporated into the internal regulations of Indonesian law enforcement institutions. Both the police and prosecution service have established mechanisms allowing the resolution of certain criminal cases outside formal judicial proceedings, including limited narcotics abuse cases subject to strict requirements. While these developments represent a progressive step forward, such institutional regulations occupy a relatively weak position within the hierarchy of legislation and may create

legal uncertainty because they lack a comprehensive foundation in national criminal procedural law. The National Criminal Code of 2023 significantly strengthens this framework by elevating restorative justice from an administrative policy into a principle of substantive criminal law. This development provides a stronger normative basis for restorative approaches and aligns Indonesian criminal law with contemporary international trends emphasizing rehabilitation and social restoration.

Within narcotics law, restorative justice must be implemented within a victim-recovery framework. In cases involving personal narcotics abuse, the offender and the victim may effectively be embodied in the same individual, thereby creating what is often characterized as a victimless crime. The restorative process should therefore involve an Integrated Assessment Team (IAT), consisting of legal professionals including investigators from the National Narcotics Board, police officers, and prosecutors as well as medical experts such as physicians, psychologists, and psychiatrists.

The Integrated Assessment Team is responsible for determining whether a suspect is merely a narcotics user or is actively involved in narcotics trafficking networks. Where the assessment concludes that the individual is solely a narcotics-dependent user, criminal prosecution should be discontinued through restorative mechanisms and the individual should be referred directly to rehabilitation facilities. Such an approach would significantly reduce the influx of new inmates into the conventional criminal justice system while ensuring that treatment is directed toward those who require medical and social intervention rather than punitive incarceration.

### **Reconstruction of Criminal Policy: Integrating Penal and Non-Penal Strategies**

The successful control of narcotics-related offenses cannot depend exclusively upon the effectiveness of criminal law. Regardless of how sophisticated criminal legislation may be, it remains only a symptomatic remedy addressing the visible manifestations of deeper social problems. Consequently, Indonesia's criminal policy must reconstruct the relationship between penal and non-penal strategies through an integrated and complementary framework.

#### **1. Penal Strategy**

Penal policy should focus aggressively on reducing the supply of illicit narcotics. Priority measures include strengthening border intelligence operations, enhancing technological capabilities for detecting smuggling activities at seaports and airports, and imposing severe sanctions on leaders of international narcotics syndicates. Furthermore, anti-money laundering legislation should be systematically integrated into narcotics investigations to facilitate the confiscation of criminal proceeds and dismantle the financial infrastructure that sustains organized narcotics trafficking networks.

#### **2. Non-Penal Strategy**

Non-penal policy should be directed toward reducing demand for narcotics. This objective may be achieved through formal education programs incorporating anti-narcotics curricula, systematic public awareness campaigns, and initiatives designed to strengthen family resilience. The active participation of communities, religious institutions, and civil society organizations is equally essential in fostering social environments resistant to narcotics

abuse. As domestic demand decreases, the economic incentives sustaining illicit narcotics markets are expected to decline correspondingly.

### **Structural, Substantive, and Cultural Obstacles to Legal Harmonization**

The transition toward a harmonized and restorative narcotics law enforcement system in Indonesia is likely to encounter substantial challenges. These challenges may be analyzed through Lawrence M. Friedman's legal system theory, which identifies legal substance, legal structure, and legal culture as the three principal components of an effective legal system.

#### **1. Substantive Obstacles (Legal Substance)**

The first challenge concerns the existence of vague norms and the absence of implementing regulations following the enactment of the National Criminal Code. Until an Adjustment Law is enacted, law enforcement officials will continue to face juridical uncertainty. On one hand, they remain bound by the formal legality of the Narcotics Law of 2009. On the other hand, they are expected to internalize and apply the reform-oriented values embodied in the National Criminal Code of 2023.

#### **2. Structural Obstacles (Legal Structure)**

Structural barriers relate to the professionalism, commitment, and institutional resources available to law enforcement agencies. Empirical evidence suggests considerable disparities in understanding rehabilitation-based approaches among police investigators, prosecutors, and judges. These challenges are compounded by limited state funding for the operation of Integrated Assessment Teams and insufficient rehabilitation facilities. In many districts and municipalities throughout Indonesia, adequate medical rehabilitation centers remain unavailable, rendering judicial orders for rehabilitation difficult to implement effectively.

#### **3. Cultural Obstacles (Legal Culture)**

The final challenge concerns societal attitudes, values, and expectations regarding criminal punishment. Indonesian society continues to exhibit a strong retributive orientation, under which the effectiveness of law enforcement is frequently measured by the severity of imprisonment imposed upon offenders. Consequently, when narcotics users receive rehabilitation orders or community service sanctions, public opinion may perceive such outcomes as evidence of institutional weakness or even suspect improper conduct within the justice system. Transforming legal culture from a punitive paradigm to a restorative one therefore requires sustained public education, institutional consistency, and long-term social engagement.

Ultimately, the success of narcotics law harmonization will depend not only upon legislative reform but also upon the ability of legal institutions and society to embrace a more balanced approach that simultaneously promotes legal certainty, proportionality in punishment, rehabilitation, and social protection..

### **CONCLUSION**

Several important conclusions may be drawn from this study.

1. National Criminal Code (Law No. 1 of 2023) reconstructs the fundamental philosophy of punishment in Indonesia by emphasizing humanitarian values, proportionality, and restorative justice. This reform represents a significant transformation of the criminal justice system, shifting its orientation from a predominantly retributive model toward one that prioritizes social restoration, offender rehabilitation, and the resolution of social conflict.
2. The juridical relationship between Law No. 35 of 2009 on Narcotics and the National Criminal Code has generated normative antinomies within Indonesia's substantive criminal law framework. Consequently, the enactment of an Adjustment Law is essential to harmonize mandatory minimum sentencing provisions, institutionalize alternative sanctions, and ensure legal certainty in the implementation of narcotics law. Such legislative harmonization is necessary to preserve coherence within the national criminal justice system while maintaining the special character of narcotics regulation under the *lex specialis* principle.
3. The reform of Indonesia's penal policy must be implemented through a differentiated approach. A strict and deterrence-oriented strategy should remain applicable to organized narcotics trafficking networks through robust law enforcement measures, including asset confiscation and the disruption of criminal financial structures. Conversely, a rehabilitative and restorative approach should be applied to narcotics addicts and victims of substance abuse, recognizing their need for medical treatment and social reintegration rather than punitive incarceration. This balanced policy framework is expected to contribute not only to more proportionate criminal justice outcomes but also to a long-term reduction in the national demand for illicit narcotic substances.

Ultimately, the success of criminal law harmonization in the narcotics sector will depend upon the ability of legislators, law enforcement institutions, and policymakers to reconcile the objectives of legal certainty, justice, and social utility within a unified and coherent framework of criminal law reform..

## REFERENCES

- Ali, Mahrus. (2021). *Dasar-Dasar Hukum Pidana*. Jakarta: Sinar Grafika.
- Arief, Barda Nawawi. (2020). *Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru*. Jakarta: Kencana.
- Hamzah, Andi. (2019). *Asas-Asas Hukum Pidana Indonesia*. Jakarta: Rineka Cipta.
- Hariono, Bima Juantara. (2026). Pembaharuan Hukum Pidana Narkotika Dalam Perspektif KUHP 2023 Dan Undang-Undang Penyesuaian. *Jurnal Hukum Pidana*, 1(1), 1-10.
- Indonesia. (2009). *Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika*. Lembaran Negara Republik Indonesia Tahun 2009 Nomor 143.
- Indonesia. (2023). *Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana*. Lembaran Negara Republik Indonesia Tahun 2023 Nomor 1.
- Mardani. (2022). *Penyalahgunaan Narkotika dalam Perspektif Hukum Pidana Nasional dan Internasional*. Jakarta: Raja Grafindo Persada.
- Muladi, & Arief, Barda Nawawi. (2018). *Teori-Teori dan Kebijakan Pidana*. Bandung: Alumni.
- Prasetyo, Teguh. (2023). *Pembaharuan Hukum Pidana Indonesia: Tinjauan Hukum terhadap UU No. 1 Tahun 2023*. Yogyakarta: Pustaka Pelajar.

- Purbhawadi, Kadek, I Nengah Suastika, dan Dewa Gede Herman Yudiawan. (2026). Kajian Yuridis Keberlakuan Pasal 111 dan 114 UU Narkotika Pasca Pemberlakuan KUHP Nasional. *Al-Zayn: Jurnal Hukum*, 4(3), 115-128.
- Putri, Inez Indira, dan Gelar Ali Ahmad. (2024). Penerapan Restorative Justice Dalam Rangka Penyelesaian Perkara Penyalahgunaan Narkotika Di Polres Mojokerto Kota. *Novum: Jurnal Hukum*, 11(2), 45-58.