

## CHAPTER II

### ILLEGAL DRUGS: CASES INDONESIA AND PHILIPPINES

#### II.1 INDONESIA'S ILLEGAL DRUGS

##### II.1.1 Illegal Drugs in Indonesia

Republic Indonesia or Indonesia are countries in Southeast Asia, located on the equator and located between the Asian and Australian continents and between the Pacific and Indian Oceans.<sup>1</sup> Indonesia also has 257 million population which make Indonesia on rank 4th the biggest population in the world. Indonesia is bordered with Malaysia on the island of Borneo, with Papua New Guinea on the island of Papua and with Timor Leste on Timor Island. Other neighboring countries are Singapore, Philippines, Australia, and the union territories of the Andaman and Nicobar Islands of India.<sup>2</sup>

Therefore with more than 17.000 islands, Indonesia has become the largest archipelago in the world. However, this also means that Indonesia becomes very susceptible with drugs since according to UNDOC, maritime trafficking have the largest average weight and quantities of drugs seized. Therefore, geographically

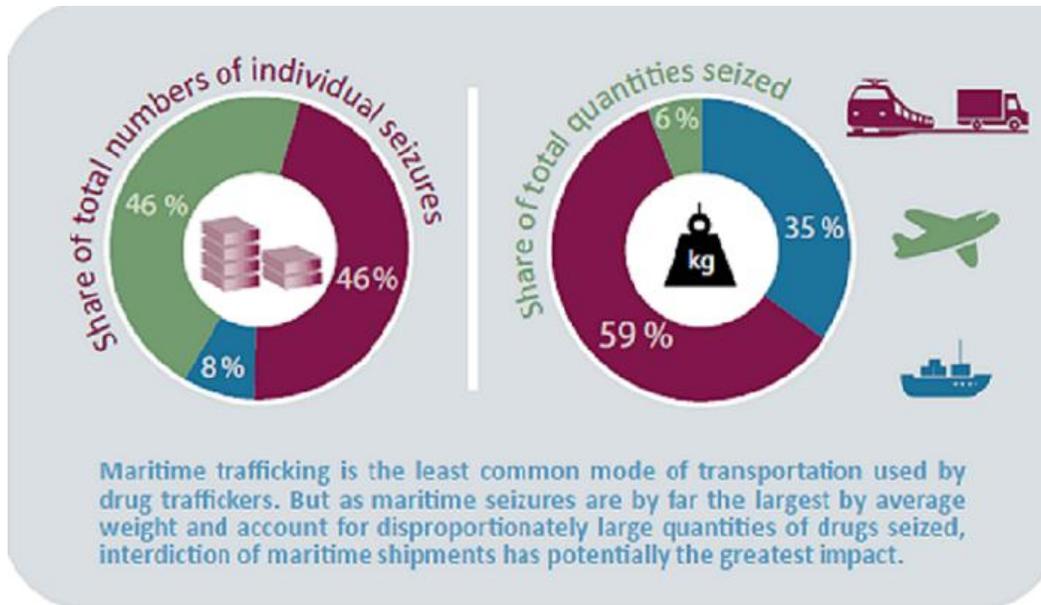
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<sup>1</sup> [http://indonesia.go.id/?page\\_id=479&lang=id](http://indonesia.go.id/?page_id=479&lang=id) Access on 21 September 2017. At 19:21PM

<sup>2</sup> [http://indonesia.go.id/?page\\_id=479&lang=id](http://indonesia.go.id/?page_id=479&lang=id) Ibid.

Indonesia is a perfect market for drugs, especially when 80% of drugs in Indonesia come from the sea which means maritim shipment has a bigger impact from the other trafficking.<sup>3</sup>

Chart II.1: Drugs transportation supply and market around the world.<sup>4</sup>



Sources: World Drugs Report 2015

Even though the chart shows that sea trafficking has a small impact on seizures and a medium level on quantities seized, but since Indonesia is an archipelago country which makes it have so many offshore, it becomes the most favorite drug trafficking to make a deal with the drug dealers. According to BNN, it becomes hard to

<sup>3</sup> <http://nasional.republika.co.id/berita/nasional/hukum/17/05/03/opdg9g384-80-persen-narkotika-masuk-ke-indonesia-lewat-jalur-laut> Access on 21 September 2017. At 19:24PM

<sup>4</sup> United Nation Office on Drug and Crime (UNDOC). 2015. *World Drug Report 2015*. p:14

detect drug dealers since the number of offshores in Indonesia are so many.<sup>5</sup> Therefore, geographical Indonesia are susceptible on drugs trafficking.

### II.1.2 Joko Widodo Administrations

Joko Widodo or commonly known as Jokowi is the 7th President of Indonesia since 2014. Joko Widodo was born in Surakarta, 21 Jun 1961 and become the President when 53 years old. Joko Widodo had also become Governor in Indonesia capital city since 2012 and elected twice as a Mayor for Solo district in 2005 until 2015. Therefore on drugs problem, Jokowi seems pretty serious to waging a war against it.

In 2014 Jokowi had refuse 64 clemency from drugs dealer which become really serious since the previous president used to give clemency to drugs dealer before.<sup>6</sup> Furthermore, in 2017 Jokowi also instructed the law enforcer to kill the drugs dealer. Two weeks after instruction on August 6, one of drugs dealer got killed in action by BNN law enforcer.<sup>7</sup> Therefore Jokowi against drug is serious even though there are certain people that against the kill policy.

### II.1.3 Indonesia General Illegal Drugs Condition

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<sup>5</sup> <https://www.cnnindonesia.com/nasional/20150909151018-12-77661/buwas-sebut-masuknya-narkoba-dari-jalur-laut-sulit-dicegah/> Access on 22 Spetember 2017. 21:06PM

<sup>6</sup> Satria Randi, Tiara Nyphadear. *Kebijakan Pemberantasan Peredaran Narkoba di Indonesia dan Meksiko: Sebuah Studi Perbandingan*. Journal Perspective Indonesia: Vol 1, No 2. July – December 2016. p:

<sup>7</sup> <http://www.tribunnews.com/nasional/2017/08/09/bnn-mulai-laksanakan-perintah-jokowi-tembak-mati-bandar-narkoba-di-tempat-orang-ini-korban-pertama> Access on September 22, 2017. At 21:48 PM

According to Indonesia's President Joko Widodo, Indonesia has entering drugs emergency, since 30-50 people die every day because of drugs and most of them are young generation.<sup>8</sup> Not only in the city but also the drug market already went to every village in Indonesia. According to BNN data, none of Indonesia's city or district is free from drugs. Therefore, the users also varied from elementary school up to adult, and drugs target operation is not only nightclub but also schools, univesities, until settlement. This has become a major concern because Indonesia's future is in young generation hands and government should be able to take serious action in order to eradicate this problem.

Based on BNN report in 2014, 3,8 until 4,1 million people in Indonesia are positive consuming drugs. It was around 2,10% until 2,25% of the country population in the age group of 10-59.<sup>9</sup> However, in 2015, this number on statisitcs does not change much. In 2015 BNN claim to be able to withstand the number of drug user which stay in 2.20%.<sup>10</sup> Therefore in 2016 BNN seems succeed again to withstand the drug user number by prevalence 2,21% or equal with 4.173.633 population in Indonesia by 1.632.636 (prevalence 0,87%) addicted try and use, 1.539.560 people (prevalence 0,82) regularly consuming, and 70.001 people addicted to drug injection (prevalence 0,04%) and 931.636 non-injection addict (prevalence 0,49).<sup>11</sup>

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<sup>8</sup> Pamungkas Apriyantini. 2017. *Peran Aseanpol dalam Pemberantasan Peredaran Narkoba di Indonesia*. Journal of International Relations, Vol, 3 No, 2. p: 92

<sup>9</sup> BNN. 2014. *Laporan Akhir, Survei Nasional Perkembangan Penyalahgunaan Narkoba Tahun Anggaran 2014*. p:16

<sup>10</sup> BNN. 2015. *Laporan Kinerja Badan Narkotika Nasional Tahun 2015*. p:2

<sup>11</sup> BNN. 2016. *Laporan Kinjerja Badan Narkotika Nasional Tahun 2016*. p:13

Table II.1: Number of Illegal drug user in Indonesia

	Junior Highschool				High School				Collage/University				Total			
	2006	2009	2011	2016	2006	2009	2011	2016	2006	2009	2011	2016	2006	2009	2011	2016
Male and Female	14979	20672	15888	9650	14632	21221	14990	11544	7059	3260	5654	11941	36670	45153	36532	33135
Try to use (%)	8.3	3.2	1.3	1.3	7.2	4.2	2.2	2.1	5.4	2.9	3.1	1.5	7.3	3.7	1.9	1.6
Use regulary	4.5	0.8	0.6	0.1	5.1	1.4	1.0	0.2	4.7	0.7	0.8	0.2	4.8	1.1	0.8	0.2
Non-injection addict	1.2	0.1	0.4	0.0	1.2	0.3	0.4	0.1	1.2	0.0	0.5	0.1	1.2	0.2	0.4	0.0
Injection addict	0.2	0.1	0.2	0.0	0.4	0.2	0.3	0.1	0.4	0.1	0.6	0.0	0.3	0.1	0.3	0.0
Male	7205	9489	7430	4903	6531	10356	6872	5398	3125	1470	2660	4890	16861	21315	16962	15191
Try to use	10	4.4	1.9	2.0	8.7	5.6	3.9	3.7	7.2	4.2	5.5	3.0	9.0	5.0	3.3	2.9
Use regulary	5.8	1.6	0.8	0.3	6.8	2.4	1.4	0.4	6.6	1.3	1.2	0.4	6.3	2.0	1.1	0.4
Non-injection addict	1.6	0.2	0.6	0.1	1.6	0.4	0.6	0.1	1.7	0.1	0.8	0.1	1.6	0.3	0.6	0.1
Injection addict	0.4	0.2	0.3	0.0	0.8	0.3	0.6	0.1	0.8	0.0	0.7	0.1	0.6	0.2	0.5	0.1
Female	7774	11125	8458	4747	8101	10776	8118	6146	3934	1769	2994	7051	19809	23670	19570	17944
Try to use	6.7	2.3	0.7	0.5	6.0	2.7	0.8	0.7	3.9	1.7	1.0	0.4	5.9	2.4	0.8	0.5
Use regulary	3.3	0.1	0.5	0.0	3.7	0.4	0.7	0.1	3.2	0.2	0.5	0.1	3.4	0.3	0.6	0.1
Non-injection addict	0.9	0.1	0.2	0.0	0.8	0.1	0.2	0.0	0.8	0.0	0.2	0.0	0.9	0.1	0.2	0.0
Injection addict	0.1	0.1	0.0	0.0	0.1	0.1	0.1	0.0	0.1	0.1	0.5	0.0	0.1	0.1	0.1	0.0

Sources: *Laporan Kerja Badan Narkotika Nasional Tahun 2016*

Also according to BNN, Indonesia has become the world most consuming ecstasy and the biggest cannabis dealer in the world.<sup>12</sup> In ASEAN, Indonesia has the biggest number of drug suspects.<sup>13</sup> However not only stopping by that, Indonesia also has the biggest rate of drugs transaction in ASEAN.<sup>14</sup> According to BNN, 40% from 100% transaction in ASEAN are in Indonesia. So that, from Rp110 Trillion transaction in ASEAN, Rp40 Trillion transaction is occurred in Indonesia.

<sup>12</sup> <http://lampung.bnn.go.id/wp/2016/12/05/7-negara-pengedar-narkoba-terbesar-di-dunia/> Access on September 20, 2017. At 11:32 AM.

<sup>13</sup> Pamungkas Apriliantini. 2017. *Op.cit.* p: 95

<sup>14</sup> <http://www.antaraneews.com/berita/474528/bnn-transaksi-narkoba-indonesia-tertinggi-se-asean> Access on September 20, 2017. At 20:23 PM.

On rehabilitation, BNN chief Budi Waseso said Indonesia has 100 rehabilitation centers yet, unfortunately, it does not work with the same target.<sup>15</sup> Every rehabilitation centers work under each one target and operational standard. Therefore it becomes trouble since more than 18.000 people is rehabilitated every year, yet 80% of them are back to be a user.<sup>16</sup>

#### II.1.4 Drugs market in Indonesia

Indonesia has become the largest market for illegal drugs in ASEAN. Forty percent of the transaction in ASEAN occurred in Indonesia. According to BNN, there are 11 countries supply drugs to Indonesia with the biggest exporter is China.<sup>17</sup> According to BNN chief, In 2016 China has successfully smuggling 250Ton drugs type meth to Indonesia.<sup>18</sup> The second one is Malaysia, that in 2016 at least smuggling 100Kg meth every month.<sup>19</sup> Followed the statistics, Singapore, West Afrika, Iran, Afghanistan, and Europe.

However, for Indonesia itself, the drugs are commonly coming from the sea since Indonesia is the biggest archipelago country and 2/3 of Indonesia country is the ocean. Therefore, it also supported by the amount of island in Indonesia that reaches more than 17.000 islands. Furthermore, the archipelago nature of Indonesia make it

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<sup>15</sup> <https://news.okezone.com/read/2017/03/31/337/1655794/buwas-rehabilitasi-narkoba-di-indonesia-selama-ini-asal-asalan> Access on 20 Sep 17. 20:02 PM

<sup>16</sup> <http://www.tribunnews.com/nasional/2013/08/29/80-persen-pengguna-narkoba-kambuh-lagi-usai-rehabilitasi> Access on September 20, 2017. At 20:07 PM

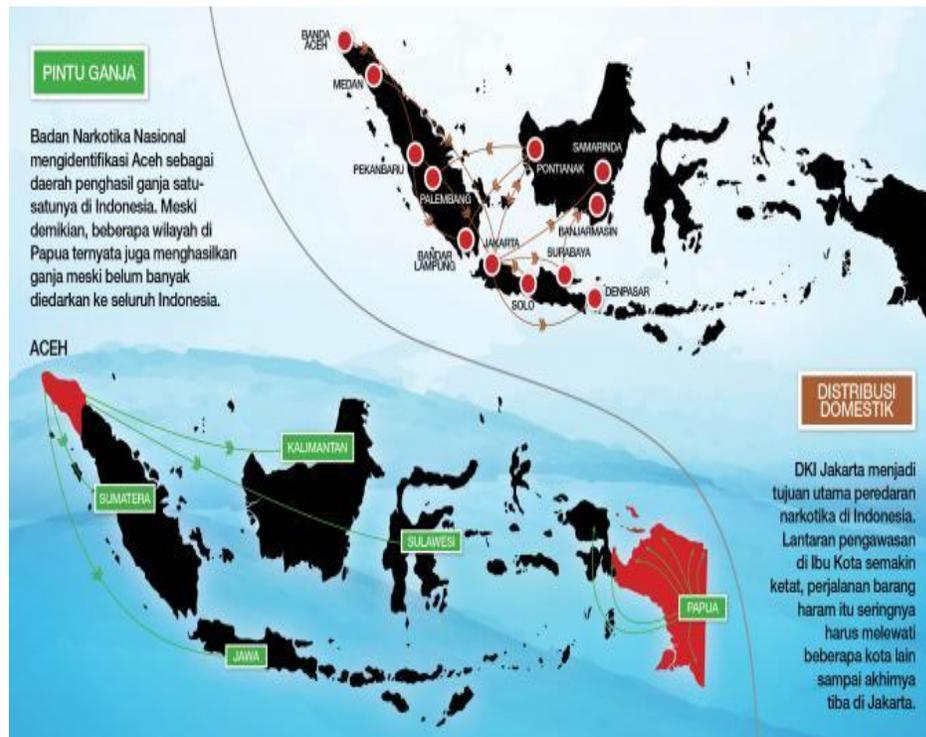
<sup>17</sup> <http://news.liputan6.com/read/2820352/buwas-ada-11-negara-jadi-pemasok-narkoba-ke-indonesia> Access on September 21, 2017. At 11:58 AM

<sup>18</sup> <http://news.rakyatku.com/read/56246/2017/07/13/2016-250-ton-sabu-asal-tiongkok-masuk-ke-indonesia> Access on September 21, 2017 At 12:20 PM

<sup>19</sup> <http://sp.beritasatu.com/home/bnn-100-kg-sabu-dari-malaysia-setiap-bulannya-masuk-ke-indonesia/120138> Access on September 21, 2017. At 12:40 PM

very susceptible with any transaction that comes from the sea since the amount of offshore is high.

Picture II.1: Drugs market in Indonesia<sup>20</sup>



The picture above, explain that the marijuana market in Indonesia is coming from Aceh and Papua. Even though for Papua the marijuana has not been circulated to another island in Indonesia. Furthermore, for domestic distribution, the target market is Jakarta, but it has to be past through another city and island before it reaches and can be distributed in Jakarta.

Therefore drug from another country like Malaysia, Singapore, Papua New Guinea, are coming from the ocean. The drug transactions in the ocean comprised the 80% of

<sup>20</sup> <http://news.liputan6.com/read/2389871/infografis-peta-penyelundupan-narkoba-di-indonesia> Access on September 22, 2017. At 22:35PM

all transaction that happens in Indonesia. This is because security measures among airport were heightened.

Picture II.2: Drugs market in Indonesia from another country.<sup>21</sup>



As can be seen in the picture, the drugs that come from Malaka Malaysia directly distributed to Dumai in Sumatra island. The drugs that come from Serawak Malaysia are distributed to Nunjukan or Pontianak in Borneo Island. Thereupon the drugs that came from Papua Nugini are distributed in Jayapura and from Dili distributed to Kupang. The drugs will be distributed from city to city until it reaches its target city Jakarta.

#### II.1.5 Drug syndicate in Indonesia

Even though with the number of drugs on the market, Indonesia does not have a big cartel that supplies drug in Indonesia, like Mexico. So far in Indonesia caught

<sup>21</sup> Ibid.

on the activities of Freddy Budiman, Akiong, Amir Aco, Meirika Flanola, Rico Partikasih and Faisal.<sup>22</sup>

Freddy Budiman got caught in 2011 when Budiman tried to smuggle 1,4 million ecstasy from Tiongkok. Budiman later after the trial decided to get the death penalty as punishment. Second is Akiong who is actually Budiman's superiors and Freddy supplaier from Tiongkok.<sup>23</sup> The third is Meirika Flanola or also use to be called as queen of drugs in Indonesia. Flanola gets arrested in action when trying to smuggle heroin in Soekarno-Hatta airport to be sent to London.

Amir Aco who escape the prison in 2014 and got arrested again in 2015 after trying to smuggle 1,2Kg of ecstasy or amounting to 4 millions Rupiah. Also, Aco was able to control the drugs market inside the prison and found to keep million rupiah money inside the prison locket and 5g methamphetamine. Rico Partikasih also control the drug market in Indonesia with his many employees. Partikasih got shot and dead in place in ambush. The last is Faisal which called as a drug lord in Indonesia that got arrested after one of his subordinate gets caught when trying to smuggle 2,27Kg drug.

In January 2017 BNN was successful in arrested drugs international syndicate that operated in Malaysia-Borneo-Makasar, Malaysia-Medan-Jakarta, and Thailand-Jakarta. From this operation, BNN seized 22KG methamphetamine and 3.000

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<sup>22</sup> <http://www.boombastis.com/raja-narkoba-indonesia/62966> Access on October 10, 2017. At 09:18AM

<sup>23</sup> <http://manado.tribunnews.com/2016/08/07/ternyata-gembong-narkoba-terbesar-di-indonesia-itu-bukan-freddy-budiman-tapi-ini-orangnya> Access on October 10, 2017. At 09:23Am

ecstasy.<sup>24</sup> According to BNN chief, there are more than 72 drug syndicates in Indonesia with transaction amount to trillions of rupiah.<sup>25</sup>

#### II.1.6 Law Enforcement

The Legal action related to drugs taken by BNN as the main lead organization in Indonesia controlling the drug problem. BNN has an obligation to set and implemented national policy about prevention and eradication of drugs in drugs market. Overall BNN's obligation is as written:

1. To develop and implement national policy on prevention and eradication of circulation or abuse of drugs on the dark market.
2. Combat and prevent abuse and illicit traffic
3. Coordinate with Chief of Police of the Republic of Indonesia in prevention and eradication of abuse and illicit drug trafficking
4. Improve the ability of medical rehabilitation institutions and social rehabilitation of Narcotics addicts, both organized by government and society.
5. Empowering communities in prevention and eradication Drug abuse and illicit trafficking. National Narcotics Agency Performance Report 2016 4
6. Monitor, direct, and improve community activities in the prevention and eradication of abuse and illicit drug trafficking.
7. Conducting bilateral and multilateral cooperation both regionally and International, in order to prevent and combat illicit traffic Drugs.

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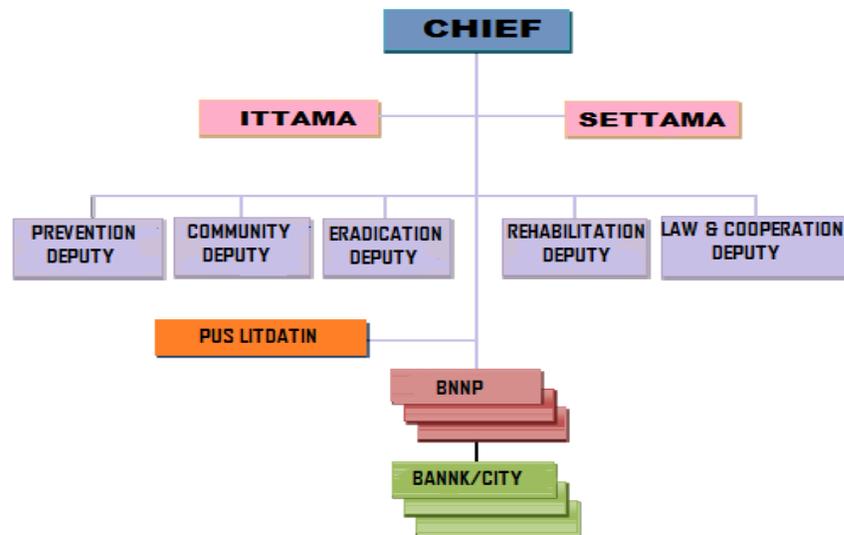
<sup>24</sup> <https://news.detik.com/berita/d-3409371/polisi-tangkap-10-anggota-sindikata-narkoba-internasional> Access on October 10, 2017. At 09:39 AM

<sup>25</sup> <http://www.beritasatu.com/nasional/404905-buwas-ada-72-jaringan-sindikata-narkoba-di-indonesia.html> Access on October 10, 2017. At 09:42 AM

8. Developing Narcotics and Narcotics Precursor laboratories.
9. Carry out administrative investigations and investigations drug abuse and illicit proceedings.
10. Create an annual report on the implementation of the task and authority.<sup>26</sup>

Therefore it is clear that BNN is part of Indonesia Police and is directly responsible to the President of Republic Indonesia. BNN is also be competent in implementing the eradication of a network of drug syndicates. Hence, BNN is authorized to conduct investigations.

Structure II.1: BNN Structure



Sources: BNN report 2016

However, BNN does not work alone. BNN still need help from another institution such as Custom in airport or help from the health minister. Sometimes when on pursuit drug dealer BNN got support from Police department. Therefore the constitution for BNN is Law Number 35 of 2009 on Narcotics. Previously,

<sup>26</sup> BNN. 2016. Op.Cit. p:3

BNN was a non-structural institution established based on Presidential Decree No. 17 of 2002, which was subsequently replaced by Presidential Regulation No. 83 of 2007.<sup>27</sup>

As for the drugs, the law enforcement is divided into two section, first is for the dealer and second for the user.<sup>28</sup> As for dealer according to UU no 35 year 2009, article 144 paragraph 2, the punishment can be death penalty according to the type and weigh of drugs (article 115,118, and 119).<sup>29</sup> So that as for the user will be rehabilitated and imprisoned in the period from 1 until 4 years.<sup>30</sup>

But in 2016 President Joko Widodo (Jokowi) took a controversy policy. In one of his speech, Joko Widodo order BNN to shoot the drug dealer to death in action. However, before that speech, Jokowi refused to give a remmission for 64 drug suspect. This is becomes a big change from the president before Susilo Bambang Yudhoyono as back then Susilo Bambang gave a clemency for drugs suspect form another country such as Australia without a clear reason.

## **II.2 PHILIPPINES'S ILLEGAL DRUGS CONDITION**

### **II.2.1 Philippines and Illegal Drug**

The Philippines is an archipelago country with 7,500 islands in Maritime Southeast Asia. The island nation is situated south of Taiwan, east of the South China Sea, with the Pacific Ocean in the east. The country consists of more than 7,500

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<sup>27</sup> Peraturan Pemerintah Republik Indonesia Nomor 40 Tahun 2013 tentang Pelaksanaan Undang Undang Nomor 35 Tahun 2009 tentang Narkotika

<sup>28</sup> Kolopita Satrio. Journal Penegakan Hukum Narkotika di Indonesia. *Lex Crimen* Vol. II/No. 4/Agustus/2013. p:1

<sup>29</sup> Ibid.

<sup>30</sup> <http://kahaba.net/berita-bima/28556/pengguna-narkoba-hanya-divonis-tiga-bulan.html> Access on October 09, 2017. At 12:30AM

islands put Philippines in number 6th biggest archipelago in the world. Land area is 299 764 square kilometers (115 831 square miles).<sup>31</sup>

The Philippines is the 12th most populous country in the world with around 92 million inhabitants. It shares maritime borders with China, Indonesia, Japan, Malaysia, Palau, Vietnam, and Taiwan. The largest island Luzon, accounts for more than half of the entire population of the country. Located in the southwestern part of Luzon is the capital of the Philippines, Manila, largest city is Quezon City, both are part of Metro Manila, with a population of almost 13 million people. The official languages are Filipino and English with 19 other languages are regional recognized.<sup>32</sup>

## II.2.2 Rodrigo Duterte Administration

Rodrigo Duterte was born on March 28, 1945, in Maasin, Southern Leyte, Philippines, from his father Vicente and mother Soledad. Duterte father is a local mayor and governor and his mother are a teacher. Duterte got expelled twice from elementary school and influenced by Communist Party of the Philippines founder José María Sison in university. Duterte earned a political science degree in 1968 from Lyceum of the Philippines University in Manila and a law degree in 1972 from San Beda College.<sup>33</sup> In 1997 Duterte was named as special counsel at the City Prosecution Office of Davao City and became assistant city prosecutor two years later.

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<sup>31</sup> <https://clevester.wordpress.com/2015/07/12/10-largest-archipelago-in-the-world/> Access on October 17, 2017. At 10:59 AM

<sup>32</sup> <http://www.nationsonline.org/oneworld/philippines.htm> Access on October 17, 2017. At 11:03 AM

<sup>33</sup> <https://www.britannica.com/topic/Rodrigo-Duterte> Access on October 17, 2017. At 11:20 AM

In 1986 Duterte was elected as vice mayor of Davao City.<sup>34</sup> Duterte was elected as mayor in 1988 and re-elected to the same post twice. Because of term-limiting restriction Duterte joins the congressman of the first district of Davao City from 1998 to 2001 then returned to the mayor's office with his son Paolo ("Pulong") serving as vice mayor.<sup>35</sup>

On his day as mayor Duterte got nickname as "Punisher" by Time Magazine from his method. Duterte sought to crack down on criminal activity by imposing a strict curfew and drinking laws. Additionally, he permitted the actions of a vigilante which called as death squad or referred to as the "Davao Death Squad" and "Duterte Death Squad". These death squads were reportedly killed more than 1,000 suspected drug dealers and gang members over a 20-year span. However, Duterte nevertheless was successful in reducing crime.<sup>36</sup> In 2015 Duterte run for President Election and In May 2016, he was officially named the 16th president of the Philippines, and the first from its southern island of Mindanao. In one of his promise campaign Duterte said, *"If I make it to the presidential palace, I will do just what I did as mayor. You drug pushers, hold-up men and do-nothings, you better go out. Because as the mayor, I'd kill you."*<sup>37</sup> After elected as a President Duterte counted from June 2016 to August 2017, the death toll in Duterte's war on drugs has now reached 13,000 people. 3,451 "drug personalities" have been killed in gun battles with police up to July 26, 2017. Another 2,000 more died in drug-related homicides, including attacks by motorcycle-

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<sup>34</sup> <https://www.biography.com/people/rodrigo-duterte-102616> Ibid.

<sup>35</sup> <https://www.britannica.com/topic/Rodrigo-Duterte> Ibid.

<sup>36</sup> Republic of the Philippines, Presidential Communication Office. *Winning The First Phase of Drug War. 2017.* Malacanang, Manila. p:32

<sup>37</sup> <http://cnnphilippines.com/life/culture/politics/2017/03/23/duterte-promises-and-policies-guide.html> Access on October 17, 2017. At 11:45 AM

riding masked gunmen and other assaults, while 8,200 homicide cases are "under investigation".<sup>38</sup>

### II.2.3 Philippines's General Illegal Drugs Condition

Illegal drugs trafficking and user in the Philippines keep increasing every year. According to International Narcotics Control Strategy (INCS) methamphetamine, continues to grow as the nation's most widely trafficked narcotic, and shabu addiction remains the most significant drug problem in the Philippines. Marijuana is the second most abused drug and limited cannabis cultivation takes place within the country, mostly for local consumption. Cocaine is rare in the Philippines, due to high prices and limited demand, but club drugs, such as MDMA (ecstasy) and controlled pharmaceuticals have become more prevalent. Inhalants are also widely abused. Endemic poverty, corrupt government officials, and extremely porous borders create an environment where drug trafficking is very lucrative, with a relatively low risk of successful interdiction or prosecution.<sup>39</sup>

Methamphetamine Hydrochloride (shabu) remains to be the primary drug of abuse among center clients with 96.74% of the total admission, followed by Cannabis (Marijuana) at around 24.94% and Cocaine with 1.11%.<sup>40</sup> Around 93.32% of the admitted cases are males and 6.68% are females. The ratio of male to female is 14:1 with a mean age of 31 years old. The youngest is 10 years old while the eldest is 67

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<sup>38</sup> <http://www.aljazeera.com/news/2017/08/thousands-demand-killings-duterte-drug-war-170821124440845.html> Access on October 17, 2017. At 11:52 AM

<sup>39</sup> <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253301.htm> Access on October 15, 2017. At 10:11 AM

<sup>40</sup> <https://www.ddb.gov.ph/research-statistics/statistics/45-research-and-statistics/287-2015-statistics> Access on October 15, 2017. At 10:13 AM

years old, and the highest percentage belongs to age group of 30 - 34 years old with 1,093 cases.<sup>41</sup>

Almost half of the total admitted cases are single, 49.13% followed by married with total 34.08%, while 16.79% represents live-in, widow/er, separated and divorced. Based on the educational attainment, 28.34% of the center clients comprised those who have reached university level, followed by those who reached high school with 23.12% and those who have finished high school at 18.35%. The average monthly family income among center clients is Php10,172.00.<sup>42</sup>

Therefore the total admission from various treatment facilities, 53.20% are unemployed, 19.77% are skilled/unskilled workers, and 6.94% are out-of-school youth. Almost 43.89% of the reported cases are residing in the National Capital Region (NCR) prior to their rehabilitation, while 18.59% and 17.27% come from Region IV-A and Region IV-B respectively. As to the age when the client first tried to use drugs, 48.85% of the reported cases belong to the age group of 15-19 years old. Almost 58.52% have taken drugs 2 - 5 times a week while 20.64% take it on a daily basis.<sup>43</sup> However, According to Duterte, the number of drug user in the Philippines is around 4 million.<sup>44</sup> Therefore this statement is contradicted by the DBB National Wide Survey lab report which saying only around 1.7 million.

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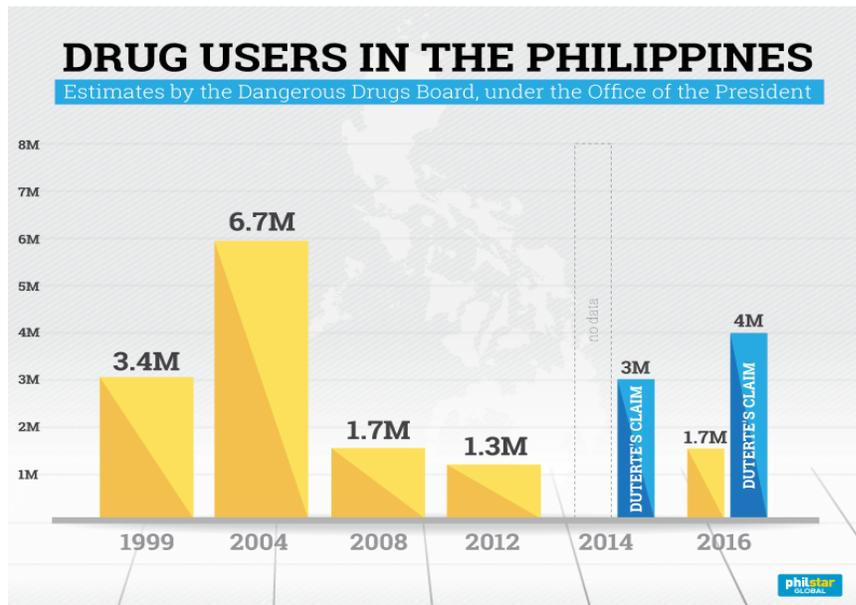
<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> <http://www.philstar.com/news-feature/2016/12/16/1654043/are-there-4-million-drug-addicts-philippines> Acces on October 15, 2017. At 10:23 AM

Chart II.1: The development of drug user in the Philippines<sup>45</sup>



Therefore the contrast between Duterte and the DDB's numbers, the country's drug prevalence rate of 2.3 percent is still below the global average of 5.2%.

### II.2.3.1 Drug Market in Philippines

The number of drug use in the Philippines is lower than the global average, according to the United Nations Office on Drugs and Crime (UNODC), the most used and valuable illegal drugs in the country are methamphetamine and marijuana. Drugs product such as Marijuana is produced in Philippines and distributed to local people or exported to another country. The resources for marijuana cultivation are in mountainous parts of Northern Luzon, Eastern Visayas and Mindanao The drugs usually smuggling via maritime vessel as well

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<sup>45</sup> Ibid.

as air passenger country.<sup>46</sup> Therefore for methamphetamine, Drug syndicates have been producing methamphetamine in small-scale and kitchen-type laboratories to avoid detection by the Philippine authorities.<sup>47</sup>

However, the drugs also come from another country such as China. About nine Chinese drug cartels are involved on the most illegal drug trade in the Philippines.<sup>48</sup> Therefore in 2010, U.S. International Narcotics Control Strategy Report stated that the Philippine Drug Enforcement Agency Director General estimated the amount of illegal drug trade in the Philippines is around \$6.4 to \$8.4 billion annually.<sup>49</sup> This is caused by Duterte’s war on drugs that killed a lot of drugs lord and dealer in Philippines. Therefore the costs of drugs also increase significantly.

Table II.1: Drugs Price in Philippines (2016)<sup>50</sup>

Shabu/g	Php 1.300 (\$27) – Php 25.000 (\$517)
Cocaine/g	Php 5.000 (\$103) – Php 7000 (\$145)
Marijuana/g	Php 18 (\$37) – Php 25.000 (\$6.21)

<sup>46</sup> International Narcotics Control Strategy Report 2013 Vol 2. *Money Laundry and Financial Crimes*. March 2013. Vol 2. p.177

<sup>47</sup> <https://www.interpol.int/Member-countries/Asia-South-Pacific/Philippines> Access on October 16, 2017. At 11:10 AM

<sup>48</sup> <http://www.philstar.com/metro/2015/11/27/1526311/chinese-gangs-behind-philippine-illegal-drug-trade> Access on October 16, 2017. At 11:17 AM

<sup>49</sup> International Narcotics Control Strategy Report 2010 Vol 1: *Country Reports. United States Department of State Bureau for International Narcotics and Law Enforcement Affairs*. March 2010. p. 509.

<sup>50</sup> <https://www.rappler.com/newsbreak/iq/150418-how-much-illegal-drugs-philippines> Access on October 16, 2017. At 11:44 AM

Ecstasy/g	Php 1.200 (\$25) – Php 3.000 (\$62)
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However according to Dir.Gen Ronaldo Dela Rosa, chief of the Philippine National Police (PNP) the illegal drug industry has lost around P500 billion in a year since the start of the anti-drug campaign of the Duterte administration.<sup>51</sup> This is because Since July 1, 2016, to June 30 this year, Dela Rosa said the PNP had facilitated the surrender of 1,309,776 drug user and pushers and conducted 64,527 anti-drug operations. In the same period, 86,030 drug personalities were arrested, and 3,522 others were high profile targets. There were also 141 high-value targets killed.

#### II.2.4 Drugs Syndicate

According to Philippine Drug Enforcement Agency (PDEA), Philippines have At least 23 big-time drug trafficking syndicates. Even though PDEA refused to identify the groups but the syndicates are mostly headed by Chinese nationals masquerading as businessmen.<sup>52</sup> However, there is the three big-time-drug syndicate in Philippines that has been announced. These are the Taiwan-based United Bamboo Gang or

<sup>51</sup> <http://newsinfo.inquirer.net/921585/ph-illegal-drug-trade-has-lost-p500-billion-in-past-year> Access on October 16, 2017. At 11:47 AM

<sup>52</sup> National Police Commision. *Command Memorandum Circular No.16 – 2016*. Camp Crame, Quezon City. p:2

Bamboo Triad, 14K Triad or Hong Kong Triad, and the China-based Sun Yee on Triad.<sup>53</sup>

According to PDEA Director General Aaron Aquino, these three triads operating in the country can each ship up to three tons or over 900 kilos of Methamphetamine to the country through shipside smuggling.<sup>54</sup> The Sun Yee On is the oldest and wealthiest triad with more than 55,000 members worldwide. The 14K Triad was founded in China in 1945 and is now based in Hong Kong have links to the biggest drug cartel in Mexico. The Bamboo Triad formed in the 1950s is also engaged in prostitution, gambling, extortion, gun-running, and human trafficking.

While in Philippines itself, Datu Blah Duma is considered as a large-scale distributor of methamphetamine hydrochloride (shabu) in the municipality and operates a distribution network that spans through other towns in the second district of Maguindanao.<sup>55</sup>

## II.2.5 Law Enforcement

The law enforcement against the drugs in Philippines is called PDEA or Philippines Drugs Enforcement Agency. According to Rodrigo Duterte, PDEA is the sole agency and main instrument on the all-out war against drugs.<sup>56</sup> PDEA takes full

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<sup>53</sup> <http://cnnphilippines.com/news/2017/10/03/Three-global-drug-syndicates-supply-shabu-to-Philippines.html> Acces on October 16, 2017. At 13:07 PM

<sup>54</sup> <http://cnnphilippines.com/news/2017/10/03/Three-global-drug-syndicates-supply-shabu-to-Philippines.html> Acces on October 16, 2017. At 13:09 PM

<sup>55</sup> <http://www.philstar.com/nation/2016/06/23/1595885/big-time-drug-syndicate-nabbed-maguindanao> Access on October 16, 2017. At 13:23 PM

<sup>56</sup> <http://pdea.gov.ph/2-uncategorised/536-pdea-takes-the-lead-in-the-war-against-drugs> Access on October 17, 2017. At 10:11 AM

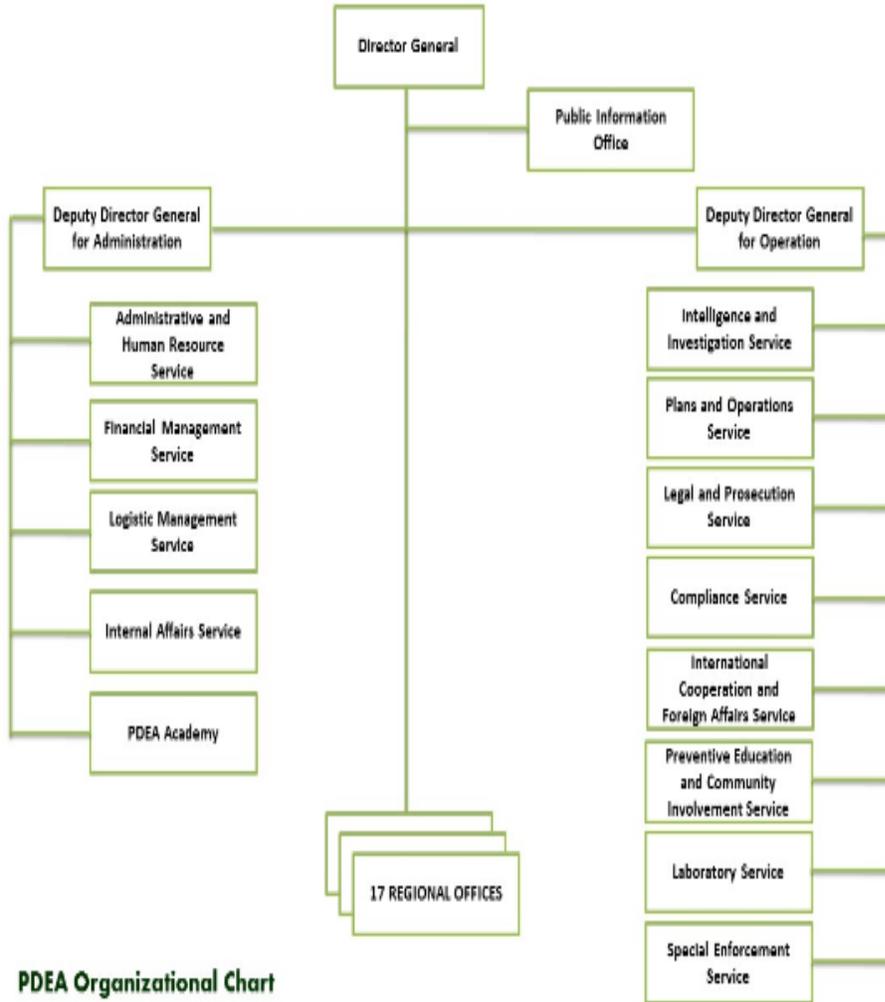
responsibility for all anti-drug operations in the country and spearheads all anti-drug operations nationwide. PDEA also take orders directly from President.

The Philippine Drug Enforcement Agency (PDEA) was created for the efficient and effective law enforcement of all the provisions on dangerous drugs and/or precursors and essential chemicals as provided in R.A. No.9165. On action according to law number Section 21 of Republic Act no. 9165 The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors, and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered.<sup>57</sup>

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<sup>57</sup> <http://pdea.gov.ph/laws-and-regulations/irr-of-ra-10640> Access on 17, 2017. At: 10:27 AM

Structure II.1: PDEA Organization Structure.<sup>58</sup>



Therefore pursuant to Section 4 of the Guidelines on the Implementing Rules and Regulation (IRR) of Section 21 of Republic Act No. 9165 as amended by RA 10640, the Philippine Drug Enforcement Agency has to consult with the Department of Justice and other relevant sectors hereby agreed to In warrantless seizures, the marking, physical inventory and photograph of the seized items in the presence of the violator shall be done immediately at the place where the

<sup>58</sup> <http://pdea.gov.ph/transparency/organizational-chart> Access on October 17, 2017. At 10:40AM

drugs were seized or at the nearest police station or nearest office of the apprehending officer/team, whichever is practicable.

The issuance shall take effect 15 days after its publication in 1 newspaper of general circulation and after its registration with the Office of the National Administrative Register (ONAR), UP Law Center, Quezon City. the law, according to REPUBLIC ACT N O. 9165 article 2 section 4 any person, who, unless authorized by law, shall import or bring into the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes will get the penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00).<sup>59</sup>

In addition, another law enforcement is Philippines National Police (PNP). However, PNP is only as a support for PDEA.<sup>60</sup> Therefore, since the implementation of Double Barrel project by Duterte, PNP has joined the war on drugs. In fact, a lot of killing was executed by the PNP.<sup>61</sup> Based on Double Barrel project, PNP has authorities such as executing a massive operation on illegal drugs.<sup>62</sup>

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<sup>59</sup> <http://pdea.gov.ph/images/Laws/RA9165.pdf> Republic of the Philippines Congress of the Philippines Metro Manila Twelfth Congress First Regular Session. 2016. S. No. 1858 H. No. 4433, REPUBLIC ACT N O. 9165. p: 3

<sup>60</sup> Lowell B. Bautista. 2017. *Duterte and his quixotic war on drugs*. Journal 20 Thinking ASEAN Vol. 2 No. 5. p:2

<sup>61</sup> Amnesty International. 2017. *If You Are Poor You Are Killed: Extra Judicial In Philippines "War on Drugs"*. Peter Benschon House, 1 Easton Street. London. p: 19

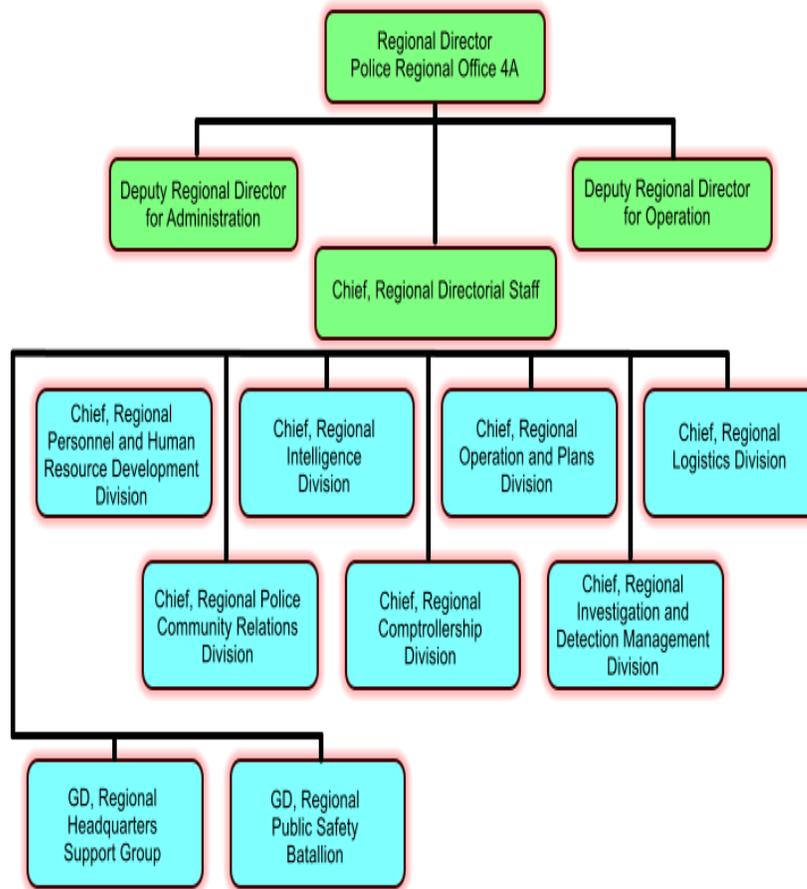
<sup>62</sup> National Police Commission. *Command Memorandum Circular No.16 – 2016*. Camp Crame, Quezon City. p:6

PNP the Regional Director of PNP lead the law enforcement with support from the Deputy Regional Director for operation, Deputy Regional Director for Administration, and Regional Chief Directional staff. The PNP Organization structure among the regions is illustrated in the figure below:

Structure II.2: PNP Organization Structure<sup>63</sup>

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<sup>63</sup> [https://pro4a.pnp.gov.ph/org\\_chart.htm](https://pro4a.pnp.gov.ph/org_chart.htm) Acces on 20 Nop. 17. 18:22PM



Therefore PNP has a clear line and structure, under which a police officer is answerable or accountable to the superior position.<sup>64</sup> However, it is not the same as Philippine military since PNP is primarily civilian in character and law enforcement agency of the government.

### II.3 INDONESIA AND PHILIPPINES COMPARISON ON DRUGS.

Drugs have become a big problem in most part of the world. The number of user keeps increasing by the time. Two countries in South Asia that have similarities on drugs

<sup>64</sup> <http://newsinfo.inquirer.net/672876/afp-chain-of-command-vs-pnp-line-of-authority> Access on 20 Nov. 17. 18:30PM

problem is Indonesia and Philippines. Indonesia and Philippines share similarities on a few things such as, both of the countries are archipelago country which is vulnerable to drug market. The amount of drug users in both countries also has achieved millions. In Indonesia, the number has more than 4 million and in Philippines are around 1,7 million according to DBB and 4 million according to Duterte.

The number will keep increasing unless some serious decision will be made by the leader of the country. Indonesia and Philippines finally step up the game by legalizing shooting the drugs dealer to death. In Indonesia case, the first step taken by President Joko Widodo is by refusing 64 clemencies for the drugs suspect. Furthermore then Joko Widodo (Jokowi) legalize to shoot the drugs dealer by giving the command in one of his speech. On another hand, Rodrigo Duterte on his campaign put drugs as serious national problem.

Since before Duterte elected as President, one of his campaigns is by killing the drugs dealer and eliminated them. Duterte also uses society to join the campaign by letting them kill the drugs dealer if they are capable of doing so. After 6 months of his leadership more than 6000 bodies counted as a victim of drugs war. Both of the countries are vulnerable to drugs and the number of users is also really high in both countries.

The implementation of zero tolerance policy by both countries to drugs problem also has taken live. However, both of the Presidents are reluctant to change the policy and believe the aggressive ways of dealing with drugs problem.