

CHAPTER III

DATA ANALYSIS AND INTERPRETATION

III.1 THE URGENCY OF DRUGS POLICY

The needed to improve the drugs policy is very important since the amount of drugs in the world has been in danger stage and every day the number of death because of drugs is very high. The amount of user in the world according to World Drugs Reach is around 250 million people.¹ Therefore more than 29 million people that use drugs suffer from drug use disorder.² In addition, the drugs problems are not only affected the health of people but also the human development, economic, and violence.³

To be more specific, the impact on human development is because of the negative consequences from the drugs to human health. Numerous problem such as delusional, unproductive, and HIV Aids that will lead to another health problem. Therefore, according to UNDOC report, the health problem usually lead to trauma, suicide,

¹ UNODC, World Drug Report. 2016 *Number of drug dependent adults up for first time in six years, now at 29 million*: Geneva/NewYork/Vienna. p:1

² Ibid.

³ Ibid. p:67

disability, and premature death.⁴ According to The Global Burden of Disease Study, almost 12 million years life lost because of premature death and disability.⁵

Meanwhile, study in Afghanistan found that over half of family that has drugs user relative got hit and abused.⁶ Therefore, the drugs problem also lead to violence or in these case domestic violence. A study in India reports 49% out of 179 women with a male family that use drug reporting a domestic violence and 50% of the sample reporting verbal aggression.⁷ In addition, drugs user also affected to the economy of the family. A study in Afghanistan reports that 70% of the drug user family had had to face the financial problems and 60% of the user of the drugs lost their job because of the relationship with drugs.⁸

Therefore, the drugs problem also affected the economic life of the user, which also mean the economy of the country. Moreover, in 2014, Indonesia had lost more than Rp 63,1 Trillion because of drugs.⁹ Nevertheless in Philippines, in 2010 the number of trade of drugs in annuly estimated around \$6 until 8\$ billion.¹⁰ The effects of the economic growth of drugs are the emerge of illicit activities in that country such as illegal crop cultivation, illegal farmer, illegal business, and the increase of violence.¹¹

⁴ Ibid. p:65

⁵ Ibid.

⁶ Ibid. p:67

⁷ Ibid.

⁸ Ibid. p:68

⁹ <http://news.liputan6.com/read/2579037/bnn-negara-rugi-rp-631-triliun-akibat-penyalahgunaan-narkoba> Access on 26 Nop. 17. 13:36 PM

¹⁰ United States Department of State. 2010. International Narcotics Strategy Report. March. Vol I. p:509

¹¹ UNODC, World Drug Report. 2016. Op.cit. p:84

In Indonesia itself more than 4 million people are involved in drugs disorder.¹² The number of death is around 50 people every day. The user is also from different layers of society. The consumer of drugs in Indonesia are starting from elementary school, business man, male, female, and even elder people.¹³

The situation in Philippines are almost the same. In Philippines also more than 4 million people are a user of illegal drugs.¹⁴ The range of user is around 10 - 69 years old. The consumer are also from many layers of society, such as civilians until a cop or government executant. This condition has brought Philippines into danger stage on drugs.

Therefore the implementation of Zero Tolerance against drugs dealer according to state or government perspective is becoming necessary. The war on drugs that takes live seems became one of a choice to make.

III.2 ANALYSIS OF ILLEGAL DRUGS POLICY IN JOKOWI'S ERA

The implementation of illegal drugs punishment in Jokowi administration has significantly changed. Hence as in the previous administration on Susilo Bambang Yudhoyono, has giving clemency to drugs dealer, and one of them is Schapelle Leigh Corby. In 2012, Susilo Bambang Yudhoyono released Presidential Decree Number 22G

¹² Ministry of Health. *Buletin Jendela Data dan Informasi Kesehatan*. 2014. ISSN 2088-207X.

¹³ BNN. 2014. *Laporan Akhir, Survey Nasional Perkembangan Penyalahgunaan Narkoba Tahun Anggaran 2014*. p:76

¹⁴ <http://www.philstar.com/headlines/2017/05/04/1696547/pdea-philippines-has-4.7-m-drug-user> Access at 9 September 2017. 12:50PM

of 2012 which granted the request for clemency of narcotic convict, Schapelle Leigh Corby.¹⁵ In result, Susilo Bambang Yudhono can be questioned on drugs subject.

On the other hand, Jokowi has a different style on dealing with drugs. Jokowi believe that drugs are an extraordinary crime. Therefore illegal drugs are very dangerous to society and the drug dealer should be punished with the highest punishment.¹⁶ According to Jokowi, the decision needs to be made to protect the next Indonesian generation. Therefore the decision is important to send a strong message to the drug dealers.¹⁷

As quoted for one of Jokowi interview with Al-Jazeera, *“There is 4,5million user of drugs in Indonesia that in process of rehabilitation, and 1,5 millions people that can be rehabilitate. Therefore we want to send a strong message to the drugs dealer, and to everyone, in Indonesia today are serious in tackling of drugs problem”*.¹⁸ Therefore, by what Jokowi stated in the interview that the idea of the policy is to send a strong message to drugs dealer. The policy implementation intends to violate human body as an instrument in sending a strong message to the people that broke the law (in this case specific law) will get serious punishment.

This argument gets stronger when Jokowi also stated that, *“the point of this implementation is to give the drugs dealer deterrent effects”*. Therefore, the point of the implementation of war-on-drugs is to stress a point that Indonesia will take the drugs problem as a National problem. However, in the interview, Jokowi also stated that *“one*

¹⁵ Muda, Weka Novia. 2015. Skripsi: *Urgensi Grasi Bagi Terpidana Narkotika Terkait Dengan Perkembangan Perlakuan Terhadap Pelanggar Kejahatan Narkotika Di Indonesia :Analisis terhadap Kasus Narkotika Oleh Schapelle Leigh Corby*. (Malang, Kementerian Pendidikan Nasional dan Kebudayaan Universitas Brawijaya). p: 8

¹⁶ https://www.youtube.com/watch?v=D_S3TjQ4T-s Joko Widodo interview with Al-Jazeera explain his position on illegal drugs and death penalty. 14 November 2017 at 03:09s

¹⁷ Ibid.

¹⁸ https://www.youtube.com/watch?v=D_S3TjQ4T-s Joko Widodo interview. Ibid.

of the solution is to executed the drugs dealer that have been sentenced to death by courts". Therefore, in the implementation, Jokowi still put forward the judicial system in the implementation of war-on-drugs.

In additional, Jokowi claim that the drugs as a National problem and its impact is really significant. Therefore, Jokowi wish society not only see the decision based on the suspect that sentenced to death but also the pain that it causes to the society.¹⁹ In additional Jokowi emphasize that no discrimination to specific country and all of them will be judged fairly.²⁰ Jokowi also stated that still believe with the legal system in Indonesia and measure the decision based on fact and data.

However, this is hard to claim since the legal system in Indonesia is incredibly corrupt.²¹ Therefore, the decision that has been made by the court is hard to be seen as a fair judge. Furthermore, in Mary Jane cases, the postponement is unclear and based on the law in Philippines.²² In additional, Jokowi attitude against Indonesians that are in the death row in other country due to drug related cases are contradicted for what happens in Indonesia.²³ Accordingly Jokowi attitude toward another country that going to executed Indonesia's citizen are hoping them to be realeased and give clemency.

In legal stand law, clemency is regulated by Law 2002 Number 22 article 11. On that law described that President has the right to give clemency to convicted after

¹⁹ Ibid.

²⁰ Ibid.

²¹ Machmudin, Dudu Duswara. 2013. *Mengembalikan Kewibawaan Mahkamah Agung Sebagai Peradilan Yang Agung* Jurnal Konstitusi, Volume 10, Nomor 1, Maret. p:36

²² Dora Xena, 2016. *Kajian Terhadap Penundaan Eksekusi Hukuman (Case Study: Mati Mary Jane*. Journal Fakultas Hukum Universitas Atma Jaya Yogyakarta p:2

²³ https://www.youtube.com/watch?v=D_S3TjQ4T-s .Ibid.

consideration based on fact and data.²⁴ Based on the same law, President also has right to refuse it. Therefore, the decision that Jokowi or Susilo Bambang Yudhoyono are part of the right of President. Furthermore, procedures and processes of granting of clemency are granted to court decisions that have obtained permanent legal force, and only apply to the death penalty; life imprisonment and the imprisonment of at least 2 (two) years.

On death penalty or death law based on Criminal Code (KUHP), were regulated in article 104, article 111 verse (2), article 124 verse (3), article 140 verse (3), article 340, article 365 verse (4), article 368 , article 444 KUHP, article 479K verse (2) and article 479O verse (2).²⁵ Furthermore for the law that not regulated in KUHP that related to death row are, Law No 5 Year 1997 about drugs, article 59 verse (2) article 36 Law No 26 Year 2000 about human right, article 2 verse (2) Law No 20 Year 2001 about changing of Law No 31 Year 1999 about eradication of corruption, article 6 Law No 15 Year 2003 about substitute government Law No 1 Year 2002 about terrorism eradication, Law no 35 Year 2009 about Narcotics: article 113 verse (2), article 114 verse (2), article 118 verse (2), article 119 verse (2), article 121 verse (2), and article 144 verse (2).²⁶

However, the implementation of death penalty costs a lot of money. The budget to implement the law on execution in 2016 reached Rp 3.6 million for 18 people.²⁷

²⁴ Article 10 Law No. 22 Year 2002.

²⁵ Purnomo, Agus. 2016. *Hukuman Mati Bagi Tindak Pidana Narkoba di Indonesia: Perspektif Sosiologi Hukum*. Journal Hukum dan Syari'ah Vol. 8, No. 1, 2016, h. 15-23 Print ISSN: 2085-1618, Online ISSN: 2528-165. p:17

²⁶ Nata Sukam Bangun, *Eksistensi Pidana Mati dalam Sistem Hukum Indonesia* (Yogyakarta: Not Published, 2014), p:86.

²⁷ S.W Eddyono *et.al.* 2016. *Update Hukuman Mati di Indonesia*. Institute for Criminal Justice Reform, South Jakarta. p:2

Therefore, it take Rp 200 million to executed one person.²⁸ With the amount of money that this policy needs to be implemented, it seems that this policy become a burden to the national budget.

In addition, pro and contra from society related to death penalty come from various sources. According to Human Right Convent International declaration on 10 December 1948, death penalty only can be implemented if it related to genocide.²⁹ In additional death penalty in Indonesia have a negative impact to help Indonesian citizen that got the same punishment in another country.³⁰ However, some pro perspective has been given by retention group that claims death row will give deterrent effect to the criminals.³¹ Therefore the implementation of war-on-drug by Joko Widodo is still on-going. In 2016, more than 11 people have been executed.

III.4.1 Jokowi's Concept of War on Drugs

In order to reduce the number of drugs in Indonesia, President Joko Widodo have instructed to the law enforcement against drugs to take any action that necessary to reduce the number of drugs dealers. In one of Jokowi speech, Jokowi instruct the law enforcement to shoot the drugs dealer if it necessary.³² This instruction is one of harsh

²⁸ Ibid

²⁹ Ferawati. 2015. *Kajian Hukum dan Ham Terkait Penjatuhan Hukuman Mati Terhadap Terpidana Narkotika*. Journal Ilmu Hukum. Vol 4 No. 3 September 2014-Januari 2015. p: 141

³⁰ <http://www.neraca.co.id/article/63873/ancaman-narkoba-dan-dan-pro-kontra-hukuman-mati> Access on 14 Nop. 17. 22:07AM

³¹ <http://setkab.go.id/pro-kontra-hukuman-mati-bagi-pelaku-kejahatan-narkoba/> Access on 14 Nop. 17. 22:10PM

³² <http://nasional.kompas.com/read/2017/07/21/17295801/jokowi--saya-sudah-katakan-tembak-di-tempat-saja-> Access on 26 August 2017. 15:24 PM.

decision that Jokowi made related to drugs dealer. In another chance, Jokowi also refused the clemency for 64 prisoners with death penalty related to drugs dealer.³³

The implementation of the death penalty to the drugs dealer is an application of harsh punishment. Furthermore, it does not only stop on that field Joko Widodo also strengthen law enforcement by increasing the budget and technology. This decision was supported by the legislative and new regulation of the government.³⁴ Therefore to be specific there are six points in Jokowi instruction against drugs:

- a. Using all Indonesia resources such as Military, Economy, Minister, and Society to reduce the number of drugs.
- b. Strengthen the rules and punishments against drugs.
- c. Closed the drugs entrance
- d. Organize the campaign about the negativity of drugs
- e. Tightening custody in prison
- f. Streamline the rehabilitation

Furthermore, the decision that Jokowi have made can be concluded into soft power such as Authority Power, Influence Power and Hard power such as Force Power. Moreover, Jokowi's war on drugs can be interpreted as the combination of zero tolerance and power to push back the number of illegal drugs in Indonesia.³⁵ Finally, the concept of war-on-drugs Jokowi's is to collaborate all national resources and take any decision that necessary, including taking human life in order to reduce

³³ 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:75

³⁴ Ibid. p:76

³⁵ The power in the paragraph are mean to be what Coulombis dan Wolfe definition on power that cited by Mas' oed in *Ilmu Hubungan Internasional: Disiplin dan Metodologi*. 1994.

the number of drugs. Therefore Jokowi has implemented Zero Tolerance approach and Power approach as the main instrument of the concept of war-on-drugs in Indonesia.

III.4.2 Jokowi's Model of Zero Tolerance Against Illegal Drugs Dealer

Zero Tolerance approach can be defined as an approach that giving no excuse to the suspect or offender that has been accused doing the crime.³⁶ Zero Tolerance has been implemented over the world. In the United State of America, usually, this approach will be implemented on high school level since the number of mass shooting that really high.³⁷ In another country such as El Salvador and New York in the past have been implemented Zero Tolerance as one of a method to deal with drugs issues.³⁸ Therefore, Zero Tolerance approach is actually has been known over the world.

In Indonesia, Zero Tolerance has implemented in law sectors, such as terrorism, genocide, premeditated murderer, drugs and etc.³⁹ Therefore on drugs sector, more than 60 people have been sentenced to death in 2016 and a dozen people had been executed.⁴⁰ This is caused by Jokowi decision to refuse the clemency for those 64 people. Furthermore, this decision brings a lot of protest from another countries. From the 64 people who were sentenced to death, 39 people are foreign citizen.⁴¹

³⁶ Marshall Jane. 1999. *Zero Tolerance Policing*. Issues No 9. March. p:2

³⁷ Wood Lynn Janel. Dissertation. 2008. *Zero Tolerance: A Policy Implementation*. p:63

³⁸ Chyn Eric, Rogowsky Robert. 2008. *U.S Trade Law and FTAs: A Survey of Labor Requirements*. Journal of International Commerce and Economic. August. Vol 1. p:130

³⁹ S.W Eddyono et all. 2016. *Update Hukum Mati di Indonesia*. Institute for Criminal Justice Reform, Jakarta Selatan. p:12

⁴⁰ Satria Randi, Tiara Nymphadear. *Op.cit*. p:76

⁴¹ Ibid.

As a result, this brings a lot of heat and protest from Indonesian society or International. Furthermore, President Joko Widodo said, *“there are many international (phone) presses, heads of state, Prime Minister, President, UN also, from Amnesty also ... I think this is reasonable ... but now our rule of law, our political sovereignty ”*.⁴² Therefore, by claiming that Indonesia is in the danger stage against drugs, harsh decision has to be made.⁴³ Another example, on 20 July 2017 Joko Widodo made a statement as *“I have already said it. Be more assertive, especially to the foreign drug dealers who come in and refused a little bit, just shot right away, do not be granted”*.⁴⁴ However, the problem is Joko Widodo did not explain what characteristic are can be concluded as a resist from the drugs dealer, or when the drugs dealer does not have a gun.

Therefore, the implementation of Zero Tolerance on drugs field only applies when the suspect refused or fought back against the officer. The first victim were coming after a week of Jokowi statement. Consequently, in 6 August 2017, one drug dealer from Malaysia got shot to death in Bengkayang, Kalimantan Barat.⁴⁵ However, for those who did not resist during capture will have the right to defend their self on the trial. Therefore Jokowi implementation of Zero Tolerance has still put forward the principle of law and Judicial.⁴⁶

III.4.3 Diplomatic Resolution on Eradication of Illegal Drugs in Indonesia

⁴²Amnesty International. 2015. *Keadilan Yang Cacat: Peradilan Yang Tidak Adil dan Hukuman Mati di Indonesia*. October. Index: ASA/21/2434/2015 P:14

⁴³Dora Xena, 2016. *Op.cit* p:1

⁴⁴ <http://nasional.kompas.com/read/2017/07/21/17295801/jokowi--saya-sudah-katakan-tembak-di-tempat-saja-> Access on 12 Nop. 17. 16:46PM

⁴⁵ <http://www.bbc.com/indonesia/indonesia-40862495> Access on 12 Nop. 17. 16:29PM

⁴⁶ Satria Randi, Tiara Nymphadear. 2016. *Op.Cit.* p:71

On diplomatic relations, eradication of drugs in Indonesia first time implemented in 1976 as declaration for the prevention and eradication and trafficking and illicit drug trafficking in the ASEAN region.⁴⁷ The declaration was signed by the leader of each country. The declaration later called *The Declaration of ASEAN Concord of 24 February 1976*.⁴⁸ Therefore the principle of ASEAN Concord is to enhance regional resilience and security through regional cooperation framework.⁴⁹ As a result, the teamwork between Asian country is indeed needed to achieve that goal. Therefore the focus of ASEAN Work Plan is to illicit crop cultivation, illicit manufacturing and trafficking of drugs and drug-related crimes and the prevalence of illicit drug use.⁵⁰

As for the type of Diplomacy as multilateral is such as by doing a formal or informal meeting. In particular, develop Electronic ASEANAPOL Database System or e-ADS to exchange the information between country.⁵¹ Furthermore is cooperation in training the officer which take a turn in every country. Furthermore for other cooperation such as ASEANAPOL Database System Technical Committee (ADSTC), ASEANAPOL Contact Officers, and ASEANAPOL Communication and Coordination Protocol for Crisis Management (ACCPCM), are cooperation as the same to exchange the data system and information.⁵² Therefore, the diplomacy and anti-drugs campaign in Indonesia, is to communicate intensively with friendly nations

⁴⁷ Pusphanathan, 1999. Paper presented at the 7th ACPF World Conference on Crime Prevention and Criminal Justice, 23-26 November 1999, New Delhi, India. p:1

⁴⁸ Pamungkas Apriliantini. 2017. Peran ASEANAPOL dalam Pemberantasan Peredaran Narkoba di Indonesia. *Journal of International Relations, Vol, 3 No, 2.* p: 95

⁴⁹ Ibid. p:96

⁵⁰ The ASEAN Work Plan on Securing Communities Against Illicit Drugs 2016-2025. <http://asean.org/storage/2016/10/ASEAN-WP-on-Securing-Communities-Against-Illicit-Drugs-2016-2025-FINAL.pdf>. Accessed 14 Nop. 17. p:1

⁵¹ Ibid.

⁵² Ibid.

on a bilateral basis, to convey the matter that increasing massively and tangible threat in Indonesia, and inter-institutional cooperation or related stakeholders.⁵³

However, ASEAN has not been sufficiently powerful to suppress the entry of drug trafficking within the ASEAN region. This condition is happening because of so many factors in the ASEAN country itself. Therefore, for example, economic factor, socio-cultural, legal factors or even strategic location of the ASEAN region, makes it easier for cartels to make an illegal drugs international business with fantastic economic revenues.⁵⁴ In addition the difficulty of ASEAN in influencing its member countries to cooperate and be pro-active in dealing with drug cartels in Southeast Asia, because not every country put drugs problem as priority such as Brunei, Laos, and Myanmar.⁵⁵ Additionally as cited "*... the problem of extraordinary crimes is still a priority for some ASEAN countries, but not all ASEAN. Therefore, no uniformity or equality of joint attitudes and initiatives will be difficult to enforce due to conflict of interest with other security or social issues and for a while bilateral cooperation (G to G) and other formats may be the solution.*"⁵⁶

This conflict of interest has been shown so many times in KTT (Konferensi Tingkat Tinggi) by not showing interest in the subject. In fact from KTT XIV until KTT XVII none has been discussed the drugs subject.⁵⁷ Therefore, because of the

⁵³ Muhamad Simela. 2015. *Diplomasi Anti Narkoba*. Info Singkat Hubungan Internasional. Kajian Singkat Terhadap Isu Aktual dan Strategis. Vol. VII, No. 05/1/P3DI/Maret 2015. p:6

⁵⁴ Fathun, Laode Muhammad. 2016. *Peran Regionalisme ASEAN dalam Menanggulangi Drug Trafficking (Peredaran Narkoba Gelap) dan Eketifatsnya di Indonesia*. Journal Hubungan Internasional. Vol. 1 No. 2. p:19.

⁵⁵ Akbar Wahyu. 2017. Skripsi: *Asean Obstacle on Eradicating Drugs Cartel in South East Asia on 2008-2014*. (Yogyakarta: Univeristas Muhammadiyah Yogyakarta). p:54

⁵⁶ Kavi Chingkitavom, 2014. "Going To ASEAN Community : Security Common Policy dis-Order", *The Journal of Security and Public Policy*, Nanyang University, Singapore. p: 29-30.

⁵⁷ Akbar, Wahyu. 2017. *Op. Cit.* p:64

lack of interest of some other country in ASEAN, the annihilation of illegal drugs is hard to fulfill.

Another aspect of resolution on the diplomatical way is the extradition. Extradition can be explained as transfers of a person to another country requested the person to be prosecuted in that country.⁵⁸ An example is in 2007 when Hsu Shuei Yuan was extradited from Indonesia to Taiwan. Another example is in 2011, Malaysia extradited 4 Indonesia citizens to Indonesia. However, according to International Law, there are 4 points that regulate the states right over a foreigner that enters the states territory,

- A. Every country has an obligation to let foreigner enter the state territory
- B. Every country has right to give the permission to enter the country is exchange the country can decide whom can go in and whom can not
- C. Every country has the right to set the terms and agreement for foreigner that want to enter the county territory
- D. A state has right to forbid all the foreigner according to the state will⁵⁹

Therefore, the foreigner that enter the state should be obedient to the state regulation. However, the extradition policy usually has been used as a bargain between countries. Usually, it has been used as diplomatic ways to exchange the prisoners as a symbol of friendship on the diplomatical way and state power to the

⁵⁸ Putra Andika. 2015. Skripsi: Pendeportasian di Indonesia Menurut Hukum International. Bhumi Pura Wira Wibawa. p:5

⁵⁹ Ibid.

citizen. Therefore, the implementation of death penalty to drug dealer from other countries become a challenge to the implementation of the policy.

The pressure that the other county impose to Indonesia such as Australia and Brazil that they will withdraw the Ambassadors is a serious diplomatic challenge. The cooperation between as Brazil that held the credentials letter to Indonesia and evaluated every collaboration again.⁶⁰

III.4.4 Jokowi's Action on Drugs Problem

In order to explain more specifically, Jokowi has use 3 types of power against the drug problem. First, Jokowi using the force power, such as military, economy and police in order to push back the drugs dealer.⁶¹ This has been stated in one of Jokowi speech when Joko Widodo instructed every resource in Indonesia to contributed on the war against drugs. That is Military (TNI), Police, Minister (Law, Human Right, Information, Social, and Health Minister), and Director Jendral Custom and Tax to work together in order to reduce the number of drugs.⁶²

Therefore, Jokowi instruction can be classified as a whole-of-government approach. Whole-of-Government approach can be defined as an approach that integrates the collaborative efforts of the departments and agencies of a government to achieve a shared goal.⁶³ As an example, National Narcotics Agency (BNN) establish collaboration with Universitas Indonesia (UI) Health Research Center

⁶⁰ http://www.bbc.com/indonesia/forum/2015/04/150429_forum_eksekusi_mati_diplomatik Acces on 26 Nop. 17. 16:17PM

⁶¹ Satria Randi, Tiara Nyphadear. 2016. *Op.Cit.* p:70

⁶² <http://ksp.go.id/enam-perintah-presiden-untuk-berantas-narkoba/> Access on 14 Nop. 17. 22:17PM

⁶³ Colgan Anne, et.all. 2014. *A primer on Implementing Whole of Government Approach.* Dublin: Center of Effectiveness. p:9

(Puslitkes). The deal is for the Puslitkes UI to do a survey of the numbers of drugs such as the amount of user.⁶⁴

Another example is the coordination between Indonesia Police and BNN on a drug investigation. Therefore, such as perform routine operations by the police and national narcotics, and special operations by the national narcotics agency that cooperated with the police, or prevention efforts that undertaken by drug hazard counseling to society, or by taking action against narcotics perpetrators which accordance with criminal sanctions Law Number 35 Year 2009.⁶⁵ Therefore the collaboration between Polri and BNN is basically based on prevention, investigation, and perpetrators action.

Therefore, to be more specific about BNN collaboration with other agencies in Indonesia, the discussion about Regulation of Collaboration between agencies and organization in Indonesia based on Law No. 01/PB/MA/III/2014, 03 Year 2014, 11/Year 2014, 03 Year 2014, PER-005/A/JA/03/2014, 1 Year 2014, PERBER/01/III/2014/BNN will be explained below.

III.4.5 BNN Collaboration With Another Agencies Based on Collaboration Regulation and Jokowi Instruction

The regulation for BNN collaboration with other agencies is regulated the Law No: 01/PB/MA/III/2014, Law No: 03 Year 2014, Law No: 11/Year 2014, Law No: 03 Year 2014, PER-005/A/JA/03/2014, Law No: 01 Year 2014, and

⁶⁴ Adrianus Meliala. 2016. *Badan Narkotika Nasional dan Jebakan Kelembagaan*. **Jurnal Peradilan Indonesia**. Jurnal Berkala MaPPI FHUI. ISSN 2460-2043 Vol. 5. No.1. p:2

⁶⁵Surya Tarigan, Aris. 2014. *Skripsi: Koordinasi Antar Badan Nasional Narkotika Dengan Polri Dalam Menanggulangi Peredaran Narkotika*. Yogyakarta (Universitas Atmajaya Yogyakarta). p: 58

PERBER/01/III/2014/BNN. The regulation basically is about the joint regulation between agencies that working together in case of illegal drugs. Therefore, the agencies that stated and part of the regulation are BNN, Polri, Attorney General, Minister of Social, Minister of Health, Minister of Law and Human Right, and Chairman of Supreme Court. Further information, this regulation basically were signed in 2014.

Furthermore, the point of this regulation basically is to work together to eradicate the number of drugs in Indonesia. Likewise as a guide to execute the operation that related to drugs. Therefore, to implement a synergetic process of medical rehabilitation and social rehabilitation, investigation, prosecution, trial, and criminalization in a synergistic and integrated manner. Therefore the synergistic between organization become really important aspect of the law.

Therefore, BNN and Polri are to investigate the drugs problem and perform the operation to catch the drug dealers and users. As for the Minister of heath is to provide the regulation and rehabilitation of the drugs addict. Therefore, for drugs addict that have poor economic condition will be helped by the government with provisions. As for the Attorney General, to establish and control law enforcement and justice policies within the scope of duties and authority of the prosecutor. Therefore Chairman of Superme Court has obligation to prosecute and set the death penalty for the accused.⁶⁶

⁶⁶ Joint regulation about drugs addict. The regulation for BNN collaboration with other agencies were regulated on Law No: 01/PB/MA/III/2014, Law No: 03 Year 2014, Law No: 11/Year 2014, Law No: 03 Year 2014, PER-005/A/JA/03/2014, Law No: 01 Year 2014, and PERBER/01/III/2014/BNN.

So then, in fact, this regulation was signed in 2014 and was formulated before Jokowi became President. Therefore, on his administration, most of the things that Jokowi have done is to strengthening and executed the regulation. However, there is some addition that Joko Widodo made. In one of his speech, Jokowi opted for Military and also Director General Tax and Custom to join the campaign against drugs.⁶⁷ On the speech, Jokowi ask the TNI (Indonesia Military) and General Tax and Custom to help eradicated the drugs dealer by helping BNN on the operation and closed the drugs entrance.⁶⁸ Likewise, Jokowi instruct to tighten the prison guard and doing check every once in a month.⁶⁹

Therefore in response, TNI Jendral Gatot Nurmantyo instruct the Pangkotama and TNI Commanders to do a serious cleaning in their respective units. Therefore, all TNI soldiers will be checked and the one that indicated to be involved in drug trafficking and abuse are immediately encouraged to be prosecuted and if proven to be guilty, will be dismissed from military service.⁷⁰ Therefore, the main task of the General Tax and Custom is to strengthen the import or export of product, such as inspection of the letter of goods, the destination of the goods, and the owner of the goods.⁷¹

III.4.6 Strengthen of BNN

The strengthen of BNN are basically about Human Resources, Budget, Regulation, and Alutsista. Therefore the discussion will be talking about the

⁶⁷ http://setneg.go.id/baca/index/enam_perintah_presiden_untuk_berantas_narkoba Access on 15 Nov. 17. 20:02PM

⁶⁸ Ibid.

⁶⁹ Ibid.

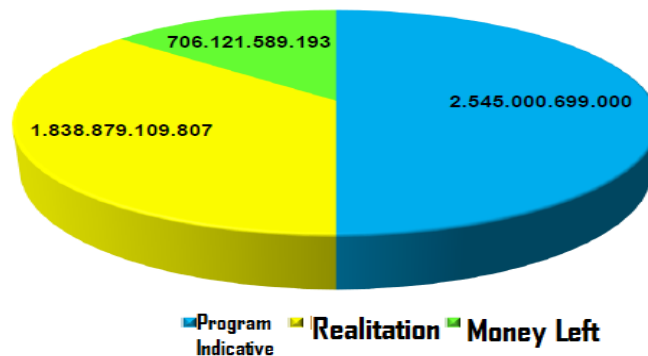
⁷⁰ Bungin Saptor Sapan. 2016. *Kepentingan Militar Dalam Proses Hukum Penyalahan Narkotika* (Not Distributed). p:2

⁷¹ Manurung Romeo. 2017. Skripsi: *Kewenangan Pejabat Bea Cukai Selaku Penyidik Pegawai Negeri Sipil (PPNS) Dalam Melakukan Penyidikan Tidak Pidana Penyelundupan Narkotika (Studi Putusan Pengadilan Negeri Lubuk Pakam Nomer. 1923/Pid.Sus/2014/PN-Lbp)*. Universitas Sumatra Utara. Medan. p:10

improvement of those point above on Jokowi administration. So then in Human Resources, there is no specific change in BNN body on how the production of Human Resources can be much better and effective. Basically, the improvement of Human Resources is by carrying out the training for the cadre and standard screening requirements of government employees.⁷²

Therefore, for the budget, in 2015 BNN has a budget around Rp.1,4 Trillion.⁷³ This number escalated in 2016 with Rp.2,5 Trillion. Percentage of budget absorption in 2015 is around 92% and in 2016 around 88,9%.⁷⁴ BNN claimed that the problem of budget absorption is because government blocked Program Indicative that brings negative effect to the planning execution.⁷⁵

Chart III.1: Realitation of Budget in 2016 before Program Indicative Blocked.



Sources: Laporan Kerja BNN 2016

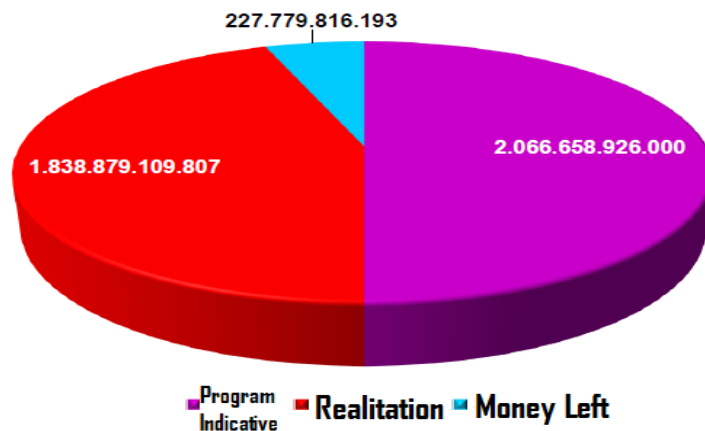
Chart III.2: Realisation of Budget in 2016 after Program Indicative Blocked

⁷² Candra Hedy, et.al. *Role of Body Narcotic National Provinsi on Prevention and Countermeasures Circulation Narcotic in Provinsi Sulawesi Selatan* (Not Published) p:8

⁷³ BNN. 2015. Laporan Kinerja Badan Narkotika National. p:75

⁷⁴ BNN. 2016. Laporan Kinerja Badan Narkotika National. p:76

⁷⁵ Ibid.



Sources: Laporan Kerja BNN 2016

Program Indicative blocking is Government effort to saving money.⁷⁶ It aim to the cut the budget for BNN from Rp.2,5T to Rp.2T. Due to the reduction on the performance of the organization.

The improvement in technology or alutsita, in 2017 every BNN unit in city or province will be equipped with bunyet weaponry with 37 stall ammo, 5 assault weapons, and 5 companion weapons.⁷⁷ However, this weapon is already outdated and not up to date with the technology that the drugs dealer use. According to BNN chief, Budi Waseso stated that Indonesia does not have enough weaponry and the weaponry are also outdated.⁷⁸ Nevertheless, it is really important to update the weaponry because the gun, machine gun, etc. are not only to paralyze the drugs dealer but also to protect the officers on duty.

⁷⁶ Ibid.

⁷⁷ <http://www.kapurnews.com/read-1-60-2017-02-27-bnn-provinsi-dan-kota-bakal-diperlengkapi-senjata-lengkap.html> Access on 15 Nop. 17. 22:15PM

⁷⁸ <http://wartakota.tribunnews.com/2017/07/26/teknologi-yag-dipakai-indonesia-untuk-berantas-narkoba-sudah-ketingalan-zaman> Access on 15 Nop. 17. 22:18PM

On regulation, Joko Widodo has been stated before gave the BNN permission to shoot the drugs dealer and if it necessary to death. Shoot-to-kill orders have been implemented and in August 2017 already have 60 casualties.⁷⁹ Therefore Jokowi have given BNN authorities to take life and do not worried about Human Right Violation. However, the shoot-to-kill order can be only implemented if the drugs dealer or suspect refused and counter the officer.

III.4.7 The Rehabilitation

Drug rehabilitation in Jokowi's administration claim that the needs of 4,1 million people are indeed in need of rehabilitation.⁸⁰ Therefore, the government started to rehabilitate 100.000 people in 2015 and 200.000 people in 2016.⁸¹ Still, the number of people that got rehabilitate are really small compared to the actual number that needs to be rehabilitated. Therefore, the problem also includes the implementation of the rehabilitation program such as the amount of drugs rehabilitation, miss-communication between local BNN office and the community-based rehab institution, and the lack of integrating families in the program.⁸²

However, in 2017 the budget for rehabilitation was cut to half it is not enough to rehabilitate 15.000 people into 9.000 people.⁸³ This does not support Jokowi's commitment to eradicated drug problems. Therefore, the focus on eradicating drug problems are to eliminate the drug dealers with little help among the drug addicts.

⁷⁹ <http://www.dw.com/id/perintah-tembak-di-tempat-jokowi-telan-puluhan-korban-jiwa/a-40115527> Access on 15 Nop. 17. 22:26PM

⁸⁰ Suci Tyas Tari, Eneke et.al. 2017. *The Indonesia National Rehabilitation Movement: Where are we moving to?*. Jurnal Peradilan Indonesia Vol. 5, No. 7, Agustus 2016 – Januari 2017. p: 109

⁸¹ Ibid.

⁸² Ibid. p: 117

⁸³ <http://www.dw.com/id/pemerintahan-jokowi-potong-dana-rehabilitasi-korban-narkoba/a-19443473> Access on 15 Nop. 17. 23:05AM

III.4.8 The Result of Jokowi's War on Drugs until 2017 (BNN Report)

Therefore, after declaring war on drugs since 2016, there is not much change have been made until 2017 except the Shoot-to-kill order. Therefore, from BNN report in 2015 until 2016, the number of drugs in Indonesia in 2015 was increasing by 0,2% and 0,1% in 2016.⁸⁴ BNN success to withstand the number of drugs in Indonesia from 2014-2016. Further, comparing the goal of BNN withstand the number of drugs user by 0,5%, the achievement of BNN are quite impressive.⁸⁵

Therefore, to be more specific, it can be seen on this table:

Table III.1: The development of drugs user in Indonesia from 2008-2015.

NO.	Type of User	2008		2011		2014		2015	
		Amount	%	Amount	%	Amount	%	Amount	%
1.	Try to Use	872.928	26	1.159.649	27	1.624.026	39	1.599.836	39
2.	Daily User	894.492	27	1.910.295	45	1.455.232	37	1.511.035	37
3.	Non-injection User	1.358.935	40	1.134.358	27	875.248	23	918.256	22
4.	Injection User	236.172	7	70.031	1	67.722	1	68.902	2
TOTAL		3.362.527		4.274,333		4.022.228		4.098.029	
Research Result			1,99		2,23		2,18		2,20
Projection		Baseline			2,32		2,68		2,8

Sources: Laporan BNN 2015

⁸⁴ BNN. 2015. Op.cit. p: 16

⁸⁵ BNN. 2016. Op.cit. p: 13

Therefore, in conclusion, the number of drugs user in 2013-2016 are in stagnant status. The achievement of BNN to withstand the number of drugs user are quite impressive. However, until 2016 BNN only capable to withstand the increasing of drugs but not able to eradicate it. This achievement should be able to improve so that Indonesia could be free from drugs in the next generation.

The number of cases related to drug users, according to Minister of Health in 2016 were 868, and the number of suspects related to drugs dealer in 2016 are 1.330 people which increasing 16,67% from 2015.⁸⁶ This data is illustrated on the figure below

Chart III.3: The number of cases that got busted related to illegal drugs.



Sources: Ministry of Health 2017

Therefore, the number of cases that got busted increase significantly in 2013 to 2014 by more than 161% and keep increasing. From 2013-2016, under Jokowi administration, the number of drugs cases that got busted are 2.037 cases. The number of drug dealers that got arrested from 2012-2016 was 1.330 people. However,

⁸⁶ Ministry of Health. 2017. *Infodatin Narkoba*. ISSN 2442-7649. p: 3

the number of suspects related to drug dealers also increased significantly in 2013 with more than 140%.⁸⁷

Therefore, since under Jokowi's administration, the number of suspects related to drugs dealer in 2013-2016 is around 3297 people.

Chart III.4: The number of suspects that got busted related to illegal drugs.⁸⁸



Sources: Ministry of Health 2017

Therefore, based on the chart, can be seen that the number of drug dealers that got arrested on Jokowi's administration for 3 years has increased significantly. While, the number of people who were executed due to drug related cases rise to 15 by the end of 2015.⁸⁹ This is different from Susilo Bambang Yudhoyono's era. For 10 years, only 2 people that related to illegal drugs were executed.⁹⁰ Therefore, the number of the death penalty in Jokowi administration is much higher than the previous era.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ <http://www.tribunnews.com/nasional/2016/07/22/nama-nama-terpidana-mati-yang-sudah-dieksekusi-pada-gelombang-1-dan-2> Access on 16 Nop. 17. 15:25PM

⁹⁰ <https://www.merdeka.com/peristiwa/ini-terpidana-mati-yang-dieksekusi-zaman-sby/imam-samudra-amrozi-dan-mukhlis.html> Access on 16 Nop. 17. 15:31PM

Hence, not including 64 people that Jokowi refused to give clemency, in 2017 government plans to execute 30 more people that have been sentenced to death. With the Shoot-to-kill order, the number of the victim until August 2017, has been more than 60 people.⁹¹ These numbers increase significantly after six months. However, the BNN claim only that they only shoot the suspect if the suspect resists and put officer's life in danger. Therefore, the implementation of war on drugs Jokowi has consumed casualties.

The amount of death if it compares to the previous administration is increasingly high. Jokowi's implementation on zero tolerance to drugs problem are real and without mercy. However, the commitment of Jokowi on in this matter are biased because of the cut on BNN budget, no improvement on weaponry, and the cut on rehabilitation budget. Therefore, Joko Widodo strategy to reduce the number of drugs in Indonesia seems more focus on eliminating the drug dealers but not really on the term of treatments.

Therefore, looking at the number of arrested cases that have been solving in 2013-2016. Jokowi movement on choosing Budi Waseso as chef of BNN have rated appropriately. Even though the cut on the budget have affected the performance of BNN, to be able to hold the number of drugs in Indonesia worth in appreciation. However, an improvement on BNN and another agency that help to reduce the number of drugs is very needed.

⁹¹ <http://www.dw.com/id/perintah-tembak-di-tempat-jokowi-telan-puluhan-korban-jiwa/a-40115527> Access on 15 Nop. 17. 22:26PM

Therefore, in case of war on drugs, the government should be focus in every aspect of drugs and not only focus on eliminating live. Strengthening of the prison, airport, and the beach are considered the right step. Also by coordinating between agencies inside and outside the country, the number of drugs in Indonesia, will be minimized only withstand the number but also reduce the number.

III.3 ANALYSIS OF ILLEGAL DRUGS POLICY IN DUTERTE'S ERA

the implementation of war on drugs in Philippines and Indonesia has a lot of similarities. In fact, the war on drugs in Philippines was implemented before Jokowi implemented it in Indonesia. However, in the case of Philippines, Duterte has brought the terms of war-on-drugs to new levels. This is because Duterte has involved the vigilantes into the drugs war.⁹²

With the Philippines war on drugs, Duterte encouraged the people to attack and kill the drug dealers if they ever found one. However, even though without clear legal basis, the police who found the dead body will classify it as a “found body” or “dead behind investigation”.⁹³ Therefore, Duterte has stated those who kill the drug dealers as vigilantes and will not get punishment and can be carried out with impunity.⁹⁴ As a result,

⁹² Human Right Watch. 2017. *License to Kill: Philippine Police Killings in Duterte's "War on Drugs"*. United States of America. ISBN: 978-1-6231-34488. p:40

⁹³ Ibid.

⁹⁴ Ibid. p:41

in six months of Duterte's administration has killed more than 6000 people, either killed by officer or vigilantes.⁹⁵

In one of the interviews with Al-Jazeera, Duterte as quoted *"because the number of people that contaminated will pull my country down, it will destroy the next generation."*⁹⁶ Therefore the implementation of the brutal campaign against drugs is one of Duterte's way to protect the next generation. Duterte also stated, *"There is no crime at all if you threatened the criminal with death, in my country at least there is no law which says I can not threatened criminals"*. Therefore, Duterte claims the movement of brutal war-on-drugs as a legal and legitimate policy.

In the case of innocent people and the children that got killed in the operation, Duterte compares the operation of drugs in the Philippines with Vietnam war and another bombing against terrorism. As stated *"The police armed with M16 while the gangster only a pistol, when they meet they exchange fire, with police m16, one push, a thousand people there die. This is not criminal liability. It because you need to defend yourself. Just like United States or another country, when you bomb a building, you intended to kill the millitan but you kill in the process the innocent and the children there"*. Therefore, Duterte claims that the implementation of drugs in the Philippines equal to the eradication of militancy or terrorism. The impunity need to give to the police and the officers in order to defend their self. Also, in this case, Duterte has strengthen the point that the death of innocent and children is the cost of the implementation of war-on-drugs in Philippines.

⁹⁵ Human Right Report. 2017. *PHILIPPINES 2016 HUMAN RIGHTS REPORT*. United States Department of America. July. p:1

⁹⁶ <https://www.youtube.com/watch?v=S2KtLTXXej8> Duterte Interview with Al-Jazeera about Death, Drugs and Diplomacy. Access on 18 Nov. 17. 11:21AM. At 03:45s

However, Duterte had done the same thing in the past as Davao mayor. In Davao, Duterte revealed the names of suspected drug dealers and users in radio and television shows, telling them to stop their illegal activities.⁹⁷ In addition, the police and military will come to the drugs suspect and warn them to stop their activities before getting shoot.⁹⁸ Therefore, Duterte using mentally abuse and shaming the drug dealers and user by bringing their the names out in public.

Nevertheless, Duterte method seems to be successful. In July until December 2016, 980,000 people turned themselves into Philippines National Police and surrender.⁹⁹ However, Duterte's has used power exercised through the human body in a spectacle of humiliation and violence.¹⁰⁰ However, all legal point to support the vigilantes is only based on Duterte statement. Even though Philippines no longer had the death penalty, the implementation of Shoot-to-kill order is part of Duterte policy that has taken casualties during the implementation.

III.4.1 Duterte's Concept Of War on Drugs

In order to eradicate the number of drugs, Duterte's concept about war-on-drugs if it translated to the concept of power by Coloumbis and Wolfe are focused on the force power. Therefore, it can be identified that Duterte have used the economic, military, thread, and humiliation toward the drug dealers. The law enforcement is

⁹⁷ Reyes, Danilo Andres .2016. *The Spectacle of Violence in Duterte's "War on Drugs"*. Journal of Current Southeast Asian Affairs. ISSN: 1868-1034. p:113

⁹⁸ Ibid.

⁹⁹ Human Right Report. 2017. *Op.cit.* p:5

¹⁰⁰ Reyes, Danilo Andres. 2016. *Op.cit.* p:113

strengthened by taking human life. Duterte himself has stated that the focus of his drugs policy is to kill drugs dealer and user.¹⁰¹

Therefore, it is different from Jokowi's approaches where Jokowi have made a specific instruction to many agencies, but Duterte focus is only to eradicate the drugs dealer by killing them.¹⁰² Therefore, the concept War-on-drugs Duterte's is to eliminate the drugs dealer and user by using force power such military, weaponry and without Judicial concern. Therefore in order to clear all drug-affected barangays across the country, conduct no let-up operations against illegal drugs personalities and dismantle drug syndicates.¹⁰³

The Project is called as Double Barrel project that were made by National Head Quarter Philippines and implemented by the Philippine National Police as a pronouncement to Duterte instruction which called Double Barrel Policy. The purpose is as legal support government to neutralization of illegal drugs nationwide.¹⁰⁴ The concept of this project is for police offices/units/stations and designated anti-drug units shall conduct massive and simultaneous operations in two-pronged approaches.¹⁰⁵ The first approach called Project Tokhang which mean making coordination with the Local Government Units particularly the Provincial/City/Municipal/Barangay Anti-Drug Abuse Councils, Non-Government Organizations, stakeholders, and other law enforcement agencies. The implementation is by visiting house to house to persuade suspect of illegal drugs

¹⁰¹ Human Right Watch. 2017. *Op.cit.* p:87

¹⁰² *Ibid.*

¹⁰³ National Police Commision. *Command Memorandum Circular No.16 – 2016.* Camp Crame, Quezon City. P:3

¹⁰⁴ *Ibid.* p:1

¹⁰⁵ *Ibid.* p:3

personalities to stop their activities on drugs. The second is The HVT Project, is a massive and reinvigorated conduct of anti-illegal drugs operations targeting illegal drugs personalities and drugs syndicates.¹⁰⁶

III.4.2 Duterte's Model of Zero Tolerance Against Illegal Drugs Dealer

By implementing the Double Barrel policy, the number of death that police has been killed since July 2016 is more than 2.000 people.¹⁰⁷ Duterte in one of interview stated that *"If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful."*¹⁰⁸ Therefore, Duterte war on drugs is not only between the government and the drugs dealer but also with the user. Duterte also claims there is no law that said he can not threaten criminals.¹⁰⁹ Duterte in the same interview also stated that the dead of innocent people and the child in the war on drugs will be investigated. However, the action of police can be justified if it was in self-defense.¹¹⁰

Duterte even compares himself to Adolf Hitler as he stated that if Hitler kills 3 million Jew, he will kill 3 million drugs dealer.¹¹¹ Duterte also claims he did not care about the human right and his obligation to his country is to protect the young children. Therefore, Duterte war on drugs is can be considered as a brutal war since it has consumed thousands of death. So then, the death is not only to the drugs dealer

¹⁰⁶ Ibid. p:6

¹⁰⁷ Human Right Report. 2017. *Op.cit.* p:3

¹⁰⁸ Ibid. p:37

¹⁰⁹ <https://www.youtube.com/watch?v=S2KtLTXXej8> Duterte Interview with Al-Jazeera Ibid.

¹¹⁰ Ibid. at 6:01s

¹¹¹ Human Right Watch. 2017. *Op.cit.* p:35

but also to the drugs addict, innocent people, also children.¹¹² Duterte stated the life of criminals has no meaning and only bringing the problem.

III.4.3 Resoulution on Eradication of Illegal Drugs in the Philippines

In terms of diplomacy, the eradication of drugs in the Philippines was helped by ASEANPOL as Philippines are part of the country that join the ASEANPOL.¹¹³ Therefore, the collaboration between Philippines and ASEANPOL country are basically the same as Indonesia to ASEANPOL. So that, the cooperation between ASEANPOL and Philippines is in the matter of concern training, transferring information, organize the meeting, as for the 31st ASEANAPOL Database Technical Committee Meeting (ADSTC) was held at Bonifacio Global City, Taguig, Philippines.¹¹⁴

Another cooperation was in 2012 by ASEAN country signed the cooperation in eradicating drugs. However, the target failed to achieved. Therefore Duterte in 2016, in ASEAN KTT meeting invited all ASEAN countries to join him in eradicating illegal drugs in the ASEAN region.¹¹⁵ The Philippines have made a collaboration with another country such Indonesia on illegal drugs by strengthening the maritime and exchange of information.¹¹⁶

III.4.4 Duterte's Movement Against Drugs Problem

¹¹² <https://www.youtube.com/watch?v=S2KtLTXXeJ8> Ibid. At 07:01s

¹¹³ <http://www.aseanapol.org/about-aseanapol/permanent-secretariat> Access on 17 Nop.2017. at 12:22PM

¹¹⁴ Ibid.

¹¹⁵ <https://kumparan.com/aditiazkinugraha/duterte-ajak-seluruh-kepala-negara-asean-kerja-sama-perangi-narkoba> Access on 18 Nop. 17. 12:39 PM

¹¹⁶ <https://news.detik.com/berita/2828290/indonesia-filipina-sepakat-kerjasama-berantas-narkotika> Access on 18 Nop. 17. 12:42PM.

Before became a President, Duterte waged war against illegal drugs in Davao City. In Davao city, Duterte used to publicly the name of drug users and dealers in television or radio and ask them to stop their activity.¹¹⁷ The point is to warn and humiliate the suspect that later in most cases will be killed after the humiliation if they do not surrender to the police.¹¹⁸ Eighteen people who were named publicly in 2012 have been killed during a police operation.¹¹⁹ Therefore, Duterte used to be called as a death squad.¹²⁰

According to local activist, the campaign to kill drug dealers in Davao City have started since 1990.¹²¹ The group that claimed to be responsible for the killings was called Sulugon sa Katawhan or “Servants of the People” and anonymously referred nowadays as the “Death Squad” have killed more than 1.400 people since 1998 until 2015.¹²² However, the Human Rights Watch research, found no evidence that linked Duterte to any killing.¹²³ In the research Human Rights Watch found the involvement of police and government. Human Right Watches found that the relative of Death Squad giving the information to the government, journalist, and activist.¹²⁴

During Duterte’s campaign for President, killing the drug dealers became one of his programs. In one of his campaigns, Duterte vows that he would kill 100,000 criminals, mostly drug suspects, during first 6 months in office and would dump so

¹¹⁷ Reyes, Danilo Andres .2016. Ibid.

¹¹⁸ Ibid. p: 119

¹¹⁹ Ibid.

¹²⁰ Human Right Watch. 2017. *Op.cit.* p:28

¹²¹ Ibid. 29

¹²² Ibid.

¹²³ Ibid. p:30

¹²⁴ Ibid.

many bodies in Manila Bay that the “fish will grow fat”.¹²⁵ During the presidential election campaign in April 2016, Duterte repeated the vow to kill all drugs dealer and user as quoted: “*All of you who are into drugs, you sons of b****s, I will really kill you,*”.¹²⁶ Another statement that Duterte gave on the campaign as quoted: *If I become president, I advise you people to put up several funeral parlor businesses because I am against illegal drugs ... I might kill someone because of it,*”.¹²⁷

Therefore, Duterte have stated that on the campaign about killing drugs dealer or addict if winning the election. However, the support to Duterte keeps increasing. The fact that Filipinos still prefer Duterte as a president even though Duterte’s signature policy as mayor are bloody, showing that people have sick with the traditional politician that always making decision by political standards. Duterte’s boorish demagoguery was interpreted as raw and refreshing honesty and build the feeling of safety in the society.¹²⁸ Therefore, by winning the election Duterte has gained people trust to protect them and approval to execute a bloody method to deal with drugs in Philippines.

After winning the election in May and started the administration on 30 June 2016, Duterte’s first move in dealing with drugs is by appointing the new chief of Philippine National Police De la Rosa. To implement the Double Barrel Project or also called as Project Oplan Tokhang.¹²⁹ Double Barrel Project are basically is to set

¹²⁵ Chapman R. AUDREY, Babor F. Thomas. 2017. *Duterte’s War on Drugs and the Silence of the Addiction Science Community*. Journal of Studies on Alcohol and Drugs. July. Vol. 78 No. 4 p:491

¹²⁶ Lowell B. Bautista. 2017. *Duterte and his quixotic war on drugs*. Journal 20 Thinking ASEAN Vol. 2 No. 5. p:3

¹²⁷ Human Right Watch. 2017. *Op.cit.* p:31

¹²⁸ Chapman R. AUDREY, Babor F. Thomas. 2017. *Ibid.*

¹²⁹ 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

forth police guidelines “in support to the Barangay Drug Clearing Strategy of the government and the neutralization of illegal drug personalities nationwide.”¹³⁰ Double Barrel project is divided into two part which is Project HVT and Project Tokhang.

Project HVT is focused on drug syndicates and traffickers. This approach will be employed at the national, regional, district, provincial and city levels.¹³¹ Therefore, HVT Project is an effort to eliminate the drugs trafficking from regional levels, province boundaries, across city, until street levels.¹³² The executor is an Anti-Drugs organization from PNP but still under control of PDEA. Therefore PDEA is always the highest authority in case of drugs.

The next project is called Tokhang Project. Tonkhang basically a project which focuses on low-level sellers and people who use drugs.¹³³ So that Tongkhang Project is a collaboration between the police and barangay officials to compile and maintain a list, commonly known as a “drug watch list,” of all suspected “drug users” and “pushers” in a given area.¹³⁴ In addition, the list that has been made will be used to humiliating the drug user or drug dealer.

There are five stages in the conducting implementation of Project Tokhang which is:

- a. Documented the name of people that involved in illegal activities and collecting solid proof of the action.

¹³⁰ Bangarai is the smallest administrative division in the Philippines.

¹³¹ National Police Commission. *Op.cit.* p:6

¹³² Ibid.

¹³³ Amnesty International. 2017. *Op.cit.* p:19

¹³⁴ Ibid.

- b. Coordinating government agencies, stakeholders, and non-government organizations prior to the conduct of actual house to house visitations.
- c. Organize a team to conduct visitation from house to house to inform that the suspect is under supervision. If the suspect voluntary to go to rehabilitation, the suspect right will not be violated.
- d. Processing and documented the people that voluntary surrender to be rehabilitated.
- e. If the drug suspect persists despite the house to house visitations, the chief of the local police unit/stations and anti-illegal drugs unit in the area shall immediately initiate police action for the legitimate arrest and filing of appropriate criminal charges.¹³⁵

In additional, Duterte promises immunity to the police in order to encourage the police to carry out the anti-drug campaign.¹³⁶ Duterte stated that will give the police a pardon, conditional or absolute, amnesty or concurrence of Congress. Therefore the police officers should carry out the “war on drugs” without worrying about being prosecuted.¹³⁷ Duterte also claims that the officer will not go to the prison and will fight against the human right.¹³⁸

In the implementation, Duterte’s war on the drug has faced a lot of criticism by many. As an example from UN officials that criticized Duterte method on eradicated drugs. Duterte responded by threatening to withdraw the Philippines

¹³⁵ National Police Commision. *Op.cit.* p:5-6

¹³⁶ Human Right Watch. 2017. *Op.cit.* p:95

¹³⁷ Ibid.

¹³⁸ Ibid.

from United Nation.¹³⁹ Another criticism was from the European Union about the rising number of death, however, Duterte claiming to take all the responsibility to himself.¹⁴⁰

Therefore, even though the number of death keep rising significantly, Duterte will not stop eliminating the criminals or drugs dealer by killing them. Therefore according to Duterte drugs dealer and criminals are not a human being. Their existence is only to make problems. Therefore by killing them is the best way to get rid of them.¹⁴¹

III.4.5 PDEA Collaboration With Other Agencies

In order to eradicate the level of the drug in Philippines, PDEA as the main agency whose mandate is to eradicate drugs in the country, has to work together with another agency such as Philippines National Police (PNP). Because, the implementation of Double Barrels, PNP are the executor of the policy. However, even though there is specific instruction from Duterte, on Double Barrel policy stated that PNP should keep coordination with PDEA.¹⁴²

Therefore, the coordination between PDEA and PNP such as in the development of computer-based case tracking scheme for sharing data, coordinative linkages and giving support to anti-illegal drugs agencies, Maintain statistics on barangay drug clearing operations and drug-cleared barangays in coordination with PDEA, all the

¹³⁹ Ibid. p:89

¹⁴⁰ Ibid. p:91

¹⁴¹ Lowell B. Bautista. 2017. *Op.cit.* p:2

¹⁴² National Police Commission. 2016. *DIDM Implan re PNP Anti-Illegal Drugs Campaign Plan.* p:2

cases that PNP handle should be reported to PDEA, and any PNP investigation should be under PDEA assisted.¹⁴³

Therefore, PDEA and PNP work hand in hand in order to eradicate the drugs in Philippines. The roles and responsibilities this collaboration are written on Double Barrel guidelines. Also in any case that happen on the field, PNP shall be responsible to any accident and PDEA are only to assist PNP in the investigation.¹⁴⁴

III.4.6 Strengthen of PDEA and PNP

On the implementation of war against drugs, In 2015 the PDEA improve their logistic capacity by getting three new vehicles Isuzu Crosswind XT, new private building, a donation from individual or organization, two new motor vehicle and two new motorcycle.¹⁴⁵ In additional for the budget, PDEA budget in 2016 was around P1.8 billions or equal to \$35 million.¹⁴⁶ However, in 2017 PDEA budget increase 92% into P957.1 billions or equal to \$18 billion.¹⁴⁷ On the human resources, according to PNP former chief Panfilo Lacson, PDEA need more 1.200 personnel to execute the war on drugs better.¹⁴⁸

On the other hand for PNP, the improvement in 2016 are:

- 48 units Brand New Utility Trucks on September 1, 2016;
- 358 units Light Transport Vehicle on July to August 2016; and

¹⁴³ Ibid. p:6

¹⁴⁴ Ibid.

¹⁴⁵ PDEA Annual Report. 2015. p:44

¹⁴⁶ <https://www.rappler.com/newsbreak/in-depth/159002-2017-national-budget-duterte-promises> Access on 19 Nov. 17. 12:47PM

¹⁴⁷ Ibid.

¹⁴⁸ <http://www.panaynews.net/pdea-needs-more-funds-manpower/> Access on 19 Nov. 17. 12:59PM

- 2,449 units 135 cc Motorcycle on July 22, 2016, to March 5, 2016;
- 122 units of HF/SSB Base Transceiver amounting to Php61 million;
- Three units of Forensic Comparison Microscope amounting to Php28.5 million; and
- One lot of Automated Fingerprint Identification System amounting to Php270 million.¹⁴⁹

In addition, the PNP budget increased 26% from P88.5 billions or equal to \$1.7 million into P111.6 billions or equal to \$2.1 billion.¹⁵⁰ Therefore, by increasing the budget of the two main instruments of government that will implement the war on drugs, it can be understood as Duterte's serious commitment to eradicate of drug problem in the country.

III.4.7 The Rehabilitation

On the rehabilitation programs, according to the Department of Health, there are 45 accredited drug treatment and rehabilitation centers in the country with 5,300 capacity.¹⁵¹ In 2016 Duterte planned to make four mega rehabilitation center which can accommodate 10,000 people, and had inaugurate one of them.¹⁵² The

¹⁴⁹ Philippines National Police Annual Report. 2016. p:74

¹⁵⁰ <https://www.rappler.com/newsbreak/in-depth/159002-2017-national-budget-duterte-promises>. ibid

¹⁵¹ Amnesty International. 2017. *Op.cit.* p:56

¹⁵² Ibid.

rehabilitation center is inside military camps and constructed with China financial.¹⁵³ However, the human rights implications of placing a rehabilitation facility within a military camp suggest treatment as a form of punishment rather than therapy.¹⁵⁴ As that will reinforces a stigmatized view of people who use drugs as criminals.

However, it's clearly that Duterte did not prepare for the rehabilitation of executed war-on-drugs policy. However, Duterte claims that when he became President, the predecessor did not have the budget for the rehabilitation.¹⁵⁵ However, based on Amnesty research on the quality health care system is punitive and chaotic.¹⁵⁶ The treatment is focused on physical fitness but not on holistic approach. The treatment are focus on job training and replacement.¹⁵⁷

III.4.8 The Result of Duterte's War on Drugs

There are two version of the number of drug users in the Philippines. According to Duterte, PDEA reported that there were three millions of drug addicts and almost reaching four million in Philippines.¹⁵⁸ However, another version of the Dangerous Drugs Board announced the number of drugs addicts in Philippines are estimated 1,8 million people which are around 2.3% of Philippines population.¹⁵⁹ However, according to UNDOC, Philippines has the highest rate of Methamphetamine

¹⁵³ Ibid.

¹⁵⁴ Ibid

¹⁵⁵ <https://www.youtube.com/watch?v=S2KtLTXXej8> Duterte's Interview with Al-Jazeera. Ibid. at 10:40s

¹⁵⁶ Amnesty International. 2017. *Op.cit.* p:57

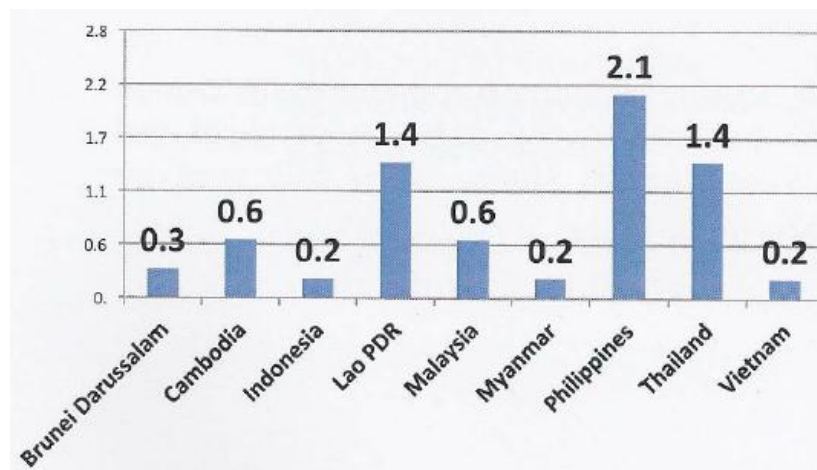
¹⁵⁷ Ibid.

¹⁵⁸ <https://www.youtube.com/watch?v=S2KtLTXXej8>. Ibid. at 3:57s

¹⁵⁹ Amnesty International. 2017. *Op.cit.* p:11

compares to another ASEAN countries.¹⁶⁰ The abuse rate of Methamphetamine in Philippines has reached 2.1 from the population. Based on arrested data, 95,47% are related to Methamphetamine, and followed by Marijuana 4,29%, and less than 1% use another type of drugs.¹⁶¹

Chart III.5: Methamphetamine user in ASEAN countries.



Sources: Republic of the Philippines 2017

¹⁶⁰ Republic of the Philippines, Presidential Communication Office. *Winning The First Phase of Drug War*. 2017. Malacanang, Manila. p:9

¹⁶¹ Ibid.

In 2015 PDEA has conducted 25,041 anti-drugs operation and sieze Php 5.42 billion worth drugs.¹⁶² In 2016 after the implementation of war on drugs and Double Barrel project, the number of people that surrender to PNP were 712,730 people where 92.58% are users and the rest are dealers.¹⁶³ In additional, PNP's number of operation from July to September are 17.992 operations. Henc, the number of suspects that got arrested since July-September in 2016 are 16,891 drug users or dealers, and saved more than Php 3 billion.¹⁶⁴

For the amount of death between 1 July 2016 and 21 January 2017, at least 2,500 people were killed during police anti-drug operations.¹⁶⁵ However, the cassualities is not from the drug dealers but also from the Police forces. According to Amnesty Journal, 35 police officers have been killed and 83 wounded during operations.¹⁶⁶ There is also between 1 July and 9 January 2017, unknown armed persons have killed 4,146 people.¹⁶⁷

Therefore, the problem that people are used as vigilantes to kill other people that have nothing to do with drugs. Example in Kidapawan City where someone finds a body with cardboard behind it that written: "don't be like me, i am a plague for this

¹⁶² Ibid. p:13

¹⁶³ Ibid. p:19

¹⁶⁴ Ibid. p:21-22

¹⁶⁵ Amnesty International. 2017. *Op.cit.* p:19

¹⁶⁶ Ibid.

¹⁶⁷ Ibid. p:33

society”.¹⁶⁸ However, after some research it found that the killing is not drugs related but about love triangle.

However, government claims that it has successfully reduces the number of crime in the Philippines. In July 2016, the number reduced 49% from 499 crime in a year to 256.¹⁶⁹ According to Republic of Philippines research, 65% of people that committed crime are using drugs.¹⁷⁰ After the implementation of Double Barrel, 700 people have surrendered to PNP. PNP and PDEA have become more aggressive in eradicating drugs.

III.4 ANALYSIS OF THE IMPLEMENTATION OF THE POLICY

III.4.1 Drugs Policy Implemented in Both Country

In order to reduce the number of drugs, a country leader such as in Indonesia and Philippines should be ready to take the highest risk. The casualties of the policy taking the highest value which is human life. In Indonesia, Joko Widodo implemented Shoot-to-kill orders and death penalty. In the Philippines Duterte have implemented Shoot-to-kill orders that have killed thousands of lives.

However, even though the concept and the implementation have similarities, there is different between Jokowi and Duterte policy. From the theory of Coulombis and Wolfe, Jokowi’s and Duterte’s style in implementing war on drugs used the three of elements of power. However, the use of it on different levels depending on the

¹⁶⁸ Ibid. p:51

¹⁶⁹ Republic of the Philippines. 2017. *Op.cit* p:32

¹⁷⁰ Ibid.

country's need. For example, in Jokowi's case, he emphasize the policy on the part of Judiciary.¹⁷¹

Jokowi gave the drug suspect chance to defend themselves in courts. Therefore, Jokowi's policy of not giving clemency to drug dealers that who were sentenced to death has been checked by the Judiciary. In the case Shoot-to-kill order it is only can be implemented if the drug suspects have guns and threatening the officers life. Jokowi also keep the job of maintaining security to the Polri and BNN. Therefore, there are no vigilantes in Indonesia who can kill anyone in the name of justice against drugs. Because vigilantes can open to a new problem such as mass killing or execution that doesn't have relation with drugs.

However, the budget that needed to execute the death penalty is considered to much. With the execution of one person costing up to Rp 200 million. Hence, the rising number of drug suspects will cost a lot of money. Therefore it will end as a burden to the national budget. In the end, by the amount of the money, the government can not execute the drugs dealer as soon as possible.

In Duterte's cases, the emphasis is on the military power. The brutality that Duterte brings on the cases of drugs has killed more than thousands of people. Duterte method to warning and humiliating the drugs dealer by publicly releasing the name of drugs list on television or radio use the state's power against the human body

¹⁷¹ https://www.youtube.com/watch?v=D_S3TjQ4T-s Joko Widodo interview with Al-Jazera. Ibid

in a spectacle of humiliation and violence.¹⁷² Therefore, the criminal that got killed in Duterte's war is basically never had a chance to defend themselves or convicted.

By Tonkhang project, state act as an absolute power that accused society without trying to prove the allegation. Therefore, the number of innocent people and children are basically for Duterte a sacrifice that needs to be made.¹⁷³ The next is, when Jokowi only implemented the policy to drugs dealer and focus on rehabilitation to the addict, Duterte targeted both of them to be killed. As long as the person using drugs, they will be killed or they have to surrender to the PNP. Therefore, Duterte has brought the concept of war-on-drugs into another level where people that suppose to be cured also became a target.

However, in the end, both Jokowi and Duterte has used human body as an object in which is embodied violence to send political messages.¹⁷⁴ Both of the country's policy is used to arouse feelings of terror and make people aware that offenders would be punished.¹⁷⁵ Therefore, the policy is to give a message of the existence of credible threat for those who violate the law. The implementation of Zero Tolerance as the main instrument on the policy has changed the body of the suspect became a political text.¹⁷⁶ Therefore, the implementation of the policy in both country is to stress a point about no tolerance against drugs criminals.

III.4.2 The Impact of Drugs Policy on Both Country

¹⁷² Reyes, Danilo Andres .2016. Op.cit. p:113

¹⁷³ <https://www.youtube.com/watch?v=S2KtLTXXej8>. Ibid. at 4:57s

¹⁷⁴ Reyes, Danilo Andres .2016. Ibid.

¹⁷⁵ Ibid. p:116

¹⁷⁶ Ibid. p:117

The implementation of drugs policy that both county have given serious impacts to the drug dealers. In Indonesia, since Jokowi administration, the number of arrested rise significantly.¹⁷⁷ BNN also succeed to uphold the drugs number growth. However, the number of death also increasing. If it compares to the previous administration, the number of drug users who were executed are significantly high.

In SBY era the number of drugs dealer who were executed was only 2 people where in Jokowi era at least 11 people had been executed. However, there is no absolute proof of death penalty can reduce the number of drugs in Indonesia. the same with shoot-to-kill orders that have been implemented. The only reason why the drugs number can be upheld in Indonesia is that the action of BNN and Polri. The only effect that gave is a protest from another country such as United Nation and related countries that the citizen got executed.¹⁷⁸

For Philippines, the implementation of Double Barrel project clearly already have an impact to Philippines. Since the implementation it has reduced to 49% the crime rate and thousands of people surrendered.¹⁷⁹ However, thousand body, children, and innocent people are the cost. The vigilantes that take part of the war became a new threat to the society because they cannot trust each other even as neighbors anymore.¹⁸⁰ Duterte also has stood as a sovereign by deciding whose life that can be taken.¹⁸¹

¹⁷⁷ Ministry of Healt. 2017. *Op.cit.* p: 3

¹⁷⁸ Amnesty International. 2015. *Op.cit.* p:1

¹⁷⁹ Republic of the Philippines. 2017. *Op.cit.* Pp32

¹⁸⁰ Amnesty International. 2017. *Op.cit.* p:61

¹⁸¹ Reyes, Danilo Andres .2016. *Op.cit.* p:118

However, the implementation of drug dealers in both country has a different effect but similar meaning. It is caused because the difference of the subject that got killed in the process. In Indonesia's cases, most of the people that got executed were foreigner that distributed drugs in Indonesia. Whereas in Philippines, most of people that got killed in the process were Philippines citizen.

However, the feedback that the society gave to the policy is a sign of approval or not. In Indonesia, most of the people from law enforcers, intellectuals, musicians, students, local government, non-governmental organizations, and religious organizations are supporting the implementation of death penalty.¹⁸² As for the Philippines itself, according to Dindo Manhit as the president of starbase ADR Institute, 8 out of 10 people in Philippines support Duterte war on drugs.¹⁸³

III.4.3 The Impact of The Drugs Policy on International Relations and Diplomacy

By Implementing the death penalty Indonesia has receive many protests from another country. The first one is from Australia Prime Minister. Australia Prime Minister Antony Abbott declared against death penalty Indonesia. The respon is by withdrawing Australia ambassador from Indonesia.¹⁸⁴ In addition, Antony also mentions the donation that Australia gave to Indonesia when Tsunami happens in 2004.¹⁸⁵

¹⁸² Satria Randi, Tiara Nymphadear. *Op.cit.* p:81

¹⁸³ <https://www.npr.org/2017/11/13/563841402/philippines-rodrigo-duterte-sustains-support-for-deadly-war-on-drugs> Access on 19 Nop. 17. 19:48PM

¹⁸⁴ Ningrum Anif. 2015. Skripsi: *The Australia's Response of Towards Death Penalty to Duo Bali Nine in 2005-2015*. Yogyakarta. Universitas Muhammadiyah Yogyakarta. p:2

¹⁸⁵ *Ibid.* p:3

Another protest is came from Brazil that stated will evaluate the relationship with Indonesia.¹⁸⁶ Brasil also withdraws the ambassador from Indonesia. However, it was the second time for Brazil to get their citizen got executed in Indonesia. Another respons are comes from Ban-Ki Moon, Secretariat General United Nation. According to Ban-Ki Moon, the death penalty in Indonesia should not be implemented to drugs problem.¹⁸⁷

As for Philippines, the protest coming from United State America. US as the supplier of weaponry to Philippines suspended 26.000 assault riffle to the PNP because of the report human right violation.¹⁸⁸ Another response were came from European Parliament and the Europan Union that urged the Philippine government to put an end to the current wave of extrajudicial executions and killings, also launch an immediate investigation into them and adopt specific, comprehensive policies and programmes, in full compliance with national and international obligations and respect for human rights.¹⁸⁹ However, different responses coming from Asian country such as China that support Duterte war on drugs.¹⁹⁰ China claims that Duterte has been a good move by putting drugs problem as the top priority.¹⁹¹

Another respons are from Japan, that did not really give specific action toward Duterte movement. Because of Japan agenda and relationship with Philippines, Japan Prime Minister Shinzo Abe did not speak too much about the matter.¹⁹² Therefore the

¹⁸⁶ http://www.bbc.com/indonesia/forum/2015/04/150429_forum_eksekusi_mati_diplomatik Ibid.

¹⁸⁷ <http://www.un.org/apps/news/story.asp?NewsID=50691#.WhGCH1WWa00> Access on 19 Nop. 17. 20:10PM

¹⁸⁸ Human Right Watch. 2017. *Op.cit.* p:98

¹⁸⁹ Ibid. p:102

¹⁹⁰ Ibid. p:104

¹⁹¹ Ibid.

¹⁹² Ibid. p:103

last one is from United Nation, Secretary-General Ban Ki-moon stated that war on drugs in Philippines extremely disturbed.¹⁹³

¹⁹³ Ibid. p:106