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**CRIMINAL POLICY TOWARDS OVERCOMING DRUG ABUSE CRIMINAL ACTS IN  
CLASS IIA BINJAI CORRECTIONAL INSTITUTION (Research Study in II A Binjai  
Prison)**

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**Abstract**

Imprisonment is intended to provide a deterrent effect and rehabilitate offenders so they can be reintegrated into society. However, inmates are still found violating Article 4 letter g of the Ministry of Law and Human Rights Number 6 of 2013, namely being involved in the storage, distribution, or use of narcotics and other dangerous substances in prisons. This study aims to explain the efforts made by officers to prevent narcotics abuse, both through penal and non-penal means, as well as the obstacles and supporting factors in overcoming narcotics abuse in the Binjai City Penitentiary.

The research method used is descriptive qualitative research. The research approach uses an empirical legal approach, with analysis, interviews, observation, and documentation.

The research results show that drug abuse in Binjai Prison is triggered by internal factors such as the involvement of certain wardens, weak supervision, and the influence of inmates, as well as external factors such as the prison's vulnerable location and minimal security. Combating drug abuse in Binjai Prison faces various obstacles, such as overcapacity, limited rehabilitation facilities, the involvement of certain officers, and weak supervision of visits. However, there are supporting factors such as cooperation with the Binjai National Narcotics Agency (BNNK), the commitment of prison leaders, the implementation of the P4GN program, and an improved monitoring system, which contribute to strengthening drug eradication efforts in the correctional environment. The implementation of sanctions for inmates who abuse drugs includes internal disciplinary sanctions, the granting of behavior-based remissions, medical and social rehabilitation programs, and additional legal processes for new violations.

**Keywords:** Criminal Policy, Criminal Acts, Drug Abuse.

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**INTRODUCTION**

Indonesia, as the world's largest archipelagic nation, possesses unique geographic characteristics, yet simultaneously harbors strategic vulnerabilities that cannot be ignored in the context of combating transnational crime. Its location between two continents and two oceans makes Indonesia a transit route for international trade, both legal and illegal, including narcotics trafficking and smuggling. Its vast territorial waters, numerous small, poorly monitored ports, and weak early detection systems for narcotics crime make Indonesia a destination and transit country for international narcotics trafficking (Arifin, 2020).

Indonesia is not only a transit region, but has also become a major market for illicit drug trafficking. Data shows that the prevalence of drug abuse continues to increase annually. According to data from the National Narcotics Agency (BNN) and the Indonesian Institute of Sciences (LIPI), the number of drug abusers in Indonesia reached 3.6 million in 2022, and is predicted to continue to grow without comprehensive policy intervention (BNN, 2022). Among this user population, adolescents and young adults are the most vulnerable and dominate the number of victims of drug abuse. This is due to psychological, social, and cultural factors that make adolescents easy targets for illicit drug trafficking.

The phenomenon of drug abuse among children and adolescents is particularly worrying because they are the nation's future generation, playing a strategic role in national development. In the context of developmental psychology, adolescents are in an exploratory phase where curiosity, peer pressure, and the search for identity often lead them to engage in deviant behavior, including experimenting with drugs (Hurlock, 2001). Drug dealers exploit this psychological state as a loophole to spread their influence, turning adolescents not only into users but also into intermediaries in drug distribution networks.

In fact, Indonesia has a fairly comprehensive legal framework to combat drug abuse. Law No. 35 of 2009 concerning Narcotics explicitly defines narcotics as substances or drugs derived from plants or non-plants, whether synthetic or semi-synthetic, that can cause decreased consciousness, loss of pain sensation, and dependence (Article 1 number 1 of Law No. 35 of 2009). In addition to providing a definition, this law also stipulates the classification of narcotic types, as well as severe criminal sanctions for perpetrators of narcotic abuse, distributors, and producers.

However, despite the availability of these legal instruments, social reality shows that criminal policies in combating drug crimes have not been optimally effective. This is evident in the persistently high recidivism rate among drug convicts. Correctional institutions (Lapas), which should be places for the rehabilitation and development of inmates, often become fertile grounds for the development of illicit drug trafficking networks operated by the inmates themselves. This phenomenon has tarnished the ideal function of correctional institutions as stipulated in Law Number 12 of 1995 concerning Corrections.

One case that has come to light and attracted public attention is the circulation of narcotics within the Class IIA Binjai Penitentiary, where inmates were found to be able to continue drug transactions from behind bars. This indicates that the security and oversight system within the correctional facility remains very weak. Furthermore, a fundamental problem that exacerbates the situation is the lack of separation between drug users inmates who require medical and social rehabilitation and drug dealers or dealers, who should receive separate treatment (Siregar, 2023).

The Corrections Law actually provides different guidelines for rehabilitation based on crime classification, age, gender, and length of sentence. However, the implementation of this policy remains far from ideal. Inmates convicted of drug abuse often lack adequate rehabilitation services and are instead trapped in a uniform and repressive rehabilitation system that neglects the psychosocial and medicolegal aspects of their drug addiction (Gunarto, 2019).

A sentencing paradigm focused solely on imprisonment without a rehabilitative approach has resulted in overcrowding in various correctional institutions in Indonesia. Data from the Directorate General of Corrections shows that prison and detention center capacity in Indonesia has exceeded the ideal limit. Of a total capacity of approximately 135,000 inmates, the current number of inmates has reached over 270,000, with drug convicts accounting for over 50% of the total population (Ditjenpas, 2023). This situation not only leads to poor quality of education but also increases the opportunity for drug transactions within prisons due to weak control and supervision.

Furthermore, the weak integrity of some correctional officers exacerbates the situation. Numerous cases have shown officers' involvement in facilitating the entry of narcotics into prisons. This type of corrupt behavior is certainly intolerable, as it undermines public trust in correctional institutions. The success of the correctional system in rehabilitating inmates depends heavily on the integrity and professionalism of the officers who administer it (Zainuddin, 2021).

The government has actually attempted to implement a more progressive policy approach, one of which is the concept of depenalization for drug users who are truly victims of abuse. Through rehabilitation mechanisms, drug users should be placed in rehabilitation centers, not prisons, so they can recover from their substance dependence and return productively to society. This aligns with the spirit of Article 54 of Law Number 35 of 2009, which states that drug addicts are required to undergo medical and social rehabilitation.

Unfortunately, the implementation of this rehabilitation policy still faces various challenges, including budgetary constraints, infrastructure, medical personnel, and overlapping implementing

regulations. As a result, many drug addicts remain convicted and placed in prisons rather than rehabilitation facilities. Furthermore, the lack of a robust, integrated assessment system to differentiate between users, couriers, and dealers is also a major contributing factor to the policy's ineffectiveness.

The research conducted at the Class IIA Binjai Penitentiary aims to assess the effectiveness of the criminal policies implemented to address drug abuse and to identify systemic weaknesses in the prison's guidance of drug convicts. Binjai Penitentiary is an appropriate location because drug trafficking by inmates here is not a one-off occurrence but has become a recurring phenomenon, reflecting serious structural problems within the correctional system (Harahap, 2023).

This study will focus on analyzing criminal policy, namely substantive, formal, and executive criminal law policies in addressing drug crimes, particularly within correctional institutions. This includes assessing the effectiveness of legal instruments, the implementation of guidance, and evaluating the rehabilitative capacity of correctional institutions themselves. This approach is expected to provide a comprehensive understanding of how criminal law functions not only as a repressive tool but also as a preventive and rehabilitative tool in shaping more humane and adaptive policies to address the phenomenon of drug abuse.

In closing this introduction, it is important to emphasize that efforts to combat drug abuse cannot rely solely on a penal or punitive approach. A comprehensive criminal policy is needed, encompassing legal, health, social, and psychological dimensions. The state must be involved seriously in strengthening rehabilitation capacity, improving the correctional system, strengthening the classification of prisoners, and taking firm action against officers who commit irregularities. Partial and repressive policies have proven ineffective in curbing the flow of drug trafficking. Therefore, through this research, the author seeks to raise awareness that criminal policies against drug abusers must be critically reviewed and formulated within a more progressive and holistic framework to protect the nation's future generations from the increasingly massive and systemic dangers of narcotics.

## **METHOD**

A research method is a way of doing something for a purpose: searching, recording, formulating, and analyzing it until it becomes a report. Writing a good scientific paper requires precision and hard work to obtain maximum results in accordance with scientific research procedures and standards. The research method used in writing this scientific paper is a descriptive qualitative research method, namely research that aims to describe or illustrate a problem in a particular area or at a particular time. This research aims to systematically, factually, and accurately describe a population in a particular area, regarding certain traits, characteristics, or factors. In compiling and implementing data related to the formulation of the problem being investigated, the research must be complete. The type of research is a technique or method used to answer the formulation of the problem being raised. Based on the formulation of the problem and the objectives of this research, the approach used by the author is an empirical juridical approach. Juridical is a rule or legal norms that apply and serve as a basis for assessments such as legislation, customs, ethics, and morals. Meanwhile, empirical is a method used by someone to increase knowledge through direct observation. So empirical legal research is an approach that refers to applicable laws and regulations in order to uncover various problems that will be researched in the field that adhere to normative provisions.

## **RESULTS AND DISCUSSION**

### **Penal Efforts to Address Narcotics Abuse Crimes in Binjai Prison**

Binjai Class IIA Penitentiary is one of the correctional institutions in North Sumatra that currently faces serious challenges in controlling drug abuse and illicit trafficking within the institution. Within the framework of criminal law enforcement, penal or repressive countermeasures are one of the primary strategies for dealing with drug crimes committed by inmates and officers. This strategy refers to a series of legal actions ranging from investigation and prosecution to criminal penalties for criminal violations, both against inmates and other internal parties proven to be involved.

At Binjai Prison, penal enforcement efforts are implemented through cross-agency coordination, involving the Binjai City Police, the National Narcotics Agency (BNN), and internal correctional officers. When strong indications of drug trafficking are found within the prison, the initial actions taken are internal and external investigations, incidental searches, and evidence collection for subsequent legal proceedings. These searches often uncover illegal communication devices such as cell phones, drug paraphernalia, and narcotics hidden in inmates' cells (Gunarto, 2019).

One of the main steps in penal handling is legal action against prisoners and detainees involved in drug abuse. This action is carried out by referring to Law Number 35 of 2009 concerning Narcotics, where in Article 114 paragraph (1) it is explained that anyone who offers, sells, buys, receives, acts as an intermediary in the sale and purchase of, or delivers class I narcotics unlawfully can be subject to imprisonment of between five and twenty years. Meanwhile, Article 127 paragraph (1) letter a regulates sanctions for narcotics abuse for oneself, which can be punished with up to four years in prison. This rule is the basis for imposing additional criminal sanctions on prisoners who commit violations again during their detention period (Fitri, 2021).

However, this action does not only target prisoners, but also prison officers who are proven to have played a role in facilitating the entry of narcotics into the institution. Facts show that in some cases, the narcotics distribution network within the prison would not be possible without the involvement of a small number of officers. Therefore, officers who are proven to have committed violations are also subject to criminal sanctions in accordance with Law Number 35 of 2009 as well as administrative sanctions based on Law Number 5 of 2014 concerning State Civil Apparatus (ASN). Article 10 paragraph (1) letter d of the ASN Law explains that ASN who violate the law can be subject to severe disciplinary sanctions up to dishonorable dismissal (Sumarno, 2022).

As an internal preventative measure, Binjai Prison also routinely conducts urine tests on correctional officers. On May 20, 2025, 84 officers underwent urine tests, and all tested negative for drugs. These results serve as an early indicator of the institution's commitment to maintaining a clean work environment free from drug abuse (Kemenkumham North Sumatra, 2025). Furthermore, internal oversight is also strengthened through an internal compliance unit and the involvement of external oversight from the National Narcotics Agency (BNN) and law enforcement agencies.

The penal code strategy also includes routine and incidental searches of inmates' rooms as a precautionary measure against the potential storage or use of narcotics within the cells. Routine searches are conducted weekly, targeting suspected blocks, while incidental raids are conducted suddenly based on incoming intelligence information. A raid conducted in March 2022 uncovered a number of prohibited items, including cell phones, chargers, and other illegal communication devices (BNNK Binjai, 2022). This raid was conducted in accordance with Minister of Law and Human Rights Regulation Number 6 of 2013 concerning Correctional and Detention Center Regulations, which authorizes officers to conduct searches to maintain order and security.

Another preventive measure is the separation of prisoners based on risk level. This is regulated in Law Number 22 of 2022 concerning Corrections, specifically Article 36 paragraph (4), which states that prisoner placement must take into account factors such as age, gender, and risk assessment. High-risk prisoners, such as drug dealers, are placed in units with extra-strict supervision, while low-risk drug users can be included in counseling and rehabilitation programs. This strategy is important to prevent the formation of new drug networks within the prison environment (Azhali, 2023).

This segregation policy has not been optimally implemented due to limited capacity and human resources. Binjai Prison, like many other prisons in Indonesia, is experiencing overcrowding, leading



to a mix of drug users, dealers, and general inmates. This mix increases the risk of drug networks spreading within the prison. Therefore, a systematic and accurate risk assessment is essential to group inmates proportionally.

The penal response implemented by Binjai Prison also prioritizes cross-institutional collaboration. On May 19, 2025, Binjai Prison and the Binjai City National Narcotics Agency (BNNK) signed a memorandum of understanding regarding cooperation in drug prevention, eradication, and rehabilitation. This collaboration includes routine urine testing, joint raids, outreach to officers and inmates, and a community-based rehabilitation program. This synergy was also strengthened through a coordinated visit between the Head of Binjai Prison and the Head of the Binjai District Attorney's Office as part of the integration of law enforcement in the region (Indra, 2025).

However, a penal approach cannot be understood as the sole solution. This strategy must be complemented by non-penal approaches that are preventive and rehabilitative. Rehabilitation efforts for drug abuse prisoners are necessary to reduce recidivism rates and create sustainable social reintegration. Research shows that prisoners who receive rehabilitative interventions are less likely to reoffend after release (T. Riza, 2021).

From this analysis, it can be concluded that penal countermeasures in Binjai Prison include five main steps: (1) legal action against inmates and detainees involved in drug abuse, (2) routine and incidental searches and raids, (3) action against involved prison officers, (4) separation of inmates based on risk level, and (5) cooperation between law enforcement agencies. These five steps demonstrate that countering narcotics in the correctional environment requires strong coordination, institutional integrity, and continuous systemic reform. Without these, correctional institutions are at risk of becoming new epicenters for more systemic and hidden narcotics distribution.

### **Inhibiting and Supporting Factors in Overcoming Narcotics Abuse Crimes in Binjai Prison**

Drug abuse within the Class IIA Binjai Penitentiary is a complex problem rooted not only in weaknesses in the internal oversight system but also in various structural and cultural barriers inherent in correctional governance in Indonesia in general. Despite various countermeasures efforts by the prison and related agencies, the reality is that the practice of smuggling, storing, and distributing narcotics within prison walls continues to occur with increasingly sophisticated and systematic patterns. In this context, it is important to further examine the various factors that hinder and support the implementation of drug abuse prevention policies in Binjai Penitentiary, so that the proposed solutions can comprehensively address the root of the problem and not simply be reactive responses.

One of the most fundamental obstacles that has long been highlighted in Indonesia's correctional system is the issue of overcrowding. At the Class IIA Binjai Penitentiary, overcrowding has become a chronic phenomenon, resulting in an imbalance between the number of inmates and the number of supervisors. The latest data shows that as of December 2024, the number of inmates reached 1,300, while the institution's ideal capacity is only around 800. This creates a surplus of 500 inmates, or approximately 62% above normal capacity (Ditjenpas, 2024). This overcrowding has direct implications for the quality of supervision, the effectiveness of guidance, and the implementation of drug rehabilitation programs, which fundamentally require adequate space and support systems. When the number of officers is disproportionate to the number of inmates, gaps in supervision are often exploited by drug networks to conduct their operations from within the prison. It is not uncommon for inmates with user status, even dealers, to freely communicate with outside parties, either through illegal cell phones or through logistics networks that escape surveillance. In conditions like this, prisoners are not only objects of development, but also active actors in managing an organized narcotics distribution network.

Overcrowding due to overcrowding contributes to an environment that is not conducive to rehabilitation and development. Inmates are forced to live in stressful social situations, with minimal privacy, and limited access to mental health facilities and isolation rooms. In such a climate, interactions between inmates become uncontrolled, creating the potential for drug networks to recruit other inmates who are less socially or economically stable. Various criminological studies have

shown that overcrowding in prisons is often a major trigger for violence, intergroup conflict, and illegal activities such as drug trafficking and extortion (Sumartono, 2019).

Another equally serious obstacle is the involvement of certain officers in drug trafficking within prisons. This phenomenon reflects the abuse of power and weak integrity within the prison bureaucracy. Common methods include granting inmates communication access, smuggling evidence through food or logistics channels, and administrative assistance that facilitates the flow of information between inmates and outside parties. The involvement of certain officers not only undermines institutional morale but also strengthens inmates' trust in the continuity of drug networks. Even the Chief of the Indonesian National Police, General Listyo Sigit Prabowo, stated in a statement that the majority of drug trafficking in Indonesia is controlled from within correctional institutions, indicating collaboration between perpetrators inside and outside prisons, including the very officers who are supposed to be the moral guardians of the system (BNN, 2023). In certain cases, certain officers are even actively involved in the distribution and sale of narcotics, worsening the position of correctional institutions as rehabilitation centers that should be free from criminal practices.

In addition to internal structure and integrity issues, the lack of rehabilitation facilities is also a major stumbling block in tackling drug abuse. At Binjai Prison, the number of drug users requiring psychosocial care and support is very high, while rehabilitation facilities such as therapy rooms, addiction counselors, and social reintegration programs remain severely limited. The lack of budgetary support and professional human resources in the rehabilitation field means that addiction recovery programs are sporadic and do not address the real needs of inmates. Inmates who should be undergoing medical and social rehabilitation are instead treated the same as general criminal inmates, without any separation or individual risk assessment. This results in ineffective rehabilitation programs and a high risk of recidivism, where former inmates return to drug abuse because they never underwent a comprehensive recovery process during their sentences (Fitri, 2021).

Equally important, drug smuggling through visiting channels is also a crucial loophole that has yet to be fully addressed. The visitor screening system still relies heavily on a manual approach that relies heavily on the skill and honesty of officers. The lack of sophisticated detection equipment such as X-ray scanners, body scanners, or sniffer dogs significantly increases the chances of illicit goods entering. In many cases, outsiders visiting inmates smuggle narcotics in food, clothing, or personal items that are difficult to detect with the naked eye. Several reports even indicate that bribery of officers is commonplace to secure the passage of these illicit goods. As a result, the visiting process, which should be part of social recovery, has instead become a primary route for drug distribution within prisons (Azhali, 2023).

Despite numerous challenges and obstacles, Binjai Prison also demonstrated several supporting factors that can provide a strong foundation for efforts to combat drug abuse. One of the most significant factors is the strategic collaboration between the prison and the Binjai City National Narcotics Agency (BNNK). This collaboration includes regular urine tests for officers and inmates, outreach on the dangers of drugs, life skills training, and community-based counseling. This collaboration not only creates transparency in internal oversight but also strengthens the institution's capability to detect and address potential irregularities early on. According to an official BNNK report, in May 2025, 84 Binjai Prison officers underwent urine tests and all tested negative for drugs, a milestone that demonstrates the institution's commitment to maintaining personnel integrity (BNNK Binjai, 2025).

The commitment of prison leaders is also a crucial element in strengthening the direction of anti-narcotics policies within correctional institutions. The Head of Binjai Prison, Wawan Irawan, has on numerous occasions demonstrated an open attitude to cross-sector collaboration and emphasized the importance of synergy between institutions as key to breaking the chain of drug trafficking within prisons. Transparent, inclusive leadership with moral integrity provides a moral force that can motivate all levels to work within strict legal and ethical boundaries. This commitment has also been proven to increase the frequency of internal reporting and the courage of officers in rejecting bribery or collusion with inmates (Indra, 2025).

Furthermore, the structured implementation of the Prevention, Eradication, Abuse, and Illicit Trafficking of Drugs (P4GN) program has also had a significant positive impact on climate change within Binjai Prison. This program combines educational, rehabilitative, and preventive approaches through activities that address all elements of the prison. Regular counseling on the dangers of narcotics, alternative skills training, and mental and spiritual development are part of the program design, which aims to build inmates' resilience against the temptations of drugs. The program's effectiveness lies in its consistent implementation and the active involvement of all parties, from prison officers and the National Narcotics Agency (BNN), to civil society organizations engaged in social rehabilitation (Riza, 2023).

Complementarily, improved monitoring and inspection systems are also crucial factors in maintaining order within the prison environment. Visitors and their belongings are now inspected under strict supervision and more systematic procedures. In addition to physical inspections, incidental raids on inmates' rooms are routinely conducted, often involving external parties to ensure objectivity. The commitment to implementing the zero-tolerance principle for drugs is part of an internal reform driven by the desire to create correctional facilities that truly serve as places of reform, not hidden centers of crime.

Considering all these dynamics, it can be concluded that drug abuse prevention in Binjai Prison still faces various serious obstacles that require comprehensive structural and cultural reform. However, various supporting factors that have emerged indicate significant potential for creating a clean, safe, and rehabilitative correctional environment. Reform cannot simply involve strengthening repressive measures; it must be accompanied by institutional reform, increased integrity of the apparatus, and the involvement of civil society as active partners in the process of reintegrating prisoners into society.

## **CONCLUSION**

Based on the description and analysis of the obstacles and supporting factors in addressing drug abuse crimes at the Class IIA Binjai Penitentiary, it can be concluded that this problem is systemic and multidimensional. Major obstacles, such as overcapacity, limited rehabilitation facilities, the involvement of certain officers, and weak oversight of visits, have created fertile ground for the development of drug trafficking networks within the correctional facility. However, collaboration with the Binjai National Narcotics Agency (BNNK), the commitment of prison leaders, the implementation of the P4GN program, and increased oversight demonstrate that institutional reform is still highly feasible, provided it is accompanied by consistent policies and cross-sectoral support.

As a strategic recommendation, integrated legal, institutional, and social measures are needed to create a truly drug-free correctional system. The government needs to review its criminalization policy for drug abusers, prioritizing a rehabilitative approach rather than a purely repressive one. Furthermore, strengthening internal oversight, improving the quality of human resources, utilizing modern detection technology, and enforcing the law against officers involved must be prioritized. Correctional reform cannot be merely symbolic; it requires a real commitment from all law enforcement agencies to ensure that correctional institutions truly become places of development, not epicenters of crime.

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