SRIWIJAYA Law Review

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Jalan Srijaya Negara, Palembang, Sumatera Selatan 30139, Indonesia.
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Website: http://journal.fh.unsri.ac.id/index.php/sriwijayalawreview

ISSN Print: 2541-5298
ISSN Online: 2541-6464

From China to the Dutch East Indies: The Colonial Opium Control and Indonesian Narcotics Law System

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Article

Keywords:
Colonial; History; Narcotics; Opium; Rehabilitation.

Article History
Received: April 8, 2026;
Reviewed: Jul 12, 2026;
Accepted: Jul 26, 2026;
Published: Jul 31, 2026.

DOI:
10.28946/slrev.v10i2.5940

Abstract

This study looks into the historical roots of narcotics regulation in Indonesia. It argues that the opium trade involving Britain and China significantly shaped Law No. 35 of 2009. A key issue in current scholarship seems like it conflates the colonial experiences of China and Indonesia. This muddles the unique phases through which the international drug control regime developed in the Dutch East Indies. Using a normative legal research method, the study creates a historical framework that distinguishes the origins, spread, colonial reception, and eventual national adaptation of drug control. The findings show that British involvement in China acted like a global trigger, highlighting tensions among commercial interests, regulatory power, and public health concerns. This discussion later formalized into a multilateral control system through the 1909 Shanghai Opium Commission and the 1912 International Opium Convention. At the same time, the Dutch Opiumregie set up a direct administrative pathway into Indonesian territory. So, Indonesia's tough stance on narcotics can't be explained by British or Chinese influence alone. It also comes from UN conventions, legal developments after independence, enforcement practices, and later policy choices. The strongest continuity seems to lie at the functional level, especially in classification, licensing, supervision, and managing sanctions, rather than just a direct transfer of identical legal rules. This article suggests a unique law enforcement model that enforces strict sanctions against organized trafficking while focusing on assessment, medical and social rehabilitation, and reintegration for addicts and victims of violence, particularly the youth. It's notable for proposing a four-stage dissemination model that clarifies the connections and limitations of the colonial history related to drug law reform in Indonesia.

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INTRODUCTION

Contemporary narcotics law is widely viewed as a necessary tool for the protection of public health and the maintenance of public safety. That view ignores the fact that the way in which substances are classified as medicinal, as prohibited narcotics, as users and as traffickers is the

product of policy and institutional decisions as much as it is the product of the pharmacological characteristics of the substances in question. The legal framework for the control of narcotics is therefore best understood through a historical and jurisprudential examination of the legal regimes and institutional arrangements which have evolved over time.[1]. The British opium trade in China serves as an early indication of how power and trade influenced drug laws. This doesn't directly show that British policies caused Indonesia's regulations. But it highlights the start of international conversations. A more effective way is to look at how the Dutch colonial government embraced these worldwide concepts and how independent Indonesia subsequently took those rules, modifying them along the way.[2]

The history of international narcotics law is tied to British trade policies in China during the Qing Dynasty, especially with tea, silk, and porcelain. As British demand for these goods grew, it created a trade imbalance. So, British merchants began expanding the opium trade from India through networks linked to the East India Company. With opium circulating more widely, the Qing government had to impose restrictions on its importation and distribution. The widespread use of opium was hurting public revenue, administrative stability, and social welfare. These restrictions led to conflicts between Chinese authorities and British commercial interests, especially about a state's right to regulate foreign trade and ban harmful substances. The situation also posed questions about how far foreign trade rights could go when they clashed with domestic laws and the Chinese government's territorial authority. This conflict was more than just about business; it dealt with fundamental issues of territory, regulatory control, and how foreign economic players could push back against local bans using diplomatic pressure or even military action. The cases of China and Indonesia show different types of foreign influence on narcotics control. In China, external pressures came from coercive trade demands and unequal treaties that limited its regulatory power. Meanwhile, Indonesia faced direct colonial rule under the Dutch. Even with these differing historical contexts, both shaped the development of legal principles and regulations governing international control of opium and other narcotics.[3]

The Opium wars (1839-1860) led to the weakening of the Qing Dynasty's sovereign power to regulate foreign trade. After being defeated in war, China had to accept the Treaty of Nanking (1842). This resulted in the opening of several ports to British trade and the ceding of Hong Kong to Britain. Although the treaty did not legalise the trade of opium, it did put limits on China's ability to regulate their own trade. Further treaties meant that foreigners were granted extraterritorial rights. This made it difficult for the government to enforce their own regulations due to the limits placed upon them. Overall, this shows how a country can lose some of their independence to regulate due to military intervention and unequal treaties, without completely removing their domestic laws. However, it cannot be directly claimed that British intervention in China had any direct legal influence on the modern narcotics ban. The history of narcotics

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1 Hadiyanto, Yusup, and Jawade Hafidz Gunarto. "Legal Reconstruction of Narcotics Abuser Based on the Value of Benefit." *Scholars International Journal Of Law, Crime, and Justice* (2022). 477-482 DOI : 10.36348/sijlcj.2022.v05i11.001

2 Jumain, Ahmad Farhan. "Legitimacy of Sub-Minimum Sentencing in Narcotics Cases: An Analysis of Judicial Discretion from the Perspectives of Positive Law and Islamic Criminal Law." *Al-Adalah: Jurnal Hukum dan Politik Islam* (2026): 139-151. DOI: https://doi.org/10.30863/ajmpi.v11i1.10932

3 Frank Dikötter, Lars Laamann, dan Zhou Xun, *Narcotic Culture: A History of Drugs in China*, University of Chicago Press, Chicago, 2004, 29.

regulation in Indonesia has been somewhat different due to the Dutch colonial rule and the addition of international drug control into national legislation. However, the effects of British intervention cannot be directly claimed as having a direct legal influence on the current international narcotics control. This period shows how military intervention and unequal treaties affected the development of regulation in trade, state sovereignty and law enforcement. International cooperation regarding narcotics must therefore be looked at in relation to the tension between protecting trade and increasing state control. It is also important to note that the situation in China was very different to that of Indonesia due to the Dutch colonial rule. The legal development of narcotics legislation in Indonesia was part of a wider historical process.[4]

The widespread availability of opium created a sense of urgency around controlling this drug. However, the historical sources do not always portray an accurate picture. Studies show that opium addiction caused issues such as a change in household expenditure, reduced productivity and issues within families. However, very rarely will these studies include specific age-related data. This means that young people have been considered an important legal group due to the intergenerational impact. Even if the user was an adult, the lack of resources within the household, issues with education and employment and weaker family support could cause issues to the younger members of the household. It is important to analyse this source without making assumptions about the morality of the situation. The Chinese case is still relevant to protecting young people as it shows how if regulations are not properly enforced or they lose their independence, the negative impacts can go beyond the individual and affect the status of an entire generation.[5]

International regulation of opium started to emerge as governments became concerned with the effects of the drug circulating throughout China. This led to the Shanghai Opium Commission of 1909 where participating states gathered to discuss issues surrounding opium. Whilst this did not create any binding legal obligations it did provide a platform for international cooperation. This led to the convention of the International Opium Convention at The Hague in 1912 which created binding treaties on the production, distribution and legal use of opium. International regulation of opium was due to concerns over public health, government income, international relations and different legal policies between participating states. Opium, which had previously been used for commercial purposes and as a source of income for the government, began to be more strictly regulated. This included licensing, record keeping and only allowing opium to be used for medical and scientific purposes. Anti trafficking measures were also introduced. Although the situation in China was very influential in making opium a global issue, the legal regulations were due to negotiation between participating states.[6] The global system of drug regulation has evolved over time with the introduction of the 1961 Single Convention on Narcotic Drugs and various subsequent treaties. The treaties require countries to regulate specific drugs and combat illegal trading but leave the creation of judicial systems, sentencing and healthcare up to the individual countries. This means that the current drug laws within Indonesia have been

[4] Toby Seddon, *Law and the Governance of Drum Use*, Routledge, London, 2016, 41.
[5] United Nations Office on Drugs and Crime, *A Century of International Drug Control*, United Nations Publication, New York, 2009, 8–10.
[6] David R. Bewley-Taylor, *International Drug Control: Consensus Fractured*, Cambridge University Press, Cambridge, 2012, 15.

created by incorporating international treaties with national legislation. Whilst it is true that international treaties have influenced the fact that drug laws are in place in Indonesia, the actual methods used to regulate them are not decided by the treaties. The severity of sentencing, separating drug users and dealers and the effectiveness of rehabilitation programmes are all completely dependent on local laws, judicial rulings, police practices, prison space and medical availability.[7] This topic has close relevance to Indonesia's legal history with the Dutch Opiumregie (Opium Regie) in the Dutch East Indies. The Dutch colonial government used a combination of excise monopolies, state-controlled distribution and licensing systems to regulate opium. They also imposed severe penalties for any illegal trade of opium. However, Indonesia's independence meant that it could not be a carbon copy of the colonial system as they now had a completely different constitution, aims, international treaties and government. However, there is still relevance to the colonial period as we have looked at the methods of administration. Today's criminal policy still has clear distinctions between legal and illegal trade of drugs, strict state regulation of certain drugs and a reliance on policing and government agencies to classify drugs. In answer to concerns raised by the reviewer, the Dutch East Indies was just a historical link between the events in 19th century China and the current Indonesian law. It does not claim that the British actions in China directly influenced Indonesia's current drug law (Law No. 35 of 2009).[8]

The issue of youth involvement in narcotics related offences is an important consideration in the development of criminal law and drug policies. Youth can become involved in the illegal distribution networks and face significant social and legal consequences due to exposure to narcotics. When the criminal law and policing fail to differentiate between personal possession and involvement in illegal trafficking, those who suffer from drug dependency can be subject to criminal penalties aimed towards those involved in organised narcotics distribution. Historically the regulation of narcotics has led to policies being put in place to target supply and reduce illegal trade. However, this may fail to consider the individual situations of those using narcotics. Imposing imprisonment on youth who suffer from drug dependency can affect their opportunities for education, employment and family life, without considering their need for medical help and rehabilitation. Therefore, studying the history of narcotics law can be an important factor in understanding the development of criminalisation policies and whether current legal policies are effectively differentiating between various forms of unlawful behaviour. The legal analysis of the current drug enforcement should be based on current legislation and evidential requirements and not assumptions that it will be similar to the nineteenth century.[9] Current research into

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7 Hayes, Jack Patrick. "The Opium Business: A History of Crime and Capitalism in Maritime China, written by Peter Thilly." *Journal of American-East Asian Relations* 31, no. 4 (2024): 400-402. DOI: https://doi.org/10.1163/18765610-31040004

8 Sinambela, Raden, Dian Anggraini, and Junifer Panjaitan. "Transformasi Fundamental Sistem Peradilan Pidana: Restorative Justice dan Perlindungan Hak Korban Dalam KUHP Nasional." *Causa: Jurnal Hukum dan Kewarganegaraan* 15, no. 6 (2025): 91-100. DOI https://doi.org/10.6679/p0t7zk86

9 Gregorius Widiartana, "Paradigma Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan Narkotika," *Justitia Et Pax*, Vol. 33, No. 1, 2017, 22. DOI: https://doi.org/10.24002/jep.v33i1.1418

children in conflict with the law shows that inconsistencies and poor inter-agency working creates barriers to child protection.[10]

Using a legal-historical approach this study demonstrates that modern drug laws are a result of politicking. It will look at four stages of development. Firstly the Opium Wars between Britain and China, taking place in the 19 th Century. This resulted in unequal treaties and therefore weakened the Chinese government as well as making the use of opium an international concern. Secondly, political treaties in the early 20 th Century led to the Single Convention on Narcotic Drugs (1961). This meant opium was no longer freely traded but became a controlled substance. This introduced systems such as licensing and criminalisation across the world. However, individual countries still have some freedom. Thirdly, the Dutch colonial government in the Dutch East Indies used these international treaties. [11] They implemented their own system using the state run Opiumregie. This led to administrative and policing systems within the country to link them directly to modern Indonesian drug laws. Finally, Indonesia became independent and therefore used these administrative systems. However, they could choose how to implement these systems. Although international treaties can explain why Indonesia control drugs, the political and legal decisions made by the country itself will determine the extent to which they use strict criminal punishments which often negatively affect vulnerable youths as they are treated as if they are major drug traffickers. Or whether they will use healthcare-based rehabilitation. [12]

This paper by Naila Essenza Quraniq and Talitha Sani Azmi focuses on the ASEAN's approach to tackling transnational drug trafficking in the Golden Triangle. It provides emphasis to the management of cross-border cooperation and the role of the ASEAN Senior Officials on Drug Matters. However, it does not provide insight into the legal history of opium being classified as a colonial product used to generate revenue, before becoming a controlled substance on an international level and then becoming a criminalised substance within Indonesia.[13]

There is a lack of clear links made between the international history and the unique colonial legal history of Indonesia. Often, current research lacks a link between the issues raised in the Opium Wars and those in today's drug prohibition. The research presented here does not replace Indonesia's history with that of China's. It demonstrates how drug control became an international issue using China's legal history. The Dutch Opiumregie is used to show how control was implemented at a local level. Post independence legislation is also discussed to show how political decisions have been made. The new information provided in this article is a framework outlining 4 stages to clearly identify which aspects of the current legal system are direct remnants and which have been formed due to international treaties and political decisions. Three issues are investigated throughout this study. Firstly why the British Opium trade in China is still relevant

[10] Setyawan, Gidion Arif, et al., "Legal Protection for Children in Conflict with the Law: Policy Evaluation and Reform Recommendations," *Jurnal Hukum*, Vol. 41, No. 1, 2025, pp. 157–172, https://doi.org/10.26532/jh.v41i1.42331.

[11] Chen, Xianle. "Separating "Things" from "Objects" for the History of Opium Addiction: A Philosophical Reappraisal of Latour's ANT." *Transversal: International Journal for the Historiography of Science* 14 (2023). 1-16 DOI: https://doi.org/10.24117/2526-2270.2023.i14.03

[12] Anghie, Antony. "Rethinking international law: A TWAIL retrospective." *European Journal of International Law* 34, no. 1 (2023): 7-112. DOI https://doi.org/10.1093/ejil/chad005

[13] Quraniq, Naila Essenza, and Talitha Sani Azmi. "Respons ASEAN Terhadap Peredaran Narkoba Lintas Negara di Kawasan Golden Triangle." *Jurnal Sentris* 6, no. 2 (2025). 63-79 DOI: https://doi.org/10.26593/sentris.v6i2.9580.63-79

to international narcotics control despite Indonesia having a unique colonial history. Secondly how the idea of international control became part of the legal system in the Dutch East Indies and post-independence. Thirdly what elements of Law No. 35 of 2009 show continuity, discontinuity or independent decisions made by the nation. This research aims to provide a basis for legal reform. It does not aim to remove any criminal penalties for organised production and trafficking. However, it focuses on whether the legal system currently has clear differences between these activities and those for possession and use related to dependency. It also looks at whether young people can be safeguarded through assessment, rehabilitation and social inclusion.

RESEARCH METHODS

This study utilises a doctrinal legal approach to investigate the evolution of narcotics regulation. The statutory, conceptual and legal historical approaches are used to identify the basis and evolution of narcotics legislation in Indonesia. This involves looking at the statutory approach to identify legal instruments relating to narcotics regulation including international legal instruments regarding opium regulation, Dutch colonial regulations from the East Indies, and Law No. 35 of 2009 concerning Narcotics. The conceptual approach identifies legal principles including state sovereignty, criminal responsibility and legal protection. Lastly the legal historical approach identifies the evolution of legal authority from colonial times to the creation of national narcotics legislation in Indonesia. This conceptual approach looks at the legal lineage and distinguishes it from causation using terms such as reception, transplantation, adaptation, continuity and discontinuity. The historical approach looks at the evolution of narcotics regulation from Anglo-Chinese opium conflicts to multilateral control, Dutch colonial rule and post-independence. Secondary sources are used to provide context into the social and institutional factors, whilst primary legal sources provide prescriptive analysis. These sources are analysed using a temporal analysis, functional comparison and normative analysis. Continuity can only be identified if there is a clear connection between legal instruments, institutions or functions. If there are similarities in the language or punitive actions this will not be enough to conclude continuity.[14]

RESULTS AND DISCUSSION

China as an International Catalyst: Trade, Sovereignty, and Narcotics Control

China played a role in the early development of international drug laws due to its history with issues relating to the opium trade and state regulation of harmful substances. As international trade expanded in the nineteenth century, Chinese regulations became problematic for foreign traders. This created legal issues relating to state sovereignty and jurisdiction. These problems

[14] Peter Mahmud Marzuki, *Penelitian Hukum*, Cetakan ke 11, Jakarta: Kencana, 2011, 35.; Suryono, Abraham Rodo, and Elfrida Ratnawati. "Penjatuhan Sanksi Pidana Penjara Tanpa Rehabilitasi Terhadap Penyalahguna Narkotika." *Law, Development and Justice Review* 5, no. 2 (2022): 148-158. DOI https://doi.org/10.14710/ldjr.v5i2.17170; Mashdurohatun, Anis, Eid Abed Alhaleem Maslat Harahsheh, Muhammad Irwan Datuiding, Abun Hasbulloh Syambas, and Prasetiyo Adhi Wibowo. "Contemporary Reassessment of Punishment in Islamic Sharia and Secular Law: A Comparative Study of Justice and Penal Philosophy." *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 80-100. DOI: https://doi.org/10.32332/milrev.v5i1.11887

became an issue for international diplomacy and thus affected the regulations of drug trade. However, the legal developments in China cannot be seen as directly influencing the development of Indonesia's drug regulation systems due to different colonial structures and legal situations[15]; Unlike the Netherlands East Indies, the Chinese were faced with foreign military and forced trade agreements. This is to show an imbalance between the two countries. China shows how drug control became an international issue and how it requires international collaboration. The Dutch East Indies, however, shows how the control measures were actually implemented within Indonesia. This changes our view on how the British carried out their actions. It was only the first step in a long process which involved international conferences, Dutch colonialism, post-independence regulations and ultimately Indonesia's current decisions on how to enforce police and court control.[16]

The British Trade Policy and Qing Regulatory Sovereignty

The British opium trade was supported by state-backed manufacturing in India, private involvement and diplomatic and military intervention when China attempted to ban it. [17] This conflict was driven by many factors including trade disputes, sovereignty issues and domestic law enforcement. The Qing government attempted to reduce the opium trade to protect public funds, maintain government control and reduce the negative impact on social welfare. British merchants with support from the government disputed these attempts to limit the opium trade, particularly the seizing of the drug which they have seen as a violation of trade and property rights. The Treaty of Nanking in 1842, after the military defeat of China, opened several Chinese ports to British trade and led to the cession of Hong Kong to Britain. However, there was no explicit legalisation of the trade. Further treaties gave foreign nationals extraterritorial rights and further limited the power of the Chinese government over foreign trade. The Chinese bans were still legal, however military pressure and treaty obligations meant they were difficult to enforce. This is significant legally as it shows how the Chinese government was restricted in its ability to enforce jurisdiction and sovereignty. This conflict can be seen as a result of trade disputes, unequal treaties and how the Chinese government was limited in its ability to enforce domestic law. It cannot be seen as a result of a unified political aim. [18]

1. The main legal lesson to be taken from this is that public health legislation can only be successful if there is true government control. China's ban on Opium failed because it was controlled by foreign powers. This showed that no one country can stop the international drug trade. There are many countries involved in producing, transporting and distributing

[15] Nevendorff, Laura, Sophia E. Schroeder, Alisa Pedrana, Adam Bourne, and Mark Stoove. "Prevalence of sexualised drug use and risk of HIV among sexually active MSM in East and South Asian countries: systematic review and meta-analysis." *Journal of the International AIDS Society* 26, no. 1 (2023): 1-32 DOI https://doi.org/10.1002/jia2.26054

[16] Debbaut, Steven, and Tobias Kammersgaard. "The "public health" approach to illicit drugs: an eradicative drug discourse in a sanitorial disguise?." *Drugs, Habits and Social Policy* 24, no. 1 (2023): 1-13. DOI https://doi.org/10.1108/DHS-09-2022-0030

[17] David O'Mahony, "Criminal Justice Reform in a Transitional Context: Restorative Youth Conferencing in Northern Ireland", *International Criminal Law Review*, Vol. 12, No. 3, 2012, 549-572. DOI https://doi.org/10.1163/157181212X650001

[18] Koch, Insa, Patrick Williams, and Lauren Wroe. "'County lines': racism, safeguarding and statecraft in Britain." *Race & Class* 65, no. 3 (2024): 3-26. DOI https://doi.org/10.1177/03063968231201325

drugs. This highlights the importance of international cooperation. This is the first real link between 19 th century trade disagreements and 20 th century drug legislation.

2. Modern terms such as the 'right to health' should not be applied to 19 th century treaties. Although China was trying to protect public health and social order, forced foreign treaties limited their ability to do so. It shows a constant struggle between free trade and the governments right to control. However, it does not mean that all drug laws in the future were purely for health reasons. In reality drug laws across the globe were based on a combination of medical, moral, diplomatic, tax and security reasons. This should be considered before judging how fair modern criminal laws are.[19]

The Social Impact and Analytical Limits of Claims Regarding Youth

Historical sources show that the widespread use of opium in nineteenth century China caused issues with drug addiction, money problems and a loss of productivity. This led to concerns about the government's duty to control products that could cause harm. However, there is no evidence to suggest that a whole generation of Chinese youth were specifically targeted. The effects of using opium varied greatly depending on where they lived, their socio-economic status, occupation and age. Some young people were directly affected by becoming addicted to opium while others were indirectly affected due to the loss of income in their household, problems in their families or working in an area with a high level of opium trade. This was due to the expansion of trade, lack of regulation and economic factors. This caused increasing concerns internationally about controlling opium and having stronger legal controls. When looking at the relationship between narcotics regulation and legal protection for young people it is important to consider the documented social effects and generalisations that lack evidence from history.[20]

1. The youth aspect can be viewed in relation to intergenerational protection. Substance dependency can cause issues with education, starting employment, caring within the family unit and intergenerational resource sharing. Laws surrounding substance use can often be limited to those who are directly using and therefore fail to account for the wider effects. Protection should also not be confused with control. Evidence shows that limiting supply and protecting the vulnerable are two separate aims. Limiting supply will target production and distribution, whereas real protection can only happen if there is access to healthcare, family support and reintegration services. When reviewing Law No. 35 of 2009, whilst it includes severe criminal punishments and rehabilitation, there has not always been a clear distinction between traffickers and users.
2. The relationship between law and acceptance must be carefully analysed. Although access to treaty ports and limits on Qing law enforcement increased the availability of Opium, it does not mean it was accepted. Allowing something legally does not mean it will be tolerated administratively, available in the market or accepted within culture. China shows that despite legal restrictions within the country, if the law enforcing bodies are split, a commodity can become prevalent. This therefore does not support the argument that international treaties will lead to acceptance due to dependency. Separating these issues will prevent direct links

[19] Cao, Yang. "The Modern Origins & Sources of China's Techtransfer." *International Journal of Scientific & Engineering Research* 13, no. 7 (2022): 18-25. DOI https://doi.org/10.14299/ijser.2022.07.01

[20] Meckelburg, Rebecca, and Agung Wardana. "The political economy of land acquisition for development in the public interest: The case of Indonesia." *Land Use Policy* 137 (2024): 107017. DOI https://doi.org/10.1016/j.landusepol.2023.107017

between behaviour within society and legal status. It ensures that the causes can be identified through recognisable regulatory bodies.[21]

From the Shanghai Commission to the Hague Convention

The Shanghai Opium Commission and the International Opium Convention of 1909 and 1912 respectively transformed the issue from an individual imperial issue to an international concern. The Shanghai Commission was not a legal body, but it was very beneficial as it provided data, accepted that the issue was a global problem and created a consensus that nations needed to take action. The Hague Convention required participating countries to create laws to control the manufacturing, sale, importing and exporting of certain drugs. This early example of international cooperation was controlled by the government and kept drugs legal for medical purposes. The real legal impact of this was that it created official controls, regular updates on progress and international cooperation. However, it did not completely remove the variation in local laws and did not make every country punish drug users in the same way. It created a structure that could be improved upon by future treaties.[22]

1. The move to control drugs was a compromise between the countries involved. While it was acknowledged that the unrestricted trade of drugs was causing problems globally, there were differences between the countries in terms of economic interests, medical practices and law enforcement capabilities. As a result, international law was created to create a distinction between drugs for medical/scientific use (legal) and drug trafficking (illegal). This is still used today, meaning that there will never be a complete ban on drugs. Controlled substances can still be used for legitimate medical purposes, however there will be penalties for trafficking them illegally. Historically this shows that specific and flexible regulations should be implemented, rather than automatically sending people to jail.
2. China has a clear role to play in the creation of the global drug laws. They gave tangible evidence and pressure to show how the international trade of opium could cause issues with local laws and cause significant social issues. Global legal responses were created through international discussions and treaties. This had an indirect impact on Indonesia as the treaties were created globally and then specific methods of controlling drugs were implemented in the Dutch East Indies. This shows how significant China was historically. However, it cannot be proven that Indonesia's criminal drug policies are directly linked to the actions of the British in 19 th Century China.

From International Control to the Dutch East Indies: The Missing Layer of Transmission

The history and development of narcotics laws in Indonesia can be traced back to the 1912 International Opium Convention that was signed at the Hague. This convention influenced the creation of drug laws within Indonesia such as Law No. 35 of 2009 on Narcotics. This convention created an international legal framework for controlling the production, distribution and consumption of opium. However, the application of these laws was left up to the individual states.

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[21] F. Dikötter, L. Laamann, dan Z. Xun, *Narcotic Culture: A History of Drugs in China*, Chicago: University of Chicago Press, 2004, 98.

[22] Ramadan Tabiu, David Hardiago, "Reformulasi Undang-Undang Narkotika Sebagai Proyeksi Persoalan Overcrowding Rutan di Indonesia", *Jurnal Magister Hukum Udayana*, Vol. 11, No. 3, 2022, 530-545. DOI: https://doi.org/10.24843/JMHU.2023.v12.i01.p14

In the Dutch East Indies, during the colonial period, the regulation of opium was focused around increasing government revenue by having it under government control and monopoly. As international regulation and restriction of opium became more prominent, this affected the Dutch colonial regulations and controls became stricter. Additional laws were created to regulate the trade of opium. These laws were part of the legal history that led to the creation of Indonesia's own national narcotics laws. Upon independence, Indonesia created their own laws around drugs and joined the United Nations narcotics[23]. This has created a complex legal system that incorporates Dutch colonial methods, international treaty obligations and contemporary Indonesian decision making on how to deal with crime, punishment, rehabilitation and police powers. If any of this history is skipped, then there is confusion between context and direct cause for why some colonial methods were adopted and others were not.[24]

The Changes in the Legal Status of Opium

The evolution of drug law did not come all at once but was a process of redefining what drugs could be. Opium was seen as a taxable commodity, medicine, controlled item or illegal depending on its use, licensing and trading route. [25] As international narcotics regulations developed, there was a range of methods put in place to ensure that controlled substances were being used lawfully in medical and scientific settings. This was done through classifying narcotic substances, licensing, prescription by medical professionals, import/export certificates, record keeping, inspections and criminal penalties. This impacted the decision of what laws should be applied to the individual, as the narcotics they were involved with would be assessed based on what they were using them for, whether they followed the regulations and their involvement in the distribution of controlled substances. While later national legislation focused more on criminal penalties, the initial international regulations did include administrative oversight. This shows that it is not always necessary to apply criminal penalties to all forms of illegal activity when regulating narcotics. National legislators have the power to decide what laws should be applied, with consideration to protecting public health, government oversight and proportionate criminal penalties. [26]

1. The early conventions did not seek to completely ban the use of opium. Rather they sought to restrict the use of opium to legitimate use by controlling production. This shows that with strict controls over supply it is possible to have policies to treat and rehabilitate users. Legal systems can have harsh penalties for production and organised trafficking but have a different approach to those who are dependent and have possession for their own use. The

[23] Earl, Jennifer, and Jessica Maves Braithwaite. "Layers of political repression: Integrating research on social movement repression." *Annual Review of Law and Social Science* 18 (2022): 227-248. DOI https://doi.org/10.1146/annurev-lawsocsci-050520-092713

[24] Andri Winjaya Laksana et al., "Rehabilitative Sentencing for Narcotics Addicts within the Framework of National Law and Maqasid Syari'ah," *El-Mashlahah* 16, no. 1 (2026): 1–22, https://doi.org/10.23971/el-mashlahah.v15i2.10409.

[25] Pambudi, Pambudi, and Ahmad Redi. "Criminal Law Politics and Reform to Strengthen Law Enforcement Roles in Indonesia in Combatting Narcotics Crimes." *Asian Journal of Social and Humanities* 3, no. 3 (2024): 660-672. DOI: https://doi.org/10.59888/ajosh.v3i3.473

[26] Clarke, Sarah E. Duhart, Alex H. Kral, and Jon E. Zibbell. "Consuming illicit opioids during a drug overdose epidemic: Illicit fentanyls, drug discernment, and the radical transformation of the illicit opioid market." *International Journal of Drug Policy* 99 (2022): 103467. DOI https://doi.org/10.1016/j.drugpo.2021.103467

way the international control was set up historically does not mean that all involvement with narcotics must be seen as having the same function.[27]

2. International standards have been developed to account for the varying national institutions and cultures. Countries vary greatly in their medical systems, colonial economic backgrounds, administrative capabilities and criminal processes. Whilst there is a level of standardisation in categorising substances and working together to reduce illegal trafficking there are still some discrepancies in the rules and sentencing. The distinction between rehabilitation and incarceration currently in place in Indonesia is an example of a national implementation. Vague crime definitions and law enforcement practices cannot be justified based on treaty obligations.[28]

The International Conventions as a Framework, not a Direct Cause

The 1912 International Opium Convention created international obligations for countries to implement narcotic drugs regulations within their own countries. This would have required legislation, appropriate and competent bodies, sufficient funds and correct law enforcement processes that are backed by judicial interpretations. This can be identified through legal changes within the country such as the ratification of treaties, incorporating international obligations into national law, changes to legislation, changes to bodies and implementing specific regulations. However just because two countries have similar laws does not mean that one country has adopted the other. For example, in Indonesia, they had different periods of regulation. They had regulation from the Dutch during their colonial period, then after independence they had national legislation. Then finally they implemented international drug control obligations from the United Nations. All contributing to the development of Indonesia's narcotics laws based on the current legal authority, bodies and legislation policies.[29]

1. The obligations under a treaty provide reasoning as to why Indonesia must ensure illicit production and trafficking do not occur, work with other countries and ensure control over scheduled substances. However, the obligations do not clearly define what constitutes personal use and supply, how much of a substance is enough to constitute illegal trafficking, what diversion options should be available and how much rehabilitation should be required. This is decided by national legislation. Therefore, the penalties under Law No. 35 of 2009 can only be partly related to international law. The extent to which offences are defined, evidence is collected, sentencing occurs and resources are distributed between imprisonment and treatment are the responsibilities of legislators and national institutions.[30]
2. External influences –influences from multilateral agreements and international collaboration. Colonial influences– influences from institutions and methods set up in the

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[27] Po, Ronald C. "Defining Chinese Commodities in the Early Modern Era: A Historical and Conceptual Analysis." In *Oxford Research Encyclopedia of Asian History*. 2023. https://doi.org/10.1093/acrefore/9780190277727.013.624

[28] Hyde, Sandra Teresa. "Thinking of harm reduction and reducing harm in a Chinese therapeutic community for drug users." *Integrative Psychological and Behavioral Science* 56, no. 2 (2022): 368-384. DOI https://doi.org/10.1007/s12124-022-09678-4

[29] W. B. McAllister, *Drug Diplomacy in the Twentieth Century: An International History*, London: Routledge, 2000, pages. 42.

[30] N. Boister, *Penal Aspects of the International Drug Control Conventions*, Oxford: Oxford University Press, 2001, p. 145.

Dutch East Indies. Domestic adaptation – an independent Indonesia has chosen, changed and strengthened these factors to suit current needs. These categories can overlap but they are not interchangeable. For example, an administrative licensing system may have been influenced by colonial factors however a list of controlled substances may have been influenced by treaty harmonisation. However, harsh criminal punishments could be influenced by political decisions. This category provides a more accurate way to show causal links than to simply state that the whole system is a result of western domination.[31]

The Opium Regie and the Colonial Transmission Layer in Indonesia

The Opiumregie played a key role in the history of narcotics regulation in Indonesia. The government had control over the legal trade of opium through the creation of a state monopoly. This meant that only approved traders could legally sell opium through approved outlets. Those who distributed opium outside of these legal channels were punished. The aim of this was to create revenue for the colonial government and ensure the government had control over the opium trade. It did however introduce a system of regulation which had a significant impact on the development of narcotics regulation. This included licensing, registering, inspecting, supervising and creating a distinction between legal and illegal trading. As international treaties were created to regulate opium in the early twentieth century the Dutch colonial government adapted their policies to fit within the already existing system in the East Indies. This gives us a closer link to the origin of narcotics regulation in Indonesia compared to the British involvement in China. The Chinese situation is still relevant to show how international concern over the opium trade developed but the Dutch colonial government are a closer link to the development of the regulation systems and legal supervision of narcotics in Indonesia.[32]

1. There is little continuity between the Opiumregie and laws in place today. There is some continuity as there is a high level of control over certain substances, there is a distinction between legal and illegal market and there is use of administrative data to support law enforcement. However, there is also significant discontinuity. Independent Indonesia is governed by a constitutional legal system, follows a different international system, legalises medical and scientific use within modern health systems and has criminal responsibility determined by national legislation. The current system also includes a rehabilitative element which is not present in the fiscal monopoly. This prevents the Opiumregie being seen as the sole source of current laws. However, it can be used to help understand the practices of institutions and methods of regulation.[33]

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[31] Lu, Jiancheng, Hongfei Long, Yuan Shen, Jing Wang, Xin Geng, Ying Yang, Zongfu Mao, and Jinghua Li. "The change of drug utilisation in China's public healthcare institutions under the "4+ 7" centralised drug procurement policy: evidence from a natural experiment in China." *Frontiers in Pharmacology* 13 (2022): 923209. DOI https://doi.org/10.3389/fphar.2022.923209

[32] Zhang, Yan, Jianhong Liu, and John Braithwaite. "The pluralism of restorative justice in Greater China: An introduction." *Asian journal of criminology* 18, no. 2 (2023): 83-87. DOI https://doi.org/10.1007/s11417-023-09402-0

[33] Ma, Yajing, Bronya Hi Kwan Luk, Wen Zhang, Cody Yu Cheung Cham, and Haixia Ma. "Understanding the perspectives of police officers regarding men who use drugs and drug rehabilitation in China: a qualitative study." *The American Journal of Drug and Alcohol Abuse* 51, no. 2 (2025): 204-213. DOI https://doi.org/10.1080/00952990.2024.2447294

2. The refined causality model has multiple stages. The first is British involvement in China which brought to light international issues relating to trade and regulation. These were then turned into instruments of shared regulation through multilateral agreements. The Dutch colonial government then took these and used them within their current financial and administrative structures in the Dutch East Indies. After independence the Indonesian government then created their own regulations under new constitutional, treaty based and political conditions. Finally, Law No. 35 of 2009 is the final stage and must be looked at on its own. This model addresses my issues by not directly linking the British to Indonesia but using the Dutch colonial period as the main link between Indonesia and law.

Law No. 35 of 2009: Acceptance of the Agreement, National Choice, and Limited Colonial Continuity

The Law No.35 of 2009 on Narcotics is a reflection of Indonesia's national legal policy. Besides the continuation of the regulation regarding opium during Dutch colonial era, this law was influenced by various factors such as Indonesia's international obligation as a party to narcotics convention, development in national criminal law, public health and combating organised drug trafficking. Some administration controls were also inherited in the existing legal framework. This law imposes criminal sanctions against any person who cultivate, possess, produce, import and export narcotics without authorisation. This law also provides legal basis for medical and social rehabilitation of narcotics dependent persons and victims of narcotics abuse. However, this law has raised concerns regarding the application of criminal sanctions against any person who possess narcotics. The definition of narcotics possession is quite general. Thus it is difficult to identify whether a person is involved in illegal narcotics distribution or not.[34] Therefore, this issue needs to be considered carefully in the interpretation of the law and in law enforcement. This is because criminal sanctions should be imposed based on the nature of the illegal actions, evidence and legal requirements for rehabilitation.[35]

The Distinguishing Between Continuity and Discontinuity

The relationship between colonial policies regarding opium regulation and modern narcotics legislation can be assessed by examining the legal basis, institutional structures, regulatory roles and intent behind the creation of legal mechanisms. The British's involvement in nineteenth century China does not offer a direct legal basis for Law No. 35 of 2009 regarding Narcotics. However, the Dutch colonial government were more intimately involved in the creation of narcotics institutions. Modern institutions are very different from those established during colonial times. There are some elements of continuity with relation to narcotics regulation. This includes state regulation over narcotics distribution, licensing, inspections and criminal penalties for unauthorised trading. However, there are significant differences with relation to the intent behind these regulations. Colonial narcotics regulation was mainly driven by government revenue and control. Whereas modern legislation is driven by public health, international

[34] Bambang Tri Bawono et al., "Implementation of Rehabilitation For Drug Abuses According To Law Number 35 of 2009 Concerning Narcotics," *Jurnal Hukum* 38, no. 1 (2022): 1–11, https://doi.org/10.26532/jh.v38i1.20869.

[35] Siegel, Benjamin R. "Laboratory of Empire: Calcutta, Opium, and the Wartime Invention of Regulation." *The Journal of Imperial and Commonwealth History* (2026): 1-27. https://doi.org/10.1080/03086534.2026.2614745

obligations and to prevent illegal trafficking. This shows that the criminalisation of narcotics offences cannot fully be attributed to colonial legal legacy. The current legal framework also demonstrates decisions made by the Indonesian government post-independence. These decisions have shaped the extent of criminal liability.[36]

1. The shift from an administrative-economic monopoly to a modern criminal and public health regime has also impacted the legal status of users. It recognises that dependency can be a medical/social issue and the illegal possession of drugs remains a criminal offence. However, there is still uncertainty how the system decides which route to take. Although colonial history may explain why the control mechanisms are so strong, they should not be used to replace the analysis of the current statutory factors, evidence required, assessment processes and judicial discretion. Critiques of modern law should be focused on these factors.[37]
2. Several claims can be dismissed. There is insufficient evidence to suggest Indonesia directly copied aspects of punitive measures within British policy in China. The Opium Wars do not directly lead to Articles 111, 12 and 127 and there is no inherent colonial aspect to using imprisonment. Punitive attitudes may have stemmed from the delayed implementation of treaties, decisions made in relation to domestic anti-narcotics measures, institutional incentives and evidence gathering. However, we can look at historical evidence to see that commodity control systems can reinforce institutional surveillance and punitive attitudes. This can influence the application of vague modern regulations. This can be shown by looking at the laws in place and their implementation.

Normative Structure of Law No. 35 of 2009

The Narcotics Law of 2009 (Law No. 35) outlines the legal framework for prohibiting illegal narcotics and rehabilitating those who suffer from drug addiction. Articles 111 and 112 outline criminal liabilities for illegal possession of narcotics whilst Article 127 outlines narcotics abuse for individual use. There is also recognition of medical and social rehabilitation through Articles 54 and 103, including rehabilitation by judicial order. Issues may occur when trying to determine if someone has possession of narcotics for individual use or are involved in illegal distribution. Although the number of narcotics may be useful evidence, it will not provide enough information to determine the nature of the accused person's involvement. Investigators and judicial bodies must look at the circumstances of the case including why the person had possession of narcotics, how they were packaged, any communication, financial records, links to distribution networks and official assessments. If these are not looked at in enough detail, then possession offences may be used on those who suffer from drug addiction. This can occur as it can be difficult to determine whether the person was using the narcotics for personal use or illegally trafficking them. This means that evidence must be carefully considered to ensure the correct criminal

[36] Hadiyanto, Yusup, and Jawade Hafidz Gunarto. "Legal Reconstruction of Narcotics Abuser Based on the Value of Benefit." *Scholars International Journal Of Law, Crime, and Justice* (2022). 477-482 DOI: 10.36348/sijlcj.2022.v05i11.001

[37] J. Siegel, *Curing the Drug Addict: The History of Drug Rehabilitation in the United States and Beyond*, Oxford: Oxford University Press, 2018, 55.

liabilities are applied.[38] Recent analysis of Indonesian narcotics law has highlighted that there can be confusion between users, addicts, victims and traffickers which can cause incorrect charges to be applied.[39]

This creates many conflicts. Firstly, rehabilitation requires authorisation, whereas the criminal justice system automatically continues. Despite addicts and victims being recognised as patients by law, in practice, they are often charged with serious possession offences which can result in severe jail terms. This is a problem not only due to colonialism but because of modern legislative writing, poor inter-agency working and police procedures. To create a fairer system, early screening should be carried out, alongside combined medical and legal assessments. Written justification should be given for why an individual has been labelled as a user/dealer and this should be approved by a judge. This will stop unnecessary criminalisation, whilst ensuring police focus on tackling organised drug trafficking. This will ensure a balance between proportionate sentencing for drug networks and appropriate healthcare for addicts.[40] A recent analysis on rehabilitation policy highlights that early integrated assessment, inter-institutional working and rational legal decision making are required to create an effective treatment pathway.[41]

However, prison sentences may compound stigma issues for addicts and disrupt social networks. Furthermore, they impose additional pressure on correctional facilities. However, it is important to note that such concerns are best seen as empirical issues, and do not necessarily prove that prison always leads to organised crime. There is a clear legal principle that any sanction must fit the aim of the law. For addicts or victims of substance abuse, the aim should be to help them recover. By providing them with supervision whilst they receive treatment and reintegrate into society there is a closer link between the sanction and the aim of the law. The law provides a basis for this approach, however there is a need to reform the law to ensure that the rehabilitation process is practical and can be reviewed.[42] Research into overcrowding in Indonesian prisons also highlights that rehabilitation measures for drug offenders may help reduce unnecessary incarceration.[43]

1. The legal categorisation and discretionary aspects of the law must be clear. Investigating officers and prosecuting authorities must be able to clearly show the role of the individual, evidence of supply, the level of dependence and why they have chosen to rehabilitate or not.

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[38] Susanti, Yulia, and Aria Zurnetti. "Implementation of the ultimum remedium principle in resolving unsuccessful medical disputes with mediation." *DE LEGA LATA: Jurnal Ilmu Hukum* 10, no. 1 (2025): 57-66. DOI: https://doi.org/10.30596/dll.v10i1.22497

[39] Dahlan, Dahlan, Zahoor Ahmed, and Sitta Saraya, "The Concept of Criminal Justice For Drug Abuse: A Legal Approach," *Jurnal Hukum*, Vol. 41, No. 1, 2025, pp. 55–72, https://doi.org/10.26532/jh.v41i1.43965.

[40] Laksana, Andri Winjaya, Hartiwiningsih Hartiwiningsih, Hari Purwadi, and Anis Mashdurohatun. "The Sufism healing as an alternative rehabilitation for drug addicts and abusers." *QIJIS (Qudus International Journal of Islamic Studies)* 11, no. 1 (2023): 149. DOI: http://dx.doi.org/10.21043/qijis.v11i1.15025

[41] Rahmadanty, Atika, "Legal Policy on the Imposition of Rehabilitation Measures for Victims of Narcotics Misuse Based on Utilitarian Justice," *Journal Critical Legal System*, Vol. 1, No. 2, 2026, pp. 92–123, https://doi.org/10.68113/z11qms31.

[42] Ariq, Bintang Athallah, and Benito Asdhie Kodiyat. "Comparative Analysis Of Correctional Systems In Thailand And Indonesia Addressing Prison Overcrowding*." JHSS (Journal of Humanities and Social Studies)* 10, no. 1 (2026): 360-364. DOI: https://doi.org/10.33751/jhss.v10i1.55

[43] Hamja, Hamja, et al., "The Real Solutions to the Ignored Prison Overcrowding Problem," *Jurnal Hukum*, Vol. 41, No. 3, 2025, pp. 588–607, https://doi.org/10.26532/jh.v41i3.43855.

The courts must also be able to clearly see these factors. Despite the need to provide reasoning for decisions there is still some discretion. It means that different outcomes can be compared. It also ensures that the difference between users and traffickers cannot be decided on one factor such as the amount of substance they have. The reasoning is there to provide legal certainty. All decisions are made with reasoning so that there is an understanding of why certain people are treated differently. This can be seen in modern analysis of legal certainty and sentencing discrepancies within special criminal cases such as narcotics.[44]

2. National responsibility is also very important when considering international conventions as there are many areas of sanctions that are not defined, giving Indonesia room to create new processes and priorities. Legislative changes can help to define what actions are considered a criminal offence. However, administrative and judicial actions can also help to enforce existing legislation. Good appraisal, availability of treatment, co-operation between police, prosecution, courts, health professionals and social services are all essential. The problem with labelling punitive actions as an inevitable foreign influence is that it removes the choice that Indonesia has within their own country. Research into rehabilitation for correctional facilities has shown that post release support, good facilities and appropriate programmes are important to help re-integrate individuals back into society.[45]

Rehabilitation and Protection of Young People within a Differentiated Law Enforcement Model

In order to effectively enforce narcotics laws, there is a need to distinguish between organised trafficking and youthful offenders. Any criminal activity relating to the illegal production, importing, funding and sale of narcotics must be punished fairly to reflect the seriousness of the crime and level of criminal responsibility. If young individuals are found in possession of narcotics for personal use and show signs of dependency, they should be assessed to see what their legal position is and whether they can be given medical and social rehabilitation. This should take into account whether the young individual was experimenting, dependent, forced or had only a minor role in the illegal sale. This could influence the criminal responsibility and what action should be taken. The rehabilitation should include medical treatment, counselling, educational opportunities, vocational support and family support. They should also be monitored as they reintegrate into society. This should be done on an individual basis and following any legal requirements. This will allow the police to help meet the needs of the young offender whilst still ensuring they are punished fairly for serious narcotics offences.[46] A utilitarian approach to sentencing for narcotics offences will also highlight the benefits of medical and social rehabilitation to help them recover and reintegrate.[47]

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[44] Rimbawan, Andhika Yuli, "Harmonization of Judicial Decisions: Analysis of Compliance With Jurisprudence and Application of The Principle of Legality in Special Criminal Cases," *Journal Critical Legal System*, Vol. 1, No. 1, 2026, pp. 19–37, https://doi.org/10.68113/4577ep97.

[45] Enggarsasi, Umi, and Nur Khalimatus Sa'diyah, "Impact of Rehabilitation Programs in Indonesian Correctional Institutions on Reducing Recidivism Rates," *Jurnal Hukum*, Vol. 41, No. 2, 2025, pp. 411–433, https://doi.org/10.26532/jh.v41i2.44782.

[46] Analisa, Lisa, Kamarusdiana Kamarusdiana, and Nurul Adhha. "Implementation of Rehabilitation for Narcotics Addicts in Positive Legal Perspective and Islamic Law." In *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol. 22, No. 1, 2022, 92-124. DOI: https://doi.org/10.30631/alrisalah.v22i1.1122

[47] Lubis, Muhammad Ridwan, et al., "The Urgency of Rehabilitation in the Utilitarian Paradigm to Punishing Narcotics Addicts," *Jurnal Hukum*, Vol. 39, No. 2, 2023, pp. 295–306, https://doi.org/10.26532/jh.v39i2.36637.

Legal safeguards should be included at the start of the legal process. Initial screening should be conducted immediately after arrest, independent assessment groups should be formed,[48] defendants should have the right to challenge their classification, and courts should give reasons for their decisions. Under international drug treaties, there is no requirement for users and main traffickers to receive equal punishment as medical and scientific use is permitted. This gives nations a great opportunity to create health focused policies. Full reintegration into society is very important as it makes recovery more difficult due to a criminal record, being expelled from school and losing a job. This can also leave the individual more vulnerable after treatment has finished. Privacy, continuing education, family involvement and youth specific support is very important for young people. Overall, this provides a combination of controlling supply, fair law enforcement, medical treatment and prevention. This demonstrates how public safety and rehabilitation can work together. Reliable assessments are needed and this can be seen in other complex cases of crime in research. Technical evidence needs to be assessed for scientific validity.[49]

This article looks at the historical development of narcotic laws in Indonesia in four stages. This includes international discussion around narcotics, development of agreements, implementation through control of opium during the colonial Dutch period and development after Indonesian independence. Although Britain's trade policies in China lead to international discussion, this is not a direct legal connection to Law No. 35 of 2009 concerning Narcotics. The Dutch Opiumregie is a closer connection to modern regulation within Indonesia. It contains similarities to the classification of narcotics, licencing and regulation of narcotics and penalties for unauthorised distribution. These should not be confused with modern developments of constitutional powers, international agreements, health policies and rehabilitation. Modern concerns are that it is difficult to differentiate between personal use and illegal distribution, there are inconsistencies within the process, there is discretion and there is little support for reintegration into society. These issues can be addressed with clearer legal guidelines and appropriate judicial oversight to ensure rehabilitation can be applied to those who meet the requirements of the law. This research has only looked at legal doctrinal and historical factors. There is no quantitative data provided about how prosecutions and sentencing are handled. However, looking at the relevant acts and their history can help improve the legal distinction between narcotics users and traffickers, improve accountability within rehabilitation and ensure the punishment fits the crime.

CONCLUSION

The British Opium Trade in China during the 19 th century is a significant piece of drug law history showing the conflict between international trade, a nation's sovereignty and the impact of addiction on society. The connection to Indonesia is indirect, however, and is made up of several stages throughout history. The experiences in China impacted early attempts to control drugs internationally with the creation of the Shanghai Opium Commission, 1912 Hague Convention

[48] N. Boister, *Penal Aspects of the International Drug Control Conventions*, Oxford: Oxford University Press, 2001, 160.

[49] Rakhman, Habibul, "A Legal Review of Criminal Procedural Law Regarding the Complexity of Proving the Element of Ecological Loss in Court Proceedings," *Journal Critical Legal System*, Vol. 1, No. 2, 2026, pp. 124–140, https://doi.org/10.68113/ngfbk826.

and later treaties. Rather than directly enforcing drug control, international organisations worked alongside the Dutch colonial Opiumregie. This put in place systems such as licensing, regulation, administration and criminal penalties. After independence, Indonesia followed international drug classifications and treaties, however they also made political decisions around what crimes were committed, what punishments were given, police powers and how addicts could be rehabilitated. As a result, Law No. 35 of 2009 is not a direct replica of British policy in China, however it does have some links to the Dutch colonial methods. The links are minimal and only relate to basic administrative processes. The harsh criminal penalties have been implemented due to modern policy decisions. A major problem within current Indonesian law is the lack of clarity in the drug possession charges and mandatory rehabilitation laws. For real reform to occur there needs to be clear policies based on evidence to distinguish between large scale drug traffickers and small-scale drug offenders, simple users, addicts and victims. Early joint assessments, clear reasoning by the judiciary and an emphasis on medical treatments, education and social integration should be focused on. This will ensure strict policies are enforced on those supplying illegal drugs, but the analysis of history will be used to properly assess modern Indonesian law.

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