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A Comparative Study of Regulation and Law Enforcement on Narcotics, Specifically Methamphetamine, in Indonesia and the Philippines

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Original Article

Abstract

This study compares the institutional frameworks of the Indonesian National Narcotics Agency (BNN) and the Philippine Drug Enforcement Agency (PDEA) using W. Richard Scott's regulatory and normative pillars. Both agencies operate under presidential authority but adopt different operational styles. The Philippines applies a highly repressive approach through Duterte's "war on drugs," while Indonesia combines punitive and rehabilitative measures with legal protection for cooperative users. Using a qualitative-comparative method and legal document analysis, this study examines narcotics law enforcement, treatment of users and dealers, and rehabilitation strategies, focusing on methamphetamine. Findings reveal convergence in regulation and sanctions, but significant differences in implementation—repressive in the Philippines versus legal-rehabilitative in Indonesia. Convergence and securitization theories explain how domestic and global pressures shape narcotics law narratives.

Keywords: *Regulatory pillar, Normative pillar, Narcotics, Law enforcement.*

Abstrak

Penelitian ini membandingkan kerangka kelembagaan Badan Narkotika Nasional (BNN) dan Philippine Drug Enforcement Agency (PDEA) menggunakan dua pilar teori kelembagaan W. Richard Scott, yaitu pilar regulatif dan normatif. Keduanya berada di bawah otoritas presiden, namun memiliki gaya operasional berbeda. Filipina menerapkan pendekatan represif melalui kebijakan "war on drugs", sedangkan Indonesia menggabungkan pendekatan hukuman dan rehabilitasi dengan perlindungan hukum bagi pengguna. Dengan metode kualitatif-komparatif dan analisis dokumen hukum, penelitian ini menelaah kebijakan narkotika terhadap sabu, termasuk penegakan hukum, perlakuan terhadap pengguna dan pengedar, serta mekanisme rehabilitasi. Hasilnya menunjukkan kesamaan pada aspek regulasi, namun perbedaan signifikan dalam pelaksanaan, dengan pendekatan represif di Filipina dan rehabilitatif-hukum di Indonesia. Teori konvergensi dan securitization digunakan untuk menjelaskan pembentukan narasi hukum narkotika akibat tekanan domestik dan global.

Kata kunci: *Pilar Regulatif, Pilar Normatif, Narkotika, Penegakan Hukum.*

1. INTRODUCTION

Transnational crime affects every country in the world, as the nature of the black market creates varied impacts across regions. Southeast Asia is no exception. Although this region enjoys growing prosperity through wider social exchange, trade, and infrastructure investment, it simultaneously faces increasingly aggressive networks and syndicates of organized crime. The Association of Southeast Asian Nations (ASEAN) is recognized as one of the regions with a relatively high level of transnational crime. Through ASEAN, Southeast Asian countries have adopted the ASEAN Plan of Action to Combat Transnational Crimes (ASEAN PACTC) in 2002, which identifies eight types of transnational crimes as the focus of regional cooperation: drug trafficking, human trafficking, arms smuggling, money laundering, terrorism, sea piracy, international economic crime, and cybercrime.¹ In this context, the legal systems of Indonesia and Philippines differ significantly. Indonesia adheres to a civil law system, while the Philippines applies a mixed legal system, particularly in combating narcotics crimes.

The Philippines adopts a repressive approach to its narcotics legal system based on Republic Act No. 9165 of 2002 on the Comprehensive Dangerous Drugs Act. This legislation grants extensive authority to law enforcement agencies; the Philippine Drug Enforcement Agency (PDEA) was established as the front line against the illicit drug trade.² The government considers narcotics crimes as serious threats to public welfare, and courts are expected to impose severe penalties even for personal use. Former President Rodrigo Duterte reinforced this approach through the controversial war on drugs policy, which involved extrajudicial executions—marking a legal trajectory that is both authoritarian and fear-driven.³

In Indonesia, narcotics are regulated under *Law Number 35 of 2009 concerning Narcotics*, which improves upon the earlier *Law Number 22 of 1997 concerning Narcotics*. Law enforcement officers have clear authority to prosecute offenses according to narcotics classifications (Schedule I, II, and III). This structured approach combines punitive and rehabilitative elements. The National Narcotics Agency (Badan Narkotika Nasional, BNN) bears strategic responsibility—intervening against trafficking networks while directing users to rehabilitation.⁴ The state guarantees legal protection for

¹ Ralf Emmers, “ASEAN and the Securitization of Transnational Crime in Southeast Asia,” *The Pacific Review* 16, no. 3 (2003): 419–38, <https://doi.org/10.1080/0951274032000085653>.

² Aroon Adan, Ariana Bituin, dan Jane Darian, “Philippines Policy of War On Drugs Under International Law,” *JSPS: Journal of Social Political Sciences* 4, no. 4 (2023): 339–51, <https://doi.org/10.52166/jspss.v4i4.207>.

³ Muhammad Angurah Utama, “Securitization In The Philippines Drug War: Disclosing The Power-Realtions Between Duterte, Filipino Middle Class, And The Urban Poor,” *IJIR: Indonesian Journal of International Relations* 5, no. 1 (2021): 41–61, <https://doi.org/10.32787/ijir.v5i1.146>.

⁴ Ida Bagus Trishna Setiawaan, Ida Ayu Putu Widiati, dan Diah Gayatri Sudibya, “Peranan Badan Narkotika Nasional (BNN) Dalam Upaya Pencegahan Terhadap Tindak Pidana Narkotika,” *Jurnal Analogi Hukum* 2, no. 3 (2020): 361–65, <https://doi.org/10.22225/ah.2.3.2020.361-365>.

cooperative addicts, and courts are granted interpretative flexibility to impose judgments based on individual case facts.

A comparison of the two legal systems highlights their differing orientations in defining justice in narcotics cases. The Philippines relies on repression as the core pillar, justifying harsh actions against suspects without distinguishing between users and traffickers. Indonesia, by contrast, adopts a more normative approach, integrating rehabilitation as a legal pathway. The Philippine government prioritizes punitive measures at every stage, while the Indonesian government balances law enforcement with humanitarian principles, especially for users.⁵ The Philippine system emphasizes order and deterrence, whereas the Indonesian system focuses more on protecting citizens who fall victim to drug abuse.⁶

Therefore, this article explores the following research questions: 1) How do the regulatory and normative pillars strengthen law enforcement in Indonesia and the Philippines? 2) How do the Philippines and Indonesia regulate methamphetamine? 3) What are the similarities and differences between the two countries in their war on methamphetamine?

2. RESEARCH METHODOLOGY

This study employs a descriptive-qualitative method using a literature review approach. A literature review is conducted by collecting and analyzing relevant sources from books, journal articles, and credible websites. The author examines, reads, and compares these sources to address the research objectives and answer the formulated research questions. This method allows for an in-depth understanding of the legal frameworks and enforcement approaches related to narcotics in the two countries. The results of this study focus on the comparison of regulatory frameworks and similarities in the legal systems governing narcotics in Indonesia and the Philippines. The analysis highlights both the convergences in regulatory structures and the divergences in law enforcement strategies between the two nations.

3. RESEARCH RESULT AND DISCUSSION

3.1. Regulatory and Normative Pillars in Strengthening Law Enforcement in Indonesia and the Philippines

⁵ Asmak ul Hosnah, Weldy Javis, dan Jufel D. Fernandez, "The Principle of Proportionality in Drug Control Policy in the Philippines and Indonesia," *Srinwijaya Law Review* 9, no. 2 (2025): 328–50, <https://doi.org/10.28946/slrev.v9i2.4896>.

⁶ Dyah Mutiarin, Queenie Pearl V. Tomaro, dan David N. Almarez, "The War on Drugs of Philippines and Indonesia: A Literature Review," *Journal of Public Administration and Governance* 9, no. 1 (2019): 41–59, <https://doi.org/10.5296/jpag.v9i1.14355>.

Regulatory Pillar

1) Badan Narkotika Nasional (Indonesia)

Indonesia's strategic geographic location—bordering international sea routes and vulnerable smuggling areas—makes it both a transit point and a primary destination for narcotics trafficking in Southeast Asia. In response to this threat, Indonesia, through the Badan Narkotika Nasional (BNN) as the leading sector, continues to face significant challenges in escaping this state of emergency.⁷

According to W. Richard Scott's institutional theory, the regulatory pillar encompasses formal rules, monitoring mechanisms, and sanctions. BNN is a non-structural government agency established under *Keputusan Presiden Republik Indonesia Nomor 17 Tahun 2002*, later replaced by *Peraturan Presiden Republik Indonesia Nomor 83 Tahun 2007*.⁸ It is a non-ministerial institution (LPNK) tasked with preventing and eradicating the abuse and illicit trafficking of narcotics, psychotropics, precursors, and other addictive substances (except tobacco and alcohol). BNN is headed by a Chief who reports directly to the President and coordinates with the *Kepolisian Negara Republik Indonesia* (Indonesian National Police).⁹

The legal foundation of BNN is stipulated in *Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika*, particularly Article 70, which outlines eight core tasks. In implementing narcotics prevention, BNN adopts both preventive and repressive measures. Preventive strategies focus on awareness campaigns and public education, while repressive efforts are carried out through law enforcement by the police.¹⁰

BNN also prioritizes rehabilitation as a central strategy, in line with Article 54 of Law No. 35/2009, which identifies rehabilitation as an effective solution to reduce narcotics abuse. This regulatory pillar involves mechanisms to ensure compliance and enforcement, including sanctions, audits, and oversight.¹¹ Regulations on monitoring and disciplinary sanctions are further detailed in *Peraturan Badan Narkotika Nasional Nomor 9 Tahun 2019 tentang Kode Etik Pegawai Badan Narkotika Nasional*. Article 2 paragraph (2) specifies that BNN personnel consist of civil servants (ASN), members

⁷ M. Rinaldi et al., "Indonesia's Foreign Policy in Dealing with Non-Traditional Threats (Case Study Drugs Trafficking in Indonesia)," *East Asian Journal of Multidisciplinary Research (EAJMR)* 3, no. 2 (2024): 773–86, <https://doi.org/10.55927/eajmr.v3i2.8520>.

⁸ Rivaldo Abdullah, Moh. R. U. Puluhulawa, dan Melisa Towadi, "The Role Of The National Narcotics Agency And The Police In Law Enforcement Against The Abuse Of Precursor Drugs," *ESLAW: Estudiante Law Journal* 2, no. 1 (2020), <https://doi.org/10.33756/eslaj.v0i0.13100>.

⁹ Siprianus Edi Hardum, "Strengthening the function of BNN in preventing and eradicating drug criminal actions in Indonesia," *International Journal of Research In Business and Social Science* 11, no. 8 (2022): 258–63, <https://doi.org/10.20525/ijrbs.v11i8.2166>.

¹⁰ Oktaviani Ashari, Zhasya Algeta Tanadi, dan Windhiadi Yoga Sembada, "Upaya Badan Narkotika Nasional Dalam Mencegah Tindak Pidana Penggunaan Narkoba," *Jurnal Bela Negara* 1, no. 1 (2023): 24–35, <https://doi.org/10.70377/jbn.v1i1.5210>.

¹¹ Yudin Yunus dan Siti Alfisyahrin Lasori, "The Role of Badan National Narcotics (BNN) in Conducting Law Enforcement and Drug Users," *Jurnal Hukum Volkgeist* 6, no. 1 (2021): 106–15, <https://doi.org/10.35326/volkgeist.v6i1.1420>.

of the Indonesian National Police, and members of the Indonesian National Armed Forces. This structure reflects the integration of legal authority, security power, and administrative oversight in enforcing drug laws in Indonesia.

2) Philippine Drug Enforcement Agency (Philippines)

The Philippine Drug Enforcement Agency (PDEA) was established under Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. It serves as the primary law enforcement agency responsible for combating narcotics crimes in the Philippines. Structurally, PDEA is a semi-autonomous body under the supervision of the Dangerous Drugs Board (DDB), which formulates national drug policy.¹²

The regulatory strength of PDEA is not only derived from statutory law but also reinforced by Executive Order No. 218 (2003) and its implementing regulations issued by the DDB and the national government. RA 9165 grants PDEA broad authority to conduct investigations, arrests, detentions, and prosecutions of narcotics offenders. PDEA also oversees the distribution of precursor chemicals, carries out intelligence operations, and cooperates with international bodies through multilateral frameworks such as Association of Southeast Asian Nations (ASEAN) and the United Nations Office on Drugs and Crime (UNODC).

PDEA's institutional structure is hierarchical and centralized, led by a Director General appointed directly by the President, with regional offices across the country. Executive Order No. 218 explicitly designates PDEA as the sole authority in drug law enforcement.¹³ Other law enforcement bodies, including the Philippine National Police (PNP), may only act in coordination with or under the authorization of PDEA.

EO 218 also mandates inter-agency cooperation, requiring all relevant government institutions to actively support PDEA in anti-drug efforts. It strengthens PDEA's access to financial and logistical resources, thus enhancing its operational capacity. This regulatory framework combines legal legitimacy and operational authority to empower PDEA in the field.¹⁴

However, implementation gaps have emerged, especially during the "war on drugs" under Rodrigo Duterte. In practice, the PNP played a dominant role in drug enforcement operations, often overshadowing PDEA's legal mandate. Many of these operations resulted in violence and extrajudicial killings, contradicting the legal

¹² Shahla Eliza Nurhidayah et al., "Perbandingan Lembaga Pemberantasan Narkotika: BNN (Indonesia) dan PDEA (Filipina) dalam Pilar Regulatori dan Normatif," *JURRISH: Jurnal Riset Rumpun Ilmu Sosial, Politik, dan Humaniora* 4, no. 3 (2025): 97–109, <https://doi.org/10.55606/jurrish.v4i3.5678>.

¹³ Trixia Rose D. Paglala et al., "Beyond The Bust: A Deep Dive Into The Experiences of PDEA Enforcers In The Conduct of Drug Operations," *European Journal of Social Sciences Studies* 10, no. 6 (2025): 136–61, <https://doi.org/10.46827/ejsss.v10i6.1937>.

¹⁴ Wilson N. Porkpah dan Ms. Aakansha Soy, "The Role of Technology In Enhancing And Strengthening Liberia's Drugs Law Enforcement Agency: An Empirical Study," *Samvakti Journal of Research in Information Technology* 6, no. 1 (2025): 96–118, <https://doi.org/10.46402/sjrit.2025.31>.

framework established by RA 9165 and EO 218.¹⁵ This power shift from PDEA to the PNP during the war on drugs reflects institutional weakness in controlling security actors and indicates politicization of drug policy, often at the expense of accountability and the rule of law.

Normative Pillar

1) Badan Narkotika Nasional (Indonesia)

BNN not only carries out its law enforcement and eradication functions but also places strong emphasis on the values and norms that guide its institutional behavior and policymaking. These values are rooted in the spirit of bureaucratic reform and ethical public service. They shape the organizational culture and influence the attitudes and conduct of its personnel.

BNN's institutional values are explicitly formulated in *Peraturan Kepala BNN Nomor 12 Tahun 2018 tentang Pedoman Nilai-Nilai Organisasi dalam Pengembangan Budaya Kerja*. The core values are summarized as *Servis, Integritas, Profesional (SIP)*. These were later updated to align with technological advancements and societal changes, resulting in a new value system: *Berani* (Brave), *Nasionalis* (Nationalist), *Netral* (Neutral), *Responsif* (Responsive), and *Inovatif* (Innovative) — abbreviated as BNN RI.¹⁶

- a. **Brave**
Reflects moral and professional courage in facing the narcotics threat, including making difficult decisions for public interest.
- b. **Nationalist**
Encourages loyalty to the nation and positions BNN's mission as part of national service.
- c. **Neutral**
Emphasizes objectivity, honesty, and independence from political or factional influence.
- d. **Responsive**
Promotes quick, caring, and appropriate action in emergency situations and community reporting.
- e. **Innovative**
Demands creativity and adaptive strategies in drug control, informed by technological and social change.

¹⁵ Ronalee R. Pedere dan Dodelon F. Sabijon, "The Fight Against Drug Menace: Experiences Of Philippine Drug Enforcement Agency (PDEA) Agents," *International Journal of Law and Politics Studies* 7, no. 2 (2025): 1–23, <https://doi.org/10.32996/ijlps.2025.7.2.1>.

¹⁶ Badan Narkotika Nasional, "Peraturan Kepala Badan Narkotika Nasional Republik Indonesia Nomor 12 Tahun 2018 tentang Nilai-Nilai Organisasi Dalam Pengembangan Budaya Kerja" (2018).

In addition to values, BNN enforces institutional norms as standards of expected behavior. These are codified in *Peraturan Badan Narkotika Nasional Nomor 9 Tahun 2019 tentang Kode Etik Pegawai Badan Narkotika Nasional*, which classifies ethics into five domains: State Ethics, Organizational Ethics, Societal Ethics, Peer Ethics, Personal Ethics.¹⁷

State ethics requires employees to uphold *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* and *Pancasila*, remain politically neutral, and reject corruption, collusion, and nepotism. Organizational ethics encourages employees to maintain institutional integrity, act objectively, and uphold discipline and accountability. These norms are not merely behavioral rules—they form the moral foundation that sustains public trust in the institution's integrity. They also reject violence as a means of enforcement, instead prioritizing human rights principles, empathy, and transparency. Thus, the success of BNN is not only measured by operational outcomes but also by the quality of service and public trust in its ethical legitimacy.

2) Philippine Drug Enforcement Agency (Philippines)

Normatively, the institutional values shaping PDEA are deeply influenced by the security and social order paradigm. This stems from the country's political history, where “drug abuse” is frequently equated with “a threat to the state.” Values such as firmness, loyalty to the nation, and prioritization of law enforcement dominate the agency's internal culture. This reached its peak during Rodrigo Duterte's administration (2016–2022) with the launch of *Oplan Tokhang* and *Oplan Double Barrel*—the two primary strategies of the nationwide war on drugs. Duterte's approach strengthened PDEA's formal powers while fostering a bureaucratic and social climate where effectiveness was measured by arrests, raids, and fatalities.¹⁸

From the perspective of W. Richard Scott's institutional theory, this reflects how institutional actions are shaped not only by legal frameworks but also by dominant political moralities. Within one week of Duterte's inauguration, about 1,000 people were killed in police raids or drug-related incidents. By 2017, the number had reached around 6,000 extrajudicial killings (United States Department of State, INCSR 2017).¹⁹ Despite these human rights violations, public support remained high. A Pulse Asia survey (2016) reported 91% trust in Duterte, and by 2019, 82% of Filipinos still supported the campaign, even though 73% believed extrajudicial executions were occurring. This shows that PDEA's normative structure is reinforced by prevailing social values, where

¹⁷ Badan Narkotika Nasional, “Peraturan Badan Narkotika Nasional Nomor 9 Tahun 2019 tentang Kode Etik Pegawai Badan Narkotika Nasional” (2019).

¹⁸ Salasmita, Mahendra Putra Kurnia, dan Rika Erawaty, “Extrajudicial Killing dalam Kebijakan War on Drugs di Filipina Ditinjau dari Hukum Pidana Internasional,” *Risalah Hukum* 18, no. 2 (2022): 121–31, <https://doi.org/10.30872/risalah.v18i2.852>.

¹⁹ Salasmita, Kurnia, dan Erawaty.

security is prioritized over civil rights. Duterte even publicly stated that anyone killing drug dealers would be rewarded—embedding violence as a bureaucratic norm, a phenomenon described by Lasut (2023) as the “normalization of violence in bureaucratic morality.”²⁰

Although President Ferdinand Marcos Jr. pledged to pursue a more humane approach after 2022, the institutional norms established during Duterte’s tenure still influence current anti-drug policy. Human Rights Watch (2024) recorded 6,252 official deaths from the war on drugs between July 1, 2016, and May 31, 2022—excluding thousands killed by unidentified actors. The lack of updated data after May 2022 signals weak accountability and transparency.²¹ Thus, the normative pillar of PDEA is built upon the state’s conception of itself as the guardian of social order through force, and institutional obedience to executive power. Its moral structure places security above human rights, often at the cost of due process.²²

3) Regulation on Methamphetamine in the Philippines and Indonesia

The Philippines has adopted a strict legal framework for methamphetamine control under Republic Act No. 9165, classifying the substance as a Schedule I dangerous drug. Methamphetamine is legally framed as a direct threat to national security and public order. Possession, production, and distribution are punishable by life imprisonment or the death penalty, enforced by the Philippine Drug Enforcement Agency through systematic raids, surprise operations, and armed patrols. The zero-tolerance policy underpins the state’s approach, aiming to eradicate meth distribution across urban and rural communities.²³

In contrast, the Indonesia government regulates methamphetamine under Law No. 35 of 2009 on Narcotics. The objectives of this law include ensuring controlled access for medical and scientific purposes, preventing and protecting citizens from abuse, combating illicit trafficking, and guaranteeing medical and social rehabilitation for users and addicts.²⁴ This legal framework is strengthened by Government Regulation No. 25 of 2011 on the Implementation of Mandatory Reporting for Narcotics Addicts, and Presidential Instruction No. 12 of 2011, and Regulation of the Minister of Home Affairs No. 21 of 2013, which encourage multi-sector collaboration

²⁰ Aries A. Arugay dan Justin Keith A Baquisal, “Bowed, Bent, & Broken: Duterte’s Assaults on Civil Society in the Philippines,” *Sage Journals: Joruna of Currnet Southeast Asian Affairs* 42, no. 3 (2023): 328–49, <https://doi.org/10.1177/18681034231209504>.

²¹ Danielle P. Ochoa dan Michelle G. Ong, “Negotiated Harms in Moralized Policies: The Case of Duterte’s War on Drugs,” *Journal of Social and Political Psychology* 10, no. 2 (2022): 554–69, <https://doi.org/10.5964/jspp.5623>.

²² Pablo Ciocchini, “Law, violence, and hegemony during the ‘war on drugs’ on the Philippines,” *Oñati Socio-Legal Series* 14, no. 1 (2024): 9–32, <https://doi.org/10.35295/osls.iisl.1677>.

²³ Ciocchini.

²⁴ Evi Retno Wulan, “Analisis Yuridis Pasal 127 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika Ditinjau Dari Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia,” *Spirit Pro Patria* 8, no. 2 (2022), <https://doi.org/10.29138/spirit.v8i2.2123>.

at national and local levels. Drug control strategies in Indonesia combine criminal law enforcement with preventive and rehabilitative measures, including:²⁵

- 1) Demand Reduction
Primary prevention targets individuals and communities not yet exposed to drug problems; secondary prevention targets at-risk groups through education and counseling; tertiary prevention focuses on relapse prevention for rehabilitated users.
- 2) Supply Control
Oversight of both legal and illegal drug flows, including interdiction task forces at airports and seaports.
- 3) Harm Reduction
Through collaboration between BNN and the *Komisi Penanggulangan AIDS*, focusing on HIV prevention among intravenous drug users.

Both governments consider methamphetamine a high-priority target due to its severe psychotropic effects. However, their approaches diverge: the Philippines employs uncompromising repression—including warrantless arrests and lethal force—while Indonesia adheres to due process of law, where the judiciary maintains central authority in determining guilt.²⁶

3.2. Convergence And Divergence

Convergence theory explains that shared socio-political pressures drive both countries toward similar anti-meth strategies. Both frame meth as an “enemy of the state”, adopting legal, military, and media narratives to justify exceptional measures. This securitization of methamphetamine reflects a shift from a public health paradigm to a security paradigm.²⁷

Operational convergence is evident in community-based strategies: 1) the Philippines uses *barangay profiling* to identify vulnerable communities, 2) Indonesia implements *Desa Bersinar* (Drug-Free Village). Despite these similarities, a sharp divergence exists in the treatment of meth users: the Philippines treats users as criminals to be eliminated, while Indonesia provides pathways for rehabilitation through integrated assessments and judicial discretion. Full convergence occurs only at the level of large-scale trafficking, whereas user-level policies reflect each country’s legal structure and value system.

²⁵ Rafaela Rigoni, Sara Woods, dan Joost J. Brecksema, “From Opiates to Methamphetamine: Building New Harm Reduction Responses in Jakarta, Indonesia,” *Harm Reduction Journal* 16, no. 67 (2019): 1–13, <https://doi.org/10.1186/s12954-019-0341-3>.

²⁶ Rigoni, Woods, dan Brecksema.

²⁷ Hosnah, Jevis, dan Fernandez, “The Principle of Proportionality in Drug Control Policy in the Philippines and Indonesia.”

Both countries retain the death penalty for large-scale traffickers: Article 11 of RA 9165 in the Philippines and Article 114(2) of Law No. 35/2009 in Indonesia. However, their legal procedures differ significantly. The Philippines prioritizes deterrence through fear, while Indonesia emphasizes legal proportionality and procedural justice. Global pressures, especially from United Nations Office on Drugs and Crime (UNODC), have pushed both governments to enhance monitoring systems and reporting transparency. Yet, the Philippines faces international scrutiny over human rights violations, whereas Indonesia receives praise for advancing restorative legal approaches. This demonstrates that drug policy convergence in the Global South often reflects a pragmatic balance between domestic political pressures and international norms, adapting security-oriented models while retaining local legal and cultural characteristics.

4. CONCLUSION

Indonesia and Philippines are among the countries with significant fluctuations in drug abuse rates. To address this issue, both countries established specialized agencies: the Badan Narkotika Nasional (BNN) in Indonesia and the Philippine Drug Enforcement Agency (PDEA) in the Philippines. Although both agencies share similar mandates in combating narcotics, their approaches to prevention, enforcement, and rehabilitation differ substantially. These differences shape contrasting institutional cultures: Indonesia adopts a more humanist legal culture, whereas the Philippines operationalizes an extremely repressive approach. Consequently, Indonesia's BNN cannot fully replicate the operational model of the Philippines' PDEA without compromising its legal principles.

From a regulatory perspective, both BNN and PDEA are legitimate state institutions operating directly under presidential authority. However, their functional orientations differ. BNN functions as a policy-making, preventive, rehabilitative, and investigative agency, whereas PDEA acts as a full-fledged law enforcement body under the Dangerous Drugs Board (DDB), with broad powers to conduct investigations, prosecutions, and direct actions. The Philippine government frames methamphetamine as the primary target of its war on drugs, treating production, possession, and consumption as serious crimes with no distinction between users and traffickers. By contrast, the Indonesian government adopts a more moderate legal approach, combining punitive measures with rehabilitation. The national legal framework upholds the principle of proportionality, guarantees due process of law, and provides legal pathways for the recovery of drug users.

Both governments impose similar criminal sanctions—including life imprisonment or the death penalty for methamphetamine traffickers—through Republic Act No. 9165 Article 11 in the Philippines and *Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika* Article 114 in Indonesia. However, the enforcement logic

diverges sharply: a) the Philippines often enforces these penalties through extrajudicial mechanisms, accelerating the execution process, 2) Indonesia, on the other hand, places judicial institutions as the sole authority for sentencing, based on evidentiary principles and procedural safeguards. Thus, while both countries share formal regulatory similarities, these do not produce uniform implementation outcomes. Divergences in institutional structure, legal culture, and political orientation shape their respective drug control policies. In practice, this results in surface-level convergence—through similar laws and penalty structures—but deep divergence in enforcement and operational execution.

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