



Comparison of Criminal Sentences Against Drug Dealers in ASEAN Countries

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Abstract

Differences in criminal sentencing among ASEAN countries result from various factors, including colonial history, cultural influences, different legal systems (such as Civil Law and Common Law), and each country's unique priorities and social values. These cultural and social values influence which crimes are considered as serious and what punishments are considered appropriate. Such disparities in penalties can create challenges for managing cross-border crimes and harmonizing laws across the region. A deeper understanding of the differences in criminal penalties for drug traffickers within ASEAN countries is crucial. This research uses a normative juridical approach to describe and analyze the differences in imprisonment practices in Indonesia, Cambodia, Singapore, and Thailand. The findings indicate that the penalties for drug trafficking differ by country. Indonesia, Thailand, and Singapore still impose the death penalty for drug offenses, whereas Cambodia does not.

Keywords: Comparison; Criminal; Drug Dealers.

Abstrak

Perbedaan hukuman pidana di antara negara-negara ASEAN dihasilkan dari berbagai faktor, termasuk sejarah kolonial, pengaruh budaya, sistem hukum yang berbeda (seperti Hukum Perdata dan Hukum Umum), dan prioritas dan nilai sosial masing-masing negara yang unik. Nilai-nilai budaya dan sosial ini memengaruhi kejahatan mana yang dianggap serius dan hukuman apa yang dianggap pantas. Kesenjangan hukuman seperti itu dapat menciptakan tantangan untuk mengelola kejahatan lintas batas dan menyelaraskan hukum di seluruh kawasan. Pemahaman yang lebih dalam tentang perbedaan hukuman pidana bagi pengedar narkoba di negara-negara ASEAN sangat penting. Penelitian ini menggunakan pendekatan yuridis normatif untuk menggambarkan dan menganalisis perbedaan praktik pemenjaraan di Indonesia, Kamboja, Singapura, dan Thailand. Temuan menunjukkan bahwa hukuman untuk perdagangan narkoba berbeda di setiap negara. Indonesia, Thailand, dan Singapura masih menjatuhkan hukuman mati untuk pelanggaran narkoba, sedangkan Kamboja tidak.

Kata Kunci: Perbandingan; Kriminal; Pengedar narkoba.



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INTRODUCTION

Drug abuse in Indonesia is a widespread problem across different social groups, making it a national concern and ranking as the second-highest crime in the country. As a developing nation, Indonesia faces the risk of becoming a target for illegal drug distribution. The prevalence of narcotics abuse continues to impact Indonesian society, from drug trafficking cases involving hundreds of kilograms to international dealers being caught, which shows that Indonesia remains in a narcotics trafficking crisis (Hariyanto, 2018: 10). Dealers still find it relatively easy to distribute drugs in various regions due to insufficient oversight.

ASEAN is an organization comprising eleven countries based on their similar geographic locations, that focuses on developing and regulating cooperation strategies across various areas to enhance security, welfare, peace, and stability within the member states. Its primary goal is to address various issues that threaten the common interests of countries in the ASEAN region. The strategic geographical position of ASEAN offers advantages such as serving as an international trade route, boosting tourism potential, and abundant natural resources. However, these benefits are countered by challenges faced by the ASEAN community, including widespread drug smuggling in Southeast Asia.¹ Initially, drugs were legal medicines. Over time, however, their use shifted toward misuse for personal pleasure, and excessive, improper abuse can destroy individuals and even entire generations. Drug abuse poses a threat to the well-being of a nation's people and can have international implications, impacting economic stability.

Southeast Asia, as a part of the Asia Pacific, is identified as fulfilling all the above factors. Moreover, Thailand is an area that actively produces opium and heroin in large quantities.² Not only as a drug-producing region, several ASEAN countries, such as Indonesia, Cambodia, Singapore, Vietnam, and others, are also often used as transit areas for drug smuggling to areas outside ASEAN, such as Europe, Australia, and other regions in the world.

One of the cooperations of ASEAN countries in tackling drugs is by establishing a common perspective and approach as well as drug control strategies, harmonizing the regulations of ASEAN countries in the field of drugs, and then holding cooperation between ASEAN countries both bilaterally, regionally, and multilaterally.³ However, until now, there are still differences in the sentencing of drug traffickers in ASEAN countries such as Indonesia, Cambodia, Singapore, and Thailand. Such differences in criminal penalties in ASEAN countries will certainly have an impact on the effectiveness of drug countermeasures in the Southeast Asian region.

The differences in criminal penalties across ASEAN countries are influenced by several factors, including colonial history, cultural influences, different legal systems (such as Civil Law and Common Law), and the unique priorities and social values of each country. The cultural and social values in each ASEAN nation shape perceptions of which crimes are serious and what punishments are appropriate. Recognizing these differences

¹ Rendi Prayuda dan Syafri Harto, *ASEAN dan Kejahatan Transnasional Narkotika (Problematica, Dinamika dan Tantangan)* (ASEAN and Transnational Drugs Crime (Problematics, Dynamics and Challenges), (Yogyakarta: Penerbit Ombak, 2020), p.

² BNN Public Relations, **BNN RI Bahas Permasalahan Narkotika di Asean* (BNN RI Discusses Narcotics Problems in ASEAN), <https://bnn.go.id/bnn-ri-discusses-asean-narcotics-problems/> accessed on August 6, 2025

³ Devi Anggraini, *Kebijakan ASEAN dalam Menanggulangi Penyalahgunaan Narkotika dan Obat-obatan Berbahaya di Asia Tenggara* (ASEAN Policy in Tackling the Abuse of Narcotics and Dangerous Drugs in Southeast Asia), *Journal of International Relations Analysis*, Vol. 5 No. 3, October 2016, p. 39.

is essential for effective cooperation in combating transnational crime and enhancing the quality of legal systems in the ASEAN region.

RESEARCH METHODS

This research adopts a judicial-normative legal research method aimed at examining and comparing imprisonment practices for drug dealers in Indonesia and selected ASEAN countries, namely Cambodia, Singapore, and Thailand. The study employs a comparative and statutory approach, focusing on the analysis of legal norms governing criminal sentencing and the theoretical foundations of imprisonment within each jurisdiction. By situating the analysis within the framework of punishment theory, this research seeks to identify similarities, differences, and underlying rationales in the application of imprisonment sanctions across the selected legal systems.

The data used in this study are derived from library-based legal research, consisting of both primary and secondary legal materials. Primary legal materials include statutory regulations and codified laws related to narcotics offenses and criminal sentencing, such as the Indonesian Criminal Code (KUHP), Law Number 35 of 2009 on Narcotics, Cambodia's Law on the Control of Drugs 2012 and Penal Code, Singapore's Misuse of Drugs Act and Penal Code, as well as Thailand's Narcotic Act B.E. 2522 (1979), Psychotropic Substances Act B.E. 2518 (1975), and Penal Code. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, legal commentaries, and other academic publications relevant to imprisonment theory, comparative criminal law, and narcotics regulation.

Data collection was conducted through systematic document study, involving the identification, classification, and examination of relevant legislation, legal documents, and selected judicial decisions where available. The collected legal materials were analyzed using qualitative legal analysis and legal argumentation techniques, emphasizing interpretation, comparison, and normative evaluation. The findings are presented descriptively and analytically to provide a comprehensive understanding of how imprisonment policies for drug dealers are formulated and implemented within different ASEAN legal frameworks.

RESULTS AND DISCUSSION

Criminal Sentencing for Drug Dealers in Indonesia

It is crucial to closely monitor the distribution of narcotics because, currently, their use is mainly for harmful purposes. Additionally, with the advancement of information and communication technology, the spread of narcotics has reached almost every part of Indonesia, even remote areas. Regions that were previously untouched by drug trafficking are gradually becoming trafficking hubs. Similarly, children who initially had no exposure to these illegal substances have become addicts, finding it difficult to break free from dependence.⁴ In Indonesia, the punishment for drug traffickers is outlined in Law Number 35 of 2009 on Narcotics. The key articles that regulate drug dealers are:

- a) Article 112, paragraph (2), prohibits possessing, storing, controlling, or providing class I narcotics for personal use or others.
- b) Article 112, paragraph (2), also prohibits possessing, storing, controlling, or providing a certain amount of class I narcotics for sale (dealers), with penalties of imprisonment from at least 4 years to 12 years, and a maximum fine of 8 billion.

⁴ Deni Setyo Bagus Yuherawan, (2014). *Dekonstruksi Asas Legalitas Hukum Pidana: Sejarah Asas Legalitas dan Gagasan Pembaharuan Filosofis Hukum Pidana (Deconstructing the Legality Principle of Criminal Law: The History of the Legality Principle and the Idea of Philosophical Renewal of Criminal Law. Malang)*: Setara Press, p. 27.

- c) Article 114, paragraph (2), bans trading, selling, buying, acting as an intermediary in sales, or exchanging class I narcotics. Penalties include a minimum of 5 years and a maximum of 20 years in prison, along with a fine of up to 10 billion.
- d) Article 127 addresses the illegal use of narcotics and imposes criminal penalties for users and distributors.

Article 113 stipulates a minimum prison sentence of 5 years and a maximum of 20 years, as well as a minimum fine of 1 billion rupiah and a maximum of 10 billion rupiah for drug dealers. Thus, a Class 1 drug dealer in Indonesia can be sentenced to imprisonment for a minimum of 4 years and a maximum of 20 years, or even the death penalty in certain cases. In Indonesia, fines are also imposed on drug dealers. The fines imposed on drug dealers reach billions of rupiah.

Criminal Sentencing for Drug Dealers in Cambodia

In Cambodia, drug dealers face very strict punishments. The legal basis for punishing drug dealers is the Law on the Control of Drugs 2012. This law establishes the legal framework and procedures for addressing drug-related offenses. It does not specify the death penalty for drug offenses. Cambodia has abolished the death penalty since 1989 and has constitutionally prohibited the death penalty. In Cambodia, a person convicted of trafficking more than 80 grams of narcotic substances may be sentenced to life imprisonment.

Types of Offenses	General Penalties
Possession/drug minor (<1g)	Imprisonment up to 1-2 years, fine
Intermediate possession (several large grams)	Imprisonment up to 10-20 years
Distribution of >80g (heroin, <i>meth</i> , <i>ecstasy</i> , etc.)	Life imprisonment and a hefty fine.

In Cambodia, possessing small amounts of drugs can also lead to imprisonment for up to 10-20 years. Cambodia's drug laws permit forced rehabilitation without due process. While Cambodia does not use the death penalty for drug traffickers, it enforces very strict penalties. For traffickers with more than 80g, the harshest punishment is life imprisonment and a fine. For those caught trafficking small amounts, they are not automatically acquitted but still face imprisonment for several decades.

Drug trafficking is regulated in Articles 40-48 of the Law on the Control of Drugs of 2012, which covers the production, trafficking, and smuggling of drugs. It includes penalties such as life imprisonment for trafficking in large quantities of over 80 grams of heroin, meth, and other substances. Prison sentences of 20 to 30 years and hefty fines are also imposed for involvement in distribution networks.

In the Cambodian Penal Code, the penalties for drug trafficking are mainly set out in Article 306 (Use of proceeds from trafficking), which states that placing proceeds from drug trafficking into financial institutions, buying property, or using it to continue trafficking activities is punishable by 6-12 years' imprisonment. This sentence is usually imposed on drug trafficking networks that utilize the proceeds systematically.

Criminal Sentencing for Drug Traffickers in Singapore

In Singapore, drug trafficking is regulated in parts I-VII, which contain 59 articles and are equipped with types of narcotics and their classification. The provisions of the Misuse of Drugs Act (MDA) mention the penalties for drug dealers. In Singapore, the

death penalty is applied to drug dealers. As for the type of punishment imposed, it is classified according to the type and quantity, namely:

1. 5-20 years' imprisonment and whipping in accordance with class A, B, or C.
2. 20-30 years' imprisonment and 15 lashes of flogging.
3. For drug trafficking above the threshold, the death penalty is imposed.

In Singapore, the death penalty is applied to drug dealers. The sentence is stipulated in Article 33 of the Misuse of Drugs Act (MDA), which states that a defendant must be sentenced to death if:

- a. Convicted of drug trafficking, and
- b. Quantity of drugs carried exceeds the threshold set by law.

In Singapore, there are thresholds set by Singapore law that, if crossed, will automatically result in the imposition of the death penalty, namely:

Types of Drugs	Threshold (Minimum for Death Penalty)
Heroin (diamorphine)	>15 grams
Methamphetamine	>250 grams
Cannabis (marijuana)	>500 grams
Cocaine	>30 grams
Opium (raw)	>1.2 kg
Opium (ready to use)	>200 grams

Next, in 2012, Singapore revised the penalty to not always be a mandatory death sentence. The law now only applies if the perpetrator acts as a:

1. Introduction to narcotics, called a courier
2. Cooperates substantially with the Central Narcotics Bureau (CNB)
3. Or has a significant mental disorder

Criminal Sentencing for Drug Traffickers in Thailand

In Thailand, the laws against drug traffickers are very strict and harsh. Criminal penalties for drug traffickers in Thailand are divided into several categories, including:

1. Possession for the purpose of salsa (Category 1)
 - a) Penalty: 1 year to life imprisonment.
 - b) Fine: 20,000 to 5 million Baht.
 - c) If the quantity is large (e.g., more than 20 grams of methamphetamine)
 - d) Can be sentenced to death, although executions are now less frequent and mostly replaced with life sentences.
2. Production, import, or export of drugs
 - a) Punishment: Death penalty or life imprisonment.
 - b) Fine: up to 5 million Baht.

3. Large quantity possession

- a) Possession of **more than 15 tablets of methamphetamine** can be considered as trafficking.
- b) Charged as "**possession for distribution**", not just personal use.

According to the Narcotic Act B.E. 2522, the following are the types of offenses and their penalties:

Offenses	Type of Narcotic	Penalties
Unlicensed Production, Export, Import	Category 1 (Heroin, Meth, etc.)	Death penalty, life imprisonment, and/or a fine of up to 5 million Baht
Possession for sale	Category 1	4 years-life imprisonment and fine
Direct sales to another person	All categories	Imprisonment and fine, depending on the amount and category
Personal possession (small quantity)	Category 1-2	Short imprisonment or rehabilitation, depending on context

Drug traffickers in Thailand are often subject to life imprisonment or the death penalty, especially for category I drugs. In practice, if the defendant is cooperative or admits guilt, the death penalty is often reduced to life imprisonment. Thailand still maintains the death penalty for certain crimes, such as major narcotics.

Construction of Law Enforcement Against Drug Dealers in Indonesia

Law enforcement is a process that upholds or enforces legal norms, as a guide for actors in traffic or legal relations in the life of society and the state. Law enforcement is also a process that involves many aspects.⁵ Since Indonesia's independence, even long before that, regulations or policies on drugs have been updated several times. This was done because drug crimes developed along with the development of science. Governments everywhere, including the Indonesian government, agree that the war on drugs must be intensified with various efforts and strategies, because drugs are deeply embedded in Indonesian society. The Indonesian government has made policy breakthroughs, also known as the Criminal Policy, on various occasions. That is by issuing a special law on drugs. Currently, the applicable law is Law No. 35 of 2009 on Narcotics, as a revision of Laws No. 5 and No. 22 of 1997 on Narcotics and Psychotropic Substances.⁶

Law enforcement against drug dealers in Indonesia is regulated in Law No. 35 of 2009 on Narcotics. This law regulates various aspects, including the classification of narcotics, criminal sentencing, and rehabilitation efforts for users. The Indonesian government applies a zero-tolerance approach to drug crimes, with penalties that can be very severe, including the death penalty for serious cases.

⁵ Dellyana and Shant. 1998. *Konsep Penegakan Hukum (Concept of Law Enforcement)*. (Yogyakarta: Liberty). p. 32.

⁶ Hanafi, (2017, September). Analisis Terkait Sanksi Pidana bagi Pengguna dan Pengedar Narkoba dalam Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika (*Analysis Related to Criminal Sanctions for Drug Users and Dealers in Law Number 35 of 2009 concerning Narcotics*). *Journal of Voice Justitia*. Volume 1. Number 2, p 34.

Law No. 35/2009 on Narcotics serves as the primary basis for drug law enforcement in Indonesia. This law regulates various types of narcotics, criminal sentencing, and rehabilitation efforts for users. Parties involved in law enforcement include the police, prosecutors, judges, and correctional officers. Drug abuse, including distributing, producing, and using, is considered a criminal offense regulated by the law. The Narcotics Law provides for various types of sanctions, including imprisonment, fines, and even the death penalty for very serious cases. These sanctions can be in the form of principal punishments of imprisonment and fines, as well as additional punishments for deprivation of rights and asset forfeiture.

In addition to prosecution, prevention efforts are also carried out through socialization of the dangers of drugs, rehabilitation for users, and the establishment of policies that support prevention efforts. In Indonesia, law enforcement efforts against drugs include preventive (prevention) and repressive (prosecution). Although criminal sentencing is the main focus, rehabilitation efforts for drug users are also emphasized to help users who experience dependence.

About Narcotics. In Law no. 35/2009 on Narcotics for "dealers", there are two types of criminal sanction formulation systems (*strafsoort*), namely the cumulative formulation system between imprisonment and fines (Articles 111, 112, 113, 116, 117, 120, 122, 123, 124, 125 of the Narcotics Law (Articles 114, 115, 118, 119 of the Narcotics Law).⁷ Then for the formulation system of the length of criminal witness (*strafmaat*) in the Narcotics Law, there are also two formulations, namely fixed / indefinite sentence system or maximum system and determinate sentence system (Articles 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125 of the Narcotics Law).⁸

The purpose of these sanctions (both corporal punishment and fines) is to give legitimacy to law enforcement officials in acting and preventing the abuse and illicit trafficking of narcotics in Indonesia, where the sanctions will also be able to have a positive influence on those, so as not to get involved and fall into the dangerous association of narcotics. In addition, to provide a deterrent effect for perpetrators of narcotics abuse and illicit trafficking, by imposing sanctions (both corporal punishment and fines) in accordance with the level and nature of the mistakes made, as stated in the formulations of the articles of the law itself.⁹ Likewise, the aim is to narrow and prevent the space for abuse and trafficking of narcotics in the black market, so that more victims of narcotics abuse and crime do not fall victim. The sanctions (corporal punishment and fines) listed and contained in Law No. 35 of 2009 are severe. Where the subjects and objects of law that can be sanctioned are also broader in scope, it seems as if they do not provide space for those who try to commit acts that deviate from the rules of the law itself.¹⁰

Based on the applicable law on enforcement or crime enforcement. In the suspension of criminal offenses, two efforts are needed, namely, penal or law enforcement by non-penal means, which means that legal settlements do not use criminal law (penal).¹¹ The implementation of criminal sentencing in a general sense is part of the principle of

⁷ Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics

⁸ Law of the Republic of Indonesia Number 35 of 2009 Concerning Narcotics

⁹ Eddy OS Hiarij. 2009. *Asas Legalitas dan Penemuan Hukum dalam Hukum Pidana*. (Jakarta: Erlangga)(The Principle of Legality and Legal Discovery in Criminal Law. (Jakarta: Erlangga)). p. 52.

¹⁰ Sunarso Siswantoro, (2004). *Penegakan Hukum Psicotropika* (Law Enforcement Psychotropic). Jakarta Rajawali Press, p. 145.

¹¹ Hamzah & Surachman, 1994, *Kejahatan Narkotika dan Psicotropika (Narcotics and Psychotropic, Crimes)*, Jakarta: Sinar Grafika.

legality, which states that *nullum delictum, nulla poena, sine praevia lege (poenali)*.¹² With the existence of the law, criminal law is born. The formation of statutory sanctions is determined by the legislator, which requires the realization of an agency in ways that can apply or implement the criminal rules in question. To realize the criminal law, infrastructure is needed.

In the current development of criminal law in Indonesia, especially in special criminal laws or criminal legislation outside the Criminal Code (KUHP), there is a tendency to use a double-track system in the sanction system, which means that criminal sentencing and action sanctions are regulated at the same time. When talking about the two-track punishment system, there will be differences between criminal sentencing and action sanctions. Criminal sentencing emphasizes the element of retaliation, while action sanctions stem from the basic idea of protecting society and holding perpetrators accountable. Criminal sentencing focuses on criminal acts that are carried out; action sanctions have a social purpose. Criminal sentencing aims to provide special suffering to violators so that they are deterred by the consequences of their actions. Criminal sentencing is also a form of reprimand for the actions of the perpetrator. The principal difference between criminal sentencing and criminal sentencing is also often called the presence or absence of reproach, not the presence or absence of the element of suffering. Meanwhile, action sanctions have a more educational purpose.¹³

The Narcotics Law does not explicitly define "trafficker," but the act of transporting, carrying, or sending narcotics can be categorized as trafficking. In Indonesia, drug traffickers are subject to criminal sentencing in the form of imprisonment, fines, and the death penalty.

Some important articles in the Narcotics Law that regulate drug dealers include:

- a) Article 113: Regulates the prohibition of producing, importing, exporting, or distributing class I narcotics.
- b) Article 114: Regulates the prohibition of offering for sale, buying, receiving, or intermediating in the sale, exchange, or delivery of narcotics.
- c) Article 112: Regulates the prohibition of possessing, storing, controlling, or providing narcotics.

The Narcotics Law states that traffickers of class I narcotics will be subject to strict criminal sentencing in the form of life imprisonment or the death penalty, as well as a very large fine. This criminal sanction aims to provide a deterrent effect, protect the public from the dangers of narcotics, and encourage rehabilitation efforts for drug offenders.¹⁴ In addition to the Narcotics Law, law enforcement against drug dealers also involves the Criminal Procedure Code (KUHP) in the investigation, prosecution, and court examination process.

Construction of Law Enforcement Against Drug Dealers in Cambodia

¹² Sholehuddin, 2003, *Sistem Sanksi Dalam Hukum Pidana, Ide Dasar Double Track System & Implementasinya* (Sanction System in Criminal Law, Basic Idea of Double Track System & Implementation), PT Raja Grafindo Perkasa.

¹³ I Gede Darmawan Ardika, et al., 2020, *Penegakan Hukum Terhadap Penyalahgunaan Tindak Pidana Narkotika* (Law Enforcement Against Abuse of Narcotics Crime, Journal of Legal Construction), Vol. 1, No. 1, p. 289.

¹⁴ Muhammad Harimust, 2023, *Penegakan Hukum Terhadap Penyalahgunaan Tindak Pidana Narkotika* (Criminal Sanctions for Class I Narcotics Dealers According to Law Number 35/2009 on Narcotics), Lex Privatum Vol. XI/No.5.

Law enforcement against drug traffickers in Cambodia is strict with a zero-tolerance policy. Severe penalties, including long-term imprisonment, can be imposed on anyone involved in the drug trade, even in small amounts. Cambodia is also a signatory to various international conventions and has extradition treaties with other countries regarding drug dealing. Cambodia applies a zero-tolerance policy towards drug offenses, which means severe penalties even for possession of small amounts.

In Cambodia, drug traffickers can face long prison sentences, even life imprisonment if convicted of trafficking large quantities of illegal drugs. Cambodian authorities are active in making arrests and detaining individuals involved in drug production, possession, and trafficking. In terms of international cooperation, Cambodia engages in extradition treaties to combat drug crime.

Authorities routinely seize large quantities of drugs from traffickers, including a variety of drugs such as heroin, ecstasy, crystal methamphetamine, ketamine, and nimetazepam.

Despite law enforcement efforts, their effectiveness remains questionable, especially in the context of certain criminal markets. Some argue that policies that focus on criminalizing drug users and dealers, without comprehensive solutions, may lead to new problems such as overcrowded prisons and ineffective rehabilitation centers. The legislative process in Cambodia is also slow, and reforms can take a considerable amount of time to implement.

Laws play an important role not only in enforcement but also in drug abuse prevention efforts. Prevention involves public health policies and efforts to prevent drug abuse early on. Despite severe penalties, Cambodia does not have the death penalty for drug dealers. Several studies show that forms of drug abuse include using, distributing, and giving to others for consumption, as well as excessive use of drugs.

Construction of Law Enforcement Against Drug Dealers in Singapore

In Singapore, the main legal basis used is the Misuse of Drugs Act 1973 and the Organized Crime Act 2015. The Misuse of Drugs Act 1973 sets a mandatory death penalty threshold for dealers and creates a legal presumption that stipulates that a person is deemed to be dealing drugs if they have a certain amount, even if they only have the key to the location where the drugs are stored. The Organized Crime Act 2015 strengthens law enforcement efforts against organized crime, which includes drugs trafficking, and allows for the confiscation of criminal assets without conviction and the imposition of various types of preventive orders.

In Singapore, the enforcement authority and operational mechanism are handled by the Central Narcotics Bureau (CNB). CNB officers are authorized to conduct warrantless searches of premises and people, as well as conduct urine and hair tests. CNB regularly conducts nationwide raids and intelligence-based operations in collaboration with the Indonesian police, immigration, and BNN.

Regarding sentencing and execution practices, since March 2022, Singapore has resumed executions after a pandemic lull, with dozens of drug dealers executed. In Singapore, the death penalty is mandatory for a certain threshold, active executions since 2022.

The Misuse of Drugs Act (MDA) regulates the prosecution of drug offenses in Singapore. There is a threshold quantity of drugs that determines whether a person is considered a user or a dealer, namely:

- a) Heroin >15 grams
- b) Cannabis >500 grams
- c) Methamphetamine >250 grams
- d) Cocaine >30 grams

If the quantity found exceeds these limits, it is considered a dealer offense, and the punishment is the death penalty. Specialized courts dealing with drug trafficking cases are handled in Singapore's High Court. The suspect is provided with a lawyer, but the burden of proof can be heavy, especially due to the "presumption of distribution". In Singapore, the defense is limited, and only in special evidentiary circumstances can the court impose a sentence of life imprisonment plus 15 lashes instead of the death penalty.

In Singapore, the execution of the death penalty is carried out by hanging. It is usually carried out in the early hours of the morning at Changi Prison. Death penalty executions are scheduled after the appeal is rejected and the President's clemency petition is not granted. The family of the death row prisoner will be given 3-7 days' notice before the execution. For this death sentence, Singapore has come under heavy criticism from human rights organizations (such as Amnesty International for not allowing enough room for mitigating circumstances and still sentencing to death despite circumstantial evidence.

It can thus be seen that the enforcement of the law against drug traffickers is very strict and harsh by the CNB. The legal process has a high burden of proof, and there is an automatic presumption. The main punishment imposed on drug traffickers is the death penalty (hanging), unless there is special evidence. Alternative sentences for drug traffickers are life imprisonment and caning. The punishment in Singapore has been heavily criticized, but the Government still maintains it for the deterrent effect on drug traffickers.

Construction of Law Enforcement Against Drug Dealers in Thailand

Thailand implements one of the harshest drug policies in the world. Offenders who are primarily drug dealers or large couriers can face the most severe penalties, including the death penalty. However, in practice, the death penalty is often reduced to life imprisonment if there is cooperation or remorse. For smaller cases, the court may direct rehabilitation rather than imprisonment. This is based on recent policies and decisions issued by judges in Thai courts.

In Thailand, the classification of drugs is divided into 4 categories, namely: Category I, such as heroin, ecstasy (MDMA), LSD, and Methamphetamine, with penalties that include:

- a) Laundering or trafficking large quantities can carry the death penalty, although it is often commuted to life imprisonment, especially if the suspect is remorseful or cooperates with investigators.
- b) For small quantities suspected to be for personal use, up to 10 years imprisonment and/or a fine may be imposed.
- c) In addition, a recent circular from the Ministry of Health provides an alternative possibility of rehabilitation for small possession cases, although it remains subject to a court decision.
- d) Categories II-IV include cocaine, morphine, as well as precursor substances and drug-making chemicals, which are still subject to severe penalties of imprisonment and fines, albeit at a lower level compared to category I.
- e) Category V is cannabis, kratom, and psychedelic mushrooms, for which Thailand relaxed the rules in 2022, but are now back classified as strictly controlled drugs. For this category, penalties can include 2-15 years in prison and/or fines of up to millions of baht, depending on the type of offense.

In Thailand, police are granted broad powers, including the authority to conduct warrantless searches in emergency situations. Pre-trial detainees can be held for up to several weeks, and bail is rarely granted in drug cases. As for the courts, there is no jury system; the courts are managed by judges. Defendants have the right to appeal to the Supreme Court. If the victim cooperates with investigators to uncover the network, the sentence can be significantly reduced.

Thus, category I drug traffickers are subject to life imprisonment or the death penalty. For category II-IV offenses, imprisonment and a fine are imposed, and for category V offenses, imprisonment of 2-15 years and a fine are imposed.

CONCLUSION

The comparison of criminal sentencing against drug traffickers in ASEAN countries shows that in Indonesia, traffickers face imprisonment, fines, or the death penalty. In Cambodia, drug sellers can be sentenced to life imprisonment, but the death penalty is not used. In Singapore, penalties include imprisonment, flogging, or the death penalty. In Thailand, sanctions range from imprisonment to the maximum penalty of the death penalty.

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