

Cannabis in Indonesia

Patterns in consumption, production, and policies

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KEY POINTS

- Traditional use of cannabis in Indonesia has mainly been found in the northern part of Sumatra, particularly in the Aceh region. Restrictions in production, use and distribution of cannabis were initiated by the Dutch colonial government in the 1920s following international actions on cannabis control.
- Cannabis is the most widely used illicit substance in Indonesia, with approximately two million users in 2014. Under the current narcotics law cannabis is included in the most-restrictive Schedule I list, along with substances such as heroin, and crystal meth or *shabu*. Penalties for cannabis-related offences are comparable to *shabu*- or heroin-related offences, in spite of the common perception that cannabis is less harmful.
- The ambiguous nature of the narcotics law often triggers the victimisation of cannabis users who are either falsely accused as dealers, or have limited or no access to legal support during legal proceedings. Entrapment and extortion by law enforcement and security officers are widespread.
- Government attempts to alleviate prison overcrowding by sending users to rehabilitation centres have triggered many criticisms, mainly due to their problematic methods (such as forced urine tests and breaches of patient confidentiality) and the questionable effectiveness of mandatory rehabilitation programmes, especially as the majority of cannabis users do not develop problematic use.
- Decriminalizing use, possession for personal use and small-scale cannabis cultivation for personal use may help resolve various issues ranging from prison overcrowding to extortion of users by law enforcement officers, and may also free up human and financial resources to tackle problematic use.

In 2014, Indonesia's National Narcotics Board (*Badan Narkotika Nasional* – BNN) reported that there were around two million cannabis users in the country, making cannabis the most commonly used illicit drug in Indonesia, followed by amphetamine-type stimulants (ATS) such as methamphetamine (*shabu*) and ecstasy.² In Indonesia, cannabis is officially referred to as *ganja*, although different local terms may apply in different parts of the country. Almost all cannabis consumed in Indonesia is produced in the Aceh region on the northern-most tip of Sumatra, as well as several other parts of Sumatra, from where it is transported to the rest of the country. A small amount may also be cultivated in and transported from Garut, West Java, as well as Papua, according to the cannabis advocacy agency Circle of Cannabis Archipelago (*Lingkar Ganja Nusantara* or LGN).

According to the Indonesian Drug Users' Network (PKNI), despite being categorised as a Schedule I drug (i.e. a highly dangerous substance with no medicinal value), many drug users consider it less harmful compared to other illicit substances, especially more addictive drugs such as heroin. Nonetheless, because of the increasing anti-drug stance of the Indonesian government and its zero-tolerance approach towards drug use, cannabis use has rarely been discussed as a single topic, or as a plant with significant cultural, traditional, and potential medical uses in the country.

Because of the current anti-narcotics law – discussed in detail in the final section of this briefing – there have been many obstacles to research on cannabis, both in terms of medical and anthropological research. Consequently, most information concerning the cultural and traditional use of cannabis in Indonesia was obtained through local interviews, testimonies, and research in Dutch archives,³ unless stated otherwise. Difficulties in verifying these pieces of information also arise from the significant importance of religious and traditional beliefs of certain populations in Indonesia.

Historical overview of cannabis use in Indonesia

According to the Historical Dictionary of Indonesia, *Cannabis sativa* or *ganja* “was native to the Caspian Sea, but reported from Java in the 10th century”.⁴ The dictionary suggests that cannabis was used as a source of fibre and an intoxicant, although its use was not as common as the consumption of tobacco, opium or betel.⁵ *Ganja* or *bang*, as noted by a number of Dutch authors during the colonial period, served as an “intoxicating agent” whose leaves were regularly mixed and smoked with tobacco, particularly in the Aceh region.⁶

Frequently known as a substance that generated appetite and simultaneously functioned as a substitute for opium, it was also reported that chopped cannabis leaves were sometimes soaked in water, dried, rolled in nipa palm leaves and smoked as cigarettes. Stronger effects were said to have

occurred when the dried cannabis leaves were wrapped in corn or banana leaves.⁷ Similar descriptions of cannabis were also written in the report *The Useful Plants of the Dutch East Indies*, in which the species *Cannabis sativa* was registered.⁸

Commonly grown in the north of Sumatra, several documents suggest that the cannabis plant was also grown in other parts of the Dutch East Indies such as in Batavia (Jakarta), Buitenzorg (Bogor) and Ambon. It appears that during the late 19th century, cannabis was not well known among the Javanese populations, yet there were assumptions that the plant might have been cultivated on the island because of local familiarity with terms such as *ganja*, *gandja*, or *gendji*.⁹ Apparently, cannabis leaves and opium were used by shopkeepers or *warung* holders (in Indonesian, *warung* is a common term for a small shop or eating place) to enhance the aroma and narcotic effect of dried tobacco in banana leaves.¹⁰ Indonesian-born citizens preferred much stronger tobacco than the Dutch and did not shy away from its mind-altering effects.¹¹

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The cultivation and use of cannabis in Ambon, on the other hand, was documented by the German-Dutch botanist, G. E. Rumphius, who wrote about the recreational and medicinal application of *Cannabis indica* – and *Cannabis sativa* to a lesser extent – in his book *Herbarium Amboinense* (published in 1741). Although cannabis cultivation in the Indonesian archipelago was said to be less common than it was in the Indian mainland, cannabis was still grown in Ambon with seeds from Java. In the region, cannabis roots were consumed to treat gonorrhoea, while its leaves were sometimes combined with nutmeg and brewed as tea for the purpose of alleviating asthma, pleuritic chest pain and bile secretion. Furthermore, cannabis tea, prepared with dried cannabis leaves, was recreationally consumed to enhance the sense of well-being which local populations referred to as *hayal*, similar to the modern Indonesian word *khayal* (a state of imagination or fantasy). Rumphius observed that among Muslims, cannabis leaves, which were smoked with tobacco, produced effects varying from aggression to sadness and melancholy.¹²



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In the late 19th century, advertisements for cannabis occasionally appeared in several Dutch language newspapers in the Dutch East Indies, most of which attempted to promote cannabis cigarettes as remedies for illnesses ranging from asthma, coughing and other throat illnesses, breathing difficulties and

sleeplessness. It is important to note, however, that these advertisements were primarily directed towards the European populations residing in the Dutch East Indies, considering the common medical usage of cannabis in Europe at the time.¹⁴



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Traditional, religious and spiritual relevance

In the Aceh region, local populations reported important uses for cannabis, ranging from cooking and/or food preparation, to mixing with coffee or for making herbal remedies for diabetes.¹⁶ In terms of cooking and food preparation, Acehnese people use cannabis seeds to enhance flavour, moisture, and to a lesser extent colour (for example in local dishes such as goat curry and Acehnese noodles). Besides being mixed and smoked with tobacco, cannabis flowers are sometimes soaked in palm wine, kept in bamboo branches and consumed as a tonic.

While there is very little research or literary work carried out on the topic of (traditional) cannabis use, most local respondents in Aceh, when asked about cannabis, referred to several holy books such as *Mujarabat* and *Tajul Muluk*, which provide religious grounds for medicinal use of cannabis. These holy books, translated from ancient Malay in the 16th century, suggest that the cannabis plant is a crucial herbal remedy for various sicknesses such as diabetes.¹⁷

First prohibitions of cannabis

Concerns over Indian hemp (as cannabis was often referred in earlier centuries) were raised at the International Opium Conference in 1912 in The Hague. An addendum to 1912 International Opium Convention was added in which "[t]he Conference considers it desirable to study the question of Indian hemp from the statistical and scientific point of view, with the object of regulating its abuses, should the necessity thereof be felt, by international legislation or by an international agreement."¹⁸ Consequently, the colonial government instructed Willem G. Boorsma, Head of the Pharmacological Laboratory of the Department of Agriculture, Industry and Trade in the Dutch East Indies, to examine the situation of cannabis in the Dutch East Indies.¹⁹ The study conducted by Boorsma does not show significant problems in

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relation to cannabis use in Indonesia (widespread consumption was largely limited to Aceh and East and West Sumatra, while small-scale cultivation for personal use mainly took place among communities from the Indian mainland referred to as *Bengalese and Klingalese* – also known as Klings – in these areas).²⁰ As a result of the study, no measures were introduced to stop cannabis cultivation but increased scrutiny was decided upon which required the head administrators of the regions where the plant was found to report annually on the situation. Nevertheless, in practice, preconditions were set when leasing land that forbade the cultivation of all plant-based psychoactive substances, including Indian hemp, without authorisation from the colonial government.²¹

However, because of international developments and more importantly rising support for introducing further restrictions on cannabis, the Dutch government decided to restrict access to cannabis in the Dutch East Indies through the adoption of the *Verdoovende Middelen Ordonnantie* (narcotics decree) of 1927 – this was a result of the inclusion of cannabis in the 1925 International Opium Convention and made cannabis subject to a system of export authorisations and import certificates.²² The primary focus of the decree was the consumption and production of opium, and more specifically concerning the opium monopoly in the Dutch East Indies. Cannabis was often used as an opium surrogate.²³ Even before the nation-wide narcotics decree was passed, similar legislations were already implemented on the provincial or local level, including in the Aceh region in 1924, in which the cultivation, possession, storage, transport and sale of cannabis were punishable with a fine of 100 guilders.²⁴ Cannabis-related arrests, ranging from cultivation to recreational consumption, began to increase during the 1930s – the very period in which colonial authorities advanced their law enforcement efforts.²⁵

Overview of current cannabis use in Indonesia

To what extent is cannabis available, accessible, and consumed in Indonesia on the present day?

Between 2009 and 2012, 37,923 people were imprisoned for using cannabis, meaning that as many as 26 people were sentenced on a daily basis.²⁶ As the most common choice of substance among drug users, cannabis accounts for up to 66 per cent of the entire drug consumption in the country.²⁷ In 2011, there were an estimated 2.8 million cannabis users in Indonesia, while the estimated number of drug users in Indonesia was around 3.7–4.7 million, or approximately 2.2 per cent of the total population aged 10–59 years. Of those users, approximately 1.1–1.3 million used crystalline methamphetamine, around 938,000 to 969,000 used ecstasy, and roughly 110,000 used heroin.²⁸ However, cannabis has hardly ever been discussed as a separate type of substance, even though recent developments on cannabis legalisation, regulation, and decriminalisation in the Americas have been reported on various media platforms.

Cannabis cultivation and the political insurgencies in Aceh

The illicit cultivation of cannabis in Aceh province has been associated with the separatist group Free Aceh Movement (*Gerakan Aceh Merdeka* or GAM), which has been active since the late 1970s in pursuit of an independent Aceh. Besides the practice of extortion, kidnapping, unlicensed logging and sale of timber and gathering funds from the Acehnese diaspora, GAM allegedly financed itself by levying taxes on cannabis cultivation and controlling trafficking in cooperation with a Jakarta-based trafficking organisation. In 1988, a GAM sub-district commander was arrested and reported to have showed hectares of cannabis fields connected with the funding of GAM operations, although there have been doubts about the validity of these 'confessions'. In response to these allegations, the Indonesian military was ordered to carry out the *Nila I* Operation in 1989, a military operation which appeared to aim for the abolition of GAM and the cultivation of cannabis in Aceh. Subsequent attacks by GAM were deemed as forms of retaliation towards such eradication programmes by the Indonesian authorities.²⁹

Nonetheless, it is important to note the significant involvement of the Indonesian security forces within the conflict as well as within the issue of cannabis trafficking itself, which should be seen as a phenomenon separate from the escalation of conflict in Aceh. The security forces – military and the police – were reported to have promoted cannabis cultivation in rural areas and purchased cannabis from farmers at much lower prices than on the black-market. As an example, a police helicopter pilot was arrested after flying with 40kg of cannabis which he admitted was to be sent to the police chief of Aceh Besar regency, while in 2002, an army truck was intercepted carrying 1,350kg of cannabis through Binjai, North Sumatra, which resulted in a fire-fight between the police and military in which six police and one soldier were killed.³⁰ Apparently, the efforts to reduce illicit cannabis production were not very successful; in 2004, an estimated 30 per cent of cannabis in South East Asia came from Aceh.³¹

The relationship between the Free Aceh Movement and the illicit cultivation of cannabis in Aceh is hard to determine. Viewing illicit cannabis cultivation and the GAM as the two main variables in the conflict is problematic, as there is no concrete evidence that the two are connected, not to mention the complex nature of the conflict itself in which certain key Indonesian military commanders were involved in selling weapons and ammunition to the GAM. Cannabis was just one of the forms of resource-grabbing taking place. The local coffee and fishing industries were extorted as well, while the military were also involved in seizing plantation land for companies and silencing locals to prevent them from reclaiming their land.³² More likely all parties in the complicated conflict – military and police, different competing GAM factions, local warlords, criminal gangs and corrupt political and criminal entrepreneurs – were involved one way or another in shifting alliances.³³ Because of the high level of insecurity and instability in the conflict situation, rural farmers and cannabis growers dependent on cannabis cultivation for their livelihoods were the most disadvantaged among all the parties involved, as they have been harassed by armed groups controlling territories in which cannabis cultivation takes place.

While Indonesia's anti-narcotics law technically allows the use of cannabis for restricted scientific purposes (in relation to medical purposes), it appears that there have been few or no official research programmes in relation to cannabis in the country. According to LGN, several cannabis plants have actually been cultivated in Tawangmangu, Central Java. Although being administered by the official research body of the Ministry of Health (*Balitbangkes*), these plants have primarily been used to provide assistance for law enforcement purposes, and hence have no scientific relevance.

A cannabis user's testimony

Rudi³⁴ (aged 23) first experienced *ganja* when he was about 14 years old. It was mainly curiosity that encouraged him to try out his older cousin's marijuana cigarettes, and he only started to purchase and consume cannabis regularly in high school, primarily because of increasingly easy access to illicit substances. When asked about his habitual consumption of cannabis, Rudi asserts it has not caused any major harm, and instead considers cannabis a source of creativity, especially when it comes to dealing with university-related writing assignments. More importantly, he finds cannabis has a significant therapeutic value in relation to the frequent tremor on his hands, whose symptoms are often alleviated through smoking cannabis.

Arrested in 2011

One day Rudi was on his way from Bogor (West Java) to Yogyakarta (Central Java), a city where he obtained his degree. His initial plan was to bring several cannabis joints from Bogor, yet instead, he decided to buy a few grams of *ganja* from the local dealer in Yogyakarta. When he reached home, a police officer knocked on the door and came in to arrest him; it turned out that local dealer was already under arrest and had been 'persuaded' to sell out his customer. Rudi was then brought to a hospital nearby for a urine test, and like other drug-related suspects, he was beaten up by police officers. Subsequently, a deal was offered to Rudi; the police would remove his cannabis-related charges in exchange for a certain amount of money. After accepting the offer, Rudi went back to university the following day, "as if nothing ever happened".

'Trust no one' and be self-sufficient

Since the day he got entrapped, arrested and released through bribery, Rudi started to become more cautious with regard to his cannabis use. More importantly, Rudi began to think that it would be much safer for him to grow his own cannabis, becoming more self-sufficient in producing cannabis for his personal use and not having to rely on dealers or runners. Rudi asserts that after being deceived by his dealer, it is better to "trust no one". He now cultivates eight cannabis plants on his balcony in Bogor, despite its illegal status. Rudi believes that it is necessary for the Indonesian government to re-examine the laws concerning cannabis use, particularly in relation to its medical applicability and potential to alleviate many people's suffering. In addition, he hopes to witness an erosion of stigma with regard to the consumption of cannabis, the main choice of psychoactive substance among drug users in Indonesia.

Cultivation of cannabis

While the Aceh region is still known to be the main source of cannabis, there are several other parts of Sumatra where cannabis is cultivated illicitly for commercial purposes: Bengkulu (West Sumatra province), Lampung province, and Mandailing Natal (North Sumatra province).

According to interviews and observations carried out by the BNN, on the other hand, cannabis in West Borneo also ‘comes from Java, while in Jayapura, Papua, cannabis ‘is transported from Papua New Guinea’.³⁵ It is also important to note that an increasing number of regular cannabis users have chosen to be less dependent on the illicit supply chain by growing their own cannabis plants.³⁶

Cannabis plantations in the aforementioned parts of Sumatra normally would not exceed an area of one hectare. As many cannabis farmers are not landowners, they pay rent for the land on which they cultivate cannabis, while some farmers simply start cultivation on an empty, unused piece of land. Supposedly for strategic reasons, cannabis farmers sometimes abandon their land after the harvesting season and switch to another piece of land. In Aceh, it is also common for local households to grow several cannabis plants in their own backyard, although the yields are often not sold for commercial purposes. Because of the illegal status – and not to mention the hefty penalties – of cultivating cannabis, many cannabis farmers seek and/or receive protection from the Indonesian military (*Tentara Nasional Indonesia*) primarily through bribery.

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Distribution and pricing

On average, a cannabis farmer in Aceh would sell a kilogram of cannabis for approximately Rp 300,000 (\$22). In Medan, the capital of North Sumatra, local dealers would buy this bag of cannabis for approximately Rp 1,500,000 (US\$110). Once it reaches Jakarta, the country’s capital, the wholesale price could be more than twofold (\$220) or ten times the price paid to the grower, and subsequently becomes incrementally higher as it goes further towards the eastern parts of the country (\$513/kg in Surabaya, East Java). A drug policy expert in Jakarta asserts that the entry point of cannabis from Sumatra to Java is Sukabumi, a city in West Java province, which is about 80 km south of Jakarta.

Unlike the situation in a regulated market, local dealers and runners sell *ganja* per package (*paket* in Indonesian), without using units of measurement such as grams or ounces. A package of cannabis costs approximately Rp 100,000 (\$7.26), which is sufficient for 5-6 joints, according to a regular consumer living in a city in West Java. Compared to other illicit psychoactive substances, cannabis is considered highly affordable, especially considering the price of an ecstasy tablet (\$29), heroin (\$36 per 250 mg), crystal meth (\$29 per 250 mg), and acid (\$14.50 per strip). As well as financial reasons, *ganja*

consumption is also considered more prevalent and acceptable due to its element of locality, in contrast to the use of synthetic drugs perceived as an ‘imported’ culture.

In one of its reports, the BNN also discusses the significance of drug production (as well as widespread distribution and consumption) in Indonesian prisons. Though the type of drugs being produced and distributed is not mentioned, the report acknowledges the crucial involvement of not only prisoners – who consume and sell drugs – but also visitors and prison officers. A prison is the most convenient and safe place for drug consumption, according to many inmates interviewed by the BNN, especially considering the availability, higher quality and lower prices of narcotics inside prisons.³⁷ In 2014, a case of cannabis sales was revealed in *Lapas Klas II Narkotika Ghrasia*, a detention and rehabilitation centre in Yogyakarta, where the vast majority of inmates are cannabis users. There were allegations that tennis balls were used to store cannabis and thrown over the prison gates for sales outside the detention centre.³⁸

In 2006, the BNN documented various cannabis products seized during eradication programmes in Aceh, ranging from cannabis oil, a typical South East Asian toffee-like confection, to different local dishes such as curry, fried noodles, meatballs soup, and peanut sauce – mainly prepared with cannabis seeds and/or oil

Consumption patterns

Indonesia’s anti-narcotics law and policies mean most data on cannabis use are gathered and presented by the BNN in a context of prohibition, referring to users as ‘abusers’ (*penyalahguna* in Indonesian). The use of such negative language in the public discourse on drug use poses many challenges in understanding the actual patterns of cannabis consumption among the population.

Most cannabis users consume it by smoking its buds and occasionally mixing them with tobacco, while traditional uses of cannabis seeds for cooking and food processing, as well as cannabis in coffee and tea, are commonly found in Aceh. In 2006, the BNN documented various cannabis products seized during eradication programmes in Aceh, ranging from cannabis oil, a typical South East Asian toffee-like confection, to different local dishes such as curry, fried noodles, meatballs soup, and peanut sauce – mainly prepared with cannabis seeds and/or oil.³⁹

In most of their reports, the BNN places the frequency of drug use – hence also cannabis use – into three categories: 1) occasional/trial use: less than five times in the past year; 2) regular use: 5-49 times in the past year; 3) non-injecting addiction: more than 49 times in the past year, implying that a person who smokes a cannabis joint one or two times a week will be considered a cannabis addict. It is important to note that cannabis has been the most common choice of substance for each category in virtually all provinces in the country.⁴⁰ A BNN official notes that besides its affordability, the prevalent use of cannabis – particularly in the first category – can be linked with the common perception that cannabis is relatively less dangerous than other drugs because of it being a plant-based substance.

With ever tighter law enforcement efforts against drug possession and trafficking, however, it is increasingly difficult to find cannabis on the market, least of all high-quality cannabis. Similar to the effects of prohibition in other countries, synthetic drugs (mainly synthetic cannabinoids) – whose exact compositions are still under scientific scrutiny – are increasingly available and popular as a cannabis substitute. One of the most popular is referred to as ‘Gorilla tobacco’. This type of legal high reached its peak of popularity between January and May 2015.

A consumer’s perspective

Adi (aged 28) first tried smoking cannabis joints with his close friends in junior high school. In search of something other than alcohol, Adi and his group of friends decided to try *cimeng* (urban slang for cannabis). According to Adi, who currently smokes cannabis less than once a week, cannabis is an attractive substance as it yields a certain level of sensory enhancement. This explains why he prefers to combine his consumption with activities such as reading, listening to music, or enjoying scenic, natural views. For Adi, his social circle is another important factor in his cannabis use, as the level of enjoyment of recreational cannabis is largely dependent on the group of which he is part.

Adi points out that many cannabis users, particularly those in his circle, have experienced a few phases in becoming increasingly aware of the social and political aspects of cannabis use as well as drug use in general. “Firstly, we would focus merely on the euphoria and thrill of using something illegal. But the more we use it, the more we try to know about the medicinal and industrial value of cannabis.” Despite this, Adi thinks that drug laws in Indonesia are in chaos, and that the country is far from tolerating the recreational use of cannabis. As he puts it, “what’s behind Indonesian [cannabis] laws is still incomprehensible to me, whether or not there is some kind of a clandestine deal between the government and external stakeholders.”

Overview of the Indonesian anti-narcotic laws and their relationship with cannabis

Historical overview

In 1927, the Dutch colonial government in the Dutch East Indies, driven by international developments in cannabis control, passed a decree that prohibited the cultivation, import and export, production and use of narcotic drugs, except for medical and scientific purposes with prior government authorisation. Although its primary focus was opium and its derivatives, the decree prohibited the cultivation of Indian hemp (cannabis), as well as outlining a number of restrictions on the use, possession and distribution of cannabis, some of which were subject to fines and/or short-term jail sentences (See Table 1).

Table 1: A timeline of cannabis legislation

Currency-related information: \$1 = Rp 13,650 US\$1 = 2.01 NLG (Dutch guilders)

Time period	Legislation	Status of cannabis	(Cannabis-related) penalties
1927 - 1976	<i>Verdovende Middellen Ordonnantie</i> (Decree on Narcotic Drugs)	Import, export, possession, preparation and use are highly restricted Cultivation and possession in relation to cannabis are prohibited (Scheduling is non-existent)	Offences with regard to regulations for import and export are punishable by a wide range of fines <i>Cultivation and a range of naval transport-related offences (specifically for captains):</i> A maximum fine of 1,000 guilders or a prison sentence of a maximum of six months <i>Import, export (personal or in custody) possession, preparation, use, processing:</i> a maximum of 3,000 guilders or a three-month prison sentence
1976 - 1997	Law No. 9 Year 1976 on Narcotics	Restricted use for medical and research purposes only (Scheduling is non-existent)	<i>Personal use:</i> maximum two-year prison sentence <i>Cultivation and/or production, possession and small-scale distribution:</i> maximum of a six-year prison sentence and fine of Rp 10 million <i>Dealing and trafficking:</i> 20-year prison or life sentence and a maximum fine of Rp 30 million
1997 - 2009	Law No. 22 Year 1997 on Narcotics	Schedule I: highly restricted use for research purposes only In comparison, substances under Schedule II and III may be restrictively distributed for research and medical purposes	<i>Personal use:</i> maximum four-year prison sentence <i>Small and large scale possession and cultivation:</i> 10 to 15-year prison sentence and a fine between Rp 25 million – 5 billion <i>Production and distribution:</i> 4 to 20-year prison or life sentence, or death penalty and a fine between Rp 200 million – 5 billion <i>Trafficking:</i> 2 to 20-year prison or life sentence, or death penalty and a fine between Rp 100 million – 5 billion <i>Import, export and sales:</i> 4 to 20-year prison or life sentence, or death penalty and a fine ranging from Rp 1 – 7 billion
2009 - present	Law No. 35 Year 2009 on Narcotics	Schedule I: highly restricted use for research purposes only In comparison, substances under Schedule II and III may be restrictively distributed for research and medical purposes	<i>Personal use:</i> maximum 4-year prison sentence and/or mandatory rehabilitation (Article 127) <i>Possession, cultivation, and supply provision:</i> 4-12-year prison sentence and a fine between Rp 800 million – 8 billion <i>*Cultivation of more than 1 kg or 5 plants:</i> 5-20-year prison or life sentence with a higher amount of fines (Article 111) <i>Production, imports, exports, and distribution:</i> 5-15-year prison sentence and a fine between Rp 1 – 10 billion <i>*In the case of more than 1 kg or 5 plants:</i> death penalty, life imprisonment or 5-20-year prison sentence with a fine higher than Rp 10 billion (Article 113) <i>Sales and purchases for dealing purposes:</i> 5-20-year prison or life sentence and a fine between Rp 1-10 billion <i>*In the case of more than 1 kg or 5 plants:</i> death penalty, life imprisonment or 6-20-year prison sentence with a fine higher than Rp 10 billion (Article 114) <i>Transporting:</i> 4-12-year prison or life sentence and a fine between Rp 800 million – 8 billion <i>*In the case of more than 1 kg or 5 plants:</i> life imprisonment or 5-20-year prison sentence with a fine higher than Rp 8 billion (Article 115) <i>Provision of drugs to others:</i> 5-15-year prison sentence and a fine of Rp 1 – 10 billion <i>*Provision which lead to permanent injuries/deaths:</i> death penalty, life imprisonment or 5-20-year of prison and fine higher than Rp 10 billion (Article 116)

After independence, and despite the unproblematic nature of cannabis in the country, the new Indonesian government kept the colonial regulations. Fifteen years following the 1961 UN Single Convention on Narcotic Drugs, the Indonesian government passed a set of laws with regard to the use of psychoactive substances, including cannabis. The anti-narcotics law passed in 1976, however, does not entail any categorisation of substances, describing the cannabis plant as a type of narcotic which can be restrictively used for medical and research purposes only.

The Indonesian government first declared a war on drugs in 2002 under the leadership of President Megawati. An independent National Narcotics Board (BNN) was established in March 2002, leading to counter-narcotics programmes conducted by various government institutions down to village level. A month later, an enormous illicit drug laboratory was seized in the Banten province, drawing international attention to Indonesia and its growing significance in the regional drug trade.

The BNN responded by designing a 'war plan' that aimed for 'a drug-free Indonesia in 2015', and pushed for an increase in spending for its counter-narcotics programmes, emphasising Indonesia's geopolitical vulnerability to drug trafficking and the current lack of manpower and resources for anti-drug operations amid the worrying rise of drug abuse in the country. In order to achieve its drug-free target, the BNN also recommended stronger international cooperation in law enforcement against transnational drug trafficking, alongside the development of rehabilitation treatments for drug users.

In 2003, the BNN set up provincial branches (BNP – *Badan Narkotika Provinsi* or Provincial Narcotics Board), expanding the institution's anti-drug operations, including the 'Preventing and Combating Illicit Drug Trafficking and Abuse' programme (P4GN; *Pencegahan dan Pemberantasan Penyalahgunaan dan Peredaran Gelap Narkoba*).⁴¹ Nevertheless, many observers widely believe that "the fundamental problem of Indonesia's illicit drug trafficking is corruption in the law enforcement sector which allows large-scale criminal enterprises to operate hand-in-hand with corrupt officers. Adrianus Meliala, a prominent [Indonesian] criminologist, openly criticises "the police, who are supposed to fight drug crime, are drug dealers and consumers".⁴²

The current legal framework

Under the 2009 anti-narcotics law, all elements of cannabis were classified as Schedule I drugs, along with other types of psychoactive substances such as heroin, cocaine and methamphetamine. Due to this categorisation deriving from the 1961 UN Single Convention, cannabis is rarely discussed as a separate substance. This has much to do with the zero tolerance discourse and common generalisation of drugs in the country, particularly in terms of cannabis being considered as harmful and addictive as other Schedule I substances.

According to several Indonesian drug policy analysts, the law passed in 2009 had been deliberately designed by the government to prioritise rehabilitation over prosecution of drug users and/or addicts, unlike previous laws that appeared to consider drug users merely as criminals.⁴³ This view was reinforced by Anang Iskandar, the former head of the BNN, who stated that based on current laws, drug use was no longer considered a serious criminal offence and thus its penalties would not exceed four years of imprisonment.⁴⁴ This is indeed explicitly stated in the current anti-narcotics law, with a note concerning drug users' obligations to report themselves and enter both medical and social rehabilitation programmes (Article 54 of Law 35/2009), followed by an article which states the obligation of parents of drug users to initiate this process.

Nonetheless, the ambiguous nature of several paragraphs in the anti-narcotic law provides loopholes for different interpretations of drug-related arrests depending on the relevant law enforcement official(s), current governmental priorities, as well as the social, economic, and political status of the suspect. As shown in the table above, the current law provides different categories of offences and their respective penalties. The law furthermore includes a definition of drug users – referred to as 'abusers' – and separates them from dealers, yet it does not acknowledge the different levels of drug dealing and hence the various actors involved. As an illustration, if a person buys a small amount of cannabis to be shared with friends, there is a likelihood that a police or a BNN officer would consider an arrest as a drug dealer or runner, as the purchased drug is to be distributed to potential users.⁴⁵

If a person buys a small amount of cannabis to be shared with friends, there is a likelihood that a police or a BNN officer would consider an arrest as a drug dealer or runner, as the purchased drug is to be distributed to potential users

Considering the limited access to legal support for arrested drug users, the aforementioned issues have many implications for conviction and prison sentencing.⁴⁶ A member of the Indonesian Drug Users' Network (PKNI) suggests that in 2014, only 17 out of thousands of arrested drug users were transferred into rehabilitation centres (See Table 1: Article 127 of the Law 35/2009), while the rest had to mainly serve their prison sentences, not to mention a number of drug users who were prosecuted as drug dealers/ runners and faced heavier sentences accordingly (See Table 1: Article 111 of the Law 35/2009). In some cases, this is also attributed to the absence of medical records proving that a suspect is addicted to cannabis and hence in need of rehabilitation treatments.

A PKNI youth programme officer provides an example of cannabis use in Yogyakarta, Central Java, where most users arrested by police officers were transferred to a prison called *Lapas Klas II Narkotika Ghrasia*, in which punitive rehabilitation programmes take place. Participants are obliged to perform hard labour in order to receive food and water, while those who wish to leave the programme sooner are required to pass the centre's examinations – whose indicators range from the participants' work ethics and diligence, to their involvement in the centre's religious programmes. In Yogyakarta, it has hardly ever been the case that arrested users are sent to the rehabilitation centres of the Ministry of Social Affairs (MoSA) and the Ministry of Health (MoH), which is contrary to the law. Another common concern shared by

local drug policy analysts relates to prison overcrowding, which has been attributed to the majority being arrested and sentenced for drug-related offences, mainly for possession. In September 2015, capacity in local prisons across the country averagely reached 145 per cent, with rates above 260 per cent for the province of Jakarta Special Capital Region, Central Kalimantan, and Riau.⁴⁷

Political and institutional issues

When it comes to enforcing anti-narcotics law, there are several institutions that play a number of roles with regard to research, arrests and prosecution, prevention and eradication, as well as rehabilitation. Although the BNN appears to be the most prominent institution, the law also outlines a list of responsibilities of the National Police Department (Polri), as well as the MoH and MoSA in respect of medical and social rehabilitation programmes for drug users.

The BNN is a non-ministerial institution established in 2002 that functions as the main agency coordinating implementation of the anti-narcotics law. Accountable to the head of the Indonesian police department who directly reports to the president, the BNN performs a wide variety of tasks in relation to drug prevention, eradication, investigation, international cooperation, as well as research. Due to its increasingly important political position in the country, most drug-related data, policies, and programmes are administered by the BNN, occasionally posing challenges when it comes to consulting alternative data sources.

Debate on cannabis legalisation sparks controversy

In 2007, the BNN and the Indonesian National Institute for Drug Abuse (INIDA) issued a proposal to review the legal status of cannabis in Indonesia. Tomi Hardjatno, a drug expert working as a consultant for the BNN, spoke up against the demonisation of *ganja* despite its common use for culinary purposes in Aceh. Using the Dutch *coffeeshop* system as an example, Hardjatno argued that cannabis was not as dangerous as most people thought it was, emphasising the plant's potential industrial benefits. He noted the hallucinogenic effects of cannabis leaves, but asserted that “[t]hey do not cause big negative effects”.⁴⁸ In video footage from the Associated Press, Hardjatno highlighted the importance of scientific review in finding a way to make use of the benefits of cannabis as opposed to the negative connotations associated with the plant.⁴⁹

Debate on cannabis legalisation sparked controversy in the country. Angry religious protesters immediately took to the streets to complain about the government's neglect – supposedly by pursuing ways to legalise a drug – of Indonesian citizens who were ready to comply with the (anti-narcotics) law.⁵⁰ Following enquiries, Indonesian vice president Jusuf Kalla argued against the idea of cannabis legalisation, but said that “[i]t's alright to use it as a food seasoning”. It appears that the proposal for review was dismissed immediately, most likely due to apparent anti-drug sentiments among vocal religious groups.⁵¹

As part of various law enforcement efforts, the BNN builds cooperation with police officers especially with regard to arrests and seizures. As stated before, officials from both institutions often interpret the law in different ways, bringing uncertainty for cannabis users who are unfortunate enough to get caught, not to mention those who are falsely accused of drug dealing. Despite the Supreme Court's fair definition of a cannabis user (one possessing up to 5 grams of cannabis – to be explained further below), there is often a lack of consensus in terms of law enforcement efforts in the field, exacerbated by the widespread existence of corrupt law enforcement officers, which accommodates illicit drug trafficking activities.⁵²

A cannabis user's testimony

"A friend of mine got arrested for less than a gram of cannabis. The police came inside, looked at the rug in his house, and started gathering remnants [of cannabis use]. And for that, it cost him 60 million rupiahs [\$4400] to avoid punishment. The thing is, that's often the case for not only 10-20 people, perhaps hundreds of people..."

Adi (28), Jakarta

In addition to institutional competition between the BNN and the National Police Department (Polri), occasional clashes also occur between the BNN and the MoH and MoSA, primarily around their responsibilities and financial resources, particularly in relation to rehabilitation programmes.

A path towards decriminalisation?

In 2009 the Supreme Court issued a Circular (*Surat Edaran Mahkamah Agung* or SEMA) describing the conditions and procedures for sending drug users to rehabilitation centres. Considered part of the 2009 narcotics law, the Circular technically differentiates drug users from dealers or traffickers based on the quantity of drugs with which they are caught. In 2010, the Supreme Court revised the Circular, emphasising both medical and social rehabilitation for drug users as well as a modified list of substances, along with the respective quantities applicable for personal consumption. In practice, the Circular asserts that any person caught with the possession of less or not more than 5 grams of cannabis should be considered a user who has the right to rehabilitation programmes unless evidence suggests that he/she has been involved in drug dealing or trafficking activities.

The issuing of the Circular may indicate a growing tendency towards (the) decriminalisation (of small-scale possession of drugs), especially considering the main reason for the initiative: to alleviate prison overcrowding attributed to the imprisonment of drug users. In 2014, this led to the issue of a Joint Regulation approved and signed by the head of the Supreme Court, the

Minister of Justice, the Minister of Health, the Minister of Social Affairs, the Attorney General, the head of the National Police, and the head of the BNN. Similar to the Circular, the Joint Regulation includes the conditions and procedures for the provision of rehabilitation treatments for drug users, including those who are suspected and convicted of drug dealing.

However, the implementation of both the Circular and the Joint Regulation still falls under the framework of punishment.⁵³ The two provisions would be more correctly seen as a form of de-penalisation as opposed to decriminalisation.⁵⁴ It is also crucial to note the narrow scope of the Circular, which does not bind law enforcement agencies such as the BNN and the National Police to comply with its provisions. More importantly, the decision of the judge to issue permission to attend rehabilitation programmes – for which the government has not pledged complete funding – largely depends on the legal and medical examination conducted by the Integrated Assessment Team (*Tim Asesmen Terpadu*), whose responsibilities and recommendations are often ignored by investigators within the police department.⁵⁵

The government's seemingly growing attention for rehabilitation programmes appears to have departed from the assumption that all drug users are in urgent need for treatment due to their problematic use. In terms of cannabis, only 5 to 10 per cent develop some level of problematic use, while the great majority of users do not require treatment.⁵⁶ The practice of mandatory rehabilitation also reduces the opportunity (and resources) to provide adequate treatment for groups who face real problematic use with substances such as heroin and methamphetamine.

Jokowi's war on drugs

Many criticisms arose after President Joko Widodo (Jokowi) decided to execute 14 drug traffickers in April 2015. He defended his policy by pointing at the lethal nature of drugs and the significant contribution of drug traffickers to the distribution of drugs among the Indonesian population,



although many activists and academics have publicly questioned the validity of the claim as well as the effectiveness of capital punishment in terms of deterring crimes and drug-related deaths.⁵⁷ Jokowi's execution policy, despite wide internal support,⁵⁸ has been heavily criticised from various angles, ranging from legal to policy-making and human rights perspectives.

Despite growing controversy at both national and international level, the Jokowi government remained firm and escalated its war on drugs in the country instead. Consequently, the BNN, together with the MoH and MoSA, has been authorised to gather as many as 100,000 drug users who are to be transferred into rehabilitation centres. This quantitative target will be doubled every year, meaning that 200,000 drug users will be 'rehabilitated' in 2016.⁵⁹ As many corrupt officials attempt to reach their quantitative targets for higher financial reward, PKNI explains, more practices such as forced urine tests, fraudulent sales of controlled medicines and breaches of patient confidentiality have become widespread. Local drug policy analysts have expressed their concerns regarding the effectiveness (and legality) of the measures, not to mention the (forced) rehabilitation programmes planned for these targeted drug users.

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As illustrated above, it was not only after Jokowi declared a war on drugs that Indonesia became known for its strict anti-drug stance, including on cannabis. In 2001, Zainal Abidin, a wood polisher and an elementary school graduate, was charged with possession of 58.7 kilograms of cannabis and sentenced to 18-years' imprisonment. Following the appeal process, however, he was convicted with drug trafficking and sent to death row in 2001. He was executed as late as April 2015. Similar to many other cases in Indonesia, Abidin had very limited access to legal counsel.⁶⁰

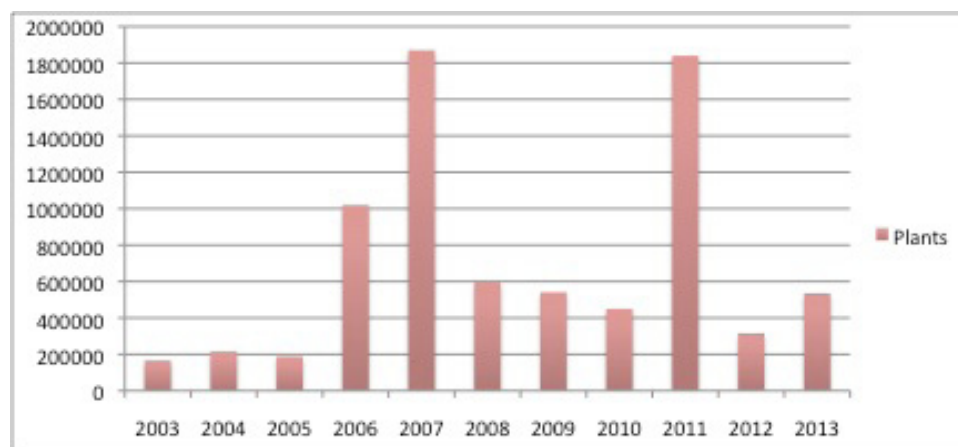
Though seemingly on the rise, advertisements against (use and distribution of) drugs have always been widespread in Indonesia, showing the common generalisation of psychoactive substances and their different origins and characteristics. While creating a common discourse on illicit drugs through propaganda with a moral tone, the government continues to neglect the complexity of the illegal drug market and the actors involved. When it comes to cannabis, this whole dynamic not only significantly limits discussions on the cultural, traditional, and medicinal aspects of the substance, but it also promotes the exclusion of individuals associated with cannabis use and production.

Seizures, eradication, and alternative development

The following chart provides an overview of cannabis seizures from 2003 to 2013, according to the BNN and the United Nations Office on Drugs and Crime, who compiled the data from government sources, annual report questionnaires, and the UNODC SMART programmes. Most eradication programmes were implemented under the P4GN umbrella of the BNN, especially following the 2005 instruction of General Sutanto – the police and

BNN chief at that time – to order all regional police chiefs to eradicate illicit drugs in different parts of Indonesia.⁶¹

Amount of cannabis plants seized between 2003–2013



As illustrated above, the scale of seizure of cannabis plants peaked in 2006–2007. In 2006, it was reported that 1,109,307 cannabis plants were seized (and possibly eradicated), while the number escalated to 1,869,595 in 2007. This may have been attributed to a set of eradication programmes conducted by the BNN following the 49th Commission on Narcotic Drugs (CND) meeting as well as UNODC endorsement for eliminating the illegal cannabis trade in Indonesia. Three major operations (*Nila Rencong* Operations) were carried out, in collaboration with the provincial BNN office in Aceh and the Acehese Provincial Police, in various locations and sub-districts within Aceh province.⁶²

These eradication operations were followed by a series of alternative development projects assisted by UNODC and the Mae Fah Luang Foundation, which comprised health-related development programmes and sustainable rural development projects, such as reconstruction of irrigation systems that aimed to create agricultural livelihoods as alternatives to cannabis cultivation.⁶³ The programme took place between 2006–2010, which may explain another peak in 2011, the same year in which the U.S. Drug Enforcement Agency (DEA) opened its office in Jakarta and began providing counter-narcotics assistance, including for cannabis eradication efforts in North Sumatra.⁶⁴

Following recent enquiries, The Jakarta Post reports that by the end of 2015, the BNN had eradicated 64 hectares of cannabis plantations across Indonesia, claiming that 60 hectares of which had been converted into areas where farmers could cultivate alternative crops such as cacao, patchouli, soybeans, and turmeric, mainly in Aceh province, accompanied by a training programme on cacao cultivation provided by the BNN for 150 Acehese farmers. In terms of the BNN's action plan for 2016, the BNN's spokesperson Slamet Pribadi emphasizes the BNN's intention to avoid the prosecution of cannabis farmers while increasing their focus on "investors" allegedly controlling most cannabis plantations in Aceh.⁶⁵ Despite its seeming success, however, current crop substitution programmes are often contested by

local researchers, especially due to the significantly lower market value of alternative crops in comparison with cannabis.

Many local drug policy activists and analysts have expressed concerns about the high level of media exposure for cannabis eradication and seizure, especially considering the questionable validity of the reported activities. It is quite likely that several crop eradication and seizures carried out by law enforcement agencies have been previously staged in order to increase the number of arrests or merely to create a case for media coverage, according to a PKNI member who occasionally discusses the issue with local cannabis farmers in Aceh.

Looking ahead: potential for reforms?

For more than 10 years there have been a number of Indonesian organisations and NGOs promoting and working on harm-reduction programmes as well as providing legal advocacy for drug users, including in the specific case of cannabis. The first license for research on cannabis was also recently issued by the government, marking a starting point for advocacy organisations to cooperate with ministerial institutions on investigating the cultural contexts and medicinal applications of cannabis. Working on influencing the law at a national level, however, has been quite a tall order. While there have been many criticisms of current national counter-narcotics strategies, local activists and researchers acknowledge and deplore the

Circle of Cannabis Archipelago

In 2007, a social media campaign for the legalisation of cannabis in Indonesia was initiated under the banner *Dukung Legalisasi Ganja* (DLG, meaning Support Cannabis Legalisation). In May 2010, DLG supporters held their first rally in the Indonesian capital Jakarta on the occasion of the annual Global Marijuana March, attempting to inform the public about the rationale behind cannabis legalisation in the country. The DLG campaign managed to gather as many as 42,000 followers by 2011, and eventually transformed into a research, education, and advocacy organisation called *Lingkar Ganja Nusantara* (LGN or Circle of Cannabis Archipelago).

Since 2011, LGN has embraced and discussed the traditional and cultural contexts of cannabis in different parts of Indonesia, while simultaneously informing the public about the legal aspects of cannabis. Through these efforts, they published a book, *Hikayat Pohon Ganja: 12,000 tahun menyuburkan peradaban manusia* (*The Tale of Cannabis Tree: 12,000 years enriching human civilization*).

In early 2015, LGN established its research body, *Yayasan Sativa Nusantara* (YSN; Sativa Nusantara Foundation), and managed to obtain the first license from the government to legally conduct scientific research on the cannabis plant.

absence of any concrete policy alternatives, which is mostly due to the immense complexity of drug-related issues in the country. According to PKNI, Indonesian lawmakers have admitted the importance of revising current drug policies, yet the initiative has not been included in the 2015 agenda of legal reforms.

In terms of cannabis policy development, Indonesia appears to be lagging behind neighbouring countries. In the Philippines, for instance, a bill to legalise the use of medical cannabis was proposed in 2014 by Rep. Rodolfo Albano III, namely the House Bill 4477 or the Compassionate Use of Medical Cannabis Act.⁶⁶ On the other hand, the Indonesian government had never granted a license for any forms of research on cannabis up until February 2015, in spite of cannabis being one of the most frequently used illicit substances in the country. However, cannabis policy organisations such as LGN, who will be cooperating with the MoH in the recently approved research programme on cannabis, are hopeful that they will witness a shift in public opinion on the topic of cannabis, principally in respect of the substance's medicinal benefits.

Conclusion

Historically, the widespread consumption of cannabis for traditional, recreational and medicinal purposes in the Indonesian archipelago seems to have only been discovered in North Sumatra, mainly in the Aceh region, most likely because of its geographical proximity to the Indian mainland – a region where cannabis use was a more common cultural phenomenon. There is indeed no concrete evidence as to how the use of cannabis spread from North Sumatra to the rest of Indonesia, and eventually became statistically more common than the consumption of other psychoactive substances. One possible – yet incomplete – explanation is that following the opium-related restrictions imposed by the colonial government, cannabis became a regular substitute for opium.

While the first prohibitions of cannabis were attributed to international developments on cannabis control as opposed to consumption-related problems, the government of post-independence Indonesia decided to retain a prohibitionist approach, incrementally creating restrictions in the cultivation, distribution and use of cannabis.

The current, outdated categorisation of cannabis as a Schedule I substance appears to have detrimental impacts not only on cannabis-related offenders such as users and farmers, but also on those victimised due to the illicit distribution of highly addictive drugs such as heroin and crystal methamphetamine. By spending scarce public resources on arrests, prosecutions, imprisonment, and unnecessary mandatory rehabilitation programmes for cannabis users, not to mention for non-problematic users of other substances, policy-makers fail to address the practical needs of

drug users, who will remain marginalised unless the government shifts its attention from supply-reduction efforts to policies based on scientific evidence and harm-reduction principles. The recent escalation of the war on drugs in the country has helped foster the practice of corruption and extortion among law enforcement officers, who have benefited either directly or indirectly from the current prohibitionist policies. These practices have particularly victimised drug users and supply-side offenders who are economically vulnerable.

Recommendations

First and foremost, it is important for policy-makers to acknowledge the economic aspect of the production and distribution of cannabis, which is generated by constant demand and perpetuated by the apparent overlap and relations between legal and illegal enterprises, motivated by either profit or subsistence. It is crucial for public institutions to take these dynamics into account prior to conducting any research activities for policy-making or evaluation purposes, and thus refrain from using any political prejudices or ideologies to find an evidence-based set of alternative policies.

Secondly, cannabis is the most frequent choice of substance among drug users. Decriminalising its personal use, possession for personal use, and small-scale cultivation would not only be economically beneficial, but would also pave the way to minimising problems such as prison overcrowding, corruption and extortion practices, and may halt the distribution of synthetic cannabinoids, which are perceived to be safer due to their legal status. In this case, de-penalising drug use through the effective implementation of the Supreme Court Circular and other technical regulations would be a crucial first step. Additionally, it would be wise for the government to consider tolerating the traditional use of cannabis in Aceh and thus putting an end to eradication programmes, especially considering the region's traditional and historical relationship with cannabis use.

Although legal reforms and the rescheduling of cannabis appear unlikely in the near future, policy-makers should respect institutional responsibilities of parties such as the Ministry of Health and the Ministry of Social Affairs, notably in relation with research programmes on cannabis and its potential medical applications, which are technically permissible under the current narcotics law. Lastly, there is an urgent need for the government to work on improving cooperation and coordination on the issue of cannabis between public institutions – ranging from lawmakers, various ministerial institutions, the Supreme Court, the BNN, the National Police, to the Indonesian military – and more importantly between public enterprises and civil society and community-based organisations.

Endnotes

1. Dania Putri is an International Public Management student in The Hague University who conducts an internship at the Transnational Institute (TNI). Tom Blickman is a senior policy researcher at TNI.
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34. A pseudonym
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36. This is also due to the rarity of high quality cannabis in the market, according to a local respondent who shared his personal experiences with cultivating cannabis.
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53. The 2014 Joint Regulation refers to the provision of rehabilitation treatments for "drug addicts and victims of drug abuse as suspects or convicts who are in the process of investigation, prosecution, and trial in court", following a discussion with Patri Handoyo, a researcher at Intuisi Inc. who focuses on drug policies and HIV in Indonesia.
54. Decriminalisation refers to the removal of criminal status from a certain behaviour or action. This does not mean that the behaviour is legal, as non-criminal penalties may still be applied. With respect to the drug debate, this concept is usually used to describe laws addressing personal possession or use rather than drug supply. Depenalisation refers to introducing the possibility or policy of closing a criminal case without proceeding towards punishment, for example as the case is considered 'minor' or prosecution is 'not in the public interest'. See: [Terms and definitions](#), in: EMCDDA (2015), *Models for the legal supply of cannabis: recent developments*, available at: <http://www.emcdda.europa.eu/topics/pods/legal-supply-of-cannabis#panel3>
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