



Death Penalty Research Unit (DPRU)

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# The role of socioeconomic factors in Indonesia's punitive drug policy regime

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## Executive summary

Over recent decades, Indonesia has pursued a harsh, criminal justice-focused response to the illicit drug trade, imposing lengthy prison sentences for a wide range of drug offences, including use and possession, as well as imposing death sentences and carrying out executions. This punitive approach is justified by a rationale of deterrence: the belief that sufficiently harsh punishments will deter potential offenders from involvement in drug crime. Yet in practice, the drug trade has continued to flourish, and the punitive approach has resulted in a prison overcrowding crisis, leading the government to consider legislative reforms.

This report addresses a knowledge gap regarding the socioeconomic impacts of Indonesia's current approach to drug policy: *who* in society is most affected, and *how*. It examines the role of a range of socioeconomic factors in pathways to criminalisation for drug offences, and the socioeconomic effects of the punitive approach itself. The report is based on interviews with prisoners serving sentences for drug offences and with representatives of civil society organisations working on drug policy and supporting drug offenders.

The central section of the report presents analysis of the interaction between punitive policies and socioeconomic factors in two parts. The first part, on pathways to criminalisation, identifies relevant socioeconomic factors including educational background, economic status and gender, in shaping individuals' likelihood of criminalisation for drug offences. The second part, on the socioeconomic effects of existing laws, addresses issues including stigma and discrimination, gender-based violence and compulsory rehabilitation, to highlight how these laws can have disproportionate impacts on the socioeconomically disadvantaged. While too brief to provide an exhaustive evaluation, the report seeks to provide a holistic overview of the risks and harms arising under the punitive approach.

In its analysis of pathways to criminalisation, the report concludes that those who face greater degrees of socioeconomic exclusion appear more likely to be subject to criminalisation for drug offending. Our findings indicate that those criminalised for drug offending generally only have low to average educational backgrounds and that criminalisation may particularly affect those who are unemployed or only precariously employed. For those involved in drug dealing, perceptions of economic opportunity are highlighted as a key motivation for some, including to provide for dependents, while others (especially women) may be involved due to

exploitation. Respondents made clear that drug use and involvement in the drug trade occur across social strata in Indonesia, but that those of lower socioeconomic status are overrepresented in the criminal justice system.

In its analysis of the socioeconomic effects of the punitive approach, the report concludes that those who experience greater degrees of socioeconomic exclusion also face greater socioeconomic impacts from the existing regime. Concerns about stigmatisation of drug offenders are emphasised by civil society respondents, with punitive state responses generating further stigma and discrimination, intersecting with social exclusion caused by poverty. Women are reported to face much greater stigma than men. The effects of stigma constitute barriers to employment, leading to economic exclusion. Findings indicate that incarceration may encourage closer relationships between prisoners and the drug trade, with contacts gained while in prison and stigma-based barriers to employment combining to encourage economic reliance on the drug trade after release. The punitive approach is also reported to have secondary impacts on others, notably offenders' families, including their children.

The report's analysis also considers the more recent promotion of a 'restorative justice' solution, with diversion of some drug use cases to rehabilitation treatment. However, it finds that this model has been heavily shaped by the punitive characteristics of the wider system. Problems are reported with the assessment process for rehabilitation, including imprisonment despite recommendations for rehabilitation; assessments not being properly completed; diversion to rehabilitation without assessment; and a need to pay for assessments to gain access to rehabilitation, which could exacerbate socioeconomic disparities. There is an evident risk of compulsory treatment under this model, and respondents share allegations of corruption and extortion in the referral process. As implemented, this model appears to conflict with core principles of restorative justice philosophy and risks reproducing, rather than reducing, the socioeconomic disparities of the punitive approach.

Beyond the failure of the punitive approach on its own terms, as a means to control and reduce the drug trade, the report highlights a variety of risks and harms resulting from Indonesia's current drug policy regime, which are likely to fall most heavily on those in society who already face the most socioeconomic exclusion. As consultations continue on legal reforms, research such as this – and that conducted by other experts and civil society groups in this area – can help to inform evidence-based drug policy which takes account of its societal impacts. Given the direction of international drug policy regimes in shifting rapidly towards human rights-based and health-oriented approaches, bringing Indonesian drug policy into line with these contemporary approaches would help to reduce the disproportionate impacts of the current approach on the poorest and most excluded in society.

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