

# Dealing with Punishment: Risks and Rewards in Indonesia's Illicit Drug Trade

The Death Penalty Project, in partnership with Community Legal Aid Institute, LBH Masyarakat, commissioned The Death Penalty Research Unit (DPRU) at the University of Oxford, in association with University Centre of Excellence HIV/AIDS Research Centre-HPSI at Atma Jaya Catholic University of Indonesia (AJCU), to conduct research on the use of the death penalty to deter drug related crime.

## What is the purpose of the study?

Like many of its South East Asian neighbours, Indonesia retains the death penalty with the assumption that it serves as an effective deterrent against crime, particularly drug trafficking, and that it is supported by the majority of the public.

However, belief in the deterrent effect of the death penalty for drug offences has not been substantiated with rigorous research. There are no thorough, methodologically robust deterrence studies on drugs and the death penalty known to have been undertaken in Indonesia or elsewhere.

Almost all deterrence research on capital punishment has been conducted in the global north, and has focused on homicide, as it is the only crime punishable by death in the region.

This study is the **first stage** of a wider programme of research which aims to thoroughly test the assumption that harsh punishments deter drug offenders.

## How was the research conducted?

The research was conducted through face-to-face interviews with **57 prisoners** from a prison in Jakarta. All had been convicted of drug offences.

More than 80% of those interviewed had been arrested in the past five years and the majority had been sentenced to **between 8 and 12 years** in prison.



## Key Findings

Most prisoners were not well educated, **more than half (57%) had not completed high school education**. At the time of arrest, **just less than half (47%) were unemployed**, and most others were not in stable or well-paying jobs.

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The majority were generating most of their income through the illicit drug trade, rather than lawful employment.

Most participants used drugs before their arrest, and for some, drug use preceded drug couriering, selling, or trafficking offences by a few years:

**"I've been using them from the age of 13. ...How about selling?.... [from] the age of 17"**

Around a quarter had been involved in the drug trade for several years before their arrest, the majority, in low-level roles.

**1/2**

**Almost half had prior convictions**

**1/4**

**Almost a quarter had been convicted for the same offence once before**

## Motivations for offending

Many were recruited into the drug trade by a trusted friend. Trust was a significant factor in individuals pathways to offending.

**"It started from a friend who saw me unemployed. We used [drugs] together and [he] asked if I wanted to join [in drug dealing]."**

The findings show that most had reasonable and rational financial reasons for committing drug offences. Almost all were **financially motivated**.



The majority needed money for essentials, not only for themselves but **their dependents**. Most had chosen to commit drug offences in order to achieve a better life for themselves and their families. A minority wanted luxuries, such as a car, and a few were thrill seeking.

## Deterrence

Deterrence theory does not seem to be supported by the decisions of those in this study.

The majority had committed their offences **fully aware of the risks** and were worried about going to prison, and some thought they could reduce the risks by taking precautions.

**90%**

**claimed to have taken some precautions to reduce the risk of apprehension**

Mindful of the risks, they nonetheless made the decision to commit drug offences knowing they were engaging in risky behaviour. According to deterrence theory, the benefits should be high to outweigh the high costs. However, the financial motivations were not overwhelming; the benefits of committing these offences were surely not irresistible.

The study shows that the **mechanisms for deterrence to work were clearly in place**, and yet our participants were **not deterred**.

The rational actor of deterrence theory may not have made such choices to commit their crimes given their perceptions of the risks.

## Concluding remarks

This report, which draws on interviews with people sentenced to prison for drug offences, is the **first stage of a larger project**, which will interview those convicted of drug offences and sentenced to death or life in prisons across Indonesia. This wider study is likely to provide information on those who have played a more prominent role in organised drug crime, and insight into the deterrence effect of harsh punishments in these cases.