



The Criminalization of Nitrous Oxide Abuse: A Comparative Study of Indonesian and Dutch Law

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Abstract

The rising phenomenon of the misuse of nitrous oxide (N₂O) as a recreational psychoactive substance has had an impact on public health and order. In contrast, Indonesia has yet to explicitly address its regulation in Law No.35 of 2009 concerning Narcotics. This study aims to examine the differences in regulations and the rationale for criminalizing N₂O abuse as a legal reform in Indonesia, using a normative legal research method with statute, comparative, and conceptual approaches. This study found differences in the regulation of N₂O abuse. The Netherlands has classified N₂O as a category II controlled substance under the Dutch Opium Act (Opiumwet), which this study assesses as having considered the principles of *ultimum remedium* and proportionality. Meanwhile, Indonesia still lacks a comprehensive basis for criminalization. The relevance to legal reform in Indonesia lies in a phased approach. This study fills a gap in comparative research regarding the regulation of N₂O abuse within legal systems in Indonesia and the Netherlands. These findings indicate the need for Indonesia to strengthen administrative regulations and oversight of the distribution and use of N₂O. If non-penal instruments prove ineffective, criminalization may be considered selectively and in a manner that ensures proportionality.

Keywords: Nitrous Oxide; Criminalization; Psychoactive Substance.

How to Cite: Fernanda, K.N.A., Rusdiana, E. (2026). The Criminalization of Nitrous Oxide Abuse: A Comparative Study of Indonesian and Dutch Law. ARBITER: Jurnal Ilmiah Magister Hukum, 8 (1): 75-84

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ISSN 2722-1865 (Online)



INTRODUCTION

The development of contemporary crime dynamics shows that criminal law is always reactive to the emergence of ever-changing forms of substance abuse. Modern society has created a new pattern of crime complexity, shaped by advances in information technology, globalization, and changes in the socio-economic structure of society, giving rise to crimes that are difficult to predict (Haryono & Wijaya, 2025). One form of modern crime related to public health is the abuse of psychoactive substances, which is no longer limited to conventional substances or high-grade narcotics that are strictly regulated by Law Number 35 of 2009 concerning Narcotics, but has shifted to the use of substances that are considered mild and legal. (Sinaulan et al., 2025). Psychoactive substances have an impact on changes in a person's behavior, emotions, cognition, perception, and consciousness due to the presence of substances that work selectively on the brain. (Trisianto, 2022).

Nitrous oxide (N₂O) or laughing gas is a dissociative anesthetic used in medicine and dentistry for anesthesia, sedation, and pain relief by inhalation. When inhaled, N₂O is absorbed into the bloodstream through the lungs. It quickly reaches the brain and the rest of the body, producing feelings of euphoria, increased awareness, a floating sensation, and happiness that last for about one minute. (Allan & Cameron, 2022). The euphoric sensation caused by N₂O has led to an increase in its recreational use, according to data from the Global Drug Survey in 22 countries, which shows a global increase from 10% in 2015 to 20% in 2021, with users aged between 16 and 24 years old. In the United Kingdom, the increase in N₂O users is based on the low price of N₂O for online purchase, N₂O cylinders having a larger capacity, and innovative fruit flavors or aromas, as well as the ease of purchasing N₂O without a license, and N₂O being easier to hide than other recreational drugs or narcotics. (Zaloum et al., 2025). In circulation, N₂O is easily obtained through online marketplaces or supermarkets in small metal cylinders used to make whipped cream. N₂O, in addition to being used for medical purposes, also has benefits for the food industry, such as bakeries. Therefore, the purchase of N₂O goes undetected because consumers and distributors can claim that it is for bakery purposes. The health effects of N₂O use include death from suffocation, burns, frostbite, neurological damage, and loss of consciousness while under the influence of N₂O. (Allan & Cameron, 2022).

Health is a right for every citizen in accordance with Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Furthermore, Article 12, Paragraph (1) of the International Covenant on Economic, Social, and Cultural Rights (ICESR) states that the States Parties must recognize the right to enjoy the highest standard of physical and mental health under this agreement. As well as the World Health Organization Constitution 1946 states, the health of the people can only be fulfilled through the provision of adequate health and social measures, which is the responsibility of the government. The existence of international instruments and national law affirms that public health is the responsibility of the state to protect and respect through adequate policies. (Nurnaeni, 2025). The negative effects of N₂O can pose a threat to the well-being of the community, particularly children and teenagers who are the future of the nation. Beyond health concerns, the misuse of N₂O has the potential to disrupt social order, as evidenced by traffic accidents. 470 incidents in 2019 and 600 accidents in 2021, according to a report by the Dutch Police (Hondebrink et al., 2026). Although N₂O has legal uses in medical and industrial fields, its misuse as a recreational substance poses a dilemma in legal policy-making, particularly regarding whether such acts warrant criminalization or should be regulated through non-penal approaches.

Previous research on N₂O misuse by Julaine Allan, Jacqui Cameron, and Julianan Bruno in their study entitled "A Systematic Review of Recreational Nitrous Oxide Use: Implications for

Policy, Service Delivery and Individuals” indicates that N₂O misuse is on the rise and poses various health risks that require an adequate policy response and harm reduction strategy (Allan & Cameron, 2022). Meanwhile, research conducted by Safiya A Zaloum, Devan Mair, Alvar Paris, Laura J Smith, Martha Partyjewicz, and Barbara L Onen in their study entitled “Tackling the Growing Burden of Nitrous oxide-Induced Public Health Harms” indicates that N₂O regulations across various countries remain diverse, addressing challenges in their implementation (Zaloum et al., 2025). However, both of these studies tend to focus on health and public policy aspects and have not specifically addressed the criminalization of N₂O misuse as a psychoactive substance from a criminal law perspective, particularly through a comparative legal approach between Indonesia and the Netherlands. Thus, a gap in this research is the absence of studies that analyze the rationality of criminalizing N₂O abuse using a criminal law theory approach and cross-national comparisons. In fact, such an analysis is crucial for determining whether criminalization is an appropriate measure, given that criminal law in principle serves as the last resort and must be applied proportionally and rationally (Sulistyo et al., 2024)

Given this gap, this study aims to analyze the rationale behind the criminalization of N₂O abuse under Indonesian and Dutch Law, as well as to compare their regulatory models to assess their relevance to legal reform in Indonesia. The novelty of this study lies in the use of a comparative legal approach between Indonesia and the Netherlands, combined with an analysis based on principles of harm, *ultimum remedium*, and proportionality to examine the rationality of criminalizing the misuse of N₂O as a psychoactive substance under criminal law. This topic has not been extensively discussed in previous research. Thus, this study is expected to provide a theoretical contribution to the development of criminal law, particularly regarding the limits of criminalization of new psychoactive substances, as well as a practical contribution to policymakers in formulating more comprehensive and proportional regulations regarding the misuse of N₂O in Indonesia.

RESEARCH METHOD

This study employs a normative legal research method, which examines law as a norms or a rule applicable in society that serve as a guide for social behavior, by analyzing the vertical hierarchy of legislation or the horizontal harmony among laws. (Muhaimin, 2020). This method was chosen because it aligns with the research to analyze the rationale behind the criminalization of N₂O abuse under Indonesian and Dutch Law and to compare their regulatory models in order to assess their relevance to legal reform in Indonesia in response to the emergence of new psychoactive substances not yet regulated under Law No.35 of 2009 concerning Narcotics.

The approach used in this study is a statute approach, which involves reviewing all laws and regulations related to the misuse of N₂O, this approach includes an analysis of Law Number 35 of 2009 concerning Narcotics, Law Number 5 of 1997 concerning Psychotropic Substances, Law Number 17 of 2023 concerning Health, Law Number 8 of 1999 concerning Consumer Protection, Law Number 18 of 2012 concerning Food, Minister Health Regulation Number 5 of 2023 concerning Narcotics, Psychotropic Substances, and Pharmaceutical Precursors, Minister of Health Regulation Number 4 of 2016 concerning the Use of Medical Gas and Medical Vacuum in Health Care Facilities, and the Opium Act. In Addition, a comparative approach is also used to compare the legal systems and laws of Indonesia and the Netherlands in order to identify similarities and differences in regulations regarding the misuse of N₂O, to determine the appropriate regulatory model to implement. Furthermore, a conceptual approach is employed to understand the harm principle, the principle of *ultimum remedium*, and the principle of proportionality in analyzing the rationale for criminalizing the misuse of N₂O.

The legal materials used in this study consist of primary, secondary, and tertiary materials. Primary sources include legislation, official records, court decisions, and official government documents. (Muhaimin, 2020). Secondary legal materials consist of books, journals, or scientific articles, expert opinion, and previous legal research on issues related to N₂O, narcotics, and similar substances. Tertiary materials include legal dictionaries, encyclopedias, and other references that provide explanations of concepts and terms related to the criminalization of N₂O abuse.

Data collection was conducted using library research, involving an examination of various widely published written sources relevant to this study. (Muhaimin, 2020). Data analysis was conducted qualitatively using legal interpretation techniques, including grammatical, systematic, and comparative analysis. The analysis involved interpreting applicable legal regulations and comparing them with legal concepts, theories, and regulatory practices in Indonesia and the Netherlands to identify a more effective and appropriate regulatory model for addressing N₂O abuse. (Muhaimin, 2020). Conclusions were drawn using a deductive method by examining general principles in criminal law theory as the basis for analysis and then drawing specific conclusions regarding the issue of criminalizing the misuse of N₂O within the legal systems of Indonesia and the Netherlands.

RESULT AND DISCUSSION

A Comparison of Regulations and the Rationale for Criminalizing Nitrous Oxide (N₂O) Abuse in Indonesia and the Netherlands

Indonesia regulates prohibited substances in Law Number 35 of 2009 concerning Narcotics, which covers the prohibition of the production, distribution, and abuse of narcotics as well as supervision and criminal sanctions related to narcotics. (Michelle, 2024). Narcotics are classified into three categories based on Article 6 of Law Number 35 of 2009 concerning Narcotics. Category I narcotics are those that can be used for scientific research purposes but are not used for therapeutic purposes because they have a very high potential for causing dependence. Examples of category I narcotics are heroin, cocaine, marijuana, MDMA/ecstasy, and methamphetamine. Category II includes narcotics that have medicinal properties and can be used for therapeutic purposes and scientific research, but only as a last resort because they have a high potential for causing dependence. Examples of category II are morphine, pethidine, fentanyl, and methadone. Category III narcotics are types that have medicinal properties and are widely used for therapy, as well as for scientific research, because they have low potential for causing dependence. Examples include codeine and buprenorphine. Additionally, there are also regulations on prohibited substances in Law Number 5 of 1997 concerning Psychotropic Substances and Minister of Health Regulation Number 5 of 2023 concerning Narcotics, Psychotropic Substances, and Pharmaceutical Precursors. (Cumbhardika & Pradhana, 2024). Regulations regarding the misuse of N₂O have not yet been explicitly included in the list of prohibited narcotics or psychotropic substances under Indonesian law, which could result in a legal vacuum when addressing the phenomenon of N₂O misuse as a psychoactive substance. The absence of N₂O classification in the list of prohibited substances has resulted in problems in law enforcement. Law Number 35 of 2009 concerning Narcotics has accommodated the prohibition on producing, possessing, maintaining, storing, or controlling types of narcotics in accordance with their classification through several articles contained therein. (Sinaga & Chander, 2022). However, the misuse of N₂O for recreational purposes cannot be directly punished under Law Number 35 of 2009 concerning Narcotics.

A legal vacuum is a state of emptiness or absence of laws and regulations governing public order in society. To identify such a vacuum, it is necessary to analyze whether the legal system in Indonesia has provided sectoral legal instruments that can be used as alternatives in controlling

the circulation or misuse of N₂O. Currently, N₂O is linked to several areas such as health, consumer protection, and food. When viewed from the perspective of health, Law Number 17 of 2023 concerning Health is a relevant regulation because it covers the legal basis for the supervision of the production, distribution, and use of pharmaceutical preparations and medical devices. Article 138, paragraph (2) and (3) regulate the prohibition for any person to procure, produce, store, promote, circulate, or distribute pharmaceutical preparations and medical devices that do not meet the standards or requirements for safety, efficacy, or usefulness, and quality. The penalties for violations of Article 138 are set out in Article 435, which stipulates a maximum imprisonment of 12 years or a maximum fine of IDR 5,000,000,000.00 (five billion rupiah). Furthermore, Article 143 regulates the permits that must be obtained for the production or distribution of pharmaceutical preparations, medical devices, and household health supplies. Violations will result in administrative sanctions in accordance with the provisions of the laws and regulations in the field of business licensing. Minister of Health Regulation Number 4 of 2016 concerning the Use of Medical Gas and Medical Vacuum in Health Care Facilities regulates the function of N₂O as a pure medical gas that is only allowed to be available in advanced health care facilities or hospitals with limited use or medical purposes, as N₂O is included in the national formulary list of drugs, the use of which must comply with Annexes I and II of this ministerial regulation and may only be operated by health service facility personnel who are competent in the field of medical gas and medical vacuum or appoint competent parties who comply with the standard operating procedure in this ministerial regulation. Minister of Health Regulation Number 4 of 2016 concerning the Use of Medical Gas and Medical Vacuum in Health Care Facilities does not explain the types of violations that are subject to sanctions. However, administrative sanctions in the form of verbal warnings, written warnings, and even revocation of licenses may be imposed by ministers, governors, regents/mayors, in accordance with provisions of laws and regulations. In general, based on these two regulations, N₂O abuse can be prosecuted if there is a violation of the above articles, for example, if there is illegal production and distribution without official permission and outside of medical needs. However, these regulations still have weaknesses in controlling the misuse and circulation of N₂O, which has addictive potential, because their function is only to protect public health in relation to pharmaceutical preparations, medical devices, and materials used in health services.

The analysis of N₂O misuse in Law Number 8 of 1999 concerning Consumer Protection refers to Article 8, paragraph (1), letter a, which regulates the prohibitions for business actors to distribute or sell goods and services that do not meet or comply with required standards and provisions of law and regulations. Furthermore, Article 19 regulates the responsibility of business actors to provide compensation for damage, pollution, or consumer losses resulting from the consumption of goods and services produced and traded, in the form of refunds or replacement of goods and services of a similar or equivalent value, health care, or compensation in accordance with the provisions of applicable laws and regulations. In addition, N₂O is still related to food because its legal function can be used in the food industry as an ingredient in whipped cream. However, Law Number 18 of 2012 concerning Food cannot directly prosecute the misuse of N₂O for recreational purposes as a criminal offense. The law only punish businesses that use N₂O as a food additive that does not comply with a food safety regulations as a stipulated in Article 75, which prohibits the use of food additives that exceed the maximum threshold that has been set, and Article 90 which prohibits the distribution of contains toxic, hazardous, or harmful substances that may endanger human health or life, contaminants that exceed the maximum permissible limits, substances prohibited for use in food production activities or processes, substances that are dirty, rotten, rancid, decomposed, or contain diseased plant or animal matter or matter derived

from carcasses, and substances that are produced in a prohibited manner or are expired. The penalties imposed are administrative and criminal. Law Number 8 of 1999 concerning Consumer Protection and Law Number 18 of 2012 concerning Food are still insufficient to prosecute the misuse of N₂O as a recreational psychoactive substance. The consumer protection law only aims to ensure the safety of products that meet safety standards with clear information on the market, not to control the consumption of psychoactive substances by individuals for recreational purposes. The same applies to the food law, whose main objective is to ensure food safety with standards and quality in accordance with established regulations. From a legal perspective, both laws only impose sanctions on business actors as the responsible parties and do not specifically regulate consumer behavior, so these regulations are still inadequate to prosecute N₂O abusers for recreational purposes. As a result, its effectiveness in addressing this phenomenon is limited.

N₂O regulations in the Netherlands are much stricter than in Indonesia. In 2014, the European Court ruled that the Medicines Act no longer covers N₂O products when used for non-therapeutic purposes, resulting in the Netherlands regulating the sale and use of N₂O under the Commodities Act. The problem is that these regulations only govern the safety and quality standards of goods on the market and consumer protection. As a result, it is difficult to prosecute N₂O abusers in the Netherlands. The Dutch Poison Information Center (DPIC) receives reports of N₂O poisoning cases every year, with an average of 6 cases of poisoning between 2010 and 2015, which then increased to 114 cases in 2020 (van Riel et al., 2022) Due to the increasing negative impacts, ranging from health issues to traffic accidents, on December 9, 2019, the Dutch Government announced a legislative amendment related to N₂O abuse, classifying it as a Category II substance under the Opium Act, effective January 1, 2023 (Hondebrink et al., 2026).

Under Article 3 of the Opium Act, the import or export of substances listed in Category II, including N₂O, into or out of the territory of the Netherlands is prohibited, as are the cultivation, preparation, processing, sale, transfer, distribution, or transport, possession or control, and production of such substances. The Netherlands also prohibits publications intended to promote the sale, shipment, or supply of substances in Category II, namely N₂O, as regulated in Article 3b, except for medical and scientific information. For medical purposes, the Netherlands has specific rules regarding the prescription or dispensing of drugs, as regulated by Articles 4 and 5. In addition, there are exceptions to the prohibition for the sake of public and animal health, as well as scientific research for educational purposes that does not conflict with the law. Therefore, pharmacists, doctors who own pharmacies, veterinarians, or medical personnel, institutions that have a license from the government, and parties that are legally required to store N₂O or other substances on the list through legal channels are permitted in the Netherlands. The Netherlands imposes criminal sanctions and fines in accordance with the violations committed, as stated in Articles 10, 11, and 11a of the Opium Act. The regulations concerning N₂O in the Netherlands indicate a restrictive approach with limited criminalization that prioritizes public health protection but still prohibits recreational use.

The regulatory differences between Indonesia and the Netherlands indicate differing approaches in how the two countries address N₂O misuse. Previous research indicates that recreational N₂O use is increasing globally and is increasingly viewed as a public health issue rather than a criminal offense. (Julaine Allan & Jacqui Cameron, 2022), and the primary impacts of N₂O misuse are neurological and psychological disorders, necessitating a comprehensive policy approach (Zaloum et al., 2025). This suggests that criminalization is not the sole solution for addressing N₂O misuse.

When analyzed through the harm principle outlined by John Stuart Mill, which states that an individual's actions may only be restricted if they clearly cause harm to others, this principle

affirms that the state has no right to interfere in an individual's private affairs except to protect others from real harm. This serves as a safeguard against the state's overcriminalization of individual behavior in the private sphere (Auriyiza, 2025). In the context of N₂O abuse, the majority of the resulting impacts are personal health issues (Julaine Allan & Jacqui Cameron, 2022). The harm principle does not automatically impose criminal penalties on acts deemed dangerous and self-harming if there is no harm to others, as there is no strong basis for doing so under this principle. However, criminalization may be justified under specific circumstances where N₂O abuse causes harm to others, such as traffic accidents resulting from N₂O use, criminal acts committed to obtain N₂O for recreational purposes, or other actions that potentially disrupt public order in the Netherlands (Hondebrink et al., 2026). Thus, criminalization is justified if there is a clear link between the act and the resulting harm, while upholding the principle of proportionality. Regulations on N₂O in the Netherlands reflect a positive response from the government to the escalating use of N₂O as a recreational substance, which has caused disturbances to public order (Hondebrink et al., 2026).

Criminalization is not the first instrument in the Netherlands; previously, regulations regarding N₂O were contained in the *Algemene Warenwet* (Dutch Commodities Act), which governs consumer product safety and is of an administrative nature. This aligns with the principle of *ultimum remedium*, which asserts that criminal sanctions should be used as a last resort if the other instruments are deemed ineffective. (Mahesa & Danyathi, 2025). Indonesia has not yet included N₂O in the list of prohibited substances under Law No.35 of 2009 concerning Narcotics. The existence of administrative regulations in Indonesia does not preclude the possibility of criminalizing N₂O abuse, which may be implemented if such administrative regulations are deemed no longer effective in addressing the escalating impacts of N₂O abuse in society. If criminalization were implemented from the outset, it would contradict the principle of *ultimum remedium* and shift toward *primum remedium*. This is not ideal because N₂O still serves legitimate functions in medical practice and the food industry in Indonesia.

The principle of proportionality emphasizes that the punishment imposed must be commensurate with the severity of the criminal offense committed. (Setiawan et al., 2024) The regulation of N₂O penalties in the Netherlands prioritizes the control of illegal distribution and behavior that results in externalities with tangible social consequences. This indicates that the Netherlands balances legal control with the protection of public health, so that regulations in the Netherlands align with the principle of proportionality, where the form of legal intervention is tailored to the level of danger posed. Full criminalization without consideration of the level of harm posed would violate the principle of proportionality. If N₂O abuse is criminalized in Indonesia, it is imperative to consider the protection of the public interest and individual rights. (Coverdale, 2025). Thus, the criminalization of N₂O abuse in Indonesia must be carried out selectively and in accordance with concrete social needs, as the application of criminal sanctions without a strong theoretical basis risks leading to overcriminalization. (Belinda & Fero Sanjaya, 2026).

The Relevance of the N₂O Regulatory Model in the Netherlands to Legal Reform in Indonesia

The relevance of N₂O regulations in the Netherlands cannot be assessed solely based on the similarity of the substances; the formulation of the regulations for each country must be analyzed in terms of the legal system adopted, the configuration of political power, and the legal culture in society (Ibanes et al., 2026). Therefore, an in-depth analysis of the Netherlands and Indonesia is needed. The lack of explicit regulations regarding the misuse of N₂O in Indonesia poses a legal challenge. Alternative legal instruments, such as Law No. 8 of 1999 concerning Consumer Protection and Law No. 17 of 2023 concerning Health, remain inadequate for addressing the

misuse of N₂O due to the limited scope of these regulations. Furthermore, enforcement without a clear regulatory basis would violate the principle of legality enshrined in Article 1 paragraph (1) of the Indonesian Criminal Code.

The regulation of N₂O in the Netherlands through the Opium Act by registering it in Category II is a strategic step in dealing with the existence of new psychoactive substances in society. However, the Netherlands has not fully criminalized N₂O. Although there are provisions regarding the prohibition of the production, distribution, and possession of the substance in Article 3, as well as the publication of information intended to promote the sale and purchase of the substance in Article 3b, the Netherlands continues to prioritize the public interest and public health by establishing mechanisms for criminal exemptions. This demonstrates that the Netherlands regulates N₂O flexibly and adaptively. A comparison between Indonesia and the Netherlands in regulating N₂O abuse can provide insights into administrative policy choices, partial criminalization, and integration into narcotics regulations, especially since both countries face the same challenge with the existence of psychoactive substances, namely N₂O, which is not included in the list of regulated narcotics. From a legal and political perspective, the Netherlands adopts a pragmatic and evidence-based policy approach, particularly regarding the regulation of psychoactive substances. (Busz et al., 2024). This approach allows the state to adapt regulations responsively to social dynamics, including when recreational use of N₂O begins to have a tangible impact on public order by combining repressive policies with harm reduction, a policy that emphasizes a pragmatic and health based approach to drug abuse to minimize the negative impacts of infectious disease transmission, overdose, and social marginalization, grounded in the rational and open culture of Dutch society. (Nurrahma, 2025).

Criminalization is a process whereby an act that was not previously classified as a criminal offense is subsequently defined as a criminal offense after legislation prohibiting such acts is enacted. (Ritonga & Syam, 2024). However, the criminalization process must still be based on a certain rationale. It is important to understand that the Netherlands did not simply classify N₂O abuse as a criminal offense. Instead, it followed a phased approach involving administrative regulations. There is data showing the effects of N₂O abuse as reported by the Dutch Poisons Information Center (DPIC) from 2020 to 2022, showing that the number of N₂O exposures reached 430 cases reported before the law came into effect. Peaking in 2020 with 144 cases of N₂O exposure, 98 cases in 2021, and 72 cases in 2022 (Hondebrink et al., 2026). In addition, there were 150,623 police incidents related to N₂O, peaking in 2020 with 41,644 police cases, 39,107 cases in 2021, and 28,972 cases in 2022. The Dutch police reported 32,770 cases of public disorder, 6,200 traffic accidents, 649 cases of possession, 932 cases of vandalism, 871 cases of violence, and 222 cases of public intoxication in 2020, which were caused by the lack of strict regulations in the Netherlands, with a population of 17,636,731 residents (Hondebrink et al., 2026). After the enactment of the N₂O regulation in the Opium Act, which prohibits the production, sale, purchase, and possession for recreational use, there was a decrease in the number of exposures and police incidents in 2023 to 23 cases of N₂O exposure. Although there was an increase in 2024 with 48 cases recorded and 46 cases in 2025, this increase did not exceed the number before the N₂O ban was implemented. The same occurred with police incidents, with a decrease in 2023 to 9,363 cases, 19,929 cases in 2024, and 14,608 cases in 2025 (Hondebrink et al., 2026). Although it does not eliminate abuse. This indicates that criminalization in the Netherlands has a rational basis in the need to control external impacts that can no longer be effectively addressed through non-penal mechanisms. Institutionally, the Netherlands integrates several agencies in the fields of health, government, and law enforcement to address drug-related issues.

Thus, the N₂O regulations in the Netherlands are highly relevant to Indonesia, one key factor being the similarity in legal systems, specifically civil law, which means Indonesia does not face significant obstacles. Under this system, the primary source of law is written legislation, and the authority to establish legal norms rests with the legislature. The relevance of legal reforms applicable in Indonesia can be implemented gradually. In consideration of public needs by developing administrative policies and if there is an escalation in N₂O abuse that may impact public order, this can be escalated to selective criminal intervention by clearly defining norms regarding the limits on the use and distribution of N₂O, this is in accordance with Indonesia's ratification of the United Nations Single Convention on Narcotic Drugs, an international agreement that prohibits the production and supply of certain narcotics and drugs with similar effects, except for substances that have been licensed for specific purposes, such as medical treatment or research. Additionally, strengthened coordination among agencies is necessary to achieve a balance between legal certainty, policy effectiveness, and public protection.

CONCLUSION

The absence of regulations regarding N₂O abuse in Law No. 35 of 2009 concerning Narcotics poses a challenge for law enforcement in Indonesia, creating a disparity with the Netherlands. The existence of administrative legal instruments is deemed insufficient to address the phenomenon of N₂O abuse. At the same time, the Netherlands has demonstrated legal progress by including N₂O in the list of prohibited substances under the Dutch Opium Act, driven by the escalating impacts of N₂O abuse on public health and public order issues previously regulated solely through the Algemene Warenwet. The phased approach adopted by the Netherlands aligns with the harm principle, the principle of *ultimum remedium*, and the principle of proportionality, as the criminalization regulations are limited while prioritizing the public interest and public health, and integrating policy instruments, government, and law enforcement agencies. The regulation of N₂O in the Netherlands holds high relevance for legal reform in Indonesia due to the similarity of the legal systems adopted. However, it must still account for the legal culture within society. Indonesia can adopt the existing N₂O regulations in the Netherlands, but with a phased approach and by assessing societal dynamics. The primary steps Indonesia can take are to strengthen and oversee the administration of N₂O distribution and use through interagency coordination; if there is evidence of a significant increase in social impacts and the failure of non-criminal measures, criminalization may be selectively considered as a follow-up measure in accordance with the principle of proportionality.

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