

JURIDICAL ANALYSIS OF THE ROLE OF CRIMINAL INTENT (MENS REA) IN THE PROOF OF NARCOTICS OFFENSES IN DECISION NUMBER 395/PID.SUS/2025/PN STB

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Abstract

Based on the results of the study, it shows that the legal regulation of attempted criminal acts or conspiracy in narcotics crimes is regulated in Article 132 of Law Number 35 of 2009 concerning Narcotics. The position of mens rea proof in narcotics crime cases is very important, strategic and fundamental because it directly affects justice and the success of law enforcement. The judge's consideration of the mens rea element in trying narcotics crimes in Decision 395 / Pid.Sus / 2025 / PN Stb has been carried out and is appropriate because it is based on evidence of witness statements, defendant statements, written evidence explaining that the weight of narcotics exceeds 5 grams, and truly contains Methamphetamine and is registered in Class I (one). The defendant's statement stated that the discovery of class I narcotics was for selling them.

Keywords: *Position of Evil Intent (Mens Rea), Proof, Criminal Acts, Narcotics*

1. INTRODUCTION

This study discusses the illicit circulation of narcotics in Indonesia, particularly in Langkat Regency, focusing on a case involving the arrest of perpetrators engaged in buying and selling narcotics in Secanggang District, Langkat Regency, as described in the Stabat District Court Decision No. 395/Pid.Sus/2025/PN Stb. Based on this decision, it is known that individuals with the initials R, J, and AA were apprehended in a narcotics trafficking case. R reportedly obtained methamphetamine at a certain location under the orders of S and delivered it to Hinai Kiri. Before departing, R invited J to accompany him to deliver the goods to the destination. Upon arrival, R handed the narcotics to S, and the three proceeded to another location to deliver the goods to a buyer. It turned out that the buyer was an undercover police officer. Upon arrival, R and J were arrested by law enforcement, while S managed to escape. Following this event, R and J were prosecuted and faced charges under Article 114 paragraph (2) in conjunction with Article 132 paragraph (1) of Law Number 35 of

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2009 concerning Narcotics. Based on the chronology of this case, the researcher is interested in further analyzing how investigators, public prosecutors, and judges consider the element of *mens rea* in applying Article 114 paragraph (2) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics.

2. METHODOLOGY

This research uses normative legal research methods (normative-juridical) with a descriptive-analytical nature, aiming to describe and analyze applicable legal provisions and their implementation in law enforcement practice. A statutory approach was carried out by reviewing various regulations related to narcotics crimes, namely Law Number 35 of 2009 concerning Narcotics, and other implementing regulations. A case approach was applied through an in-depth analysis of Stabat District Court Decision No. 395/Pid.Sus/2025/PN Stb as the primary object of this study. The data sources used in this study are secondary data, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation and court decisions. Secondary legal materials consist of books, scientific journals, and research results related to narcotics crimes and their law enforcement. Tertiary legal materials include legal dictionaries and legal encyclopedias. Data collection was conducted through library research. Data analysis was carried out qualitatively by interpreting legal norms and legal facts found in the court decision. The results of the analysis are presented systematically to provide a comprehensive overview of narcotics crimes.

3. RESEARCH RESULTS AND DISCUSSION

Based on the research findings and discussion, the legal regulation of attempted offenses or criminal conspiracy in narcotics crimes is governed by Article 132 of Law Number 35 of 2009 concerning Narcotics. This article covers attempts or conspiracies to plant, cultivate, possess, store, control, provide, produce, import, export, distribute, offer for sale, sell, buy, receive, act as a broker in sales, exchange, hand over, carry, send, transport, transit, or use narcotics on others, or provide narcotics for others' use, for narcotics classified in Groups I, II, and III, whether in plant or non-plant form, and will be punished according to the criminal threat applicable to completed narcotics offenses. The criminal sanctions for attempts or conspiracies in narcotics offenses vary.

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This regulation is important because it emphasizes that the law does not only punish those who have directly committed the crime but also those who plan, prepare, or attempt to commit a narcotics offense, including in the form of attempts and criminal conspiracies. This aims to provide legal protection to society against systematic and planned narcotics crimes.

The role of proving *mens rea* in narcotics cases is extremely important, strategic, and fundamental because it directly affects justice and the success of law enforcement. The role of proving *mens rea* is significant as it involves justice, the protection of human rights, and law enforcement effectiveness. Without proof of *mens rea*, the judicial process is incomplete and risks causing injustice to both the perpetrator and society. Therefore, the role of proving *mens rea* is crucial in the success of prosecution and court decisions in narcotics cases, as it demonstrates the perpetrator's intent or deliberate actions, which form the main basis for criminal responsibility.

The judge's consideration of the *mens rea* element in adjudicating narcotics offenses in Decision 395/Pid.Sus/2025/PN Stb has been conducted properly, based on evidence such as witness testimony, the defendants' statements, the official weighing report signed by Rizki Prabowo as the Manager of the UPC Branch of Pegadaian (Persero) Perdamaian Stabat, confirming that the weight of the narcotics exceeded 5 grams, and the forensic laboratory examination report by Debora M. Hutagaol, S.Si, M.Farm, confirming that one clear plastic clip bag containing white crystals was indeed methamphetamine, classified under Group I, No. 61 of Annex I of Law Number 35 of 2009 concerning Narcotics. The defendant's statements indicated that the defendants had conspired to sell the Group I narcotics. The judge's considerations based on the above evidence are deemed correct and legally appropriate. The judge assessed that the *mens rea* element, i.e., the intent and knowledge of the defendants, had been fulfilled based on the available evidence. The use of complete and integrated evidence ensures that the decision is based on lawful and convincing proof. Thus, the judge's consideration in adjudicating and deciding this case has been conducted correctly and based on sufficient evidence, including witness testimony, defendants' statements, and documentary evidence. This ensures that the *mens rea* element is proven, and the defendants can be convicted according to applicable legal provisions.

Journal of Law and Justice

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4. CONCLUSION

The conclusion from the Juridical Analysis of the Role of Criminal Intent (*Mens Rea*) in Proving Narcotics Crimes in Decision No. 395/Pid.Sus/2025/PN Stb shows that the role of criminal intent or *mens rea* is highly important in determining whether the criminal element in narcotics cases is proven. In this decision, the court emphasizes that proving criminal intent must be conducted objectively and comprehensively, including through evidence demonstrating the perpetrator's deliberate actions in obtaining, storing, or distributing narcotics. Criminal intent is a key element that strengthens the subjective element in narcotics offenses, thereby influencing the sentencing and the validity of the charges. Thus, proving *mens rea* is the main foundation for upholding justice and ensuring that only those who truly intend harm are punished according to narcotics criminal law provisions.

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