

JURIDICAL ANALYSIS OF JUDICIAL CONSIDERATIONS IN NARCOTICS OFFENSES (CASE STUDY NUMBER 1838/PID.SUS/2025/PN MDN)

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Abstract

Category I narcotics based on Article 114 paragraph (1) of Law Number 35 of 2009 concerning Narcotics; to analyze the judges' considerations in imposing criminal sanctions from the perspective of the individualization of punishment and the principle of justice; to examine the implementation of the principle of proportionality in sentencing and its impact on combating narcotics crimes; and to identify obstacles in the application of criminal law along with efforts to overcome them. The results of the study show that all elements of Article 114 paragraph (1) have been lawfully and convincingly fulfilled. The judges' considerations in imposing punishment reflect the application of the principle of individualization of punishment and the principle of justice. The implementation of the principle of proportionality in sentencing is carried out by balancing the objectives of retribution, deterrence, and rehabilitation. The main obstacles in the application of narcotics criminal law lie in the limitations of proving distribution networks and a sentencing approach that remains predominantly repressive. Therefore, more comprehensive and equitable sentencing policies are required in combating narcotics crimes

Keywords: *Judges' Considerations; Narcotics; Individualization of Punishment*

1. INTRODUCTION

Based on the latest data from the Badan Narkotika Nasional (BNN), throughout 2024 various cases of narcotics abuse have been uncovered in highly significant numbers. BNN successfully uncovered 15 major cases of illicit narcotics trafficking by securing evidence in the form of 80,877 grams of methamphetamine, 169,432.78 grams of marijuana, 59,807 ecstasy pills, and 1,968 grams of cocaine. These figures only represent the tip of the iceberg of the total narcotics circulation that actually occurs in Indonesia, considering the relatively low detection rate compared to the volume of trade estimated by experts.

Law Number 35 of 2009 provides very severe criminal sanctions as a form of *ultimum remedium* against narcotics crimes, including the death penalty, life imprisonment, and long-term imprisonment accompanied by very high fines. Specifically for the criminal offense of abuse of Group I narcotics as regulated in Article 114 paragraph (1) of Law Number 35 of

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2009, the penalty is life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and at most Rp10,000,000,000.00 (ten billion rupiah).

The case in Decision Number 1838/Pid.Sus/2025/PN Mdn involved the defendant Ramadhan alias Ambo (24 years old) who was charged with violating Article 114 paragraph (1) of Law Number 35 of 2009 concerning Narcotics as the primary charge and Article 112 paragraph (1) as the subsidiary charge. The defendant was arrested on Tuesday, May 06, 2025 at approximately 17:30 WIB on Jalan Datuk Rubiah, Neighborhood 28, Rengas Pulau Subdistrict, Medan Marelan District, Medan City by members of the Belawan Port Police together with Military Intelligence of the Medan District Military Command.

In this case, the defendant was proven to have controlled methamphetamine-type narcotics with a net weight of 0.22 grams divided into 4 (four) small plastic clip bags. In addition, 1 (one) green box containing 24 (twenty-four) empty small plastic clip bags and 1 (one) plastic pipette with a pointed end shaped like a scoop were also found, as well as money amounting to Rp150,000.00 (one hundred fifty thousand rupiah) which was the proceeds from the sale of methamphetamine-type narcotics. Based on the results of the examination of the Medan Branch Forensic Laboratory of the Indonesian National Police Number 3163/NNF/2025 dated May 26, 2025, the evidence tested positive for containing Methamphetamine which is registered in Group I number 61 Appendix I of Law Number 35 of 2009 concerning Narcotics.

This research presents novelty in several aspects. First, an in-depth juridical analysis of Decision Number 1838/Pid.Sus/2025/PN Mdn which has never been comprehensively studied, particularly regarding the proof of the elements of Article 114 paragraph (1) and the application of sentencing individualization in the case. Second, the development of a juridical analysis framework that integrates aspects of criminal law dogmatics with a criminal policy perspective in examining court decisions.

2. METHODOLOGY

The location of data collection in this study was the Medan District Court. The type of research used in this study is normative legal research, namely legal research conducted by examining library materials or secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. These materials are systematically

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arranged, studied, and then a conclusion is drawn in relation to the problem studied. A data source is a place where research data is found. The data sources in this study are court decisions and library data that have relevance to the research. The data sources used in this study are primary data consisting of the Medan District Court Decision Number 1838/Pid.Sus/2025/PN Mdn concerning the criminal offense of abuse of Group I narcotics as regulated in Article 114 paragraph (1) of Law Number 35 of 2009 concerning Narcotics. Meanwhile, the primary legal materials in this study are the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), Law Number 8 of 1981 concerning Criminal Procedure Law, Law Number 35 of 2009 concerning Narcotics, and the Medan District Court Decision Number 1838/Pid.Sus/2025/PN Mdn. In this study, the data collection technique used is documentation. The data analysis technique used in this study is qualitative analysis. Qualitative analysis is data analysis that does not use statistical numbers, but uses sentences which are the views of experts, laws and regulations, including data obtained from library research which are then systematically arranged to subsequently draw conclusions.

3. RESULTS / CASE STUDY / EXPERIMENT / DEMONSTRATION / APPLICATION FUNCTIONALITY

Juridical analysis of the elements of a narcotics criminal offense must depart from the principle of legality as regulated in Article 1 paragraph (1) of the Criminal Code. This principle emphasizes that no act can be punished without a prior criminal provision regulating it. Article 114 paragraph (1) of Law Number 35 of 2009 concerning Narcotics explicitly formulates prohibited acts related to the circulation of Group I narcotics. The formulation of the elements of the offense in that article is formal and alternative in nature, so its proof does not have to cover all forms of conduct. The Medan District Court Decision Number 1838/Pid.Sus/2025/PN Mdn shows the application of the principle of legality through the systematic proof of the elements of the article by the panel of judges.

Proof that the narcotics controlled by the defendant belonged to Group I was a crucial part of the application of Article 114 paragraph (1). The panel of judges based its considerations on the results of the examination of the Medan Branch Forensic Laboratory of the Indonesian National Police. The evidence in the form of white crystals weighing 0.22 grams was declared positive for containing methamphetamine. The substance is explicitly listed in Appendix I of Law Number 35 of 2009 concerning Narcotics. Expert testimony and

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the laboratory report constitute valid evidence according to Article 184 of the Criminal Procedure Code (KUHP). Therefore, the element of Group I narcotics was proven juridically and scientifically.

The overall evaluation of the proof of the elements of the criminal offense shows that the panel of judges has properly applied Article 114 paragraph (1). All elements of the offense have been tested based on facts and valid evidence. No error was found in assessing the elements of the subject, conduct, or object of the criminal offense. This decision reflects consistency between substantive law and procedural law. Therefore, the juridical analysis of the elements of the criminal offense in this case confirms that the judges' decision is in accordance with the principles of legal certainty and justice.

4. DISCUSSION

Juridical analysis of narcotics criminal offenses must be based on the principle of legality as stipulated in Article 1 paragraph (1) of the Criminal Code, which emphasizes that punishment can only be imposed based on previously applicable legal provisions. In this context, Article 114 paragraph (1) of Law Number 35 of 2009 explicitly regulates the prohibition of the circulation of Group I narcotics with a formal and alternative formulation of the offense. The Medan District Court Decision Number 1838/Pid.Sus/2025/PN Mdn demonstrates the application of the principle of legality through the proof of the elements of the article in a structured and systematic manner by the panel of judges.

The element of "every person" in the case was fulfilled because the defendant was a legitimate legal subject and his identity was not disputed. The element of "without right or against the law" was also fulfilled because the defendant did not have a valid permit to control or trade Group I narcotics, which legally are only permitted for very limited purposes. This fact was proven through witness testimony and the defendant's confession in court, so the element of unlawfulness was fulfilled both normatively and factually.

The application of Article 114 paragraph (1) in Decision Number 1838/Pid.Sus/2025/PN Mdn shows conformity between substantive law and procedural law. All elements of the offense were proven legally and convincingly, without neglecting the rights of the defendant in the judicial process. This decision reflects legal certainty, rationality of judicial reasoning, and an orientation toward protecting society from the dangers of narcotics circulation, thus having a strong juridical basis and being accountable.

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Judicial consideration in imposing a sentence is the core of the criminal justice process that reflects the principle of justice and sentencing individualization. In Decision Number 1838/Pid.Sus/2025/PN Mdn, the panel of judges was not only oriented toward the application of legal norms, but also assessed the concrete condition of the defendant, including personal background, attitude during trial, and the defendant's role in the narcotics offense. The defendant was considered to have never been previously convicted, to have been polite, and cooperative, so these factors were used as mitigating circumstances. This approach shows that sentencing was directed to be fair, proportional, and not to ignore the humanitarian aspects of the offender.

On the other hand, the judges also considered aggravating factors in order to safeguard public interest. The defendant's actions were considered contrary to government policy in combating narcotics and had the potential to cause widespread social impact. Therefore, the interest of protecting society remained the basis for imposing the sentence. The panel of judges balanced mitigating and aggravating circumstances, so that sentencing individualization was not interpreted as neglecting public interest, but as an effort to maintain both individual and social justice simultaneously.

The comparison between the prosecutor's demand and the judge's decision shows the independence and discretion of judicial power. Although the Public Prosecutor demanded imprisonment of seven years and six months, the judge imposed a sentence of six years' imprisonment accompanied by a fine, which was considered proportional to the level of the defendant's guilt as a low-level dealer. The decision reflects the application of the principles of proportionality, substantive justice, and the purpose of punishment that is not merely repressive, but also corrective and preventive. Thus, the judicial considerations in this case demonstrate a balance between legal certainty, justice, and protection of society.

The application of criminal law to narcotics offenses faces normative and practical obstacles, especially when the perpetrator occupies the position of a low-level dealer as in Decision Number 1838/Pid.Sus/2025/PN Mdn. Normatively, Law Number 35 of 2009 stipulates relatively severe criminal sanctions with high minimum and maximum limits, thereby limiting the judge's room for maneuver to fully adjust the sentence to the individual condition of the defendant. Practically, proving the role of the perpetrator often only reaches the lower layers of the narcotics circulation network, while the main actors remain

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undisclosed, so sentencing tends to target small offenders and has not been optimal in eradicating narcotics crimes comprehensively.

To overcome these obstacles, judges attempt to utilize the available discretionary space by applying the principle of sentencing individualization by not imposing the maximum penalty and considering the defendant's concrete role. However, the limited choice of sanctions and the dominance of a repressive approach remain challenges, including the risk of social impacts after sentencing such as stigma and recidivism. Therefore, the effectiveness of the application of criminal law on narcotics requires support from a more comprehensive criminal policy, including differentiation of the roles of perpetrators, strengthening proof of networks, and integration of penal and non-penal approaches, so that sentencing not only ensures legal certainty but also substantive justice and protection of society.

5. CONCLUSION

Based on the results of the discussion, it can be concluded that the elements of the criminal offense as formulated in Article 114 paragraph (1) of Law Number 35 of 2009 concerning Narcotics have been fulfilled legally and convincingly in Decision Number 1838/Pid.Sus/2025/PN Mdn. The element of "every person" was fulfilled because the defendant was a legal subject capable of criminal responsibility.

The judge's considerations in imposing criminal sanctions on the defendant have reflected the application of the principle of sentencing individualization and the principle of justice. The judge not only considered the criminal act committed, but also the personal condition of the defendant, such as never having been convicted, being polite, and regretting his actions. Aggravating and mitigating circumstances were assessed proportionally before imposing the sentence. The imposition of a prison sentence lighter than the prosecutor's demand shows the judge's independent assessment oriented toward substantive justice.

The implementation of the principle of proportionality in sentencing in Decision Number 1838/Pid.Sus/2025/PN Mdn has been applied in a balanced manner by integrating retributive, preventive, and rehabilitative theories of punishment. The sentence imposed is commensurate with the level of the defendant's guilt as a small-scale narcotics dealer. The judge did not impose the maximum penalty, but still provided a sufficiently firm sanction to create a deterrent effect.

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