

ANALYSIS OF THE DIFFERENCES IN THE PUBLIC  
PROSECUTOR'S CHARGES AGAINST NARCOTICS DEALERS  
(A STUDY OF DECISION NUMBER 1178/PID.SUS/2025/PN MDN AND DECISION  
NUMBER 1478/PID.SUS/2025/PN MDN)

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*Narcotics sellers in Decision Number 1178 / Pid.Sus / 2025 / PN Mdn and Decision Number 1478 / Pid.Sus / 2025 / PN Mdn consists of different weight of evidence, different location and time of arrest of the defendant, the demands are also different, namely 9 years with 7 years. The factors causing the disparity in prosecutors' demands in narcotics sales cases in Decision Number 1178 / Pid.Sus / 2025 / PN Mdn and Decision Number 1478 / Pid.Sus / 2025 / PN Mdn are the factors of legislation that do not limit with certainty, factors of aggravating and mitigating factors. The impact of the disparity in the prosecutor's demands on law enforcement and justice for the defendant in Decision Number 1178 and Decision Number 1478 is that it can reduce the sense of justice and public trust in the criminal justice system, as well as hinder efforts to eradicate narcotics effectively and fairly.*

**Keywords:** *(Differences in Charges, Public Prosecutor, Narcotics Seller).*

## 1. INTRODUCTION

Law enforcement against narcotics crimes has been widely carried out by law enforcement officers, with many cases having gone through court decisions. In this study, the researcher will analyze two Medan District Court rulings on narcotics cases, namely Decision Number 1178/Pid.Sus/2025/PN Mdn and Decision Number 1478/Pid.Sus/2025/PN Mdn. In these two rulings, the prosecutors' charges were different, while the articles of the criminal offenses charged were the same. The disparity in prosecutors' charges in narcotics sales cases refers to the difference in the number of criminal charges brought by the prosecutor against defendants in narcotics sales cases, which should have similar characteristics, evidence, and legal facts. This disparity can cause various legal and justice problems, such as legal uncertainty, unfair treatment of defendants, and decreased public trust in the criminal justice system. The impact of the Prosecutor's Charge Disparity can result in defendants in similar

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cases receiving different punishments, creating a sense of injustice. This disparity can hinder efforts to eradicate narcotics effectively and consistently.

## 2. METHODOLOGY

This study uses a normative legal research method (normative juridical) with a descriptive-analytical nature, which aims to describe and analyze applicable legal provisions as well as their implementation in law enforcement practice. The statutory approach is carried out by examining various regulations related to the criminal offense of narcotics sales, namely the Indonesian Criminal Code, Law No. 35 of 2009 concerning Narcotics, Law Number 16 of 2004 concerning the Prosecutor's Office, and implementing regulations. The case approach is conducted through an in-depth analysis of Decision Number 1178/Pid.Sus/2025/PN Mdn and Decision Number 1478/Pid.Sus/2025/PN Mdn as the primary objects of the study.

The data sources used in this study are secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include relevant laws and regulations and court decisions. Secondary legal materials consist of books, scientific journals, and research results related to narcotics sales offenses and their law enforcement. Tertiary legal materials include legal dictionaries and legal encyclopedias. Data collection techniques are carried out through library research. Data analysis is conducted qualitatively by interpreting legal norms and legal facts contained in court decisions. The results of the analysis are presented systematically to provide a comprehensive overview of narcotics sales offenses.

## 3. RESEARCH RESULTS AND DISCUSSION

Based on the research results and discussion, it is shown that the difference in the prosecutor's charges against narcotics sellers in Decision Number 1178/Pid.Sus/2025/PN Mdn and Decision Number 1478/Pid.Sus/2025/PN Mdn consists of the different weight of the evidence: 1.97 grams versus 0.05 grams. The location and time of the defendants' arrests were different, namely at Jalan Bromo Lorong Trimo gang Tengah, Binjai Sub-district, Medan Denai District on January 30, 2025, versus Jalan Karya Dame Gang Ayam, Sei Agul Sub-district, Medan Barat District, Medan City on June 14, 2025. In the indictment of Decision Number 1478/Pid.Sus/2025/PN Mdn, there was evidence in the form of IDR 15,000 and 1 unit of an electronic scale as supporting evidence that the defendant indeed possessed

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methamphetamine for sale, whereas in the indictment of Decision Number 1178/Pid.Sus/2025/PN Mdn, such supporting evidence was not found.

The prosecutors' demands were also different in these two rulings. In the indictment of Decision Number 1178/Pid.Sus/2025/PN Mdn, the defendant was sentenced to 9 years in prison with evidence of methamphetamine weighing 1.97 grams, while in the indictment of Decision Number 1478/Pid.Sus/2025/PN Mdn, the defendant was sentenced to 7 years in prison with evidence of methamphetamine weighing 0.05 grams.

In the indictment of Decision Number 1178, the evidence consisted of 1.97 grams of methamphetamine, whereas in Decision Number 1478, it was only 0.05 grams. This difference in weight indicates the severity and possible economic value of the evidence found at the arrest location, affecting the number of criminal charges filed. The arrest of the defendant was conducted in different locations: Decision Number 1178 at Jalan Bromo Lorong Trimo gang Tengah, Binjai Sub-district, Medan Denai District on January 30, 2025, and Decision Number 1478 at Jalan Karya Dame Gang Ayam, Sei Agul Sub-district, Medan Barat District on June 14, 2025. These differences in location and time indicate that the two cases occurred in different periods and places, which may also be related to different activities.

In the indictment of Decision Number 1478, there was evidence in the form of IDR 15,000 and one unit of an electronic scale supporting the claim that the defendant indeed possessed narcotics for sale. In contrast, in Decision Number 1178, no supporting evidence was mentioned, showing differences in the supporting evidence used to strengthen the indictment. Prosecutors' demands also differed: in Decision Number 1178, the defendant was sentenced to 9 years imprisonment with 1.97 grams of methamphetamine; in Decision Number 1478, the defendant was sentenced to 7 years imprisonment with 0.05 grams of methamphetamine. This difference reflects the prosecutor's assessment of the severity of the crime, the weight of the evidence, and the potential harm caused.

The difference in charges and legal facts in these two cases shows variables influencing the consideration of prosecutors and judges, including the weight of the evidence, the crime scene, the presence of supporting evidence, and the time span of the incident. All these factors affect the determination of criminal charges and legal considerations, making each case have different legal and factual characteristics in the context of narcotics offenses.

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Factors causing disparity in prosecutors' charges in narcotics sales cases in Decision Number 1178/Pid.Sus/2025/PN Mdn and Decision Number 1478/Pid.Sus/2025/PN Mdn include: legislative regulations not strictly limiting the range, allowing prosecutors to freely choose sentences between 5 and 20 years; the defendant's personal circumstances in terms of socio-economic background, which may compel them to commit the offense; and aggravating and mitigating circumstances for the defendant. In Decision Number 1178, there were three aggravating circumstances, whereas in Decision Number 1478, there was only one.

Legislation regarding narcotics crimes does not strictly limit the maximum and minimum sentences, giving prosecutors the freedom to charge penalties in the 5 to 20-year range. This allows variation in prosecution depending on the prosecutor's consideration, the case situation, and the evidence available. This uncertainty is a major factor causing disparity in criminal charges. The socio-economic situation of the defendant also affects the prosecutor's charges. The defendant's conditions, such as economic pressure, living needs, or other factors, may drive them to commit narcotics sales offenses. This factor is often considered in determining charges and verdicts as part of humanitarian and rehabilitation considerations.

In the indictment of Decision Number 1178, there were three aggravating circumstances, namely factors that increase the defendant's punishment, such as the defendant's active role, the weight of the evidence, or significant societal loss. Conversely, in the indictment of Decision Number 1478, there was only one aggravating circumstance. This shows that aggravating and mitigating factors play a role in determining charges and verdicts, and are one of the causes of disparity in prosecutors' charges.

Differences in charges in the two cases are influenced by several factors, including uncertainty in legal limits, the socio-economic condition of the defendant, and the number and type of aggravating and mitigating factors considered by the prosecutor. These factors lead to variations in prosecution and verdicts and indicate that law enforcement in narcotics cases is strongly influenced by normative, social, and factual aspects in the field.

The impact of prosecutors' charge disparities on law enforcement and justice for defendants in narcotics sales cases in Decision Number 1178/Pid.Sus/2025/PN Mdn and Decision Number 1478/Pid.Sus/2025/PN Mdn can reduce the sense of justice and public trust in the criminal justice system, as well as hinder effective and fair eradication of narcotics.

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Significant differences in prosecutors' charges in these two cases can create the perception that the criminal justice system is inconsistent and unfair. If the public sees that defendants with similar facts and evidence receive different legal treatment, it can undermine public confidence in the integrity and objectivity of the justice system.

Disparity in charges and verdicts can create legal uncertainty, which ultimately affects the effectiveness of law enforcement. Defendants and narcotics offenders may feel that the judicial process is unfair, potentially reducing their motivation to comply with legal procedures or even encouraging unlawful behavior due to uncertain risk of punishment. This can hinder comprehensive and fair narcotics eradication efforts. Furthermore, this disparity can prolong legal uncertainty, damage the judiciary's image, and reduce the effectiveness of law enforcement in suppressing narcotics distribution. Without consistency in law enforcement, the legal system is considered incapable of delivering equitable and accountable justice.

Prosecutors' charge disparities in narcotics cases have the potential to reduce public sense of justice and trust in the criminal justice system while also hindering the effectiveness of fair narcotics eradication efforts. Therefore, clear and consistent standard operating procedures and policies are needed in prosecution and sentencing to ensure substantive justice and maintain public trust in the justice system.

## 4. CONCLUSION

The conclusion from the analysis of differences in prosecutors' charges against narcotics sellers based on the study of Decision Number 1178/Pid.Sus/2025/PN Mdn and Decision Number 1478/Pid.Sus/2025/PN Mdn is that uncertainty in legal limits stipulated by legislation gives prosecutors flexibility in determining charges, resulting in variation in prosecutions and proposed sentences. The defendant's socio-economic condition and aggravating and mitigating factors also influence the magnitude of the prosecutor's demand. Variations in these factors are the main causes of differences in charges between the two cases. These differences can lead to disparities that may reduce the public's sense of justice and affect trust in the criminal justice system. Moreover, such disparities can also hinder effective and fair narcotics eradication efforts. There is a need for clearer and more consistent operational standards in prosecution to achieve substantive justice and increase public trust in the criminal justice system in handling narcotics cases. Thus, differences in prosecutors'

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charges in the two cases are influenced by regulatory factors, the defendant's condition, and legal considerations involving aggravating and mitigating factors, which together affect the prosecution process and verdict.

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