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## ANALYSIS OF JUDICIAL CONSIDERATIONS IN IMPOSING PUNISHMENTS FOR NARCOTICS CRIMES (A STUDY OF DECISION NUMBER 1891/PID.SUS/2025/PN MDN)

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### *Abstract*

*Narcotics crimes constitute an extraordinary crime that has serious impacts on security and the future of the nation's younger generation, thereby requiring firm and just law enforcement. This research aims to analyze the application of substantive criminal law and the judicial considerations in imposing criminal sanctions on the defendant in Decision Number 1891/Pid.Sus/2025/PN Mdn, using a normative legal research method with statutory and case study approaches, supported by primary and secondary legal materials. The results of the study indicate that the application of substantive criminal law in the decision is in accordance with Law Number 35 of 2009 on Narcotics, with proof based on lawful evidence as stipulated in Article 184 of the Criminal Procedure Code (KUHP). The judges' considerations were carried out comprehensively by taking into account both juridical and non-juridical aspects, including the fulfillment of the elements of the offense, the role of the defendant, the type and quantity of narcotics, as well as aggravating and mitigating circumstances, so that the sentence imposed reflects the principle of proportionality and a balance between legal certainty, justice, and expediency.*

**Keywords:** *Judicial Considerations, Narcotics Crimes, Sentencing*

## 1. INTRODUCTION

Narcotics constitute a serious problem in Indonesia because their distribution and abuse have penetrated all levels of society, including educational environments, and threaten public health, the future of the younger generation, security, and national resilience. Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika strictly regulates the definition, classification, and prohibitions related to narcotics, particularly Category I Narcotics, which have a very high potential for dependency and are not used for therapeutic purposes.

One of the narcotics crimes considered highly dangerous is the act of selling Category I Narcotics as stipulated in Article 114 paragraph (1) of Undang-Undang Nomor 35 Tahun

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2009 tentang Narkotika, which is punishable by severe criminal sanctions. The severity of the penalty demonstrates that the sale of narcotics constitutes a primary link in illicit narcotics trafficking, which has widespread impacts on the increasing number of abuse victims, thus requiring firm and just law enforcement.

The case in Decision Number 1891/Pid.Sus/2025/PN Mdn serves as a concrete example of law enforcement against narcotics crimes. The defendant, Andy alias Ahui, was proven without rights to have sold Category I Narcotics of the methamphetamine type with evidence weighing 1.85 grams, which was obtained for resale. The Public Prosecutor demanded a sentence of 8 years' imprisonment; however, the Panel of Judges imposed a sentence of 7 years and 6 months' imprisonment and a fine of Rp1,000,000,000, with subsidiary provisions in the event that the fine is not paid.

In rendering the decision, the judges considered various aspects forming the basis of sentencing. Judicial consideration constitutes an essential element in realizing a decision that reflects justice and legal certainty by taking into account juridical, philosophical, and sociological aspects as expressed by legal scholars. Based on this, the present research focuses on the analysis of judicial considerations in imposing criminal sanctions for narcotics crimes in Decision Number 1891/Pid.Sus/2025/PN Mdn.

## 2. METHODOLOGY

This research constitutes normative legal research conducted at the Pengadilan Negeri Medan, Jalan Pengadilan No. 8, Medan, using a case study approach to Decision Number 1891/Pid.Sus/2025/PN Mdn to analyze the application of substantive criminal law and judicial considerations in narcotics crime cases. The research data derive from secondary data sources consisting of primary legal materials in the form of court decisions and related statutory regulations, secondary legal materials in the form of literature, scientific journals, and scholars' doctrines, and tertiary legal materials such as legal dictionaries and encyclopedias. Data collection was conducted through library research, while data analysis was carried out descriptively and qualitatively by systematically examining the conformity of the application of Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika with the facts revealed at trial and evaluating the judges' considerations in rendering the decision in order to answer the research problems.

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

The application of substantive criminal law to narcotics crimes in Decision Number 1891/Pid.Sus/2025/PN Mdn was carried out based on the provisions of Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika as *lex specialis*. The judges first qualified the defendant's acts by assessing the fulfillment of the elements of the narcotics offense, including the element of conduct, the legal subject, and the element of culpability. This assessment aimed to ensure that the defendant's acts constituted a narcotics crime for which criminal liability could lawfully be imposed.

Judicial considerations in imposing criminal sanctions on the defendant in Decision Number 1891/Pid.Sus/2025/PN Mdn were based on the integration of juridical and non-juridical factors. Juridical factors formed the primary foundation, including the application of Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika, the principle of legality, and the assessment of the fulfillment of the elements of the criminal offense as charged. The judges ensured that the Public Prosecutor's indictment corresponded with the legal facts revealed during trial and contained no formal defects, thereby providing a lawful basis for sentencing.

### 4. DISCUSSION

The application of substantive criminal law to narcotics crimes in Decision Number 1891/Pid.Sus/2025/PN Mdn was conducted pursuant to the provisions of Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika as *lex specialis*. The judges first qualified the defendant's conduct by assessing the fulfillment of the elements of the narcotics offense, including the element of act, legal subject, and culpability. This assessment aimed to ensure that the defendant's conduct constituted a narcotics crime for which criminal responsibility could lawfully be imposed.

In applying substantive criminal law, the judges based their decision on lawful evidence pursuant to Article 184 of the Criminal Procedure Code, namely witness testimony, the defendant's testimony, and narcotics evidence that had been laboratory tested. The judges considered that the evidence presented was mutually corroborative and formed judicial conviction regarding the defendant's guilt. In addition, the type and quantity of narcotics

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involved became important factors in determining the applicable article and the severity of the criminal sanction.

The judges also considered the defendant's role in the narcotics offense, determining that the defendant was not merely a user but an active participant in narcotics trafficking. This consideration directly influenced the imposition of the sentence. Furthermore, the judges took into account aggravating and mitigating circumstances, the impact of the act on society, and the objectives of punishment in the form of retribution, deterrence, and the protection of society from the dangers of narcotics. Overall, the application of substantive criminal law in this decision demonstrates a balance between juridical and non-juridical factors. The judges applied the principle of proportionality by imposing a sentence commensurate with the level of the defendant's culpability and not exceeding the statutory maximum penalty. Thus, Decision Number 1891/Pid.Sus/2025/PN Mdn reflects a careful, fair, and law-oriented application of substantive criminal law aimed at legal certainty, justice, and societal benefit.

Judicial considerations in imposing criminal sanctions on the defendant in Decision Number 1891/Pid.Sus/2025/PN Mdn were based on the integration of juridical and non-juridical factors. Juridical factors constituted the primary foundation, including the application of Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika, the principle of legality, and the assessment of the fulfillment of the elements of the criminal offense as charged. The judges ensured that the Public Prosecutor's indictment corresponded with the legal facts revealed during trial and contained no formal defects, thereby providing a lawful basis for sentencing.

In terms of evidentiary aspects, the judges considered the evidence presented in accordance with Article 184 of the Criminal Procedure Code, namely witness testimony, the defendant's testimony, and narcotics evidence that had undergone laboratory testing. The judges determined that such evidence was mutually corroborative and formed judicial conviction regarding the defendant's guilt. Additionally, the judges assessed the element of culpability in the form of intent, the defendant's active role in narcotics trafficking, and the type and quantity of narcotics as indicators of the level of danger and social impact of the act committed.

In addition to juridical factors, the judges also considered non-juridical factors such as the defendant's background, the defendant's attitude during trial, aggravating and mitigating

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circumstances, and the impact of narcotics crimes on society. Narcotics crimes are viewed as serious offenses that damage the nation's generation; therefore, judicial considerations were directed toward providing a deterrent effect, protecting society, and preventing the recurrence of similar crimes in the future. These factors were used to assess the proportionality of the sentence imposed.

Overall, the judicial considerations in this decision demonstrate the application of the principles of proportionality, individualization of punishment, and balance between legal certainty, justice, and utility. The sentence was imposed within the statutory minimum and maximum limits and in line with national criminal law policy in combating narcotics. Thus, Decision Number 1891/Pid.Sus/2025/PN Mdn reflects judicial considerations that are systematic, rational, and accountable both juridically and academically.

## 5. CONCLUSION

The application of substantive criminal law to narcotics crimes in Decision Number 1891/Pid.Sus/2025/PN Mdn has been carried out in accordance with the provisions of Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika. The judges applied the relevant article by first carefully examining the fulfillment of the elements of the criminal offense, both subjective and objective elements. The evidentiary process was conducted based on lawful evidence as regulated in Article 184 of the Criminal Procedure Code. Judicial considerations in imposing criminal sanctions on the defendant were conducted comprehensively by taking into account juridical and non-juridical aspects. Juridical considerations included assessment of evidence, the defendant's role, the type and quantity of narcotics, and the fulfillment of offense elements in accordance with statutory regulations. Meanwhile, non-juridical considerations included aggravating and mitigating circumstances, the impact of the act on society, the objectives of punishment, and the sense of justice living within society.

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## C. Legislation

The 1945 Constitution of the Republic of Indonesia

The Indonesian Criminal Code (KUHP).

The Indonesian Criminal Procedure Code (KUHAP).

Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika.

Law Number 48 of 2009 concerning Judicial Power.

## D. Court Decision

Decision of the Pengadilan Negeri Medan Number 1891/Pid.Sus/2025/PN Mdn.