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JURIDICAL ANALYSIS OF DECISION NUMBER 457/PID.SUS/2025/PN MDN CONCERNING THE CRIMINAL ACT OF OFFERING FOR SALE, SELLING, AND ACTING AS AN INTERMEDIARY FOR CLASS I NARCOTICS

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Abstract

This study aims to juridically analyze the fulfillment of the elements of the criminal offense, to assess the quality of evidence and the application of the evidentiary system under the Indonesian Criminal Procedure Code (KUHAP), and to examine the conformity of the judges' considerations in sentencing from the perspective of the principle of proportionality and the objectives of punishment. The results of the study indicate 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 lawfully and convincingly. The element of "any person," the element of "without right or against the law," and the element of "selling Class I narcotics" were proven through facts revealed during the trial, supported by witness testimony, the defendant's statement, physical evidence, and documentary evidence. The panel of judges applied substantive law appropriately by assessing the elements of the offense based on normative construction and legal facts. Accordingly, the application of Article 114 paragraph (1) of the Narcotics Law in the a quo case is consistent with the prevailing positive law. The quality of evidence and the application of the evidentiary system in Decision Number 457/Pid.Sus/2025/PN Mdn are in accordance with the provisions of the Indonesian Criminal Procedure Code.

Keywords: *Narcotics Offense; Rules of Evidence; Judicial Decision*

1. INTRODUCTION

Constitutionally, the eradication of narcotics crimes has a strong foundation in the 1945 Constitution of the Republic of Indonesia. Article 28A of the 1945 Constitution of the Republic of Indonesia affirms that "every person has the right to live and to defend his/her life and existence." This provision provides a philosophical basis that the state has a constitutional obligation to protect its citizens from the dangers of narcotics that can threaten life and the future of the nation. Furthermore, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "every person has the right to live in physical and spiritual

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prosperity, to have a place to live, and to obtain a good and healthy living environment and to receive health services.”

The development of narcotics crimes in Indonesia shows a worrying trend, particularly in terms of trafficking and distribution. Based on data from the National Narcotics Agency (BNN), narcotics trafficking cases have increased significantly with increasingly sophisticated and organized modus operandi. Narcotics traffickers use various strategies to avoid detection by law enforcement, including the use of modern communication technology and complex distribution networks.

In the North Sumatra region, particularly the City of Medan as a regional economic and transportation center, narcotics trafficking cases show an alarming pattern. The strategic position of Medan as the gateway to Sumatra and a center of international trade makes this city a main route for the circulation of narcotics to and from various regions. This condition is reflected in the high volume of narcotics criminal cases handled by the Medan District Court. Based on the description above, research regarding a juridical analysis of Decision Number 457/Pid.Sus/2025/PN Mdn concerning the criminal act of offering for sale, selling, and acting as an intermediary for Group I Narcotics becomes highly relevant and urgent to be conducted. This research is expected to provide theoretical contributions in the development of the concept of juridical analysis of court decisions, as well as practical contributions in the form of recommendations to improve the quality of decisions and the effectiveness of criminal law enforcement on narcotics in Indonesia.

2. METHODOLOGY

This research was conducted at the Medan District Court using a normative-empirical legal research method to analyze Decision Number 457/Pid.Sus/2025/PN Mdn related to the criminal act of trafficking in Group I Narcotics. The research combines a normative approach that examines laws and regulations and legal doctrines with an empirical approach that reviews the application of law in judicial practice. The data sources consist of primary, secondary, and tertiary legal materials obtained through literature study, analysis of decision documents, interviews, documentation, and observation. The collected data were analyzed qualitatively using legal hermeneutic methods and descriptive-analytical juridical analysis to assess the application of the elements of the criminal offense, the quality of the evidentiary

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system, as well as the judges' considerations, so that their conformity with applicable legal provisions and principles of good judiciary can be evaluated.

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

Decision Number 457/Pid.Sus/2025/PN Mdn shows that the defendant purchased narcotics with the intention of reselling them. The confession was given consciously during trial and was not revoked. The defendant's statement was also consistent with the statements of the arresting witnesses. The consistency of the evidence strengthened the judge's conviction regarding the existence of the act of selling. Thus, this element was convincingly proven.

The existence of cash proceeds from the sale of narcotics constitutes an important indicator in proving the element of selling. Criminal law doctrine recognizes indirect evidence as long as it is interrelated. In this case, an amount of Rp57,000.00 was found in the defendant's pocket at the time of arrest. The defendant admitted that the money came from the proceeds of selling methamphetamine. This fact strengthens the construction of the act of selling narcotics.

Packaging tools in the form of empty plastic clip bags and pointed pipettes have juridical relevance in narcotics cases. Such items are commonly used in the practice of retail narcotics distribution. The presence of these tools indicates preparation for distribution. The Panel of Judges assessed this evidence as a unity with the narcotics found. This assessment is in line with the logic of criminal proof.

The element of acting as an intermediary in a sale and purchase is alternative in nature under Article 114 of the Narcotics Law. Proof does not require the existence of two parties directly connected by the perpetrator. It is sufficient to prove the existence of the perpetrator's role in facilitating the circulation of narcotics. In this case, the defendant obtained narcotics from another party to be redistributed. Such an act fulfills the characteristics of an intermediary in a broad sense.

Decision Number 457/Pid.Sus/2025/PN Mdn shows that the Public Prosecutor presented more than one lawful item of evidence. Witness testimony, the defendant's statement, physical evidence, and a laboratory report were presented at trial. The Panel of

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Judges assessed these items of evidence comprehensively. There was no use of evidence contrary to Article 184 of the Criminal Procedure Code (KUHAP). Therefore, the formal requirements of proof were fulfilled.

Witness testimony constitutes the main evidence in narcotics criminal cases. The Criminal Procedure Code requires that witness testimony be given under oath. In this case, the witnesses were law enforcement officers who conducted the arrest directly. The testimonies of the witnesses were mutually consistent. This consistency increased the substantive quality of proof.

The assessment of witness testimony is not based solely on the number of witnesses. Judges are obliged to assess relevance, consistency, and conformity with other evidence. In this decision, witness testimony was reinforced by the physical evidence found. The relationship between witness testimony and physical evidence was considered logical. This demonstrates the application of a rational evidentiary principle.

4. DISCUSSION

This section analyzes the quality of proof and the application of the evidentiary system in Decision Number 457/Pid.Sus/2025/PN Mdn based on the Criminal Procedure Code and the principles of criminal proof. The evidentiary system applied is the negative statutory evidentiary system as regulated in Article 183 of the Criminal Procedure Code, which requires lawful evidence accompanied by the judge's conviction. In this case, the Public Prosecutor presented more than two lawful items of evidence as stipulated in Article 184 of the Criminal Procedure Code, so that the formal and material requirements of proof were fulfilled.

Witness testimony, the defendant's statement, documentary evidence in the form of laboratory examination results, and narcotics as physical evidence were assessed comprehensively and were mutually consistent. Witness testimony given under oath was consistent with one another and supported by physical evidence, while the defendant's statement did not stand alone because it was reinforced by other evidence and was given freely without pressure. Documentary evidence and physical evidence were submitted and examined lawfully at trial, thus possessing lawful and relevant evidentiary strength.

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The Panel of Judges also paid attention to the defendant's rights in the evidentiary process, including legal counsel assistance and the opportunity to present a defense, so that the principles of due process of law and fair trial were fulfilled. The absence of a defense witness (a de charge) does not reduce the validity of proof because it is a right, not an obligation, of the defendant. Thus, the judge's conviction was built argumentatively based on lawful evidence, so that the application of the evidentiary system in this decision is in line with the Criminal Procedure Code and has strong legal legitimacy.

The judges' considerations in imposing criminal sanctions in Decision Number 457/Pid.Sus/2025/PN Mdn emphasize the principle of proportionality and the objectives of punishment in narcotics crimes. The principle of proportionality requires a balance between the level of the defendant's culpability and the severity of the punishment imposed, so that the punishment is neither excessive nor too lenient. In this case, the judge imposed a prison sentence of seven years and six months as well as a fine based on Article 114 paragraph (1) of the Narcotics Law, which remains within proportional limits when compared to the maximum penalty stipulated by law.

The judge considered in a balanced manner the aggravating and mitigating circumstances of the defendant, including the nature of the act, criminal history, the defendant's attitude at trial, and the confession given. These considerations reflect the application of the principle of individualization of punishment, whereby sentencing is not carried out mechanically, but by taking into account the concrete condition of the defendant. In addition, the judge also calculated the period of detention that had been served and assessed that a suspended sentence was not appropriate given the seriousness of the act and the risk of recidivism.

From the perspective of the objectives of punishment, this decision is not only oriented toward retribution, but also contains a general preventive function and social learning for the community. The sentencing considerations are arranged argumentatively, transparently, and can be academically tested, so that they do not violate the defendant's human rights nor the principle of justice. Thus, the judges' considerations in imposing the sentence can be assessed as appropriate, proportional, and in line with the objectives of punishment in narcotics criminal cases.

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