

JURIDICAL ANALYSIS OF CRIMINAL SANCTIONS AGAINST INTERMEDIARIES IN NARCOTICS SALES (A STUDY OF DECISION NUMBER 395/PID.SUS/2025/PN STB)

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Abstract

Based on the results of the study, it shows that the criminal law regulations for intermediaries in narcotics sales are regulated in Law Number 35 of 2009 concerning Narcotics, namely Article 114, the threat of imprisonment of at least 5 years and a maximum of 20 years, Article 119, the threat of imprisonment of at least 4 years and a maximum of 12 years, Article 124, the threat of imprisonment of at least 3 years and a maximum of 10 years. Proof of the elements of the crime committed by the accused intermediary for narcotics sales in Decision Number 395 / Pid.Sus / 2025 / PN Stb is appropriate because it has used two minimum pieces of evidence as regulated in Article 183 of the Criminal Procedure Code. The legal analysis of the punishment for the perpetrators of intermediary sales of narcotics in Decision Number 395 is quite fair, namely defendants I and III were sentenced to 10 years in prison, defendant II because he had never been imprisoned received leniency with a prison sentence of 9 years.

Keywords: (Legal Analysis, Criminalization, Intermediary Actors, Narcotics Sales).

1. INTRODUCTION

Various modes of illicit narcotics trafficking in Indonesia have made it increasingly difficult for law enforcement officers to carry out prevention efforts. In practice, many narcotics trafficking cases involve intermediaries in distributing the drugs. Sellers certainly do not wish to deal directly with buyers who may be undercover law enforcement officers. The use of intermediaries makes the position of dealers or sellers somewhat safer in conducting transactions. The criminal punishment of intermediaries in narcotics sales refers to the application of legal provisions to individuals who act as intermediaries in narcotics transactions, as regulated under Law Number 35 of 2009 on Narcotics. As an example in this study, the researcher refers to Decision of the Lubuk Pakam District Court Number 1077/Pid.Sus/2025/PN Lbp, which sentenced an intermediary in a narcotics sale to 17 years of imprisonment. Based on the above-mentioned decision, the author considers it very

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important to analyze the application of law and the judges' considerations in deciding criminal cases involving intermediaries in narcotics transactions. Previous studies have tended to focus more on resolving issues of narcotics abuse committed by users, dealers, and producers. This legal analysis will examine whether the application of law carried out by the judges in their considerations and the imposition of imprisonment on the defendant were appropriate.

2. METHODOLOGY

This research employs a normative legal research method (juridical normative) with a descriptive-analytical nature, aiming to describe and analyze the applicable legal provisions and their implementation in law enforcement practice. The statutory approach was conducted by reviewing various regulations related to narcotics sale offenses, namely the Criminal Code, Law Number 35 of 2009 on Narcotics and its implementing regulations. The case approach was carried out through an in-depth analysis of the Decision of the Stabat District Court Number 395/Pid.Sus/2025/PN Stb as the main object of the study.

The data sources used in this research consist of secondary data, including primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include legislation and relevant court decisions. Secondary legal materials consist of books, scientific journals, and research findings related to narcotics sale offenses and their law enforcement. Tertiary legal materials include legal dictionaries and legal encyclopedias. Data collection was conducted through library research. The data were analyzed qualitatively by interpreting legal norms and legal facts contained in the court decision. The results of the analysis are presented systematically to provide a comprehensive overview of the criminal act of narcotics sale.

3. RESEARCH FINDINGS AND DISCUSSION

Based on the research findings and discussion, criminal law regulations concerning intermediaries in narcotics transactions are stipulated in Law Number 35 of 2009 on Narcotics, namely: Article 114 for Group I narcotics such as cannabis, opium, heroin, methamphetamine (shabu), cocaine, and similar substances; Article 119 for Group II narcotics such as amphetamine, morphine, buprenorphine, pethidine, and similar substances; Article

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124 for Group III narcotics such as codeine, pentobarbital, diazepam (Valium), phenobarbital, and similar substances.

The difference between Articles 114, 119, and 124 lies not only in the classification of narcotics but also in the severity of criminal sanctions. Article 114 stipulates a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years. Article 119 provides a minimum of 4 (four) years and a maximum of 12 (twelve) years. Meanwhile, Article 124 provides a minimum of 3 (three) years and a maximum of 10 (ten) years. The criminal regulation of intermediaries under Law Number 35 of 2009 emphasizes the level of danger posed by narcotics based on their classification, along with proportional criminal sanctions. The more dangerous the narcotic, the heavier the punishment imposed. This is intended to create a deterrent effect and protect society from narcotics abuse.

The proof of the elements of the criminal offense committed by the defendants in Decision Number 395/Pid.Sus/2025/PN Stb was considered appropriate because it applied the minimum requirement of two pieces of evidence as stipulated in Article 183 of the Criminal Procedure Code (KUHAP). The two pieces of evidence were witness testimony and the defendants' statements. The witness testified that the defendants planned to sell one plastic clip bag containing white crystalline methamphetamine seized from them. The defendants' own statements acknowledged their actions, thereby strengthening the proof and clarifying the elements of the crime committed. However, in the evidentiary process, the panel of judges should have further distinguished the respective roles of each defendant. Differentiating the defendants' roles would allow the court to determine which specific elements of the offense were fulfilled by each individual, such as whether they acted as principal perpetrators, intermediaries, or owners of the narcotics. By distinguishing these roles, judges can impose fairer and more proportional sentences according to each defendant's level of involvement.

The juridical analysis of sentencing against intermediaries in Decision Number 395/Pid.Sus/2025/PN Stb indicates that the sentencing was sufficiently fair. Defendant I and Defendant III were sentenced to 10 years of imprisonment, while Defendant II, who had no prior conviction, received a lighter sentence of 9 years. The relatively lower sentences compared to the maximum penalty under Article 114 paragraph (2) were influenced by the judges' consideration of aggravating and mitigating circumstances. The decision demonstrates that the judges conducted a fair and proportional juridical assessment by considering legal aspects and justice principles, including both aggravating and mitigating factors. This aligns

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with the principle of justice in sentencing, which is not solely based on the statutory maximum penalty but also takes into account the context and role of the defendants in the criminal act.

4. CONCLUSION

The conclusion of the juridical analysis of sentencing against intermediaries in narcotics sales based on the study of Decision Number 395/Pid.Sus/2025/PN Stb shows that the sentencing process was carried out fairly and proportionally in accordance with applicable legal provisions. The judges considered various aspects, including aggravating and mitigating circumstances, in determining the punishment. Defendant I and Defendant III were sentenced to 10 years of imprisonment, while Defendant II, who had no prior conviction, received a reduced sentence of 9 years. Although the sentences were lighter than the maximum penalty stipulated in Article 114 paragraph (2), the decision reflects that the sentencing process was conducted objectively and based on mature juridical considerations. Overall, the decision illustrates the application of justice principles within the criminal justice system by considering the defendants' roles and relevant circumstances, resulting in balanced, fair, and legally appropriate sentencing.

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