

JURIDICAL ANALYSIS OF CRIMINAL LIABILITY OF NARCOTICS COURIERS IN THE CRIME OF METHAMPHETAMINE POSSESSION (CASE STUDY AT LANGKAT POLICE)

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Abstract

This study examines legal issues involving criminal liability, narcotics, methamphetamine. It employs normative legal research with an empirical juridical approach and draws on interviews, official examination reports (BAP), court decisions, statutory regulations, legal literature, official documents. The findings show that the applicable legal framework must be connected to the specific elements and facts of the case. Investigation or implementation also requires consistent documentary records, witness statements, relevant evidence, and procedural safeguards. The study highlights the need for accurate legal reasoning, coherent documentation, institutional coordination, and accountability. These findings support a more consistent application of Indonesian law concerning criminal liability, narcotics

Keywords: *criminal liability; narcotics; methamphetamine; narcotics courier; possession of methamphetamine; Langkat Resort Police*

1. Introduction

Narcotics crimes not only threaten the health of individuals, but can also damage the younger generation and disrupt social stability and national security. This is reflected in Law Number 35 of 2009 concerning Narcotics which regulates various forms of prohibited acts and criminal threats for the perpetrators.

One of the roles that is often found in the practice of narcotics trafficking is the narcotics courier. According to Siswanto Sunarso, the existence of couriers in narcotics networks is often used by the main perpetrators as a tool to avoid direct legal responsibility (Sunarso, 2012).

According to R. Tresna, criminal liability can only be imposed on a person if it can be proven that he committed an act prohibited by law with an accountable fault (R, 2011).

Provisions regarding the prohibition of possessing, storing, possessing, or providing narcotics without rights are regulated in Article 112 of Law Number 35 of 2009 concerning Narcotics (Indonesia, 2009).

In law enforcement practice, the determination of criminal liability for narcotics couriers often raises debate. According to Indah Sri Utari, in narcotics cases, careful analysis of the role of each perpetrator is needed so that there are no mistakes in determining the form of criminal responsibility (Utari, 2013).

Based on the Examination Report (BAP), the police arrested a suspect named Daulat who was allegedly involved in the crime of possessing and controlling methamphetamine-type narcotics. This fact shows that there is a strong suspicion of the suspect's involvement in narcotics trafficking (Langkat Police, 2025).

This shows that the suspect is suspected of playing a courier role in the narcotics trafficking network, namely as a party in charge of delivering goods to the recipient (Langkat Police, 2025).

Pompe explained that in a criminal act committed by more than one person, each perpetrator must be assessed based on his or her role and contribution in the occurrence of the criminal act (Pompe, 2010).

If a courier finds out that the goods he is carrying are narcotics, then he can be held criminally responsible for his actions. According to Eddy O.S. Hiarij, mistakes are an important element in determining whether or not a person can be held criminally responsible (O, 2016).

This research focuses on three issues: legal regulation regarding the criminal liability of narcotics couriers in the crime of possession of methamphetamine according to criminal law in Indonesia; the investigation process against narcotics couriers in the methamphetamine possession case handled by the Langkat Police; The construction of criminal liability for narcotics couriers in the crime of possession of methamphetamine based on the results of the investigation at the Langkat Police.

2. Metodologi

2.1. Metodologi Penelitian

The reason for choosing the Langkat Police as the location of the research is because in the agency there is primary data that is very relevant to the object of research, especially the Examination Report (BAP) of the suspect in the case of methamphetamine-type narcotics crimes.

This combination of approaches allows for an analysis that focuses not only on written norms, but also on the implementation and construction of evidence in investigative practice. Thus, this study aims to assess the conformity between legal norms and their implementation in criminal law enforcement (Marzuki, 2005; Scott, 2015; Arikunto, 2006).

In this study, the data sources used came from primary data and secondary data. The interview was conducted to explore information about the investigation process, evidence collection strategies, and legal considerations in building the construction of evidence against the elements of Article 378 of the Criminal Code. In addition, primary data is also sourced from official documents in the form of the Examination Report (BAP) of the reporting witness and the Examination Report of the suspect prepared by Langkat Police investigators.

The primary legal materials used in this study include laws and regulations relevant to the Criminal Code (KUHP). Some of the main regulations that this research focuses on are:

The secondary legal materials used are obtained from various scientific sources that can support the analysis in this study, such as: Books, Scientific journals, legal doctrine

The tertiary legal materials used in this study include sources that provide further understanding of the legal terms used in police regulations, as well as sources that confirm the general understanding of police procedures.

The data collection technique in this study was carried out through library research and field research. The field study was conducted through direct interviews with Langkat Police investigators who handled narcotics courier criminal cases (Marzuki, 2005).

2.2. Landasan Theoretis

Therefore, the existence of criminal acts is the main basis for the state to enforce criminal law against perpetrators of violations of certain legal norms (Prasetyo, 2014).

Thus, criminal acts are not just ordinary acts, but acts that have juridical significance because they contain an unlawful nature, are committed by the subject of the law, and have been expressly formulated in the criminal provisions (P, 2022).

From this, it appears that the definition of criminal acts is very closely related to the principle of legality in criminal law (Moeljatno, 2008).

In other words, the main measure in determining the existence of a criminal act is the fulfillment of the elements of delinquency as regulated in laws and regulations (Prasetyo, 2014).

Therefore, the regulation of criminal acts in positive law is basically a form of state protection against various legal interests that are considered important for the life of society, nation, and state (Sudarto, 1990).

Formally, criminal acts are acts that have been formulated as delinquencies in the law. This distinction is important because it shows that criminal law does not only talk about the text of norms, but also about the social values protected by those norms (P, 2013).

Therefore, the discussion of criminal acts is always an entrance to understand the elements of delinquency in criminal law in more detail (Chazawi, 2014).

Without a criminal act, law enforcement officials have no basis to conduct investigations, prosecutions, or convictions. This shows that the concept of criminal acts has a very central position in the structure of criminal law (Moeljatno, 2008).

The definition of criminal acts is also related to the distinction between active and passive acts. Therefore, criminal law not only regulates the prohibition to act, but also the obligation to act in certain circumstances (Chazawi, 2014).

From this understanding, then the discussion of the elements of criminal acts, types of criminal acts, and criminal liability can be further developed.

According to Article 1 paragraph (1) and paragraph (2), Law Number 1 of 2023 concerning the Criminal Code, an act can only be punished if it has been determined in advance in laws and regulations, and in determining the existence of a criminal act, it is prohibited to use analogies.

A formal criminal act is a criminal act that is considered completed by the commission of a prohibited act, without the need to wait for certain consequences to arise.

This criminal act occurs not because of the will to cause consequences, but because of lack of care, negligence, or lack of attention to legal obligations.

2.3. Legal Arrangements and Key Concepts

Criminal liability is basically a legal mechanism to determine whether a person who has committed an act prohibited by law can be punished or not. Thus, criminal liability becomes a bridge between criminal acts and crimes imposed on the perpetrators (Rusianto, 2016).

The assessment is not only factual, but also juridical, because the judge must look at the state of the perpetrator's psyche, the form of his guilt, and the situation surrounding his actions at the time of the crime (Rusianto, 2016).

Therefore, a person who objectively commits a criminal act may not necessarily be subjectively held criminally responsible, for example due to mental disorders, coercion, or law-justified errors (Huda, 2015).

In the development of Indonesian criminal law, dualistic teachings are more widely used because they are considered to be able to explain more systematically that after the criminal act is proven, an advanced stage is still needed to determine whether the perpetrator can be convicted (Ali, 2022).

This concept emphasizes that punishment in the state of law must be based on intact evidence, not only on the criminal act, but also on whether the perpetrator is worthy of being denounced and sentenced according to the law.

Criminal liability for narcotics couriers in the crime of possession of methamphetamine must basically be placed in the framework of the fault of the perpetrator. In this context, the possession of methamphetamine by a courier becomes criminally relevant if it is accompanied by an inner attitude that indicates a mistake (Sudarto, 1977).

Criminal acts refer to acts that are prohibited by law, while criminal liability refers to whether or not the perpetrator can be convicted for his actions. Therefore, if the courier is

proven to be aware that the goods he is carrying are methamphetamine-type narcotics, then the element of criminal liability on him is fulfilled (Moeljatno, 2008).

If the courier knows that the goods in his possession are methamphetamine, then deliberately carry, store, or hand it over to another party, then his actions not only meet the element of delicacy, but also meet the element of guilt as the basis for criminal liability (Huda, 2015).

Thus, the reason that the perpetrator is "only told" or "just delivered" does not necessarily remove criminal liability, because as long as he knows the prohibited nature of the goods he carries, he still has the quality of being a guilty perpetrator according to criminal law.

Meanwhile, Eddy O.S. Hiariej explained that criminal liability is closely related to the existence of mens rea or an attitude of guilt in the perpetrator. In this perspective, the status as a courier is not a reason for forgiveness, but can actually indicate active involvement in the chain of narcotics crimes (O, 2016).

In the case of narcotics couriers, the element of "possess, store, possess, or provide" is essentially alternative; that is, the proof of one of the elements supported by valid evidence can be the basis for a criminal conviction based on Article 112 paragraph (1), as long as the element without rights or against the law and the element of guilt is also proven (O, 2016).

2.4. Parameter Analysis Yuridis

Thus, narcotics are not only viewed from the medical aspect, but also from the juridical aspect because they are related to prohibitions, criminal threats, and protection of the community from the negative impact of their abuse (Sasangka, 2003).

Thus, narcotics are seen as a substance that is legal within certain limits, but becomes illegal if used without rights or against the law (Sunarso, 2012).

Therefore, when a person without rights or against the law places narcotics in his power, either directly or indirectly, the act can be qualified as a criminal act (Indonesia, 2009).

This formulation can be seen, for example, in Article 111 paragraph (1) for Class I Narcotics in the form of plants, Article 112 paragraph (1) for non-plant Class I Narcotics, Article 117 paragraph (1) for Class II Narcotics, and Article 122 paragraph (1) for Class III Narcotics (Indonesia, 2009).

Therefore, a person can be considered to be in possession of narcotics even though the goods do not formally belong to him, as long as it can be proven that he knows the existence of the narcotics and has the power to control, move, store, or use them (Indonesia, 2009).

In judicial practice, this element is not only seen from the location where narcotics were found, but also from other facts that show the existence of a relationship of control, such as the defendant's confession, witness statements, arrest results, and other supporting evidence.

This element is important because not all narcotics possession is automatically a criminal offense. Thus, the criminal nature of narcotics possession only arises if the act is carried out without the basis of rights, permits, or authority justified by law (Indonesia, 2009).

Thus, the criminalization of narcotics possession serves as a preventive and repressive effort to break the chain of narcotics crimes from the early stages of controlling these goods (Indonesia, 2009).

According to Gatot Supramono, narcotics crimes can be grouped based on the form of their acts, and one of the groups that is expressly mentioned is crimes related to narcotics possession (Supramono, 2004).

Therefore, possession of narcotics without rights does not need to be proven first as a circulation or transaction; simply with the proof of illegal control, the act can be seen as a criminal act (Sasangka, 2003).

According to Moh. This view emphasizes that the narcotics criminal law does not only ensnare the perpetrators of trafficking, but also people who actually control narcotics without legitimate rights (Moh, 2005).

3. Research Results

3.1. Legal Arrangements Regarding Criminal Liability of Narcotics Couriers in the Crime of Possession of Methamphetamine According to Criminal Law in Indonesia

The problem of criminal liability for narcotics couriers in the crime of possession of methamphetamine basically cannot be separated from the Indonesian criminal law arrangement which places narcotics as a strictly supervised legal object (Indonesia, 2009).

The formulation of Article 112 paragraph (1) of the Narcotics Law uses several elements of acts, namely possessing, storing, controlling, or providing. In the case of narcotics couriers, the element of control is usually the main point because the courier factually carries or controls methamphetamine in the delivery process (Indonesia, 2009).

Criminal liability for narcotics couriers must also be seen through the concept of criminal acts and mistakes. This intentionality can be seen if the perpetrator knows that the goods he is carrying are methamphetamine and is still willing to deliver it to other parties (P, 2022).

According to the doctrine of criminal law, criminal liability must be distinguished from criminal acts. This distinction is important so that the punishment of couriers is not only based on the existence of evidence, but also on proving the perpetrator's inner attitude (Moeljatno, 2008).

Based on the results of an interview with Investigator Boirin, S.H. on May 22, 2026, information was obtained that in the practice of investigation, narcotics couriers can still be criminally charged if proven to be carrying or controlling methamphetamine without rights (Langkat Police, 2025).

Another article that is also relevant in the regulation of narcotics couriers is Article 114 of Law Number 35 of 2009 concerning Narcotics (Indonesia, 2009).

The criminal liability of narcotics couriers must also pay attention to the ability to be responsible. Thus, the main focus of proof usually lies in the presence or absence of intentionality in the possession of methamphetamine (Huda, 2015).

The legal arrangement regarding the criminal liability of narcotics couriers ultimately shows that Indonesian criminal law views the possession of methamphetamine as a serious act. Therefore, the criminalization of couriers is intended to break the chain of illicit narcotics circulation (Moh, 2005).

Based on this description, it can be concluded that the legal regulation regarding the criminal liability of narcotics couriers in the crime of possession of methamphetamine in Indonesia is mainly based on Law Number 35 of 2009 concerning Narcotics, especially Article 112 and in certain circumstances Article 114.

3.2. The Investigation Process of Narcotics Couriers in the Methamphetamine Possession Case Handled by the Langkat Police

The investigation process against narcotics couriers in methamphetamine possession cases is an important stage in the criminal justice system, because it is at this stage that investigators begin to build a legal basis to determine whether an event can be upgraded to a criminal case.

Based on the results of an interview with Boirin, S.H. on May 22, 2026, the investigation process against narcotics couriers at the Langkat Police generally begins with public information or the results of investigations by members in the field (Langkat Police, 2025).

This initial stage shows that narcotics investigations are usually preceded by an investigation process. Investigation serves as an initial stage to find out whether an event reported correctly contains suspected criminal acts.

A search is an important legal action in a methamphetamine possession case, because it is from this action that evidence is usually found. Therefore, investigators must clearly record the location, time, circumstances, and manner of finding the evidence (Indonesia, 2009).

After the evidence was found, investigators confiscated. In narcotics cases, the seizure of methamphetamine must be carried out in an orderly manner because the evidence is the main basis in proving the elements of the crime of narcotics possession (Indonesia).

In the investigation process, the suspect's communication tools are also often a concern. A mobile phone can contain conversations, contacts, call history, or messages that show the suspect's relationship with the party who ordered or received methamphetamine.

The investigation of narcotics couriers at the Langkat Police must also be directed to distinguish the role of suspects. Therefore, investigators must explore the role of suspects in depth so that the application of the law is not wrong (Utari, 2013).

Based on this description, the investigation process against narcotics couriers in the case of possession of methamphetamine at the Langkat Police is carried out through several stages, namely receiving information, investigation, arrest, searching, confiscation, examining witnesses, examining suspects, laboratory examinations, collecting communication tools or other clues, preparing investigation administration, and handing over case files to the public prosecutor.

Thus, the investigation process against narcotics couriers not only aims to find methamphetamine as evidence, but also builds legal relationships between suspects, evidence, and narcotics trafficking networks.

3.3. Construction of Criminal Liability of Narcotics Couriers in the Crime of Possession of Methamphetamine Based on the Results of the Investigation at the Langkat Police Station

The construction of criminal liability for narcotics couriers in the crime of possession of methamphetamine is basically built through the relationship between the perpetrator's actions, evidence, elements of guilt, and the role of the perpetrator in a series of narcotics crimes (Indonesia, 2009).

In Law Number 35 of 2009 concerning Narcotics, the possession of methamphetamine as a Class I Narcotic is not a plant regulated in Article 112 paragraph (1) (Indonesia, 2009).

Based on the results of an interview with Boirin, S.H. on May 22, 2026, Langkat Police investigators built a construction of criminal liability for narcotics couriers by assessing the relationship between the suspect and the evidence found (Langkat Police, 2025).

The principle of no crime without fault is the main foundation in the construction of criminal liability for narcotics couriers. In the case of possession of methamphetamine, the courier's mistake can be seen from the intentionality to receive, carry, store, or hand over methamphetamine (Huda, 2015).

The construction of criminal liability must also pay attention to the element of "without rights or against the law". Therefore, the possession of methamphetamine by couriers can be categorized as unlawful possession (Indonesia, 2009).

Based on the results of the investigation described in the proposal, the fact that the suspect received methamphetamine from another party, was asked to deliver it to a certain party, and was promised a reward, shows the existence of an active role as a courier (Moeljatno, 2008).

The construction also shows that the investigation at the Langkat Police is not only oriented to the discovery of evidence, but also to proving the role and guilt of the suspect (Langkat Police, 2025).

The construction of criminal liability for couriers must begin with proof of the existence of narcotics crimes. After that, the element of fault in the courier is assessed (Indonesia, 2009).

Thus, the construction of criminal liability of narcotics couriers in the crime of possession of methamphetamine based on the results of the investigation at the Langkat Police can be formulated as liability for people who consciously and without the right to possess methamphetamine, know the prohibited nature of the goods, and take a role in the process of delivering or transferring narcotics to other parties.

4. Discussion

4.1. Analysis of Legal Arrangements Regarding Criminal Liability of Narcotics Couriers in the Crime of Possession of Methamphetamine According to Criminal Law in Indonesia

In the context of Indonesia's positive law, the main regulation regarding narcotics is contained in Law Number 35 of 2009 concerning Narcotics (Indonesia, 2009).

Methamphetamine in the narcotics law is included in Class I Narcotics, not plants. This is important because the control of class I narcotics that are not plants is expressly regulated in Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics (Indonesia, 2009).

Thus, the status as a courier does not automatically remove criminal liability, as long as it is proven that the perpetrator knows that the goods he is carrying are narcotics (Huda, 2015).

Narcotics couriers are generally not the sole perpetrators in narcotics crimes, but part of a narcotics illicit trafficking network. In this case, the role of couriers is an important part of the methamphetamine circulation chain (Sunarso, 2012).

In this context, the criminal liability of couriers is not only seen from physical possession of methamphetamine, but also from their contribution in facilitating the distribution of narcotics (Pompe, 2010).

Although the role of a courier can be considered inferior to a bookmaker, it does not mean that a courier is free from crime. Thus, criminal law places couriers as perpetrators who still have legal responsibility for their actions (Indonesia, 2009).

Article 112 focuses more on the possession, storage, or provision of narcotics without rights. Therefore, in the case of a methamphetamine courier, investigators must carefully determine whether legal facts are more appropriately constructed as control or as an intermediary in circulation (Sunarso, 2012).

However, for couriers who do not have a permit or authority according to the law, the possession of methamphetamine is seen as an unlawful act (Indonesia, 2009).

4.2. Analysis of the Investigation Process of Narcotics Couriers in the Methamphetamine Possession Case Handled by the Langkat Police

Article 1 number 2 of the Criminal Code explains that an investigation is a series of actions by investigators in terms of and in the manner regulated in the law to find and collect evidence, which with that evidence sheds light on the criminal act that occurred and finds the suspect.

Couriers are usually only in the lower layers of the narcotics trafficking network, so investigators are not only arresting people who carry methamphetamine, but also have to dig up the source of the goods, the purpose of delivery, the controller, and the possible involvement of other perpetrators (Sunarso, 2012).

The next process is the examination of the suspect. Thus, the examination of suspects does not only focus on confessions, but on explaining the role of the perpetrator in the criminal incident (Indonesia, 2009).

In the case of narcotics couriers, the suspect's information must be tested with other evidence. Therefore, investigators must look for the compatibility between the suspect's

statement and evidence, witness statements, laboratory results, communication instructions, and other investigative documents.

The examination of witnesses is also an important part of the investigation process. In the case of narcotics couriers, witness statements are used to corroborate the process of arrest, search, confiscation, and the connection of the suspect with methamphetamine evidence.

In addition to witness statements, investigators also need to examine evidence scientifically through a laboratory. Without the results of laboratory examinations, the evidence of the object of the crime can be weak (Indonesia, 2009).

Detention is carried out for the purpose of investigation, for example so that the suspect does not flee, does not eliminate evidence, or does not repeat the crime.

In the case of couriers, investigators must see whether the legal facts only show control or have shown the existence of intermediaries in narcotics transactions (Indonesia, 2009).

4.3. Analysis of the Construction of Criminal Liability of Narcotics Couriers in the Crime of Possession of Methamphetamine Based on the Results of the Investigation at the Langkat Police Station

Thus, a courier can still be said to be in possession of methamphetamine even though the methamphetamine does not belong to him, as long as he knows the existence of the goods and has the real ability to carry or hand it over (Sasangka, 2003).

If these facts show the perpetrator's awareness, then the construction of criminal liability can still be directed to the suspect as a courier (Langkat Police, 2025).

Without laboratory results, the object of the crime can be weak in proof. Therefore, laboratory results serve as a scientific basis to ensure that evidence, including Class I narcotics, is not a plant (Indonesia, 2009).

Therefore, even though the courier is not the main owner of methamphetamine, its role still has criminal relevance because it helps the circulation of narcotics (Pompe, 2010).

If the courier consciously takes part in the delivery of methamphetamine and knows the purpose of his actions, then he can be seen as having contributed to the narcotics crime that occurred (Chazawi, 2014).

Therefore, investigators are trying to trace communications, phone numbers, and other information that can lead to the main perpetrators in the narcotics network (Langkat Police, 2025).

In the case of narcotics couriers, the reason that the perpetrator only delivers the goods is not included in the reason for criminal expungement if the perpetrator knows that the goods are methamphetamine and is still willing to carry them (Rusianto, 2016).

If these two elements are proven through valid evidence, then the construction of criminal liability against the courier can be declared fulfilled.²⁷

This role has legal significance because it supports the sustainability of illicit narcotics trafficking (Moeljatno, 2008).

5. Conclusion

Legal arrangements regarding the criminal liability of narcotics couriers in the crime of possession of methamphetamine are regulated in Law Number 35 of 2009 concerning Narcotics, especially Article 112 paragraph (1) concerning the act of possessing, storing, possessing, or providing Class I Narcotics that are not plants without rights or against the law. Narcotics couriers can still be held criminally liable if they are proven to be in possession of methamphetamine, know that the goods are narcotics, and have the intention to bring or hand it over to another party. Thus, the reason that the perpetrator is only a courier does not remove criminal liability as long as the elements of acts, mistakes, responsible ability, and unlawful elements are met.

The investigation process of narcotics couriers in the case of methamphetamine possession at the Langkat Police is carried out through several stages, namely information receipt, investigation, arrest, search, confiscation of evidence, examination of witnesses, examination of suspects, laboratory examinations, and preparation of case files. Based on the results of interviews with investigators, the investigation not only focused on the discovery of methamphetamine evidence, but also on proving the relationship between the suspect and the evidence, the origin of methamphetamine, the purpose of delivery, the party who ordered it, and whether there was a reward. This is done so that the suspect's role as a courier can be proven objectively and in accordance with the provisions of the criminal procedure law.

The construction of criminal liability for narcotics couriers in the crime of possession of methamphetamine based on the results of the investigation at the Langkat Police was built through the relationship between evidence, suspect statements, witness statements, laboratory results, and other clues that show the existence of illegal possession of methamphetamine. In this case, the courier can be criminally held liable if it is proven that he knows that the goods he is carrying are methamphetamine, is willing to deliver the goods, and has a factual relationship with the evidence. Therefore, the criminal liability of the courier is not only determined from his status as a carrier of goods, but from the existence of intentionality, real mastery, and his role in the narcotics trafficking chain.

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