

THE ROLE OF EVIDENCE AND THE ELEMENT OF AGREEMENT IN THE PROSECUTION OF THE CRIME OF ECSTASY DISTRIBUTION (Study of Decision Number 2136/Pid.Sus/2025/PN Mdn)

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Abstract

Based on the results of the study, it shows that the role of evidence to prove the element of agreement in the prosecution of the crime of distributing ecstasy based on decision Number 2136 / Pid.Sus / 2025 / PN Mdn is to have a very important role in proving the element of agreement in the prosecution of the crime of distributing ecstasy. The judge's consideration to prove the element of agreement in the prosecution of the crime of distributing ecstasy based on decision Number 2136 / Pid.Sus / 2025 / PN Mdn is appropriate and shows a careful, objective approach, and is based on strong legal principles, to ensure that the element of agreement is proven convincingly before being declared fulfilled in the case of the crime of distributing ecstasy.

Keywords: (Role, Evidence, Elements of Agreement, Prosecution, Crime of Ecstasy Distribution)

1. Introduction

The distribution of psychotropic substances is a highly dangerous criminal offense because it can have broad adverse effects on society, particularly younger generations. Prosecution of this offense requires not only sufficient evidence but also proof of specific legal elements so that justice may be administered objectively and proportionately. In prosecuting an offense involving an agreement to distribute psychotropic substances, the element of collusion or agreement is an important aspect that must be proven. This element indicates the existence of an agreement or understanding among the perpetrators to commit the offense jointly. Proving it is crucial to determining the legal responsibility of the perpetrators and strengthening the basis of prosecution under criminal law. Decision Number 2136/Pid.Sus/2025/PN Mdn illustrates the importance of evidence in establishing such agreement. Evidence submitted, including witness testimony, documents, and other forms of proof, must be capable of demonstrating an agreement and coordinated conduct among the perpetrators in distributing psychotropic substances. In practice, however, proving this element can be difficult because a shared intention and agreement may be difficult to establish directly at trial. This study is therefore important to analyze in depth the role of evidence and the element of agreement in prosecuting an offense involving the distribution of psychotropic substances, particularly on the basis of the decision under study. The study is expected to provide a clearer understanding of the mechanism for proving agreement and the factors affecting it so that prosecution can be carried out fairly and accountably.

2. Methodology

This study employs normative legal research, namely research conducted by examining laws and regulations that apply or are applied to a particular legal issue. Normative legal research is often referred to as doctrinal research because its objects of study are statutory documents and legal literature. The study is library-based (library research), conducted by reviewing books and literature relevant to the research topic.

The research uses two approaches: the statute approach and the case approach. The statute approach examines regulations relating to the role of evidence and the element of agreement in prosecuting the crime of ecstasy distribution, namely Law Number 1 of 2023 concerning the Criminal Code (KUHP), Law Number 5 of 1997 concerning Psychotropic Substances, Law Number 1 of 2026 concerning Criminal Adjustment, and Law Number 8 of 1981 concerning Criminal Procedure. The case approach is conducted through an in-depth analysis of Medan District Court Decision Number 2136/Pid.Sus/2025/PN Mdn as the principal object of this study.

The data used are secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations and court decisions. Secondary legal materials comprise books, scholarly journals, and research results relating to the crime of ecstasy distribution and its law enforcement. Tertiary legal materials include legal dictionaries and legal encyclopedias. Data were collected through library research.

The data were analyzed qualitatively by interpreting the legal norms and legal facts contained in the court decision. The results are presented systematically to provide a comprehensive description of the crime of ecstasy distribution.

3. Research Results and Discussion

Criminal law enforcement functions not only to impose sanctions on offenders but also to ensure that material truth can be discovered through judicial proceedings. This is consistent with the fundamental principle of criminal procedure, namely the search for and determination of the true facts of a criminal event. In this context, physical exhibits and legally recognized evidence occupy a highly important position. Physical exhibits are objects directly connected with an offense, whereas legally recognized evidence consists of the means accepted by law for proving the existence of a criminal offense, as provided in the Indonesian Criminal Procedure Code (KUHP). These two instruments are not merely formal components of a trial but form the core of the evidentiary system used to determine whether a defendant may be convicted.

Physical exhibits are objects closely related to a criminal offense, either as proceeds of the offense or as instruments used to commit it. Their existence often provides law-enforcement authorities with an initial basis for connecting the criminal act to its perpetrator. Legally recognized evidence, meanwhile, consists of evidentiary instruments expressly acknowledged in the Criminal Procedure Code, such as witness testimony, expert testimony, documents, indications, and the defendant's statement. The combination of physical exhibits and legally recognized evidence provides both legal legitimacy and a basis for judicial conviction when determining whether a criminal act has been proven.

In criminal proceedings, physical exhibits essentially connect the criminal event to its perpetrator. Their existence often provides a concrete picture that strengthens the reconstruction of the offense, such as ecstasy tablets in a case involving the distribution of prohibited substances. Legally recognized evidence has a broader function because it may include witness testimony, expert testimony, documents, indications, and the defendant's statement. In other words, legally recognized evidence provides the legal framework that legitimizes the use of physical exhibits in the evidentiary process. The two are complementary: physical exhibits cannot perform their evidentiary function optimally without lawful supporting evidence, and the reverse is also true.

Study of the status and function of physical exhibits and legally recognized evidence in psychotropic-substance cases is important because both are fundamental factors capable of determining the direction of a judicial decision. Many psychotropic cases encounter evidentiary problems because physical exhibits are poorly managed or legally sufficient evidence is lacking. Errors in the application of law may also occur when the judge does not

obtain adequate conviction from the evidence presented. A comprehensive understanding of the function of both categories of evidence is therefore required to guarantee a fair trial.

Historically, the status of physical exhibits and legally recognized evidence in Indonesian criminal procedure was influenced by the Dutch legal system, which emphasized lawful proof (*wettig bewijs*). Over time, this system was adapted to national needs, including through the Criminal Procedure Code, which regulates in detail the types and evidentiary weight of recognized evidence. Even so, law-enforcement practice in Indonesia continues to face various problems. Cases may arise in which physical exhibits are lost, damaged, or not professionally managed. Likewise, evidence presented at trial may fail to convince the judge, resulting in decisions perceived as failing to satisfy justice.

The role of physical exhibits and legally recognized evidence in criminal cases has been widely discussed by legal scholars and judicial practitioners. In criminal-procedure literature, physical exhibits are understood as objects closely connected with an offense, whether obtained as proceeds of crime, used to commit the offense, or otherwise capable of illustrating how the offense occurred. Soerjono Soekanto emphasizes that physical exhibits function as supporting means connecting the criminal act with its perpetrator and therefore cannot be separated from the evidentiary process.

Discussion of the role of evidence in proving the element of agreement in the prosecution of ecstasy distribution is important because agreement is a crucial element that must be proven before a defendant can be punished under the relevant provision. In this context, the element refers to an agreement or common understanding among several persons to carry out the distribution. In criminal law, it indicates that the offense was committed jointly or through the participation of several persons who consciously and mutually agreed to carry out the unlawful act.

Based on an interview with Mr. Cipto Hosari Parsaoran Nababan, S.H., M.H., a judge at the Medan District Court, he explained as follows:

In my view, the element of agreement in the crime of ecstasy distribution is highly important in proving cooperation or a common understanding among the perpetrators in committing the offense. In judicial proceedings, this element may be established through different forms of evidence, including witness testimony, the defendant's admission, and circumstantial evidence such as mobile-phone communications showing coordination and a shared intention. The characteristics of the element of agreement in ecstasy distribution include:

1. Intent and awareness, meaning that the perpetrators know and agree that their conduct violates the law.
2. Cooperation, meaning that there is a relationship or communication demonstrating coordination in carrying out the ecstasy distribution.
3. A common objective, meaning that the perpetrators share the purpose of obtaining benefits together.

In the researcher's analysis, the judge's answer emphasizes the importance of the element of agreement in proving ecstasy distribution. The judge regarded it as crucial because it demonstrates cooperation or common understanding forming the principal basis for assessing the involvement of the perpetrators. The judge also highlighted that proving agreement does not depend on a single type of evidence but requires a combination of witness testimony, the defendant's admission, and other circumstantial evidence. Mobile-phone communications are particularly important because they can demonstrate coordination and common intent and thereby legally strengthen proof of the agreement element.

Overall, the researcher considers that the judge viewed proof of agreement as requiring sufficiently strong and comprehensive evidence, with digital communications constituting one of the key factors in establishing it. This approach reflects an understanding that the

integrity and strength of the evidence must be capable of convincing the court that organized cooperation existed among the perpetrators so that the element of agreement can be established legally and convincingly.

Based on the research results and discussion, evidence plays a highly important role in proving the element of agreement in the prosecution of the crime of ecstasy distribution under Decision Number 2136/Pid.Sus/2025/PN Mdn. The success of proving agreement depends greatly on the strength and sufficiency of evidence gathered by the Public Prosecutor. Evidence such as digital communications and witness testimony can demonstrate shared intention and cooperation among perpetrators in a legally convincing manner. Digital evidence, for example text messages and recorded conversations, can significantly strengthen the argument that the perpetrators agreed to commit the offense. Witness testimony may provide additional explanation concerning relationships and conduct that further supports the agreement element.

Proving the crime of ecstasy distribution also requires comprehensive legal consideration. To establish the element of agreement, judges must carefully assess whether the perpetrators and other involved parties consciously agreed to engage in unlawful conduct, such as storing, distributing, or producing ecstasy. Proof of a common agreement or shared intention is essential. Without it, establishing that the defendants acted jointly and with full awareness of the illegality of their conduct becomes difficult.

Judges must consider various matters, including physical evidence and documentation such as transaction records, communications, and recorded conversations; statements from witnesses and defendants indicating agreement; facts demonstrating joint action and coordination; and analysis of the pattern of conduct and role of each perpetrator.

The legal assessment must also follow the provisions of the Criminal Procedure Code, the applicable narcotics or psychotropic-substances legislation, and relevant jurisprudence so that the element of agreement is established lawfully and convincingly. Legal consideration is therefore important to enable an objective and fair decision and to ensure that the element is genuinely proven in accordance with applicable law.

Likewise, in proving the element of agreement in the ecstasy distribution offense under Decision Number 2136/Pid.Sus/2025/PN Mdn, the judge must undertake a comprehensive legal assessment of all evidence and legal facts revealed at trial so that the defendant's agreement to participate in the offense is legally and convincingly established. This discussion therefore examines the judge's considerations in proving that element as reflected in the decision.

Based on an interview with Mr. Cipto Hosari Parsaoran Nababan, S.H., M.H., a judge at the Medan District Court, he explained the process used to assess the element of agreement in an ecstasy distribution offense as follows:

In assessing the element of agreement in an ecstasy distribution offense, I carefully examine all evidence presented during the trial. First, I determine whether there is evidence showing an agreement between the defendant and other parties, either directly or indirectly. Such evidence may include witness testimony concerning communications or cooperation, documents, financial transactions, recorded conversations, or other evidence supporting the existence of collusion or agreement. I also consider the defendant's own admission if the defendant states that he acted under instructions or in cooperation with another party. In addition, I assess the pattern of the defendant's conduct, including the existence of a network, distribution patterns, and the involvement of other persons connected with the ecstasy distribution process.

In the researcher's analysis, the judge's answer demonstrates a comprehensive approach to assessing the element of agreement in an ecstasy distribution offense. The researcher notes

that the judge did not rely on a single type of proof but instead applied a holistic approach by examining various relevant evidentiary aspects.

First, the emphasis on direct and indirect evidence, including witness testimony, documents, recorded conversations, and financial transactions, reflects the judge's effort to obtain a complete picture of cooperation or agreement between the defendant and other parties. This approach is consistent with an evidentiary principle emphasizing the overall coherence of proof rather than dependence on a single source.

Second, the assessment of the defendant's own admission is also important, particularly where the admission is supported by other evidence confirming its truth. This shows that the judge did not accept an admission at face value but evaluated its relevance and consistency within the entire body of evidence.

Third, analysis of the pattern of the defendant's conduct, including networks, distribution patterns, and the involvement of other persons, demonstrates that the judge emphasized factual and objective circumstances in determining cooperation. This approach is consistent with the principle that agreement may be established not only through direct evidence but also through patterns and conduct supporting the existence of collusion.

Overall, the judge's answer demonstrates a careful and balanced method of assessment that considers all aspects of the evidence in order to ensure that the element of agreement is legally and convincingly proven. This approach is important to prevent error in judicial decision-making and confirms that proof of the agreement element must satisfy the high evidentiary standard required by criminal procedure.

Based on the research results and discussion, the judge's considerations in proving the element of agreement in the prosecution of ecstasy distribution under Decision Number 2136/Pid.Sus/2025/PN Mdn were appropriate and reflected a careful, objective approach grounded in strong legal principles. The judge emphasized the need for a comprehensive assessment of the agreement element and did not rely solely on the defendant's admission that he acted independently. Instead, the judge evaluated all supporting evidence, including documents, recorded conversations, financial transactions, and witness testimony concerning cooperation or conspiracy.

In proving the element of agreement and assessing evidence in Decision Number 2136/Pid.Sus/2025/PN Mdn, the panel of judges faced complex difficulties. These included limited direct evidence capable of demonstrating actual cooperation and difficulties in collecting and verifying confidential or difficult-to-trace electronic evidence. The limited number of witnesses capable of providing complete information concerning communications and the roles of each perpetrator, together with the high evidentiary standard, further complicated the effort to prove agreement strongly and convincingly. These obstacles require diligence and care from the judges in evaluating each item of evidence so that the judgment is fair and based on sufficient and lawful proof.

Based on the research results and discussion, significant obstacles arose in proving the element of agreement and using evidence in Decision Number 2136/Pid.Sus/2025/PN Mdn. The principal obstacle was the limited amount of direct evidence capable of conclusively proving a common agreement, requiring the judge to rely on indirect evidence demanding careful and detailed analysis. The complexity of cases involving secret or closed communications, confidential messages, and undisclosed cooperation also makes it difficult to collect complete and accurate evidence. Other obstacles include a limited number of credible witnesses and possible bias in available testimony, which increases the challenge of satisfying the beyond-a-reasonable-doubt standard. These difficulties indicate the need for a more sophisticated and comprehensive approach in the criminal justice system to ensure fairness and accuracy in decision-making, particularly where indirect evidence and confidential communications are involved.

4. Conclusion

Evidence plays a very important role in proving the element of agreement in the prosecution of the crime of ecstasy distribution under Decision Number 2136/Pid.Sus/2025/PN Mdn. Success in proving the element depends greatly on the strength and sufficiency of the evidence gathered by the Public Prosecutor. Evidence such as digital communications and witness testimony can lawfully and convincingly demonstrate common intention and cooperation among the perpetrators. The judge's considerations in proving the element of agreement were appropriate and reflected a careful and objective approach grounded in strong legal principles, ensuring that the element was convincingly established before being declared fulfilled. The judge emphasized the need for a comprehensive assessment and did not rely solely on the defendant's assertion that he acted alone, but evaluated supporting evidence such as documents, recorded conversations, financial transactions, and witness testimony indicating cooperation or conspiracy.

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