

Analysis of the Crime of Buying and Selling Narcotics Class I As an Intermediary (Decision Study No. 1123/Pid.Sus/2025/PN Mdn)

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ABSTRACT

This paper discusses the crime of Narcotics Group I with the status as an intermediary which is one form of crime that gets serious attention in Indonesia. Article 114 paragraph (1) of Law No. 35 of 2009 on narcotics expressly prohibits the sale, purchase, or intermediary in narcotics transactions of Class I. This article examines decision number 1123 / Pid.Sus / 2025 / PN Mdn who sentenced the defendant Benny Tanjung als Beny because he was legally and convincingly proven to have committed a criminal offense to be an intermediary in the sale and purchase of methamphetamine. This study uses a normative juridical approach by examining the law, doctrine, and analysis of court decisions. The results showed that the judge's consideration was in accordance with the elements of the article charged, by imposing a prison sentence of 7 years and a fine of Rp1, 000, 000, 000. This ruling affirms the consistency of the judiciary in supporting narcotics eradication policies, although it raises a discourse related to the proportionality of sanctions for intermediaries on a small scale.

Keywords: Criminal Acts, Narcotics Intermediaries, Court Decisions.

INTRODUCTION

Narcotics crime in Indonesia is one form of extraordinary crime that has a transnational dimension, organized, and cause multidimensional harm to the nation. Narcotics abuse and Illicit Trafficking not only have an impact on the physical and mental damage to individuals, but also damage social structures, increase crime, and threaten national resilience. Therefore, the state through Law No. 35 of 2009 on narcotics places narcotics as a crime with serious criminal threats (Wahyudin, 2022).

One of the modes of narcotics circulation that is often encountered is through buying and selling intermediaries. Intermediaries often serve as a link between large cities and end users. Although the intermediary position is at a lower level in the structure of the network, its presence is vital because it ensures the smooth distribution of narcotics in society. Therefore, Article 114 paragraph (1) of the narcotics law expressly criminalizes the act of being an intermediary in the sale and purchase of class I narcotics (Fajarisman dkk, 2022).

The narcotics problem in Indonesia has reached an alarming stage and is considered a serious threat to the future of the nation. Narcotics not only have an impact on individuals who become users, but also cause social damage, increase crime rates, and undermine economic stability and national security. The National Narcotics Agency (BNN) in various reports states that the circulation of narcotics is now increasingly widespread and targets almost all levels of society, ranging from students, students, workers, to the general public. This condition

shows that narcotics crime is an extraordinary crime, so that its handling also requires strong and consistent legal instruments (BNN, 2024).

Law Number 35 of 2009 on narcotics provides a clear legal framework in combating the abuse and illicit trafficking of narcotics. One of the important articles is Article 114 paragraph (1) which regulates the Prohibition of offering activities for sale, selling, buying, receiving, or being an intermediary in the sale and purchase of narcotics Class I. This norm expressly confirms that even intermediate positions, which are hierarchically subordinate to large bookmakers, are still categorized as criminal acts that are punishable by serious crimes. This is because the intermediary becomes the actor who ensures the continuity of the distribution of narcotics to the final consumer, so its contribution to the narcotics circulation chain cannot be considered trivial (UU No. 39 Tahun 2009).

This reality is reflected in the criminal case examined by the Medan District Court in decision number 1123/Pid.Sus / 2025 / PN Mdn. In this case, the defendant Benny Tanjung als Beny was arrested by police with evidence of methamphetamine weighing 1.02 grams which was divided into several small packages, as well as money from the sale of Rp85, 000. From the results of the examination revealed that the defendant bought narcotics from a supplier named Wawan weighing 10 grams for resale. The defendant's role is clearly as an intermediary connecting suppliers with small buyers in his community environment (Putusan Pengadilan Negeri Medan Nomor 1123/Pid.Sus/2025/PN Mdn.).

The panel of judges in the verdict stated that all elements of Article 114 paragraph (1) have been proven, namely: (1) the element "everyone" is fulfilled because the defendant is physically and spiritually healthy and able to be responsible; (2) the element "without rights or against the law" is fulfilled because the defendant does not have permission to trade narcotics; and (3) the element "being an intermediary in the sale and purchase of class I narcotics" is proven because the defendant buys methamphetamine from suppliers and sells it back to consumers. On that basis, the judge sentenced him to imprisonment for 7 years and a fine of Rp1 billion, subsidair 4 months in prison.

This verdict is important to analyze from several sides. First, from the aspect of legal certainty, this decision shows the consistency of the judiciary in applying the Narcotics Law. Secondly, from the aspect of substantive justice, the question arises whether the crime imposed is proportionate given the relatively small amount of evidence and the defendant only acts as a lower class intermediary, not the main bookmaker. Third, from the aspect of the purpose of the conviction, this decision emphasizes more on the deterrent effect through serious crimes, but less alludes to the rehabilitative aspect which is actually also the purpose of modern criminal law.

Based on this background, the academic study of this decision is needed to see the extent to which the application of Article 114 paragraph (1) of the Narcotics Law is able to answer the issue of justice, legal certainty, and legal expediency in the case of narcotics circulation. In addition, this analysis is also expected to contribute to the discourse of developing a more humanist criminal law but still effective in combating narcotics crime (Barda Nawawi Arief,2023).

RESEARCH METHOD

This study uses a normative juridical approach that aims to analyze the application of legal norms to the legal facts contained in decision number 1123/Pid.Sus / 2025 / PN Mdn. The main focus of the study was to examine how judges apply the provisions of Article 114 paragraph (1) of Law No. 35 of 2009 on narcotics in handing down decisions against defendants who act as intermediaries for the sale and purchase of narcotics class I (Ariman Sitompul, 2022).

RESULTS AND DISCUSSION

Chronology of Cases and Charges Charged Article

The Narcotics Criminal Case with Defendant Benny Tanjung als Beny began on Thursday, March 20, 2025, at around 01.00 WIB. At that time, the police officers of the Belawan Port Police were observing in the Titi Papan Village, Medan Deli District, Medan City. Based on information from the public, it is known that there is abuse of narcotics types of methamphetamine on Jalan Platina 1 neighborhood 09, Titi Papan Village. Following up on the report, officers then conducted an investigation and found the defendant was at the location with suspicious movements. Officers immediately arrested and searched the accused. From the results of the search found evidence in the form of: 1 (one) plastic clip containing methamphetamine in a black bag belonging to the defendant, cash amounting to Rp85, 000.00 which is the result of the sale of narcotics and 1 (one) plastic clip of methamphetamine hidden in the socks of the defendant.

Based on interrogation, the defendant admitted that the narcotics were obtained from a person named Wawan on March 17, 2025 in the amount of about 10 grams purchased for Rp3, 000, 000.00. The methamphetamine is then packaged into small parts to be resold for Rp50, 000.00 per package. The money of Rp85, 000.00 found during the arrest was the result of the sale of some of the methamphetamine packages. The results of the police forensic laboratory examination showed that the evidence was positive for methamphetamine which is included in Narcotics Group I serial number 61 Appendix I to Law Number 35 of 2009 on narcotics (UU No. 39 Tahun 2009). This fact further strengthens the suspicion that the defendant was involved in the illicit circulation of narcotics, not just the user, but also acted as an intermediary in the sale and purchase (LPHPLF Polri, 2025).

The public prosecutor charged the defendant with charges in the form of subsidiarity, namely charges that are arranged in layers so that when the primair indictment is not proven, the subsidair indictment can be used (Yahya Harahap, 2022). In this case, the charges brought are.

a.Primair

Article 114 paragraph (1) of Law No. 35 of 2009 on narcotics, which states: (Pasal 14 UU No. 35 Tahun 2009) "Any person who without right or against the law offers to sell, sell, buy, receive, become an intermediary in the sale and purchase, exchange, or deliver narcotics Class I in the form of non-plant, shall be punished with imprisonment of a minimum of 5 years and a maximum of 20 years and a fine of at least Rp1 billion and a maximum of Rp10 billion." The alleged elements are: Everyone; Without rights or against the law; and Offer for sale, Sell, Buy, receive, mediate in the sale and purchase, exchange, or delivery of non-plant Class I Narcotics.

b.Subsidair

Article 112 paragraph (1) of Law No. 35 of 2009 on narcotics, which reads: "Any person who unlawfully or unlawfully owns, stores, controls, or provides Class I Narcotics, shall be punished with imprisonment of at least 4 years and a maximum of 12 years and a fine of at least Rp800 million and at most Rp8 billion."

This subsidiary indictment was prepared to anticipate that if the intermediary element in the sale and purchase (Article 114) cannot be proven, the defendant can still be charged with possession or control of narcotics. The application of the subsidiarity charge in this case demonstrates the legal strategy of the public prosecutor to ensure that the accused can still be convicted, even if the primair charge is not perfectly proven. In practice, the indictment of primair that ensnared the defendant as an intermediary proved to be valid at the trial, so that the indictment of subsidair did not need to be considered further. This confirms the legal position that any form of involvement in the narcotics circulation chain, including being an intermediary, is a serious criminal offense that carries a serious criminal threat.

Consideration and Analysis of Judges in Making Decisions

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Medan District Court Decision Number 1123 / Pid.Sus/2025/PN Mdn which sentenced 7 (seven) years in prison and a fine of Rp1, 000, 000, 000.00 against defendant Benny Tanjung als Beny raises a number of critical notes that deserve further analysis (Putusan Pengadilan Negeri Medan Nomor 1123/Pid.Sus/2025/PN Mdn). Consideration of judges in narcotics cases is not only based on juridical aspects, but also concerns the value of substantive justice, legal certainty, and the purpose of conviction (Lilik Mulyadi, 2023).

The evidence found was relatively small, weighing 1.02 grams of methamphetamine. Nevertheless, the defendant was sentenced to a fairly severe punishment, namely 7 years in prison. The judge based on the provisions of Article 114 paragraph (1) of the Narcotics Law which threatens a minimum of 5 years and a maximum of 20 years. This is justified because the law does not distinguish criminal threats by the amount of evidence, but by the role of the perpetrator in the circulation chain. In this case, the role as an intermediary is considered strategic so that it remains severely punished even though the evidence is small (Barda Nawawi Arief, 2024).

Normatively, this decision has provided legal certainty because the judge applies the rules in accordance with the evidence (Mahrus Ali, 2023). In terms of substantive justice, however, the question arises whether the 7-year sentence against the lower-level offender (street dealer) is worth the impact of his actions. Critics in the literature say that serious crimes often ensnare small perpetrators, while large networks often escape the law (Syaiful Bakhri, 2024).

The judge made the defendant's recidivist status an aggravating factor. This is appropriate, because recidivism reflects the absence of the deterrent effect of the previous criminal (Andi Hamzah, 2022). However, the defendant's economic motives also need to be considered. Factors of poverty and limited access to work are often the cause of small actors entangled in narcotics cases. This decision focuses more on the aspect of general deterrence (general prevention), so that the public is deterred from doing similar things. However, the rehabilitative aspect almost does not arise. In fact, in modern criminal law policy, rehabilitation is also important, especially for small user or intermediary offenders (Eko Riyad, 2022).

The main criticism of this ruling is: serious crimes against minor offenders have the potential to cause overcrowding in correctional institutions without significantly reducing the circulation of narcotics. There needs to be a clearer separation between sentencing for big cities and small intermediaries. Alternatives such as social development programs or social work can be an option to make crime more proportional (Erdianto Effendi, 2023).

CONCLUSION

Analysis and consideration of the judge in Decision No. 1123/Pid.Sus / 2025 / PN Mdn is juridically correct because the element of article is fulfilled. However, criminologically and sociologically, the question arises whether the 7-year sentence has been balanced by the small amount of evidence and the condition of the accused. This ruling shows the classic dilemma in narcotics cases: between the demand for legal certainty and substantive justice.

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