



Analysis of Narcotics Crime Group I is Not a Plant in Decision No. 252/PID.SUS / 2025 / PN TBT

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ARTICLE INFO

Keywords:

Consideration of Judges,
Rehabilitation,
Methamphetamine,
Narcotics Possession,
Narcotics.

Date received : 02 Januari 2026
Revision date : 15 Februari 2026
Date published : 31 Maret 2026

ABSTRACT

The abuse of class I non-crop narcotics in Indonesia has reached alarming levels and requires comprehensive legal treatment. This study analyzed the Tebingtinggi District Court decision number 252 / Pid.Sus/2025/PN Tbt to understand the application of criminal law in the case of possession of methamphetamine weighing 1.18 grams. Normative juridical research methods are used by examining positive legal norms and their application through literature studies of primary, secondary, and tertiary legal materials. The results showed that the panel of judges managed to prove the elements of Article 112 paragraph (1) of Law No. 35 of 2009 systematically, where the defendant was proven to possess narcotics without legitimate rights. Juridical considerations reflect the application of the principle of legality by distinguishing acts of circulation and ownership, so that subsidiary charges are more appropriately applied. The verdict of five years imprisonment and a fine of one hundred million rupiah shows the proportionality between the weight of the act and the sanctions imposed. The study concluded that the verdict has met the principles of legal certainty and substantive justice, but the rehabilitative approach needs to be optimized to distinguish traffickers and users in order to realize a justice system that is not only repressive but also restorative.

INTRODUCTION

Abuse of class I non-crop narcotics in Indonesia has reached alarming levels and poses a serious threat to public health and national stability. According to data from the National Narcotics Agency, Indonesia is facing a narcotics emergency with an increasing prevalence of abuse, especially in the productive age group (Hasan et al., 2024). This problem is compounded by the ease of access to synthetic narcotics such as methamphetamine and MDMA are traded through organized networks, so it requires a firm and comprehensive legal treatment (Amalia et al., 2024). Tebingtinggi District Court Decision Number 252 / Pid.Sus / 2025 / PN Tbt represents one of the criminal cases of Narcotics Group I not plants which is an important object of study in understanding the application of material and formal criminal law. In the context of law enforcement, judges have a crucial role in considering aspects of evidence, criminal liability, and the application of proportional sanctions in accordance with Law Number 35 of 2009 on narcotics (Wijaya & Ruslie, 2024). In-depth analysis of court decisions is an important instrument to evaluate the consistency of the application of legal reasoning and substantive justice in the Indonesian criminal justice system, as well as providing academic contributions to the development of Specialized Criminal Law (Royhan, 2023).

Based on the above background, this study formulates several main problems: first, how the qualification of Narcotics Crime Group I is not a plant in decision number 252/Pid.Sus / 2025 / PN Tbt in terms of the elements of offense in Law No. 35 of 2009? Second, How is the judge's legal consideration in making a decision against the perpetrators of narcotics crimes of Group I instead of plants? Third, does the decision reflect the principles of justice and legal certainty in the eradication of narcotics crime?. This study aims to analyze and comprehensively assess the application of criminal law in decision number 252/Pid.Sus / 2025 / PN Tbt. In particular, this study aimed to: identify the fulfillment of the elements of Narcotics Crime Group I is not a plant based on legal facts revealed at the trial; analyze *decidendi ratio* and juridical considerations of judges in deciding the case; and evaluate the suitability of the decision with the principles of criminal law and the purpose of conviction in order to eradicate narcotics abuse. This research is expected to provide theoretical benefits in the form of contributions to the development of criminal law, especially related to narcotics crimes, and enrich the academic literature on the analysis of court decisions. In practical terms,

the results of this study can be a reference for legal practitioners, judges, prosecutors, and advocates in handling narcotics cases, as well as providing input to policy makers in formulating more effective law enforcement strategies to tackle the circulation of Narcotics Group I non-crop in Indonesia.

METHOD

This study uses a normative juridical approach that focuses on the study of positive legal norms and their application in court decisions. The normative legal research method was chosen because the focus of the study was on the analysis of legal rules, legal principles, and doctrines related to narcotics crimes of Group I not plants as contained in decision number 252/Pid.Sus / 2025 / PN Tbt. The types of data used are secondary data sourced from primary legal materials in the form of legislation, especially Law Number 35 of 2009 on narcotics and court decisions, secondary legal materials include textbooks, scientific journals, and previous research results, as well as tertiary legal materials in the form of legal dictionaries and encyclopedias (Ariman Sitompul, 2022). Data collection techniques are carried out through library studies (library research) with inventory and identification of legal documents relevant to the object of research. Data analysis uses descriptive-analytical methods with a qualitative approach, namely exposing legal facts systematically and then analyzing them based on the theoretical framework and concepts of criminal law (Diantha, 2022). The analysis process involves legal interpretation using grammatical, systematic, and teleological interpretation methods to reveal the legal ratio of the legal provisions applied, as well as vertical and horizontal synchronization of legal norms related to narcotics crimes (Suteki & Taufani, 2023).

RESULTS AND DISCUSSION

A. Qualification of Narcotics Crime Group I is not a plant in decision number 252 / Pid.Sus / 2025 / PN Tbt

The Jakarta Administrative Court in examining the dispute over the cancellation of HGB Certificate No. 1444 / Kebon Kelapa emphasizes the assessment of the formal requirements of the lawsuit, especially regarding the grace period as stipulated in Article 55 of the Administrative Procedure Law. The panel of judges declared the plaintiff's lawsuit *Niet Ontvankelijk* (inadmissible) with several main reasons as follows:

Class I narcotics crime is not a plant in decision number 252 / Pid.Sus / 2025 / PN Tbt requires evidence of subjective and objective elements

cumulatively in accordance with the construction of material criminal law. The subjective element in the form of mens rea was fulfilled through the defendant who consciously contacted Firman via WhatsApp to order methamphetamine for Rp600, 000, then divided the narcotics using a scope dropper into several small packages that showed the Will and knowledge that his actions violated the law. Intentional in narcotics crime includes awareness of the perpetrator of the prohibited nature of the goods he controlled, where no indication of oversight or ignorance of the law is found so that the dolus element is fulfilled perfectly (Kusuma et al., 2022; Telaumbanua, 2025). Objective elements include the act of possessing and controlling narcotics class I not plants without rights under Article 112 paragraph (1) of Law No. 35 of 2009, as evidenced by the discovery of three plastic clips containing methamphetamine with a net weight of 1.18 grams in the hands and pockets of the defendant's pants (Law of the Republic of Indonesia, 2009). Primair indictment Article 114 paragraph (1) on circulation is not proven because there is no evidence of offering or selling activities for circulation, so the subsidiary indictment on ownership is more appropriate to apply given the importance of distinguishing the role of actors in the circulation chain to avoid the application of disproportionate sanctions (Kinzi & Megawati, 2025; Syahrudin, 2025).

The public prosecutor's indictment was prepared alternatively with primair Article 114 paragraph (1) and subsidiar Article 112 paragraph (1) of the narcotics law, but the final claim led to the proof of the personal control element after assessing the non-proof of the circulation element based on the facts of the trial. Witness statements Kristi Baren Tarigan and Muhammad Nurmansyah explained that the arrests were made based on public information, evidence was found in the hands and pockets of the accused who admitted ownership, and no sale and purchase transaction activity was found that reflected consistency and corroboration between testimonies. The judge's consideration in deciding the case is based on two fundamental aspects, namely juridical considerations that include facts and testimony revealed at the trial, as well as non-juridical considerations that form the background of the defendant's actions (directory of decisions of the Supreme Court of the Republic of Indonesia, 2025). Evidence in the form of three plastic clips containing methamphetamine, an empty plastic clip, a scope pipette, and a Realme cellphone, accompanied by the minutes of weighing and the results of forensic laboratory examinations that tested positive for methamphetamine as valid evidence. Proof is carried

out according to the Criminal Procedure Law system which requires a minimum of two pieces of evidence and a judge's conviction, where witness statements, letters, instructions, and Confessions of the accused have met the provisions of Article 184 of the Criminal Procedure Code cumulatively (Iskandar, 2019).

The conformity of legal facts with the elements of the article indicates that the physical possession of narcotics and the confession of the accused prove a direct relationship between the perpetrator and the evidence beyond reasonable doubt based on the principle of Criminal Evidence. Methamphetamine was found including synthetic narcotics in the form of crystals (methamphetamine) and classified as Group I not a plant based on Appendix I of Law Number 35 of 2009, which has a very high potential to cause dependence and is prohibited for health services except for scientific interests in accordance with Article 8 paragraph (1) and (2) of the Narcotics Law. Prohibited acts in the context of illicit circulation as defined in Article 1 Number 6 of Law Number 35 of 2009 include any activity without rights that is defined as a criminal offense, where the defendant is proven to be physically in control, store in the dorm room, and divide into small packages even though there is no proven intention of distribution so that it remains in the realm of personal control prohibited by law (m Sadam Husin et al., 2025).

B. Legal considerations of judges in passing decisions

The judge considered that the primair indictment of Article 114 paragraph (1) was not proven because there was no evidence of a transaction or intention to sell, so that the subsidiary indictment of Article 112 paragraph (1) which was proven with a criminal threat of at least 4 years and a maximum of 12 years and a minimum fine of Rp800 million and a maximum of Rp8 billion was applied appropriately. The application of provisions in accordance with the principle of legality (*Nullum delictum nulla poena sine praevia lege poenali*) shows consistency in systematically testing the elements of the article using valid evidence based on the Criminal Procedure Code that ensures legal certainty in the judicial process. Assessment of evidence is carried out through a system of evidence according to the law in a negative manner as Article 183 of the Criminal Procedure Code, where witness statements, defendant confessions, and laboratory results form the judge's confidence in assessing the fulfillment of the elements of the offense convincingly without doubt (Syahrudin, 2025). The application of articles in the narcotics law considers that the purpose of the law as Article 4 letters b and c is to prevent and

eradicate the illicit circulation of narcotics, so that the application is carried out expressly to ensure the protection of the community from the dangers of class I narcotics which are very destructive (Telaumbanua, 2025).

Incriminating matters include the defendant's actions that do not support government programs in combating narcotics and potentially damage the younger generation and cause wide social impacts on the community as a form of threat to national security. Mitigating factors include the defendant's courteous attitude at trial, recognition of his actions, remorse, his status as the backbone of the family, and has not been previously convicted which indicates the absence of recidive in the defendant's criminal record. The defendant's social and personal considerations are taken into account in the criminal prosecution to achieve a balance between retributive and rehabilitative aspects, although in this case there is no application for rehabilitation or dependency assessment in accordance with Article 54 of the Narcotics Law which guarantees medical and social rehabilitation efforts for abusers and addicts as a form of health approach in handling narcotics problems (Iskandar, 2019; Kinzi & Megawati, 2025).

The judge sentenced him to 5 years imprisonment and a fine of Rp100, 000, 000 subsidair 60 days of confinement, which is slightly above the minimum threat of Article 112 paragraph (1) showing a moderate approach in considering the balance between aspects of punishment and substantive justice (Ariman Sitompul, 2021). Ratio decidendi judge is based on proving the element of ownership without the right of non-circulation, taking into account the weight of the evidence is relatively small (1.18 grams) and the purpose of personal consumption so that the verdict is still within the limits of fairness and proportionate to the acts committed. The ruling is consistent with the Supreme Court's jurisprudential practice for possession of approximately 1 gram of methamphetamine for personal consumption, reflects uniform application of the law in similar cases and provides predictability to the outcome of the ruling guaranteeing legal certainty (Kusuma et al., 2022; Wara et al., 2024).

C. Analysis of the principle of Justice and legal certainty in the decision

The principle of legality is applied consistently where the judge systematically examines the elements of the article, uses legal evidence, and follows the Criminal Procedure Code in accordance with the transitional provisions that ensure that there is no conviction outside the provisions of the law (Ariman Sitompul, 2020). Consistency with legislation

is reflected in the application of narcotics classification system under Article 6 paragraph (1) and the Prohibition of the use of Group I in Article 8 paragraph (1) of Law No. 35 of 2009 which provides normative clarity in the identification of the object of a criminal offense. The predictability of the verdict is fulfilled because the pattern of evidence according to the structure of alternative charges and clear criminal threats in the law provides certainty about the outcome of the verdict for the Justice-seeking community (Fransiska et al., 2020; Syahrudin, 2025).

Substantive and procedural justice is achieved where the procedural rights of the accused are fulfilled through the assistance of legal counsel, there is no violation of the arrest procedure, and evidence is tested in an open trial according to the principle of fair trial which ensures the protection of human rights. Substantively, the 5-year sentence is considered proportional to the possession of 1.18 grams by considering the balance between the interests of the community and the rights of the accused in a balanced justice perspective. Proportionality of punishment reflects a humanist approach to abuse but remains firm in law enforcement, despite the potential application of rehabilitative approaches as an alternative to punishment in a restorative justice perspective that offers solutions focused on the recovery and reintegration of offenders into society (m Sadam Husin et al., 2025; Telaumbanua, 2025).

This decision has an effective repressive and preventive function as a means of general prevention and special prevention by providing a deterrent effect on the wider community and individual actors. Contribution to the purpose of punishment is achieved through the protection of the community from the dangers of narcotics according to the purpose of the law in Article 4 letters b and c of Law Number 35 of 2009, as well as enforcing legal norms and maintaining consistency in the application of Article 112 paragraph (1) in order to eradicate illicit narcotics. Implications for narcotics law enforcement indicate that possession of narcotics remains a serious criminal offense that requires firm handling, but from the perspective of Criminal policy, a more comprehensive and multidimensional approach should be considered in tackling the problem of narcotics abuse to realize a Free Indonesia from the abuse and circulation of narcotics (Iskandar, 2019; Kinzi & Megawati, 2025; Wara et al., 2024).

CONCLUSION

This study concluded that the verdict number 252 / Pid.Sus / 2025 / PN Tbt has applied the material and formal criminal law appropriately in prosecuting narcotics crimes of Group I not plants. The panel of judges succeeded in proving the elements of Article 112 paragraph (1) of Law No. 35 of 2009 through systematic evidence, where the defendant was proven to possess methamphetamine weighing 1.18 grams without legal rights or permits. The judge's juridical judgment reflects the consistent application of the principle of legality by distinguishing between acts of circulation and ownership, so that subsidiary charges are more appropriate to be applied. The verdict of 5 years imprisonment and a fine of Rp100,000,000 shows the proportionality between the weight of the act and the sanctions imposed, while accommodating aspects of substantive justice through consideration of mitigating and aggravating factors. Overall, this decision has fulfilled the principle of legal certainty and justice in the framework of combating narcotics abuse in Indonesia. Based on the results of the study, it is recommended to law enforcement officers to further optimize the rehabilitative approach in handling cases of narcotics possession for personal consumption in accordance with the mandate of Article 54 of Law Number 35 of 2009. Dependency assessment needs to be carried out systematically to distinguish between traffickers and users, so that more proportionate and recovery-oriented sanctions can be applied. For policy makers, it is necessary to develop more comprehensive technical guidelines on the quantitative boundaries between ownership for personal consumption and the purpose of circulation in order to avoid disparity of decisions. Courts also need to consider diversion and restorative justice approaches in certain cases involving novice offenders with small amounts of evidence. These measures are expected to realize a criminal justice system that is not only repressive but also rehabilitative in tackling the problem of narcotics holistically.

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<https://doi.org/10.59066/jel.v3i3.690>

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International Asia Of Law and Money Laundering

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