



Analysis of Criminal Acts Without Rights or Against the Law to Commit Conspiracy in Buying, Receiving, Being an Intermediary in the Sale and Purchase of Narcotics in Decision No. 315/Pid.Sus / 2025 / PN Sbw

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ABSTRACT

This study analyzes the application of elements of criminal acts without rights or against the law in conspiracy to buy, receive, and become an intermediary for the sale and purchase of narcotics based on Decision number 315/Pid.Sus / 2025 / PN Sbw. The research method uses normative juridical approach with statute approach and case approach analysis technique to court decision. The results showed that the panel of judges proved all elements of Article 114 paragraph (2) jo. Article 132 paragraph (1) of Law No. 35 of 2009 concerning narcotics systematically, includes elements of "every person", "conspiracy", "without rights or against the law", and "being an intermediary in the sale and purchase of narcotics class I non-plant weighing more than 5 grams". Evidence of conspiracy was made through a structured agreement between Ken, defendant I as a broker, and defendant II as a courier in distributing 36.47 grams of methamphetamine. The panel of judges applied the principle of *lex favor reo* by implementing Law Number 1 of 2026 concerning criminal adjustments that remove special minimum crimes, thus imposing a prison sentence of 7 years for Defendant I and 5 years for Defendant II without a fine. The conclusion of the study confirms that the proof of conspiracy does not require the implementation of a criminal act perfectly, but enough with the agreement and preparation that leads to the implementation of narcotics crimes.

INTRODUCTION

The circulation of narcotics in Indonesia has reached an alarming stage and poses a serious threat to the younger generation and national stability. Based on data from the National Narcotics Agency, Narcotics abuse cases have increased significantly with an increasingly organized modus operandi and involving international syndicate networks. Narcotics crimes are not only of an individual dimension, but often involve a structured conspiracy, as stipulated in Article 114 paragraph (2) jo. Article 132 paragraph (1) of Law No. 35 of 2009 on narcotics. Decision Number 315 / Pid.Sus / 2025 / PN Sbw represents the complexity of legal issues in proving elements of a malicious conspiracy committed without rights or against the law in the context of narcotics transactions. Theoretical studies on conspiracy in narcotics crimes still show a gap in the analysis of current jurisprudence, especially regarding the proof of the role of intermediaries (brokers) and collective criminal liability in narcotics circulation networks.

Previous research has tended to focus on the main actors, but has not explored in depth the mens rea and actus reus aspects of intermediaries in conspiracy schemes. The Novelty of this study lies in a comprehensive analysis of the juridical construction of the element "buy, accept, become an intermediary" as a whole of a malicious conspiracy based on the study of actual court decisions. Based on this background, the formulation of the research problem is how the application of elements of criminal acts without rights or against the law in conspiracy to buy, receive, and become an intermediary for the sale and purchase of narcotics in decision number 315/Pid.Sus / 2025 / PN Sbw? This study aims to analyze the application of material and formal criminal law in the case of narcotics conspiracy and provide academic contributions to more effective law enforcement. The benefits of this research theoretically enrich the treasure of Special Criminal Law Science, while practically providing a reference for law enforcement officers in dealing with similar cases in the future.

METHOD

This study uses normative juridical method with statute approach and case approach to analyze the application of criminal law in narcotics crime. The normative juridical method was chosen because the focus of the study was on analyzing positive legal norms, legal principles, and court decisions as primary data sources (Maswandi, 2024). The statute approach is carried out through a review of Law Number 35 of 2009 on narcotics, in particular

the provisions of Article 114 paragraph (2) jo. Article 132 paragraph (1) which regulates conspiracy in narcotics transactions. Case approach approach is applied by analyzing the decision number 315 / Pid.Sus/2025/PN Sbw as the main object of study, includes legal facts, indictments, evidence of elements of delinquency, and consideration of judges. Primary legal materials include narcotics-related legislation and court decisions, while secondary legal materials include academic literature, scientific journals, and criminal law textbooks. Data collection techniques are carried out through library studies (library research) with an inventory of relevant regulations and decisions. Data analysis using descriptive-prescriptive qualitative methods, which describe the applicable legal norms and then provide prescriptions or juridical solutions to the problems studied. The analysis process is carried out systematically through the stages of identification, classification, interpretation, and evaluation of the suitability of the application of the law in the decision with the applicable normative provisions (Ariman Sitompu, 2022).

RESULTS AND DISCUSSION

Application of elements of criminal acts without rights or against the law in conspiracy to buy, receive, and mediate the sale and purchase of narcotics in decision number 315/Pid.Sus / 2025 / PN Sbw shows the complexity of proving the juridical construction of conspiracy in narcotics circulation networks. The panel of judges ruled that Syafruddin alias Opik and Handika alias Betok were proven to be legally and convincingly violating Article 114 paragraph (2) jo. Article 132 paragraph (1) of Law No. 35 of 2009 on narcotics, with a penalty of imprisonment of 7 years and 5 years without a fine, respectively (Adyo, 2023).

In proving the "everyone" element, the panel of judges first verified the identity of the defendants according to the indictment and did not find any error in persona. The court affirmed that both defendants were present in a state of physical and spiritual health, able to understand the charges clearly, provide responsive information, and follow the course of the trial properly. The panel of judges stated that the element "every person" in the context of Article 114 paragraph (2) refers to a legal subject who is able to be legally responsible for criminal acts committed, regardless of gender, religion, position, or rank, as long as it meets the criteria of physical and spiritual health and is within the area of enactment of the law. The court emphasized that this element does not stand alone but is closely related to the fulfillment of other material elements, so that

when the element of action is proven, the element of "everyone" is automatically fulfilled (Ayu, 2023) .

Proving the element of "conspiracy to commit narcotics crime" is a crucial aspect in this verdict. The panel of judges referred to Article 1 Number 18 of Law Number 35 of 2009 which defines conspiracy as the act of two or more persons conspiring or agreeing to commit, carry out, assist, participate in committing, instructing, advocating, facilitating, consulting, being a member of a narcotics crime organization, or organizing a narcotics crime . In the concept of the Form of Criminal Act, the evil agreement is the first and lowest phase of the occurrence of a criminal act, where what is emphasized is the achievement of an agreement to commit a criminal act without requiring the perfect execution of the act . Based on the facts of the trial, it was proven that on July 23, 2025 at around 12.00 Wita, defendant I was contacted by a person named Guntur who ordered Narcotics of the methamphetamine type (Ariman Sitompu, 2023).

Defendant I then contacted Ken, a narcotics dealer he had known since both were detained in Sumbawa prison, saying "there is methamphetamine to this one who wants to take 50 grams"(Muhammad Rachmad, 2023). Ken prepared 40 grams of methamphetamine at a price of Rp1, 200, 000.00 per gram to be sold for Rp1, 300, 000.00 per gram, promising a commission of Rp100, 000.00 per gram to Defendant I (Syahrudin, 2025). Ken then called the defendant II who was working on painting his house to help deliver the narcotics package. Defendant II agreed to the request because he had previously been given free narcotics for consumption by Ken. The agreement between Ken, defendant I, and defendant II to deliver narcotics to the buyer with a clear distribution of roles proves the existence of a structured conspiracy (Isak, 2025).

The application of the element "without rights or against the law" is evidenced by the fact that the defendants did not have the permission of the competent authorities to possess, store or distribute Class I narcotics. The panel of judges affirmed that "without rights "means without authority, permission, or legitimate approval, while" against the law " in the context of narcotics crime is defined as the will, desire, or purpose of the perpetrator to possess goods (methamphetamine) knowing that it violates and is an act prohibited by law. Under Article 7 jo (Ananda, 2023).

Article 8 and Article 13 of Law No. 35 of 2009, the authority to grant permission is the Minister of Health on the recommendation of the Food and Drug Administration, with the aim of health interests or the development of Science and technology (Sholihuddin

Alfauji, 2021). The facts of the trial prove that the work of the defendants as farmers is not related to the institution of science, training, research, or development related to the use of narcotics in the pharmaceutical field with regard to health, so that the defendants do not have the right to control and utilize narcotics class I (Teguh, 2025).

The element "buying, receiving, being an intermediary in the sale and purchase, exchanging or handing over narcotics of Group I not plants weighing more than 5 grams" is an alternative and cumulative element, so that when one of the acts is fulfilled, this element is fulfilled. The panel of judges proved that the defendants acted as intermediaries (brokers) in the network of narcotics circulation. Defendant I acted as a liaison between the buyer (Guntur) and the provider (Ken), while defendant II acted as a courier who carried and guarded the evidence during the trip from Ken's house in Ai Puntuk Hamlet to the delivery location in front of the SB warehouse in Moyo Village. The narcotics were obtained from Ken with a capital price of Rp1, 200, 000.00 per gram to be sold to buyers for Rp1, 300, 000.00 per gram, with Defendant I promised a commission of Rp100, 000.00 per gram, while defendant II received a reward in the form of free narcotics for consumption. The results of the evidence weighing report dated July 24, 2025 stated that 8 pockets of methamphetamine narcotics had a net weight of 36.47 grams, far exceeding the 5 gram limit as required by art (rendra, 2022). The results of the laboratory test report Balai Pom Mataram number 25.117.11.16.05.0605.K dated August 07, 2025 proves that positive evidence contains methamphetamine, which belongs to class I narcotics serial number 61 of appendix to Law Number 35 of 2009 (Wahyu, 2025) .

The panel of judges in its consideration applies the principle of *lex favor reo* or *lex mitior* as mandated in Article 2 and Article 3 of Law Number 1 of 2023 concerning the National Criminal Code, which requires the enactment of the most favorable law for the defendant even if the law takes effect after the act is committed (Doni, 2025).

The application of Law Number 1 of 2026 concerning criminal adjustments that remove special minimum criminal threats is the basis for the panel of judges not to impose fines on the defendants. The difference in verdict between Defendant I (7 years) and defendant II (5 years) is based on the consideration that Defendant I has a more active role as an initiator and coordinator, and has a criminal track record previously sentenced to 5 years and 2 months for narcotics cases so that it is a repetition (recidive), while defendant II was first involved and

his position was more as an executor who followed instructions (Yelli Sri Wahyuni, 2023). In-depth analysis of Decision number 315 / Pid.Sus/2025/PN Sbw, it can be affirmed that the application of elements of criminal acts without rights or against the law in malicious conspiracy has been comprehensively proven by the panel of judges (Yani, 2025).

All elements of the article are cumulatively fulfilled through valid evidence and legal facts revealed at the trial, reflecting the application of the *lex favor reo* principle and making an important contribution to the judicial practice of narcotics crimes, (Hudi Yusuf, 2023).

CONCLUSION

Based on the analysis of Decision number 315 / Pid.Sus/2025/PN Sbw, it can be concluded that the application of criminal elements without rights or against the law in the conspiracy to buy, receive, and mediate the sale and purchase of narcotics has been implemented comprehensively and systematically by the panel of judges. All elements of Article 114 paragraph (2) jo. Article 132 paragraph (1) of Law No. 35 of 2009 on narcotics is proven to be fulfilled, including the elements "everyone", "conspiracy", "without rights or against the law", and "being an intermediary in the sale and purchase of Narcotics of Group I not plants weighing more than 5 grams", as evidenced by a structured agreement between Ken, defendant I, and defendant II with a role as a broker and Courier in a narcotics distribution network weighing 36.47 grams of methamphetamine. The implication of this ruling shows that the proof of a malicious conspiracy does not require the perfect execution of a criminal act, but rather that it is sufficient to have an agreement and preparation that leads to the execution of a criminal act. The application of the *lex favor reo* principle through Law Number 1 of 2026 concerning criminal adjustments provides space for judges to impose more proportionate crimes without being tied to special minimum crimes. It is recommended to law enforcement officials to improve the ability to investigate the network of evil conspiracies in the circulation of narcotics by identifying all parties involved, including the main provider and buyer, so that law enforcement can be carried out as a whole and not only limited to intermediaries or couriers.

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