

Legal Analysis of Judges' Considerations in Handing Down Decisions in Crime Cases of Class I Narcotics Abuse, Case Study at Manado District Court

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Abstract. *Indonesia faces a serious threat from the distribution and abuse of narcotics, which impact social stability and national security. Its strategic geographic location makes Indonesia vulnerable as a transit route and primary market for narcotics, particularly highly addictive Class I narcotics. Although regulated by Law Number 35 of 2009 concerning Narcotics, law enforcement still faces obstacles, one of which is disparity in judicial decisions, leading to inconsistent legal implementation. This study analyzes the judges' considerations in handing down verdicts in cases of Class I narcotics abuse at the Manado District Court, examining legal, philosophical, and sociological aspects. The results are expected to contribute to efforts to achieve more proportional, consistent, and equitable sentencing within the framework of national criminal law reform.*

Keywords: *Judicial; Law; Narcotics; Considerations; Criminal.*

1. Introduction

The problem of drug abuse in Indonesia is a highly complex and multidimensional phenomenon. As an archipelagic nation strategically located along international trade routes, Indonesia is vulnerable to cross-border drug trafficking. Its vast territorial waters and weak surveillance in some border areas make Indonesia not only a destination but also a transit route for international drug smuggling.¹ This condition results in increasing cases of drug abuse from year to year, which has a direct impact on social order, the economy, and the younger generation.

The impact of drug abuse is not only individual, but also undermines the social fabric and morals of the nation. Drug users often experience decreased productivity, health problems, and engage in other crimes, such as theft, violence,

¹National Narcotics Agency. (2023). BNN Annual Report on Narcotics Abuse Statistics in Indonesia. Jakarta: BNN Press.

and illegal trafficking, to finance their addiction.²Therefore, combating narcotics must be seen as a shared responsibility, both by the state, law enforcement officials, and the community.

The Indonesian government has issued Law Number 35 of 2009 concerning Narcotics, which serves as the primary legal basis for law enforcement against perpetrators of narcotics crimes. This law classifies narcotics into three groups based on their level of danger and potential for addiction, with Class I narcotics considered the most dangerous because they have a high potential for addiction and are not used for treatment. In the context of criminal law, anyone who abuses or possesses narcotics without authorization can be subject to severe sanctions, either in the form of imprisonment or significant fines.

However, law enforcement against narcotics crimes, particularly the abuse of Class I narcotics, still faces various obstacles. One major issue is disparity in judicial decisions, namely significant differences in sentencing for perpetrators of similar crimes.³This disparity creates a perception of injustice in society, because on the one hand there are perpetrators who are given heavy sentences, while on the other hand there are perpetrators who receive rehabilitation or relatively light sentences.

According to Hafidz (2020), legal justice is not only measured by compliance with the text of the law, but also by the judge's ability to explore the values of substantive justice in society.⁴Judges have discretion in determining the severity of a sentence, taking into account legal, philosophical, and sociological aspects. However, in practice, this discretion often leads to inconsistencies between decisions due to the lack of standard sentencing guidelines.

The Supreme Court has issued Circular Letter Number 4 of 2010 which confirms that drug abusers who are proven to be addicts can be placed in medical and social rehabilitation institutions, not correctional institutions.⁵However, in judicial practice, the implementation of this policy remains inconsistent. Some judges emphasize deterrence through imprisonment, while others emphasize a more humane, rehabilitative approach. This demonstrates the persistence of differing paradigms among judges regarding the purpose of sentencing.

Specifically, in the Manado District Court, cases of Class I narcotics abuse are quite high compared to other areas in North Sulawesi. Manado's strategic geographic

²Gunarto, H. (2021). National Criminal Law Reform. Semarang: UNISSULA Press.

³Hafidz, J. (2021). The Role of Law Enforcement Officials in Eradicating Narcotics in Indonesia. *Journal of Legal Sovereignty*.

⁴Hafidz, J. (2020). Law Enforcement in a Rule of Law State: A Theoretical and Practical Study. Semarang: UNISSULA Press.

⁵Supreme Court of the Republic of Indonesia. (2010). Circular Letter of the Supreme Court Number 4 of 2010 concerning the Placement of Narcotics Abusers in Medical and Social Rehabilitation Institutions. Jakarta: Supreme Court of the Republic of Indonesia.

location and high social mobility make it a vulnerable area for drug trafficking. This situation requires judges to be more careful in issuing decisions, not only based on formal legal aspects but also considering the social impact and broader objectives of sentencing.⁶

Thus, research into the judges' considerations in handing down sentences for Class I narcotics abuse at the Manado District Court is crucial. This analysis not only provides an understanding of the legal and philosophical basis for decision-making but also serves as a scientific contribution to building a more consistent and equitable criminal justice system in Indonesia. The research findings are expected to support efforts to develop sentencing guidelines that balance deterrence, community protection, and rehabilitation for drug abusers.⁷

2. Research Methods

This research was conducted using a systematic and targeted method to analyze the judge's considerations in handing down decisions regarding Class I narcotics abuse cases at the Manado District Court. The research method was chosen with the aim of obtaining valid and reliable results, as well as being able to comprehensively describe the relationship between legal norms and judicial practices. The approach used in this research combines normative juridical and empirical approaches to obtain a comprehensive understanding of both positive legal aspects and factual conditions in the field.

A normative juridical approach was used to examine relevant laws and regulations, including Law Number 35 of 2009 concerning Narcotics, the Criminal Procedure Code (KUHP), and Supreme Court Circular Letter Number 4 of 2010. This approach also involved a study of jurisprudence, criminal law theory, the principle of legality, the principle of substantive justice, and the opinions of legal experts. Through this approach, researchers assessed the extent to which judges' considerations in issuing decisions were in accordance with applicable positive law. Meanwhile, an empirical approach was used to obtain factual data regarding judicial practices through direct interviews with judges handling Class I Narcotics abuse cases at the Manado District Court. Through this approach, researchers sought to understand non-juridical factors that influence judges' decisions, such as the defendant's socioeconomic condition, judges' perceptions of the purpose of sentencing, and obstacles in implementing rehabilitation decisions. The combination of these two approaches aims to uncover the gap between law in the text (law in the books) and law in practice (law in action).

The data sources used in this study consist of primary and secondary data. Primary data were obtained directly from final and binding decisions of the Manado District Court and from in-depth interviews with judges handling narcotics cases.

⁶Wahyuningsih, SE (2021). *Substantive Justice in Judges' Decisions*. Yogyakarta: Deepublish.

⁷Soekanto, S. (2007). *Factors Influencing Law Enforcement*. Jakarta: Raja Grafindo Persada.

Secondary data were sourced from laws and regulations, legal literature, scientific articles, previous research, and official documents such as annual court reports and narcotics case statistics from the National Narcotics Agency (BNN) and the Supreme Court of the Republic of Indonesia. The use of these two types of data is intended to produce a comprehensive and in-depth analysis, from both normative and empirical perspectives.

The data analysis technique used was qualitative analysis with a descriptive-analytical method. Data obtained from various sources were processed and interpreted without using statistical methods, but rather through the elaboration of meaning, identification of patterns, and analysis of the relationship between legal norms and judicial practices. The descriptive-analytical method was used to describe the legal facts contained in court decisions and interview results, then analyze the relationship between legal norms and empirical reality, and evaluate the suitability of judges' considerations with the principles of justice, benefit, and legal certainty. To maintain the validity of the data and the accuracy of the conclusions, the researcher used a triangulation technique, namely comparing results from various data sources to obtain objective and academically accountable findings.

3. Results and Discussion

The judge's considerations in handing down a verdict for Class I narcotics abuse at the Manado District Court are based on a balance between legal certainty, justice, and expediency. The judge assesses the fulfillment of the elements of the crime as stipulated in Law Number 35 of 2009 concerning Narcotics, and ensures that the evidence, witness testimony, and laboratory results meet the provisions of Article 183 of the Criminal Procedure Code before handing down a verdict.

In addition to legal factors, judges also consider non-legal factors such as the social and economic background and motives of the defendant's actions. In cases where users are proven not to be involved in distribution, judges can impose medical and social rehabilitation in accordance with Article 127 paragraph (3) of the Narcotics Law, while for dealers or network actors, heavier sanctions are applied based on the principle of proportionality.

Judges also consider mitigating factors such as remorse, confession, and prior convictions, as well as aggravating factors such as large amounts of narcotics or involvement in a network. These considerations reflect the view that punishment must be balanced between the perpetrator's culpability and suffering.

Thus, the judges' considerations at the Manado District Court are not merely formalistic but also consider humanitarian and social values. This approach aligns with the principle of restorative justice, where sentencing is directed not solely at punishment but also at fostering and rehabilitating the offender so they can return to being a productive member of society.

3.1. What are the judge's considerations in handing down a verdict regarding the crime of Class I Narcotics abuse at the Manado District Court

The judge's considerations in handing down a verdict for Class I narcotics abuse at the Manado District Court are based on a balance between legal certainty, justice, and expediency. In every narcotics case, the judge is required to consider the elements of the act as stipulated in Law Number 35 of 2009 concerning Narcotics, specifically Articles 111 to 127, which regulate the classification of criminal acts and their sanctions. The judge at the Manado District Court considers that the crime of narcotics abuse not only violates positive law but also threatens morality and social order in society. Therefore, in the sentencing process, the judge considers the level of culpability, motive, and the consequences of the defendant's actions on the wider community.

Juridical considerations are the primary basis for judges in determining whether the elements of a crime have been met. Judges examine evidence in the form of witness statements, laboratory results, and narcotics evidence found. Based on Article 183 of the Criminal Procedure Code (KUHP), judges can only issue a verdict if, based on at least two valid pieces of evidence, they are convinced that a crime has actually occurred and that the defendant is the perpetrator. This principle is the primary basis for judges in assessing the material truth of a narcotics case at the Manado District Court.

In addition to legal considerations, judges also pay attention to non-legal aspects, such as the defendant's background, age, socio-economic conditions, and whether the defendant is a user who needs rehabilitation or a dealer who must be given a heavy sentence. In some cases, if the defendant is proven to be only a user, the judge can issue a medical and social rehabilitation decision in accordance with Article 127 paragraph (3) of the Narcotics Law, which gives the judge the authority to direct the perpetrator of abuse to undergo rehabilitation, not imprisonment.

The judge also assesses whether there are mitigating and aggravating factors. Mitigating factors typically include the defendant's honest confession, remorse, prior convictions, and a minor role in the drug trafficking network. Conversely, aggravating factors can include repeated acts, large quantities of narcotics, or involvement in a syndicate. These considerations aim to ensure that the verdict reflects the principle of proportional justice, as stated by Sudarto (1986), which states that punishment must be balanced between the perpetrator's guilt and the suffering inflicted on them.⁸

In practice at the Manado District Court, judges strive not only to enforce the law formally but also to prioritize a substantive justice approach that takes humanitarian values into account. This aligns with Satjipto Rahardjo's (2009) view

⁸Sudarto. (1986). Law and Criminal Law. Bandung: Alumni

that law should be a means of achieving social justice, not merely an instrument of power.⁹Therefore, in cases of Class I narcotics abuse, judges at the Manado District Court do not immediately impose heavy sentences, but rather objectively assess the extent to which the perpetrator can still be improved through counseling or rehabilitation.

Thus, it can be concluded that the judge's considerations in handing down a verdict in a Class I narcotics abuse case at the Manado District Court are a combination of legal principles and humanitarian values. The judge is not solely focused on law enforcement but also considers moral and social aspects, as well as the benefits for both the perpetrator and the wider community. This approach reflects the application of restorative justice principles in the Indonesian criminal justice system, particularly in narcotics cases, which are closely linked to efforts to rehabilitate the perpetrator and protect the community from the dangers of narcotics.

3.2. What factors influenced the judge's considerations in this case

In cases involving the abuse of Class I narcotics at the Manado District Court, several factors influence the judge's deliberations before rendering a verdict. These factors can be divided into legal and non-legal factors. These two factors serve as the basis for the judge in balancing legal certainty, justice, and expediency in each decision rendered.

Juridical factors are the primary aspect that judges must consider because they are directly related to the application of positive law. Judges are required to assess whether the elements of a crime as stipulated in Law Number 35 of 2009 concerning Narcotics have been fulfilled. In this case, judges refer to related articles such as Article 111, Article 112, and Article 127 which explain the classification of criminal acts of possession, control, and abuse of narcotics. Furthermore, based on Article 183 of the Criminal Procedure Code (KUHP), judges can only decide if there are at least two valid pieces of evidence accompanied by the belief that the defendant is the perpetrator. Therefore, the strength of the evidence in the form of witness statements, laboratory test results, and narcotics evidence are the main elements that influence the judge's decision in this case.

In addition to legal factors, non-legal factors also play a significant role in the judge's considerations. These factors include the defendant's personal circumstances, social and economic background, educational level, and the motives behind their actions. In several cases at the Manado District Court, defendants were found to have abused narcotics not because of malicious intent

⁹Rahardjo, S. (2009). *Progressive Law: Law that Liberates*. Jakarta: Kompas

to distribute, but rather due to environmental factors and social pressure. According to Barda Nawawi Arief (2010), sentencing should not only be oriented towards retribution, but also pay attention to efforts to improve and develop the perpetrator so that they can return to being useful members of society.¹⁰

Another factor influencing the judge's considerations is the defendant's level of involvement in the narcotics distribution network. If the defendant only acts as a user, the judge tends to impose a rehabilitation sentence as stipulated in Article 127 paragraph (3) of the Narcotics Law. However, if the defendant is involved as a dealer or part of the network, the judge will consider a more severe sanction. This reflects the application of the principle of proportionality in sentencing, namely the balance between the error and the punishment imposed.¹¹

In addition, judges also consider mitigating and aggravating factors. Mitigating factors include the defendant's confession, remorse, prior convictions, and a minor role in the crime. Aggravating factors include the large amount of narcotics, involvement in a network, or the social consequences of the crime. According to Sudarto (1986), these considerations are crucial to ensuring that sentencing is not arbitrary but based on objective and humane judgment.¹²

Equally important, judges are also influenced by law enforcement policies and the government's policy direction regarding drug eradication. The state considers narcotics an extraordinary crime, so judges often emphasize the aspect of community protection in their decisions. However, according to Satjipto Rahardjo (2009), the law should not stop at merely applying norms but should also be a means to achieve social justice.¹³ Therefore, in the context of drug abuse, judges strive to balance repressive and rehabilitative goals so that their decisions not only punish, but also rehabilitate the perpetrator.

Thus, the factors that influence the judge's considerations in cases of Class I Narcotics abuse at the Manado District Court include: (1) legal factors such as evidence, the articles charged, and the application of elements of the crime; and (2) non-legal factors such as the defendant's personal condition, motive for the act, social impact, and national legal policy in eradicating narcotics. All of these factors are used by the judge to ensure that the decision handed down is not only legally just, but also morally and socially wise.

4. Conclusion

The judge's considerations in handing down a verdict for the crime of Class I Narcotics abuse at the Manado District Court are essentially the result of a

¹⁰Arief, BN (2010). Criminal Law Policy. Jakarta: Kencana

¹¹Muladi. (2005). Conditional Sentence Institution. Bandung: Alumni

¹²Sudarto. (1986). Law and Criminal Law. Bandung: Alumni

¹³Rahardjo, S. (2009). Progressive Law: Law that Liberates. Jakarta: Kompas.

combination of legal and non-legal aspects based on the values of justice, legal certainty, and expediency. Legally, the judge assesses the fulfillment of the elements of the crime as regulated in Law Number 35 of 2009 concerning Narcotics, and is guided by Article 183 of the Criminal Procedure Code which requires at least two valid pieces of evidence to prove the defendant's guilt. The judge also considers the strength of the evidence, witness statements, laboratory test results, and narcotics evidence in determining his belief in the defendant's actions. Meanwhile, non-juridically, the judge considers the defendant's personal background, motive, socio-economic status, and role in the crime, whether as a user requiring rehabilitation or as a dealer who should be given a severe sentence. Consideration of mitigating factors such as honest confession, remorse, and prior convictions, as well as aggravating factors such as large amounts of narcotics or involvement in a network, also forms the basis for determining the severity of the sentence. Furthermore, judges also consider the direction of national drug eradication policy, which considers drug crimes as extraordinary crimes. Nevertheless, judges continue to prioritize a substantive justice approach, taking into account humanitarian values and rehabilitative efforts. This aligns with Sudarto's (1986) view that punishment must be proportionate to the perpetrator's culpability, and Satjipto Rahardjo's (2009) emphasis that the law should be a means to achieve social justice, not merely an instrument of power. Thus, the Manado District Court judge's considerations in cases involving Class I narcotics abuse reflect a balance between law enforcement and the protection of human values. Judges focus not only on sentencing but also on rehabilitating the perpetrator and protecting society from the harmful effects of narcotics through the application of restorative justice principles.

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