

## **Legal Analysis of Sentence Imposing in Narcotics Cases from The Perspective of Islamic Justice, Religious Values, and Criminal Law (Study of Decision No. 86/Pid.Sus/2025/Pn Skw)**

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**Abstract.** *This study aims to analyze the judicial considerations underlying the sentencing of the defendant in Decision No. 86/Pid.Sus/2025/PN Singkawang, particularly regarding the application of Article 112 paragraph (2) of Law No. 35 of 2009 on Narcotics, and to assess whether the imposed punishment reflects a sense of justice and adequate protection for society from narcotics-related harms. The primary focus of the research is to examine the defendant's role, the evidentiary fulfillment of the criminal elements, and the relevance of the verdict to modern penal objectives and principles of justice. This research employs a normative juridical method with case, statutory, and conceptual approaches, allowing for a comprehensive assessment of the legal reasoning adopted by the judge and its alignment with criminal law doctrines and substantive justice. Through literature review, case analysis, and theoretical examination, the study evaluates the consistency of the applied legal norms and their relevance within the broader framework of Indonesia's narcotics law enforcement. The findings indicate that the judge imposed a five-year imprisonment sentence and a fine of Rp. 1,000,000,000 proportionally based on the defendant's position as a low-level narcotics distributor, considering the quantity of evidence, the defendant's involvement, and the social harm caused. Mitigating and aggravating factors were weighed fairly, leading to a decision that meets both legal certainty and substantive justice.*

**Keywords:** *Criminalization; Judicial Reasoning; Narcotics; Sentencing.*

## 1. Introduction

Indonesia currently faces a serious challenge in the form of drug abuse that threatens moral resilience, public health, and social stability. According to the Head of the National Narcotics Agency (BNN), the prevalence of drug abuse in Indonesia will reach around 1.73% or around 3.3 million people in 2023. Indonesia's open geography increases the risk of entry by increasingly organized international drug networks. Within the constitutional framework, Article 28D paragraph (1) of the 1945 Constitution affirms that everyone has the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law. Therefore, a firm positive legal policy is absolutely necessary to address this threat and protect the younger generation as a national asset.

The status of narcotics as an extraordinary crime reinforces the urgency of legal action in addressing these crimes. Since the enactment of Law No. 35 of 2009, the Indonesian government has established severe criminal sanctions for narcotics violations, including corporal punishment and maximum fines. However, there is debate regarding the proportionality of sentencing and the application of substantive justice values. A statement by Prof. Dr. Sri Endah Wahyuningsih from UNISSULA emphasized that the criminal justice system must align with utility and moral justice to prevent it from becoming merely a repressive tool.<sup>1</sup>

From an Islamic legal perspective, narcotics are considered to violate the *maqāṣid al-sharī'ah*, specifically the protection of reason (حفظ العقل), namely the protection of reason, as one of the main objectives of sharia. Academic studies by Islamic law professors in Indonesia emphasize that criminalization efforts must emphasize rehabilitative and moral aspects, not just punishment alone.<sup>1</sup> An integrated approach between religious values and positive law is becoming increasingly relevant in creating a just criminal law model.

The government of President Prabowo Subianto has made drug eradication one of the main priorities in *Asta Cita*, especially the seventh point which emphasizes legal reform, corruption, and drug eradication.<sup>2</sup> According to the Head of the National Narcotics Agency (BNN), this is the first time a president has made the drug issue a major focus in national policy, an extraordinary step that reflects a strong commitment to protecting the nation.<sup>3</sup>

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<sup>1</sup>Sri Endah Wahyuningsih, Prof. Dr., UNISSULA – statement regarding the theory of punishment and substantive justice (paraphrase from UNISSULA literature).

<sup>2</sup>President Prabowo Subianto's *Asta Cita*, point 7. (2024–2025)

<sup>3</sup>Head of the Indonesian National Narcotics Agency (BNN RI), Marthinus Hukom. (2025, December 13). Emphasis on the president's mandate to handle narcotics.

In an operational context, a Narcotics Desk was formed under the coordination of the Coordinating Minister for Political, Legal and Security Affairs, which is tasked with synergizing various agencies such as the National Narcotics Agency (BNN), the National Police, the Prosecutor's Office, the House of Representatives (DPR), and international institutions in eradicating narcotics effectively and efficiently.<sup>4</sup> This integrated approach encompasses supply and demand prevention, intelligence strengthening, border surveillance, and public education campaigns. These efforts have received widespread appreciation from religious figures such as KH Hasan Basri, who praised the government's decisive policy in combating drugs.<sup>5</sup>

This comprehensive approach is not only repressive but also preventive and rehabilitative. Rehabilitation programs for drug abusers are being systematically promoted, in line with the increased budget allocated by the National Narcotics Agency (BNN) in 2025, demonstrating the state's trust in the institution.<sup>6</sup> Cross-sectoral collaboration, including with civil society and religious institutions such as the Indonesian Ulema Council (MUI) through the Ganas Annar counseling movement, demonstrates that religious and moral aspects are also being strengthened in the national strategy.<sup>7</sup>

The tangible impact of this strategy is reflected in the uncovering of large-scale drug networks. For example, from late 2024 to 2025, the Indonesian National Police (Polri) and the National Narcotics Agency (BNN) uncovered more than 80 cases, confiscating thousands of kilograms of crystal methamphetamine, marijuana, ecstasy, and criminal assets worth trillions of rupiah, as part of the impoverishment of drug dealers through the Money Laundering Act.<sup>8</sup> These operations are in line with President Prabowo's vision of the Golden Generation 2045, which aims to save the nation's future from the dangers of narcotics.<sup>9</sup>

However, even though the national policy program is clear and priority programs have been outlined, the implementation of the law at the court level still requires evaluation. Case studies such as Decision No. 86/Pid.Sus/2025/PN Singkawang demonstrate the complexity between criminal law norms and Islamic and religious values of justice. This case is crucial for analysis to determine whether

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<sup>4</sup>Tempo.co. (2024). Why the Prabowo Administration Formed a Drug Eradication Desk.

<sup>5</sup>Pandu Wibowo. (2025, April 25). Religious Figures Praise President Prabowo's Firmness in Eradicating Drugs. Betawipos.

<sup>6</sup>Commitment to implementing rehabilitation programs and increasing the BNN budget in 2025. Mediadayak.id.

<sup>7</sup>MUI – Ganas Annar program counseling for drug abusers supports Asta Cita.

<sup>8</sup>The Indonesian National Police and the National Narcotics Agency (BNN) uncover a large drug network and the implementation of money laundering (TPPU). Banjarbaru Police / Criminal Investigation Unit.

<sup>9</sup>Neraca.co.id. (2024–2025). Commitment to eradicating drugs to realize the Golden Generation of 2045.

the judge's considerations reflect substantive justice values in accordance with the paradigm established at the national policy level and the perspective of Islamic law.<sup>10</sup>

Furthermore, law enforcement in narcotics cases in Indonesia often faces a dilemma between legal certainty and substantive justice. According to Prof. Dr. Satjipto Rahardjo, law should not be seen solely as a set of normative rules, but rather as a means to achieve justice within society.<sup>11</sup>

In the context of the case of Aprilianto Bibi, A.Md. Kom alias Uyap alias Bibi, sentencing must not only consider the element of deterrence to prevent similar crimes, but also consider humanitarian values to prevent overcriminalization that ignores the rehabilitative aspect.<sup>12</sup> This view is in line with the idea of Prof. Dr. Sri Endah Wahyuningsih from UNISSULA, who emphasized that criminal policy must pay attention to the balance between legal certainty, utility, and substantive justice, so that criminal punishment can provide a deterrent effect while also improving the behavior of perpetrators.<sup>13</sup>

Furthermore, the application of Islamic legal principles to drug criminalization provides a spiritual dimension that complements positive law. Islam views drug crimes as acts that damage the mind (*ḥifẓ al-'aql*), destroy the soul (*ḥifẓ al-nafs*), and have widespread social consequences.

First, narcotics damage the intellect (*ḥifẓ al-'aql*), which is one of the five main objectives of Islamic law (*al-ḍarūriyyāt al-khamsah*). Reason is a gift from God that distinguishes humans from other creatures, serving as the basis for receiving revelation, understanding the truth, and performing acts of worship. Drug abuse causes loss of consciousness, weakens the ability to think, and leads a person into behavior that is contrary to Islamic law. Therefore, Islam forbids anything that can eliminate or damage the function of reason, as stipulated in the prohibition against alcohol, which is also analogous to narcotics.<sup>14</sup>

Second, narcotics damage the soul (*ḥifẓ al-nafs*). Drug abuse often leads to physical harm, mental disorders, and even death, both for the user and those around them. In Islam, preserving the soul is a priority. Any act that threatens human life is considered a serious violation of sharia principles.<sup>15</sup> The effects of

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<sup>10</sup>Wahyuningsih, SE (2020). *Theory and Practice of Criminal Justice in Indonesia*. Semarang: UNISSULA Press.

<sup>11</sup>Rahardjo, S. (2009). *Progressive Law: A Synthesis of Indonesian Law*. Jakarta: Kompas.

<sup>12</sup>Marzuki, PM (2017). *Legal Research*. Jakarta: Kencana Prenada Media.

<sup>13</sup>Wahyuningsih, SE (2020). *Theory and Practice of Criminal Justice in Indonesia*. Semarang: UNISSULA Press.

<sup>14</sup>Al-Zuhaili, W. (2011). *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dar al-Fikr.

<sup>15</sup>Ministry of Religion of the Republic of Indonesia. (2010). *The Qur'an and its Translation*. Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an.

narcotics not only endanger users but can also trigger other criminal acts that threaten the safety of others.

Third, narcotics have a widespread impact on social damage. Drug abuse triggers moral degradation, increased crime, family breakdown, and a weakening of the younger generation. In Islam, maintaining social stability (*ḥifẓ al-mujtama'*) is an obligation of sharia. Therefore, any act that undermines the social order must be prevented by strict laws while still taking into account the public interest.<sup>16</sup>

Therefore, the sanctions given are not only intended as a form of punishment, but also as a means to return the perpetrator to the right path through a rehabilitative and moral approach.<sup>17</sup> Thus, the analysis of Decision No. 86/Pid.Sus/2025/PN Singkawang is important in assessing the extent to which judges are able to integrate the principles of substantive justice, religious values, and national policies in issuing just decisions.

From a criminal law perspective, the imposition of sanctions is not only intended as retribution, but also for prevention, rehabilitation, and the restoration of social balance. Prof. Dr. Sri Endah Wahyuningsih, SH, M.Hum., emphasized that sentencing policies must adhere to the principles of utility and substantive justice to achieve the true objectives of the law.<sup>18</sup>

In addition to its retributive function, punishment in the context of modern criminal law is aimed at providing a deterrent effect and improving the behavior of criminals. According to Prof. Dr. Muladi, SH, a good criminal justice system must integrate aspects of protecting society with the protection of the individual rights of perpetrators.<sup>19</sup> Therefore, punishment should not be solely repressive, but should also provide opportunities for rehabilitation, particularly in narcotics crimes, which often involve perpetrators who are also victims of abuse.

On the other hand, the Islamic legal perspective places a strong emphasis on the educational (*ta'dīb*) and moral improvement objectives of punishment for the perpetrator. The principle of *maqāṣid al-sharī'ah*, which encompasses the protection of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), descendants (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), serves as the normative basis for determining proportionate sanctions.<sup>20</sup> Thus, sanctions against perpetrators of drug crimes must be directed not only at protecting society from the negative impacts of drugs, but also at restoring perpetrators to the right path.

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<sup>16</sup>Wahyuningsih, SE (2022). Criminal Law in the Paradigm of Justice Based on Religious Values. *Journal of Legal Studies*, 10(2), 150–168.

<sup>17</sup>Al-Zuhaili, W. (2011). *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dar al-Fikr.

<sup>18</sup>Wahyuningsih, SE (2020). *Theory and Practice of Criminal Justice in Indonesia*. Semarang: UNISSULA Press.

<sup>19</sup>Muladi. (1995). *Selected Chapters on the Criminal Justice System*. Semarang: UNDIP Publishing Agency.

<sup>20</sup>Al-Zuhaili, W. (2011). *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dar al-Fikr.

Furthermore, Prof. Dr. Sri Endah Wahyuningsih emphasized that substantive justice can only be achieved if the judge, in imposing a sentence, pays attention to the social context, the impact of the act, and prevailing moral values.<sup>21</sup>In this context, the application of religious values is crucial as part of developing just national law. Therefore, a legal analysis of narcotics court decisions must consider not only positive legal norms but also the integration of moral, spiritual, and humanitarian values, as emphasized in various criminal law literature.

Furthermore, an Islamic legal perspective provides a moral and spiritual dimension to viewing drug crimes. Islam views the use of drugs that damage the mind (*ḥifẓ al-'aql*) as a violation of the *maqāṣid al-sharī'ah*. Therefore, punishment must be aimed not only at punishing but also at improving the perpetrator's morals and preventing further harm. The integration of religious values and positive law is crucial in upholding holistic justice.<sup>22</sup>

Based on the trial facts, witness statements, the defendant's confession, and evidence, the Panel of Judges declared the defendant legally and convincingly proven guilty of violating Article 112 paragraph (2) of Law No. 35 of 2009 concerning Narcotics. The judge sentenced him to 5 (five) years in prison and a fine of Rp. 1,000,000,000, subsidiary to 3 months in prison.<sup>23</sup>The narcotics evidence was confiscated for destruction, while the motorcycle was returned to the defendant. This verdict was read on July 14, 2025, at the Singkawang District Court in an open hearing.<sup>24</sup>

This decision is interesting to study from the perspective of criminal law, Islamic law, and religious values to assess whether the sanctions reflect the substantive justice expected in accordance with the principles of utility, *maqāṣid al-sharī'ah*, and the national policy of eradicating narcotics.<sup>25</sup>This case not only reflects the application of positive legal norms through Law No. 35 of 2009 concerning Narcotics, but also shows how judges in practice face the dilemma of rigidly enforcing legal provisions while considering humanitarian aspects and societal moral values. In the context of criminal law policy, punishment should not only be directed at providing a deterrent effect to the perpetrator, but also prevent similar crimes from occurring again in the future and contribute to social recovery.<sup>26</sup>Therefore, a thorough analysis of the judge's considerations in this decision is crucial to assess whether the justice produced is truly substantive and not merely formal.

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<sup>21</sup>Al-Zuhaili, W. (2011). *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dar al-Fikr.

<sup>22</sup>Rahardjo, S. (2009). *Progressive Law: A Synthesis of Indonesian Law*. Jakarta: Kompas.

<sup>23</sup> Singkawang District Court. (2025). Decision Number 86/Pid.Sus/2025/PN Singkawang. Singkawang: Directory of Decisions of the Supreme Court of the Republic of Indonesia.

<sup>24</sup>Rahardjo, S. (2009). *Progressive Law: A Synthesis of Indonesian Law*. Jakarta: Kompas.

<sup>25</sup>Al-Zuhaili, W. (2011). *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dar al-Fikr.

<sup>26</sup>Wahyuningsih, SE (2020). *Theory and Practice of Criminal Justice in Indonesia*. Semarang: UNISSULA Press.

On the other hand, the integration of religious values and Islamic principles of justice in law enforcement against narcotics crimes is an aspect that cannot be ignored. Islam emphasizes the importance of safeguarding the mind (*ḥifẓ al-'aql*) and the soul (*ḥifẓ al-nafs*) as part of the *maqāṣid al-sharī'ah* (the principle of righteousness), which directly opposes all forms of behavior that damage the mind and threaten human life. Punishment that takes this principle into account not only restores legal order but also builds the perpetrator's moral awareness so that they do not repeat their mistakes.<sup>27</sup>.

Thus, the study of Decision No. 86/Pid.Sus/2025/PN Singkawang will provide a comprehensive picture of the extent to which criminal law in Indonesia can be in harmony with Islamic and religious values in creating holistic justice, so that this paper is entitled "Juridical Analysis of Sentencing in Narcotics Cases in the Perspective of Islamic Justice, Religious Values, and Criminal Law (Study of Decision No. 86/Pid.Sus/2025/PN Skw)".

## 2. Research Methods

This research uses a normative juridical method that aims to analyze applicable legal norms, both written and unwritten, by examining primary, secondary, and tertiary legal materials. The approaches used include the case approach, the statute approach, and the conceptual approach, each of which provides a different but complementary perspective in answering this research problem. Data collection was conducted through literature studies and analyzed using qualitative methods, resulting in in-depth findings that are able to answer the problem comprehensively.

## 3. Results and Discussion

### 3.1. Legal Analysis of Sentencing in Narcotics Cases Based on Decision Number 86/Pid.Sus/2025/PN Singkawang

#### 1. Description Decision Number 86/Pid.Sus/2025/PN Singkawang

The Singkawang District Court, in carrying out its criminal justice function based on the principle of "For the Sake of Justice Based on the One Almighty God", has examined and tried a narcotics crime case with the defendant Aprilianto Bibi, A.Md. Kom, known by various aliases, namely Uyap or Bibi, son of Apak. The defendant is a 31-year-old man, born in Kelampai on April 27, 1994, an Indonesian citizen, Protestant, works as a farmer, and lives in Kunyit Hamlet, Tunang Village, Landak Regency.

The defendant was arrested on March 5, 2025 and detained until March 8, 2025. The detention process was carried out in stages by investigators, public

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<sup>27</sup>Al-Zuhaili, W. (2011). *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dar al-Fikr.



prosecutors, and the panel of judges, each through several extensions in accordance with the Criminal Procedure Code, until September 8, 2025. During the trial process, the defendant received legal assistance from Charlie Nobel, SH, MH, an LBH PEKA advocate according to the Singkawang District Court's decision on June 23, 2025.

The panel of judges referred to the Singkawang District Court Chief Justice's decision regarding the appointment of judges and the trial schedule. The trial proceeded by examining all relevant evidence, including:

- a. Witness statements
- b. Defendant's statement
- c. Evidence of letters and evidence
- d. Minutes of arrest, search, weighing and laboratory results

The public prosecutor then read out the criminal charges, which in essence stated that the defendant was proven to have possessed class I narcotics in the form of crystal methamphetamine weighing more than 5 grams, as regulated in Article 112 paragraph (2) of Law No. 35 of 2009.

The public prosecutor demanded that the defendant be sentenced to seven years in prison and a fine of Rp 1,000,000,000, with a subsidiary sentence of six months. Furthermore, several pieces of evidence found and confiscated were ordered to be destroyed or forfeited to the state, with the exception of the Honda Vario motorcycle, which was ordered to be returned to the defendant.

In the first indictment, the prosecutor described a series of actions by the defendant who allegedly offered, sold, acted as an intermediary, bought or received class I non-plant narcotics of more than 5 grams.

The incident began with information from witnesses Ganjar Turizki and Anjas Winardi, members of the Singkawang Police Narcotics Unit, who received a public report about a man frequently engaging in drug transactions. After a thorough investigation, on March 5, 2025, at 5:00 PM WIB, the defendant was arrested at the traffic light area on Jalan Jenderal Sudirman, Central Singkawang.

During the search, police found a package of methamphetamine in the front pocket of the motorcycle the defendant was driving. They also found cigarette packs, tissues, duct tape, a black plastic bag, a Redmi cellphone, and the motorcycle the defendant was riding.

The defendant admitted that the methamphetamine evidence was obtained from an individual named Helmi, who was on a special investigation (SPO) status and whom the defendant had never met in person. Communication took place via



WhatsApp. The transaction was conducted using the "placement" method, which involves picking up items placed at a specific location without face-to-face contact. The defendant retrieved the methamphetamine from under a tree near the Sanggau Kulor intersection and then resold it for a profit of Rp 200,000 per gram.

The defendant admitted to having purchased methamphetamine from Helmi approximately six times and only paid after the drugs were successfully sold. The 19.86 grams of methamphetamine was weighed at the Singkawang Pawnshop, and laboratory results from the West Kalimantan Regional Police showed the substance tested positive for methamphetamine, a Class I drug under the Narcotics Law.

The second charge states that the defendant illegally stored, possessed, or controlled a Class I non-plant narcotic weighing more than 5 grams. The circumstances and evidence are essentially the same as the first charge, with a focus on the defendant's possession of methamphetamine. The defense counsel requested leniency, while the prosecutor maintained its demand. The defendant, through his legal counsel, also maintained his defense.

## 2. Legal Basis Used by Judges

The panel of judges explicitly and implicitly referred to a number of legal bases, both material and formal. These legal bases serve as the legal basis for assessing the defendant's actions, evaluating evidence, and determining the type and duration of the sentence imposed. These legal bases can be explained as follows:

### a. Law Number 35 of 2009 concerning Narcotics as Lex Specialis

The panel of judges used Law No. 35 of 2009 concerning Narcotics as the primary legal source to assess the defendant's actions. This law is a special legal basis (*lex specialis*) that comprehensively regulates all forms of prohibition, sanctions, and categories of narcotics in the Indonesian legal system.

In this case, the judge explicitly referred to Article 112 paragraph (2) which regulates:

*"Any person who without the right or against the law possesses, stores, controls, or provides Class I Narcotics other than plants weighing more than 5 grams..."*

This article provides clear limitations regarding the elements of the crime, namely:

- 1) *Each person*
- 2) *Without rights or against the law*
- 3) *Possessing, storing, or controlling narcotics*

4) *Class I narcotics are not plants*

5) *Weighing more than 5 grams*

The panel of judges stated that all of these elements had been fulfilled based on valid evidence, including the defendant's statement, confession of narcotics transactions, evidence in the form of 19.86 grams of crystal methamphetamine, clues from laboratory results, and statements from witnesses from the police. Thus, the defendant was sentenced to 5 years in prison and a fine of IDR 1 billion, as stipulated in the criminal provisions of Article 112 paragraph (2).

b. Criminal Procedure Code (KUHAP) as a Formal Legal Basis

Apart from material law, judges also refer to the Criminal Procedure Code (KUHAP) as a guideline in:

- 1) assess the legality of arrest and detention,
- 2) examine the evidence,
- 3) assess the strength of the evidence,
- 4) ensure that the trial process runs according to procedure.

The judge confirmed that:

- 1) Arrests are made based on initial information and legitimate investigations (Article 17 of the Criminal Procedure Code).
- 2) Searches and seizures are carried out in accordance with the provisions of Articles 33–39 of the Criminal Procedure Code, accompanied by complete minutes.
- 3) The evidence is assessed based on five valid pieces of evidence according to Article 184 of the Criminal Procedure Code, namely:
  - a) witness statements,
  - b) expert testimony (including forensic laboratory results),
  - c) letters (minutes of arrest, weighing at Pegadaian, and lab results),
  - d) instruction,
  - e) defendant's statement.

The judge also reduced the defendant's detention period from the sentence imposed under Article 22 of the Criminal Procedure Code, which regulates the reduction of detention periods from the principal sentence. Thus, the entire

process of proving and sentencing was ensured to have met procedural legality, ensuring the decision's legitimacy.

c. Application of the *lex specialis derogat legi generali*.

The principle of *lex specialis derogat legi generali* is a principle of criminal law which states that special legal provisions override general legal provisions.

In this case:

- 1) The Narcotics Law is a *lex specialis*, which has more specific material rules and sanctions.
- 2) The Criminal Code is only general law, so it is not used to determine the elements of a crime or criminal threat.

Therefore, the panel of judges:

- 1) not using Articles 55–56 of the Criminal Code or other articles in the Criminal Code,
- 2) and fully base the assessment of the elements of the offense on Law no. 35 of 2009.

The application of the *lex specialis* principle ensures that law enforcement against narcotics crimes is carried out appropriately, proportionally, and in accordance with national criminal policy which places narcotics as a serious crime (extraordinary crime).

3. Identification of the Elements of the Crime in the Article Imposed

In Decision Number 86/Pid.Sus/2025/PN Singkawang, the panel of judges applied Article 112 paragraph (2) of Law No. 35 of 2009 concerning Narcotics. To assess whether the defendant can be held criminally responsible, the judge is required to conduct a complete identification of the elements of the crime, both objective and subjective elements. This identification is carried out by assessing the suitability between the formulation of the crime and the legal facts resulting from the trial.

Article 112 paragraph (2) contains the following elements:

*"Any person who, without right or against the law, possesses, stores, controls or provides Class I non-plant narcotics weighing more than 5 grams."*

Thus, the elements of a crime are divided into two large groups, namely objective elements (the act and object of the crime) and subjective elements (the perpetrator's mental attitude/intention).

A. Fulfillment of Objective Elements

The fulfillment of the objective elements in this case is clearly seen from the fulfillment of all components of the crime formulated in Article 112 paragraph (2) of the Narcotics Law. The element of "every person" is fulfilled because the defendant Aprilianto Bibi is a legal subject who is capable of being responsible for his actions, as his identity is fully explained in the decision. The element of "without rights or against the law" is also proven, considering that the defendant is not a medical professional, does not have a permit for possession of narcotics, and his confession shows that there have been repeated illegal transactions, thus illustrating an unlawful act.

The element of "possessing, storing, or controlling" was fulfilled because the police found a package of methamphetamine on the motorcycle ridden by the defendant, and the defendant himself admitted that he took the goods from someone named Helmi and had controlled them several times; this construction indicates the existence of constructive possession. The element of the object of the crime in the form of "Narcotics Class I not plants" was also proven based on the results of the West Kalimantan Regional Police laboratory which stated that the evidence contained methamphetamine weighing 19.86 grams, far exceeding the minimum requirement of five grams. The weight of the narcotics had been legally weighed through the Singkawang Pawnshop and proven by the confiscation report, so that the aggravating element was also fulfilled.

#### B. Fulfillment of Subjective Elements

The subjective element in Article 112 paragraph (2) relating to intent (*dolus*) was also fully fulfilled. The trial facts show that the defendant clearly knew that the goods he controlled were crystal methamphetamine, and had even taken the goods several times using a "placement" system. The economic motive is evident from the profit of IDR 200,000 per gram he received, followed by evidence of communication via WhatsApp with a supplier named Helmi. This series of facts shows that the defendant not only knew, but consciously wanted and agreed to the possession of the narcotics.

The element of intent or purpose of possession is also strongly illustrated, because the defendant sold methamphetamine to consumers, conducted at least six transactions, and followed a distribution mechanism that indicates involvement in the distribution network. Although Article 112 paragraph (2) does not require proof of the purpose of distribution, the trial facts clearly show that the defendant's possession of the goods was not for his own use, but for re-distribution, which strengthens the existence of *dolus directus*.

#### C. Matching the Trial Facts with the Elements of the Crime

The author matches all the elements of the crime formulated in the article with the trial facts, it is seen that all elements starting from the legal subject, unlawful nature, act of control, type of narcotics, weight exceeding five grams, the

perpetrator's mental attitude, to the purpose of control have been cumulatively proven. Therefore, it is proven that the panel of judges imposed a sentence based on the fulfillment of complete elements and in accordance with the construction of Article 112 paragraph (2) of the Narcotics Law.

#### 4. Judge's Legal Considerations in Handing Down a Verdict

The judge's legal considerations in handing down a verdict in a narcotics case always begin with identifying the defendant's status and role within the structure of the crime. Based on the trial facts, the judge determined that the defendant was not a user, but rather a low-level dealer who played an active role in the narcotics distribution chain. This was evident from the quantity of methamphetamine exceeding five grams, the repeated transactions, and the method of obtaining the goods through a "location" system, which indicated involvement with the supply network. The defendant's role as a dealer was a primary consideration for the judge because it indicated that his actions had a broader impact on society than simply personal abuse.

Next, the judge considered the principle of proportionality between the defendant's level of culpability and the severity of the sanction imposed. In this context, the judge observed that drug trafficking is a crime that poses a latent risk to social life, thus the defendant's active role in selling and profiting from the sale of methamphetamine provides justification for imposing a heavier sentence. However, the judge still took into account mitigating factors such as the defendant's cooperative attitude, confession of his actions, and prior convictions, so that the sentence imposed remains within the bounds of justice and proportionality.

The judge also applied modern criminal law theory, which combines elements of retribution and deterrence. From a retribution perspective, the defendant must be held accountable for his actions because he knowingly violated the law and profited from criminal activity. Meanwhile, from a prevention perspective, the judge considered that strict sentencing is necessary to create a deterrent effect for both the defendant (specific deterrence) and the wider community (general deterrence), considering that drug trafficking is an organized crime that continues to grow and threatens public order. Therefore, the sentencing imposed should not only emphasize retribution but also be directed towards maintaining social security.

The judge also assessed the suitability between the public prosecutor's demands and the verdict handed down. The judge compared the legal description in the demands with the facts revealed at trial, particularly regarding the fulfillment of the elements of Article 112 paragraph (2) of the Narcotics Law. Because the elements of the crime were legally and convincingly proven, and the prosecutor's demands were in line with the gravity of the defendant's guilt, the judge

imposed a sentence that was not much different from the demands. Nevertheless, the judge still exercised his authority independently based on objective beliefs and interpretations of the law, so that the verdict handed down reflected a balance between legal certainty, justice, and expediency.

### **3.2. The Application of the Values of Justice in Islamic Law to the Criminalization of Narcotics Cases**

The application of the values of justice in Islamic law to the sentencing of narcotics cases in Decision Number 86/Pid.Sus/2025/PN Singkawang is reflected in the way the panel of judges assessed the facts, elements of the offense, and the severity of the sentence imposed on the defendant Aprilianto Bibi. From an Islamic legal perspective, narcotics are categorized as ta'zīr crimes because they are not explicitly regulated in hudud or qishāṣ–diyāt, but have serious impacts on the mind (ḥifẓ al-'aql), soul (ḥifẓ al-nafs), and social order. Therefore, the sentencing of perpetrators of narcotics trafficking must consider the basic objectives of sharia (maqāṣid al-syarī'ah), namely maintaining moral safety, public health, and preventing social damage.

The defendant was found guilty of possessing 19.86 grams of methamphetamine and distributing it through a "layak" system six times to obtain economic gain. The panel of judges considered this act to be a serious offense for society and potentially damaging to the younger generation. This consideration aligns with the principle of seeking benefit and repelling harm, which is the primary foundation for establishing ta'zir sanctions in Islamic law. Therefore, the judge's decision to impose a five-year prison sentence and a one billion rupiah fine can be seen as an effort to safeguard the public interest and provide a deterrent effect on the perpetrator and the community.

On the other hand, Islamic law also mandates that justice be upheld based on a balance between the perpetrator's culpability and the punishment imposed. In this case, the panel of judges took into account mitigating factors such as the defendant's cooperative attitude and confession during the trial. This indicates that the judge did not immediately impose the maximum sentence, but instead chose a five-year sentence—lighter than the prosecutor's demand of seven years in prison. This approach aligns with the principle of al-'adl (proportional justice), which is to impose a sentence appropriate to the level of culpability without being excessive (ghuluw). In the context of ta'zir, a judge is given the opportunity for ijtihad to balance the values of utility, public protection, and the perpetrator's personal circumstances.

Furthermore, the determination of evidence also reflects the principle of justice in Islam. Items used to commit a crime, such as communication devices and drug packaging, are confiscated for the state or destroyed, while items not directly related to the crime, such as a motorcycle, are returned to the defendant. This

aligns with the Islamic jurisprudence principle of "al-'uqūbāt bi qadr al-jurmi" (the sanction must be proportionate to the crime), so that not all of the defendant's assets are disproportionately confiscated.

The sentencing in this decision reflects the application of Islamic justice values through three main principles: first, the protection of society and human reason as part of the *maqāṣid al-syarī'ah*; second, the imposition of *ta'zīr* sanctions aimed at creating a deterrent effect and reforming the perpetrator; and third, the application of proportional justice based on the trial facts and the condition of the defendant. Thus, the judge's decision not only upholds positive law, but also reflects the ethical and philosophical values of Islamic law in dealing with drug crimes that damage the social order.

The Aprilianto Bibi case can be analyzed through the basic principles of sharia, particularly from the perspective of *maqāṣid al-syarī'ah*, the concept of 'adl (justice), and the category of *ta'zīr* crimes. Although narcotics were unknown in classical times, their abuse and distribution were classified as acts that cause harm (*mafsadah*) and threaten the five main objectives of sharia (*ḍarūriyyāt al-khams*): protecting religion, life, intellect, lineage, and property. In this case, the Panel of Judges sentenced him to five years in prison and a fine of one billion rupiah, which, when viewed from the perspective of Islamic law, is substantively in line with the goal of protecting reason (*ḥifẓ al-'aql*) because narcotics are substances that damage human consciousness and thinking power.

In terms of the *hifẓ al-nafs* aspect, the use and distribution of narcotics are considered to endanger the safety of life, both for users and the wider community. The defendant was proven to be involved in the narcotics distribution system using the "layak" method and obtained profits from crystal methamphetamine transactions totaling 19.86 grams. From a sharia perspective, this activity is not only a form of individual disobedience but also a threat to social order (*al-niẓām al-'āmm*). Therefore, the repressive and preventive punishment, as imposed by the judge, reflects the policy of *siyāsah shar'iyyah*, namely the state's policy in providing punishment for the public good.

The value of Islamic justice is also reflected in the judge's considerations, which not only assess the act formally but also consider the moral aspects, background, and rehabilitation potential of the defendant. Although the defendant is an intermediary who benefits economically from the distribution network, the judge still considers mitigating circumstances, such as confession, remorse, and a track record of no previous convictions. This principle aligns with the Islamic concept of *al-'adl al-iṣlāḥī* (restorative justice), where punishment should encourage behavioral change, not merely retribution. From a *ta'zīr* perspective, the judge has the discretion (*taqdīr al-qāḍī*) to impose sanctions proportionate to the level of culpability and the threat posed by the perpetrator.



Furthermore, the sentence imposed can also be seen as an implementation of the concept of *saddu al-dzarī'ah* (closing the door to harm). Because the defendant acted as an intermediary in narcotics transactions and had engaged in similar activities six times, a sufficiently severe sentence was necessary to prevent the spread of the negative impacts of narcotics circulation in society. The judge considered this fact as a form of potential *mafsadah* (mafsadah), so the sanction was imposed not only for the defendant, but also as a preventative measure (*zajr wa عجز*) for society.

The application of the principles of Islamic justice is increasingly apparent when the judge continues to return items not directly related to the crime, such as the defendant's motorcycle, while simultaneously ordering the destruction of narcotics evidence. This demonstrates the distinction between legitimate property rights that must be protected (*ḥifẓ al-māl*) and objects that cause harm that must be removed. This approach emphasizes that Islamic justice cannot deprive someone of their rights without a legitimate basis, even if they have committed a crime.

### **3.3. Integration of Religious Values with Criminal Law in Achieving Substantive Justice in Case Decision 86/Pid.Sus/2025/PN Singkawang**

The application of religious values in the narcotics crime case that ensnared the defendant Aprilianto Bibi appears relevant when linked to the objectives of criminal punishment and community protection as reflected in the panel of judges' considerations. Religious values that function as moral guidelines—through the teachings of any religion—basically prohibit all forms of consumption or distribution of substances that harm the human mind and body. In this context, the defendant's actions in controlling and trading 19.86 grams of crystal methamphetamine clearly contradict these religious moral principles, because his actions not only endangered himself but also increased harm to society. Thus, religious values serve as an ethical basis that strengthens the urgency of enforcing criminal law against narcotics abuse.

The relevance of religious values in drug regulation becomes clearer when linked to the *maqāṣid al-syarī'ah*, specifically the protection of reason (*ḥifẓ al-'aql*). From an Islamic perspective, narcotics are classified as substances that diminish consciousness, damage the integrity of reason, and open the door to other social harms. The fact that the defendant was involved as a party buying and selling crystal methamphetamine six times indicates a real threat to the protection of reason and public safety (*ḥifẓ al-nafs*). This is in line with the objectives of Law No. 35 of 2009, which aims to protect society from the dangers of narcotics through repressive and preventive measures. Therefore, the judge's consideration in imposing a prison sentence and a fine on the defendant not only reflects adherence to positive law but also aligns with the moral prohibitions of religion.

Criminal law as a social instrument allows for the integration of religious values without violating the principles of legality or standards of proof. In this case, the entire legal process—from investigation, prosecution, to trial—was carried out in accordance with the provisions of the Criminal Procedure Code, demonstrating that religious values do not replace positive law, but support the moral orientation behind law enforcement. The judge in his consideration emphasized the aspect of narcotics possession exceeding 5 grams as the basis for sentencing in accordance with Article 112 paragraph (2) of the Narcotics Law. This sentencing is proportional to the defendant's role as a trafficker, not merely a user, so that the religious moral value regarding the prevention of harm (*dar' al-mafāsīd*) is also reflected in the decision.

Within the framework of substantive justice, the integration of religious values with criminal law emphasizes that sentencing must truly protect society, not simply fulfill formal legal demands. The five-year prison sentence—lighter than the prosecutor's demand of seven years—demonstrates that the judge still considered the defendant's individual circumstances while not ignoring the social threat posed by his actions. This illustrates that substantive justice is not solely oriented toward retribution, but also prevents broader harm and considers the perpetrator's humanity proportionally. This demonstrates the integration of religious values such as compassion, public welfare, and moral admonition within the sentencing framework.

The integration of the *maqāṣid al-syarī'ah* (the principles of Islamic law) into the verdict is also evident in the protection of the public's mind and soul by stopping the circulation of narcotics through strict sentencing. Although not explicitly mentioning this principle, the substance of the verdict demonstrates that the panel of judges prioritized public protection. The destruction of evidence, confiscation of communication devices, and detention of the defendant until the end of his sentence are concrete efforts to break the chain of narcotics distribution, fully in line with the goals of sharia and religious values in general.

#### **4. Conclusion**

1. Legal Analysis of Sentencing in Narcotics Cases Based on Decision Number 86/Pid.Sus/2025/PN Singkawang: The judge considered the defendant's role as a low-level dealer, not just a user, based on the amount of evidence, repeated transaction patterns, and connections to the distribution network. This role was deemed to have a broader social impact and therefore warranted a heavier sentence. In imposing the sentence, the judge applied the principle of proportionality, namely balancing the level of culpability with the sanction, while also taking into account mitigating factors such as a cooperative attitude and prior convictions. The combined theory of punishment (retributive-preventive) was used to ensure accountability for the defendant's actions and a deterrent effect on society. The judge also assessed the suitability between the

prosecutor's demands and the trial facts, so that the sentence was imposed independently but still in line with the evidence of the elements of Article 112 paragraph (2) of the Narcotics Law, reflecting a balance of legal certainty, justice, and expediency. 2. The Application of the Values of Justice in Islamic Law to the Criminalization of Narcotics Cases: The panel of judges essentially classified narcotics crimes as ta'zir crimes, a type of offense whose punishment and form of sanction are left to the discretion of the authorities in order to maintain public welfare (jalb al-maslahah) and prevent harm (dar' al-mafsadah). The judges were not solely oriented towards retribution, but prioritized the educational and remedial functions (islah) as emphasized in Islamic criminal theory. This is reflected in the judges' considerations, which stated that the purpose of criminal punishment is to develop the defendant so that he can return to being a useful member of society, in line with the principle of al-'adl (justice), which demands a balance between the interests of the individual perpetrator and the protection of society. The panel of judges also considered the defendant's personal circumstances, such as remorse, prior convictions, and economic background, which are in line with the principles of al-rifq (gentleness) and al-takhfif (leniency) in imposing ta'zir sanctions on perpetrators who do not repeat offenses and demonstrate good faith. However, the sentence was still increased because the defendant's actions disturbed the community and were contrary to state policy in combating narcotics, in line with the principle of sadd al-dzari'ah (closing the path to destruction) and the protection of the five main objectives of sharia (maqāṣid al-syarī'ah), especially the protection of the soul (hifz al-nafs) and the mind (hifz al-'aql).

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