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Juridical Analysis of Intermediary Criminal Acts in Ecstasy Transactions: A Study of Dumai District Court Decision Number 188/Pid.Sus/2025/PN Dum

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ABSTRACT

Law enforcement in narcotics offenses frequently encounters a clash between the legal certainty of proving the elements of the offense and substantive justice in imposing criminal sanctions on subordinate intermediary offenders. Decision Number 188/Pid.Sus/2025/PN Dum imposed a six-year imprisonment and a fine of one billion rupiah on the Defendant. This research aims to examine the accuracy of the Panel of Judges' legal qualification in applying the elements of an intermediary in narcotics transactions and to critically analyze the proportionality of criminal sanctions based on the offender's degree of culpability. This normative legal research utilizes the statute approach and the case approach, employing an analytical-prescriptive analysis technique through a legal syllogism. The results indicate that the Panel of Judges absolutely and accurately applied the substantive law of Article 114 section (1) of Law Number 35 of 2009 by considering the defendant's active initiative in facilitating the transaction. In the sentencing dimension, the decision was proportionate and objective. The Panel of Judges did not merely take refuge behind the minimum sanction limits, but comprehensively differentiated roles by rejecting the narrative of sociological excusability regarding the defendant's factual position as a field operator. In conclusion, the conviction is normatively valid and successfully presents substantive justice grounded in the individual's degree of culpability. As a policy implication, the Supreme Court is recommended to immediately formulate sentencing guidelines for narcotics offenses that are hierarchically binding to maintain the consistency of high-quality legal reasoning across all judicial levels.

Keywords: Degree of Culpability; Ecstasy Transactions; Judge's Legal Reasoning; Narcotics Intermediary; Sentencing Proportionality.

INTRODUCTION

Narcotics offenses are extraordinary crimes that massively disrupt the social order and public health. The government responds to this multidimensional threat through Law Number 35 of 2009. Law enforcement against illicit narcotics trafficking, specifically Category I Narcotics such as ecstasy, is a top priority for law enforcement agencies across various judicial levels. This positive law policy is strictly designed to ensnare all parties involved in the narcotics distribution chain without exception. Nevertheless, the application of substantive criminal provisions in the Law frequently presents dogmatic challenges when confronted with empirical realities in the courtroom.

Illicit narcotics trafficking invariably involves organized networks with specific and structured role hierarchies. The modus operandi of this crime strictly separates the controllers or financiers from the field operators. Field operators are generally assigned to act as couriers or intermediaries in narcotics transactions. The involvement of these field intermediaries is primarily driven by short-term economic profit motives and unequal power relations with network controllers. This factual condition creates inherent complexities for law enforcement agencies in determining criminal liability qualifications that align with normative justice.

Indonesian positive law rigidly regulates criminal sanctions for anyone involved in narcotics transactions. Specifically, Article 114 section (1) of Law Number 35 of 2009

formulates the punishment for any legal subject who, without right or unlawfully, acts as an intermediary in the sale and purchase of Category I Narcotics. The formulation of this offense is absolute in considering the fulfillment of the elements of the material act (*actus reus*) and the perpetrator's mental state (*mens rea*). When the element of acting as an intermediary has been legally and convincingly proven in court, the Judge is dogmatically bound to impose a sentence within the minimum and maximum limits prescribed by the Law. The absolute nature of this normative dogma places field intermediaries in a vulnerable position, leaving them to bear the full burden of punishment.

A review of prior literature indicates a trend in legal research that focuses on case resolution through alternative approaches beyond pure criminal law dogmatics. Most previous studies propose approaches to resolving cases of narcotics abuse through restorative justice instruments (Lestari et al., 2023; Dhadhilia & Pujiyono, 2024). In the realm of upper-level network enforcement, other studies highlight the urgency of impoverishing narcotics crime syndicates by applying money laundering offense instruments (Iqbal et al., 2024). Furthermore, there is also research mapping the development and forms of narcotics crimes specifically during the pandemic (Prasetya et al., 2023). These various literature approaches demonstrate efforts to seek law enforcement solutions from sociological and macro-policy perspectives.

On a different spectrum, academic discourse is also dominated by debates regarding the application of maximum sanctions as a deterrent instrument for narcotics offenders. Related literature strongly emphasizes the importance of law enforcement effectiveness through the certainty of imposing severe sanctions (Mansyur et al., 2023). This view aligns with theoretical support for the application and execution of the death penalty for narcotics dealers to provide a deterrent effect on international networks (Wirogioto, 2021; Simanjuntak et al., 2023). The argument for strengthening maximum criminal sanctions continues to be advanced as urgent following the Constitutional Court's judicial review decisions concerning narcotics laws (Apriyanti, 2023).

The aforementioned prior literature leaves a fundamental research gap in the discourse of positive criminal law. Previous studies failed to assess the validity of the article's elements and neglected to examine the proportionality of sentencing for field intermediary offenders in actual judicial practice. This research aims to fill this gap by establishing strict boundaries to examine the application of positive law. The object of study focuses exclusively on the Dumai District Court Decision Number 188/Pid. Sus/2025/PN Dum. This decision presents sharp legal discourse because the Panel of Judges imposed a sentence on the defendant acting as a subordinate intermediary, while the primary controller held the status of a Wanted Person.

Based on the background description, this research has two primary objectives. First, this research aims to analyze and prove the accuracy of the Panel of Judges in applying substantive law regarding the qualification of the defendant's actions as an intermediary in the sale and purchase of ecstasy based on the fulfillment of the elements of Article 114 section (1) of Law Number 35 of 2009. Second, this research aims to critically analyze the proportionality of criminal sanctions imposed on the defendant by assessing the differentiation of their role within the illicit narcotics trafficking syndicate. Theoretically, this research is expected to enrich criminal law dogmatics regarding the parameters for proving the intermediary element in special criminal offenses. In practice, the results of this research are expected to serve as a reference for the Supreme Court in formulating more proportionate sentencing guidelines for narcotics offenders based on the degree of culpability.

METHOD

This research is classified as normative legal research, focusing on the examination of positive legal norms in relation to judicial practice (Qamar & Rezah, 2020). The approaches utilized encompass the case approach and the statute approach. The case approach is specifically applied to dissect and analyze the Judge's legal reasoning in Decision Number 188/Pid.Sus/2025/PN Dum. Simultaneously, the statutory approach serves to map the formulation of the offense and the limits of criminal sanctions under Law Number 35 of 2009. The integration of these two approaches aims to discover the degree of coherence between substantive law dogma and its implementation in trial facts.

The legal materials used in this research consist of primary and secondary legal materials (Sampara & Husen, 2016). Primary legal materials consist of statutory regulations and case law, specifically including Law Number 35 of 2009 and the official copy of Decision Number 188/Pid.Sus/2025/PN Dum. Secondary legal materials comprise academic literature, previously published scientific journal articles, and pure criminal law doctrine. These secondary legal materials are not used to justify the perpetrator's actions, but rather serve as complementary instruments or antitheses to test the sharpness of the argumentation in the primary legal materials.

The legal material collection technique is conducted through document study and literature review. The researcher traces, reads, and compiles all court decision documents and supporting literature relevant to the main issue. Once all materials are collected, the subsequent step is data classification and systematization. The focus of systematization is directed at separating the construction of the decision text into two primary parts. The first part concerns the extraction of legal reasoning regarding the fulfillment of the elements of the criminal offense. The second part is the extraction

of the Judge's reasoning regarding the mitigating and aggravating factors in the imposition of criminal sanctions.

Legal material analysis is conducted using an analytical-prescriptive qualitative analysis technique (Irwansyah, 2020). The initial analysis stage is specifically designed to address the first research objective by applying the legal syllogism method. The researcher places the absolute provisions in the formulation of Article 114 section (1) of Law Number 35 of 2009 as the major premise. The facts of the defendant's actions, as revealed in court, serve as the minor premise. The conclusion drawn from the intersection of these two premises is evaluated to prove the accuracy of the Judge's qualification regarding the defendant's status as an intermediary in the sale and purchase of narcotics.

The subsequent analysis stage focuses on addressing the second research objective regarding sentencing proportionality. The researcher conducts a critical review of the rationality of the six-year imprisonment and the one billion rupiah fine imposed by the Panel of Judges. This evaluation is rigorously conducted by assessing the defendant's role differentiation, which is positioned as a field operator under the syndicate's control. The entire analytical series concludes with deductive reasoning. These conclusions provide a foundation for logical recommendations for judicial institutions to establish equitable sentencing parameters based on each offender's proven degree of culpability.

RESULTS AND DISCUSSION

A. Legal Analysis of the Elements of the Intermediary Criminal Act in Ecstasy Transactions

The analysis of Decision Number 188/Pid.Sus/2025/PN Dum commences by examining the application of substantive criminal law norms charged against the offender. The Panel of Judges at the Dumai District Court handed down a conviction based on the evidentiary formulation of Article 114 section (1) of Law Number 35 of 2009. The provision of this article contains criminal sanctions for anyone who, without right or unlawfully, is involved in Category I Narcotics transactions. In the context of the case approach, this provision is positioned as an absolute major premise. The Panel of Judges then elaborated on the legal reasoning by matching the facts of the Defendant's actions as the minor premise. This matching process demands a strict legal syllogism to ensure the absence of a gap between the physical act (*actus reus*) and the perpetrator's malicious intent (*mens rea*) and the formulation of the statutory text.

The initial step of the Panel of Judges in constructing the legal syllogism is proving the fulfillment of the legal subject element of the offender. This proof is crucial to accurately ascertain the defendant's identity and prevent a misidentification of the person tried in court. Based on trial facts, the Public Prosecutor presented the Defendant along with his complete identity, which was directly acknowledged and confirmed by the defendant. The Panel of Judges accurately assessed that the defendant is a legal subject who is legally competent and capable of bearing criminal liability for his actions. The fulfillment of this element closes all room for debate regarding the defendant's legal capacity to be examined and subjected to criminal sanctions.

Once the identity of the legal subject was confirmed, the Panel of Judges proceeded to examine the legality of the defendant's actions by reference to the elements of being without right or unlawful. Positive law provisions mandate that any activity related to the distribution of Category I Narcotics must be conducted with an official permit from the authorized government authorities. Trial facts convincingly proved that the defendant did not possess any permit documents from state agencies to conduct the buying and selling of the illicit drug, ecstasy. The absence of this official permit automatically renders the defendant's entire series of actions unlawful. The Judge's reasoning in this regard has accommodated the proof of the actual unlawful nature of the possession of the narcotics object.

The fulfillment of the core element of the offense was subsequently examined by proving the defendant's physical actions in the field. The chronology of the trial facts revealed that the defendant actively picked up a subject holding the status of a Wanted Person, retrieved a package containing seven ecstasy pills in the Jalan Teduh area, and transferred it into a cigarette box in the parking lot of the City Dumai Hotel. This series of material acts clearly indicates a transfer of possession of the evidence into the defendant's hands. The act of physically possessing the object of the crime became the primary means of transforming the defendant into the perpetrator of the crime. This reinforces the argument that physical possession of narcotics without a valid legal basis is a concrete manifestation of direct involvement in the distribution chain (Yanto et al., 2023).

The defendant's physical involvement cannot stand alone without the proof of a mental state or criminal intent. The Panel of Judges meticulously found that the defendant was fully aware when receiving and responding to transaction orders via the WhatsApp electronic application. The defendant's willingness to facilitate the delivery of the seven ecstasy pills proves the existence of will and knowledge regarding the legal consequences of his actions. A mental state that consciously directs actions to successfully transfer the illicit goods is an absolute prerequisite in proving the element of an intermediary in a transaction. The fulfillment of

this intent dogmatically refutes any form of defense based on unintentionality, as an intermediary must be proven to possess full awareness of the object being transacted (Maswandi et al., 2025; Rifai et al., 2025).

The convergence of the physical act and mental awareness generated a binding legal qualification for the defendant. The defendant's actions fully satisfied the definition of an intermediary in narcotics transactions as intended by the positive law instruments. The fact that the defendant acted under the direction of another actor with the status of a Wanted Person in no way reduced or eliminated the completeness of the defendant's individual actions. The defendant's culpability is measured absolutely, based solely on his own actions, without room for legal excusability based on his role as a subordinate. The application of this strict and independent qualification ensures that law enforcement does not lose its direction in ensnaring perpetrators who facilitate unlawful transactions (Syahmada et al., 2023).

The determination of the defendant's guilt status must also be evaluated in light of the Panel of Judges' compliance with criminal procedural law instruments. The Panel of Judges at the Dumai District Court decided this case based on the absolute evidentiary rule requiring at least two valid pieces of evidence, as well as the Judge's conviction. The testimony of the arresting witness from the police, the unrefuted confession of the defendant, and the physical form of the seven ecstasy pills fulfilled this minimum threshold requirement for criminal evidence. Compliance with this evidentiary procedure demonstrates that the Judge formulated his legal reasoning logically and not arbitrarily. The consistency of law enforcement officers in presenting solid evidence serves as the primary foundation for the court to adjudicate cases objectively and with certainty (Udin & Widoyoko, 2022; Fadhlurrahman et al., 2024).

The entire series of legal reasoning above leads to a deductive conclusion that is normatively irrefutable. The defendant was legally and convincingly proven to have committed the criminal act of being an intermediary in the sale and purchase of Category I Narcotics, as charged by the Public Prosecutor. The absence of any criminal excuses or justifications necessitated the Panel of Judges to formulate a conviction as a form of liability for the defendant's conscious actions. Nevertheless, the certainty of the fulfillment of these offense elements raises a subsequent discourse that is equally fundamental in the dimension of imposing criminal sanctions. The next legal question to be resolved is whether the six-year imprisonment and the one billion rupiah fine imposed by the Panel of Judges constitute a fair measure given the gradation of the defendant's role in the field.

B. Legal Review of the Proportionality of Criminal Sanctions Based on the Defendant's Degree of Culpability

The enforcement of substantive criminal law in Decision Number 188/Pid. Sus/2025/PN Dum must be viewed as a judicial effort to actualize legal certainty through the imposition of measurable sanctions. The Panel of Judges has declared the Defendant legally and convincingly proven to have violated Article 114 section (1) of Law Number 35 of 2009. The imposition of sanctions in the form of a six-year imprisonment and a one billion rupiah fine is a logical consequence of the fulfillment of all elements of the offense of an intermediary in narcotics transactions. From the perspective of dogmatic law, the proportionality of these criminal sanctions must be examined by referring directly to the degree of culpability as qualified by the facts revealed in court ([Maswandi, 2025](#)).

An analysis of the defendant's culpability qualification indicates an active initiative in the narcotics transaction chain. Trial facts revealed that the defendant was not merely a passive intermediary, but possessed a functional role in receiving orders from buyers through WhatsApp communication. The defendant subsequently followed up on the order by arranging a meeting with the controller or other syndicate intermediary holding the status of a Wanted Person to ensure the retrieval of the evidence, comprising seven ecstasy pills. This communication activity demonstrates free will and full awareness in facilitating the illicit trafficking of narcotics ([Prasetya et al., 2023](#)). Therefore, the defendant's actions have exceeded the boundaries of a regular courier role and fall into the category of an intermediary actively organizing the delivery of goods.

The defendant's active role in coordinating with other syndicate actors reinforces his position as an integral part of the organized narcotics distribution chain. Although the defendant acted subordinately under the direction of the syndicate intermediary who held the status of a Wanted Person, the fact that the defendant independently coordinated the receipt of goods in the Jalan Teduh area demonstrates the strategic role he played. This phenomenon aligns with the characteristics of organized network narcotics crimes, which specifically divide roles while remaining integrated within a single transaction mission ([Vandiano et al., 2024](#)). The fact of this active involvement provides a strong foundation for the Judge to independently assess the defendant's degree of culpability, without comparing it to the controlling perpetrator who remains beyond the reach of the law ([Mansyur et al., 2023](#)).

The *ratio decidendi* of the Panel of Judges in imposing a six-year imprisonment was based on legal reasoning strictly aligned with the specific minimum statutory threat. Article 114 section (1) of Law Number 35 of 2009 stipulates a minimum

limit of five years of imprisonment. By imposing a sanction one year above the minimum limit, the Panel of Judges demonstrated adherence to the principle of legality while considering that the defendant's active initiative could not be tolerated, even though the quantity of the evidence was relatively small. This Judge's reasoning reflects precise logic in applying criminal sanctions, thereby remaining within the corridor of proportional legal certainty (Nasrullah, 2020). The Panel of Judges assessed that the imposition of the sentence was the most appropriate measure to provide a deterrent effect, considering the defendant was legally proven to have committed an unlawful act with conscious will.

In line with the imprisonment, the imposition of a one billion rupiah fine is also an explicit mandate of positive law. This fine amount is the absolute minimum limit required by Article 114 section (1) of Law Number 35 of 2009. The Panel of Judges possesses no discretionary authority to adjudicate a fine amount below the statutory threshold. The imposition of this minimum fine demonstrates that the Panel of Judges considered the most logical financial sanction for the defendant as an intermediary, while remaining faithful to the principle of legality. This fine sentencing functions as an additional sanction affirming that involvement in the narcotics distribution chain inevitably brings binding impoverishment consequences for its perpetrators.

Law enforcement in this decision strictly rejects any form of sociological excusability that is not based on pure criminal law doctrine. This approach is precisely rooted in the framework of thought proposed by Kelsen (1967), which demands the purification of law enforcement from non-juridical elements, including sociological reasons. Considering the defendant's qualification was clearly established as an active intermediary, arguments regarding extrajudicial approaches are irrelevant in this case. The Judge's primary focus was precisely maintained on proving the substantive criminal elements and determining sanctions based on factual acts during the examination. This judicial approach reinforces that narcotics criminal justice in Indonesia consistently upholds retributive principles for intermediaries, aiming to maintain the dignity and authority of positive law (Wirogioto, 2021; Simanjuntak et al., 2023).

The analysis of the severity of this sanction also aligns with the national criminal policy perspective, which hierarchically differentiates the level of sanction threats. When compared to the maximum criminal threat of the death penalty for heavyweight controllers, the imposition of a six-year imprisonment for a field-level intermediary proves a tangible and rational manifestation of sanction differentiation (Apriyanti, 2023). The Panel of Judges successfully classified the defendant's culpability objectively by not generalizing the imposition of sanctions.

This differentiation indicates that the Panel of Judges understands the anatomy of the defendant's involvement in the network hierarchy and continues to impose commensurate punishment to nurture a sense of justice within society.

The rationality of the sentence imposition becomes increasingly irrefutable when examined through the assessment of the aggravating and mitigating factors about the defendant. The Panel of Judges decided this case after affirming that the defendant's role was functional and conscious in securing the evidence (Selvy & Yandi, 2025). Simultaneously, the determination of a one-year imprisonment above the minimum limit is the result of a juridical balancing of the defendant's honest confession and cooperative attitude during the trial. The defendant's candor significantly assisted the Judge in efficiently discovering the material truth. This mitigating factor provided a rational basis for the Judge to refrain from imposing a sanction closer to the maximum limit.

The substantive-justice anomaly feared in narcotics trials was absent in this case. The Panel of Judges consistently relied on the evidence of seven ecstasy pills and valid electronic communication track records. The defendant's failure to prove duress (*overmacht*) rendered him absolutely liable for the full criminal penalty. Thus, the *ratio decidendi* formulated by the Panel of Judges reflects sound legal reasoning, free from logical fallacies, and is exceptionally robust, warranting doctrinal accounting.

The certainty of law enforcement in this decision is perfected through the court order regulating the status of evidence. Through Point 5 of its ruling, the Panel of Judges strictly stipulated that the seven ecstasy pills be confiscated for destruction. This stipulation aligns with criminal procedural law principles, which mandate the elimination of crime objects to prevent their recirculation into the black market. The transparency and firmness of the Judge in ordering the destruction of evidence are crucial elements in upholding the integrity of judicial institutions (Suwandi et al., 2023). The thorough execution of this evidence will ultimately close all loopholes for post-trial abuse of authority by law enforcement officers.

Based on a comprehensive analysis of Decision Number 188/Pid.Sus/2025/PN Dum, it can be asserted that the Panel of Judges exercised its authority professionally in accordance with the positive legal framework. The imposition of the six-year imprisonment and the one billion rupiah fine reflects sharp law enforcement against an intermediary possessing the initiative to facilitate narcotics transactions. The Panel of Judges has proven adept at proportionally synergizing the facts of the act with the sanction threats. This decision generates significant case law affirming that conscious involvement as an intermediary in buying and

selling transactions absolutely results in strict criminal sanctions, with no room for compromise for excusing a subordinate status ungrounded in criminal law norms.

CONCLUSIONS AND SUGGESTIONS

The research on Decision Number 188/Pid.Sus/2025/PN Dum concludes that the Panel of Judges precisely applied substantive law regarding the qualification of the Defendant's actions as an intermediary in the sale and purchase of Category I Narcotics. All objective and subjective elements within Article 114 section (1) of Law Number 35 of 2009 were absolutely proven in court. The Judge's legal basis in constructing the *ratio decidendi* relied on the fact of the defendant's active initiative, who consciously responded to orders and conducted the physical act of retrieving the seven ecstasy pills. This proof fulfilled the standard of valid evidence and the Judge's conviction, thus the determination of the defendant's guilty status is a manifestation of legal certainty that is dogmatically irrefutable.

In the sentencing dimension, this research concludes that the imposition of sanctions in the form of a six-year imprisonment and a one billion rupiah fine is a highly proportional and objective judicial product. The Panel of Judges was not trapped in the blind formalism of applying minimum sanctions, but rather meticulously differentiated the defendant's degree of culpability. The imprisonment imposed one year above the minimum limit is an accurate judicial response to the defendant's active initiative, while simultaneously firmly rejecting any form of sociological excusability for his status as a field operator. Thus, this decision has proven successful in synergizing the certainty of statutory texts with substantive justice grounded in the individual offender's degree of culpability.

Based on these conclusions, this research proposes a strategic policy recommendation for the Supreme Court of the Republic of Indonesia to immediately formulate Sentencing Guidelines instruments for narcotics offenses. These guidelines are necessary to ensure that the quality of proportional legal reasoning, as realized in Decision Number 188/Pid.Sus/2025/PN Dum, can become a standard benchmark for all Panels of Judges in courts of first instance. Academically, this research recommends continuing dogmatic studies that dissect the application of sanctions based on the hierarchy of syndicate roles. On a practical level, progressive law enforcement must continually maintain the objectivity required to independently prove criminal intent (*mens rea*) so that the effectiveness of eradicating illicit narcotics trafficking is not weakened by the pretext of field intermediary subordination.

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