

JURIDICAL ANALYSIS OF THE APPLICATION OF CRIMINAL LAW AND THE SUBSTITUTION OF FINES WITH IMPRISONMENT IN NARCOTICS CASES (STUDY OF DECISION NUMBER 17/PID.SUS/2025/PN/PEMATANGSIANTAR)

Johan Alfred Sarades Silalahi¹, David L. Manurung², Dwi Nurjanah³, Hasty Nadia⁴, Icha A. Napitu⁵, Riz Maharani Tampubolon⁶

^{1,2,3,4,5,6} Fakultas Hukum, Universitas Simalungun, Indonesia

Email : joehunt42@yahoo.co.id, lorensiusdavid6@gmail.com, dwinurjanah62@gmail.com, hastynadia2@gmail.com, ichaangelina92@gmail.com, rizmaharani5@gmail.com

Received : 01 September 2025

Published : 16 October 2025

Revised : 15 September 2025

DOI : <https://doi.org/10.54443/ijset.v4i11.1244>

Accepted : 11 October 2025

Link Publish : <https://www.ijset.org/index.php/ijset/index>

Abstract

This study aims to analyze the application of criminal law provisions in Law Number 35 of 2009 concerning Narcotics and the relevance of substituting fines for imprisonment as stated in Decision Number 17/Pid.Sus/2025/PN Pematangsiantar. The problem studied is how the application of criminal law to narcotics crimes in the decision and the extent to which the substitution of fines for imprisonment is in accordance with the principles of justice and the objectives of punishment. The research method used is normative juridical with a statutory approach and case studies of court decisions. The results of the study indicate that the application of criminal law in the decision has been based on the provisions of the Narcotics Law, however, the implementation of substituting fines for imprisonment still raises debate regarding the effectiveness, proportionality, and justice of punishment. In conclusion, although the judge's decision has a clear legal basis, the substitution of fines for imprisonment needs to be reviewed so as not to reduce the essence of the objectives of punishment which are preventive, repressive, and rehabilitative in narcotics cases.

Keywords: *criminal law, criminal fines, imprisonment, narcotics, court decisions, justice, sentencing*

INTRODUCTION

Narcotics crimes are a form of crime that has received serious attention from the Indonesian government due to its destructive impact on individuals and society. The distribution and abuse of narcotics not only damage physical and mental health but also have the potential to reduce the quality of the nation's generation and increase the crime rate. Therefore, the state, through Law Number 35 of 2009 concerning Narcotics, emphasizes that narcotics crimes are classified as extraordinary crimes, and therefore, their handling must be carried out with a firm and comprehensive legal approach (Article 4 letter c of Law Number 35 of 2009). In judicial practice, courts often impose fines accompanied by subsidiary provisions in the form of imprisonment if the fine is not paid. This creates problems, especially in narcotics cases, because the replacement of fines with imprisonment raises questions regarding its suitability with the principles of justice and the purpose of punishment. The purpose of punishment itself is not only repressive, but also preventive and rehabilitative, as stated by Sudarto that "punishment should not only be seen as a means of retribution, but also directed at improving the perpetrator so that he can return to being a good member of society" (Sudarto, Law and Criminal Law, 1986: 72). The case of Decision Number 17/Pid.Sus/2025/PN Pematangsiantar demonstrates the practice of substituting fines for imprisonment in narcotics cases. This phenomenon raises a critical question: is this substitution policy in line with the objectives of modern criminal law, which emphasizes substantive justice, effectiveness, and protection of human rights? According to Barda Nawawi Arief, "criminalization should not only emphasize the aspect of deterrence, but must also consider the aspects of benefit and protection of society" (Barda Nawawi Arief, Bunga Rampai Kebijakan Hukum Pidana, 2010:

27). Thus, it is important to conduct a legal analysis of the decision to assess how the provisions of criminal law, particularly the Narcotics Law, are applied, as well as the relevance of replacing a fine with imprisonment from the perspective of the principles of justice and the purpose of sentencing.

FORMULATION OF THE PROBLEM

1. How are the provisions of criminal law, particularly Law Number 35 of 2009 concerning Narcotics, applied in Decision Number 17/Pid.Sus/2025/PN Pematangsiantar?
2. How relevant is the substitution of a fine for imprisonment to the principle of justice and the purpose of sentencing in narcotics crimes?

RESEARCH METHODS

This research uses a normative juridical method, namely legal research that focuses on the study of applicable positive legal norms and their application to a concrete case. This method was chosen because the focus of the research is to analyze the application of criminal law provisions in Law Number 35 of 2009 concerning Narcotics and the relevance of substituting fines for imprisonment in Decision Number 17/Pid.Sus/2025/PN Pematangsiantar.

1. Research Approach

The approaches used in this normative legal research include:

- a. Statute approach, namely by examining relevant laws and regulations, including Law No. 35 of 2009 concerning Narcotics, the Criminal Code, and criminal provisions related to fines and imprisonment.
- b. Case approach, namely by examining and analyzing Decision Number 17/Pid.Sus/2025/PN Pematangsiantar as the main object of research.
- c. Conceptual approach, namely by using criminal law theories, especially theories about the objectives of punishment (repressive, preventive, and rehabilitative), as well as the concept of justice in criminal law.

Sources of Legal Materials

The legal materials used in this research consist of:

1. Primary legal materials, namely statutory regulations, court decisions and other official documents.
2. Secondary legal materials, namely literature in the form of books, journals, scientific articles, and opinions of legal experts relating to narcotics crimes, criminal penalties, fines, and imprisonment.
3. Tertiary legal materials, namely legal dictionaries, the Big Indonesian Dictionary (KBBI), encyclopedias, and other supporting sources.

2. Legal Material Collection Techniques

The collection of legal materials is carried out through library research by examining laws and regulations, court decisions and relevant literature.

3. Legal Material Analysis Techniques

The analysis of legal materials was conducted using a descriptive-analytical method. The obtained legal materials were described, explained, and then linked to the established problem formulation. Next, legal interpretation and qualitative analysis were conducted to draw conclusions regarding the application of criminal law in narcotics cases and the relevance of substituting fines for imprisonment to the principles of justice and the objectives of sentencing.

RESULTS AND DISCUSSION

A. Implementation of Criminal Law Provisions, Specifically Law Number 35 of 2009 concerning Narcotics, in Decision Number 17/Pid.Sus/2025/PN Pematangsiantar

Law Number 35 of 2009 concerning Narcotics serves as the primary legal basis for combating drug abuse and illicit trafficking. In Decision Number 17/Pid.Sus/2025/PN Pematangsiantar, the panel of judges applied relevant articles of the Narcotics Law, particularly Articles 112 and 114, which regulate the possession and distribution of narcotics. This application was carried out through consideration of the evidence as stipulated in Article 184 of the Criminal Procedure Code, namely the testimony of witnesses, defendants, evidence, and expert testimony. As explained below:

1. Determine the articles of indictment used

The first step the judge takes is to identify which article the Public Prosecutor (JPU) is charging the defendant with. This is important because each article in the Narcotics Law has a different formulation and legal consequences. For example:

Article 112 is used if the defendant's actions include possessing, storing or controlling narcotics without the right.

Article 114 is used if the defendant is proven to have distributed, sold or acted as a narcotics dealer/dealer.

Article 111 relates to the act of planting, producing or providing narcotics.

Article 127 is usually used when the accused is only a user for himself.

Thus, the judge must see whether the prosecutor's charges are appropriate according to the facts of the defendant's actions.

2. Proving the elements of the article charged

Once the relevant articles are determined, the judge then assesses whether the elements in those articles have been proven in court. This process is crucial because the principle of criminal law states that a person cannot be convicted if the elements of the offense charged have not been legally and convincingly proven. Some of the elements typically tested include:

a. There is evidence of narcotics.

The judge will determine whether narcotics were actually present in the case, what type they were, and what category they fall into. This must be supported by scientific evidence in the form of forensic laboratory test results, ensuring there is no doubt that the seized items are indeed narcotics.

b. The defendant's actions.

The judge will assess whether the defendant is proven to have committed the alleged act, such as possessing, storing, selling, or using the substance. To prove this, the judge will consider various pieces of evidence, such as witness statements, documents, recordings, and the defendant's own confession.

c. The element of "without rights" or "against the law".

The judge must ensure that the defendant's actions were committed without permission from the appropriate authorities. For example, the defendant may not have a medical permit or official license to store or use narcotics.

3. Assessing the strength of evidence based on the Criminal Procedure Code

In making their assessments, judges use the rules of evidence stipulated in the Criminal Procedure Code (KUHP). This means that each type of evidence has its own legal force. For example:

1. Witness statements must be consistent and mutually supportive.

2. Expert testimony, such as laboratory test results, is important to ensure the accuracy of the evidence.

3. Letters or documents can support the existence of transactions or the defendant's connection to narcotics.
4. Clues can come from CCTV footage, conversations, or situations that strengthen other evidence.
5. The defendant's statement can also be taken into consideration, although according to the law it cannot be used as the sole basis for sentencing him.

In this way, the judge ensures that the verdict rendered is truly based on objective legal analysis and in accordance with the facts of the trial. This process also demonstrates that the application of Law Number 35 of 2009 concerning Narcotics cannot be done haphazardly but must undergo a rigorous evidentiary process.

4. Consistency of procedures or formal aspects in the investigation process.

This is important because even if there is evidence and witnesses, if the method of obtaining the evidence does not comply with legal regulations (KUHP), then the evidence can be considered weak or even invalid.

For example, when the police make an arrest, the Criminal Procedure Code stipulates that the arrest must be accompanied by a warrant, except in cases of being caught red-handed. If an arrest is made without a clear legal basis, the defendant or their legal counsel can challenge this in court. Similarly, in searches, the law requires officers to carry a search warrant from the court, except in urgent circumstances. If a search is conducted without such a permit, the findings can be questioned and deemed legally invalid.

The same applies to the seizure of evidence. The Criminal Procedure Code (KUHP) states that seizure must be carried out with a seizure warrant issued by an authorized official and validated by a court. If this procedure is violated, the seized evidence may be deemed legally defective. Thus, the judge in a trial not only assesses whether the defendant is proven to have committed a drug crime, but also ensures that the entire legal process is conducted correctly and fairly. If procedural violations are found, the judge has the right to deem the evidence insufficient for proving the case and may even refuse to use it in the verdict. This demonstrates that in criminal law, the method of obtaining evidence is as important as the content of the evidence itself. The goal is to ensure the defendant's rights are protected and the judicial process follows the principles of due process of law.

5. Proof of type & quantity of narcotics

In narcotics cases, the judge's primary concern is not simply "whether there are narcotics" but also what type (e.g., methamphetamine, marijuana, ecstasy) and how much (grams, kilograms). Why is this important? Because the law differentiates criminal penalties based on type and quantity—for example, a large-scale methamphetamine dealer faces far more severe penalties than a user with limited evidence. The primary legal source for classification and criminal penalties is Law No. 35/2009.

1. The role of forensic laboratories: scientific evidence for judges

To declare an object as narcotic type X, the court usually requires the results of a forensic laboratory test. This laboratory performs chemical analysis to confirm the substance is indeed a narcotic, and usually also states the net weight (quantity) and sometimes the concentration/purity. Without a clear lab report, for example: "this is 5 grams of methamphetamine," it is difficult for the judge to conclude the material elements of the article that ensnares the defendant. Therefore, the laboratory report is often treated as primary evidence in narcotics cases.

2. Difference in evidence: urine vs. tested evidence

Urine or blood tests: useful for demonstrating a person's past drug use (indicating drug use). However, urine tests cannot always replace proof of ownership or legal ownership of seized items. Therefore, a urine test is strong enough to support a "user" charge, but for a "distributor" charge, the judge requires evidence of the items (seized packages and lab test results).

Analysis of confiscated goods: if the police confiscate a package of crystal methamphetamine, the package is sent to a laboratory — the results which show the identity of the substance and its weight are the basis for confirming the elements of the article on possession/distribution.

3. Chain of custody and seizure procedures

In addition to lab results, the judge also considers how the evidence was obtained, stored, and transported to the laboratory. Evidence handling documentation (seizure reports, handover minutes, etc.) must be complete to ensure the judge is confident that the tested items match those seized from the defendant. Any deficiencies in these procedures can lead the judge to question the authenticity or integrity of the evidence. (In short: scientific evidence + procedural evidence = strong evidence.)

4. Practical implications

If the lab report states that the narcotics and their quantity match the charges → the material elements of the article (e.g. Article 112/114) are easier to prove.

If there is no valid lab report, or there is doubt in the chain of evidence → the judge may not be able to declare that the material elements are fulfilled, so the charges can be dropped or reduced.

6. Sentencing: double-track system & what judges consider (easy explanation)

What is a double-track system? In short: the Narcotics Law uses two legal channels—(A) criminal channels for dealers/dealers (prison + fines), and (B) action/rehabilitation channels for abusers/addicts (medical/social care). This means that not everyone caught is automatically imprisoned; if the facts show that the person is a user who needs rehabilitation, the law opens up the option of treatment. However, note: Article 127 still contains criminal threats for abusers, so its practical application depends on the evidence and the policy of law enforcement.

1. How does a judge choose between prison or rehabilitation? (in everyday language)

Imagine a judge weighing two main factors: the defendant's role and the evidence presented at trial. If the evidence confirms that the person distributed or profited from the drug trade, the judge will likely choose a criminal sentence (prison sentence + fine). However, if the evidence shows the person only used the drug for themselves, there's no evidence of trafficking, and they need help, the judge may order rehabilitation. So, the decision depends on who the defendant really is according to the evidence.

2. Factors that judges usually consider

- a. Judges don't just hand down numbers—they consider several practical factors, including:
- b. The role of the defendant: dealer/distributor vs ordinary user. Distributors are subject to much heavier penalties.
- c. Amount & type of narcotics: 1 gram of crystal methamphetamine has different consequences than 1 kilogram of crystal methamphetamine; marijuana is also treated differently according to the dose/amount.
- d. Track record (recidivism): if you have been convicted before, you will usually be given a heavier sentence.
- e. Confession & cooperation: admitting to the crime or assisting in the investigation can be a mitigating factor.
- f. Social impact: whether the defendant's actions have the potential to harm many people (e.g. distribution networks), or whether they are just a small case.
- g. Rehabilitation needs: if the defendant is clearly an addict, the judge will consider the interests of protection and rehabilitation (not just retribution).

3. Penalty rates according to context

The law stipulates a fairly strict range of criminal penalties for distribution articles (e.g., minimum and maximum penalties for Articles 111, 112, and 114) — in practice, judges will choose a sentence within this range based on the above considerations. There is policy debate over whether Article 127 should be decriminalized or treated with a more rehabilitative focus; however, the current formal rules do give judges some latitude to choose based on the evidence and the defendant's condition.

7. Procedural Considerations & Principles of Procedural Law

In criminal cases, including narcotics, the judge not only assesses whether the defendant committed a crime, but also examines whether the investigation procedures are in accordance with the Criminal Procedure Code.

1. Arrests must be made with a warrant, unless caught red-handed.
2. Detention must be lawful and not exceed the specified time.
3. A mandatory search must be conducted with court permission and witnessed by local officials and two witnesses.
4. Confiscation must also be carried out with a warrant and court permission.
5. If procedures are violated, for example a search without witnesses or a warrant, then the evidence obtained may be considered weak or even invalid.

Apart from procedures, judges also adhere to important principles:

1. Presumption of Innocence → everyone is considered innocent until there is a valid court decision (Article 8 paragraph (1) Law No. 48 of 2009).
2. Valid and Convincing Evidence → A criminal sentence can only be imposed if there is at least two valid pieces of evidence (Article 184 of the Criminal Procedure Code) which makes the judge believe the defendant is guilty.
3. Proportionality → punishment must be proportionate to the guilt and role of the accused, for example, a user is different from a dealer.

In this way, the judge ensures that the decision is not only materially fair (the defendant is proven guilty), but also formally valid (the process is in accordance with the law).

B. The Relevance of Substituting Fines for Imprisonment to the Principles of Justice and the Purpose of Punishment in Narcotics Crimes

In the case of Decision Number 17/Pid.Sus/2025/PN Pematangsiantar, the defendant acted as an intermediary (courier) in the transaction of buying and selling crystal methamphetamine. The role of an intermediary in narcotics crimes falls under the category of illicit narcotics trafficking, as referred to in Article 114 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, which states that: "Any person who without the right or against the law offers for sale, sells, buys, acts as an intermediary in the sale and purchase, exchanges, or delivers Class I Narcotics, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah)."

The judge in this case imposed a prison sentence and a fine, with a subsidiary sentence if the fine is not paid. The substitution of a fine for a prison sentence has sparked debate from a fairness perspective, as not all perpetrators have the financial capacity to pay a large fine, even though their role is limited to intermediaries. According to Andi Hamzah, a fine is "an economic punishment and is intended to provide a deterrent effect without having to deprive a person of liberty, but its application must take into account the economic capabilities of the defendant so as not to cause injustice" (Andi Hamzah, Indonesian Criminal Law, 2014: 186). Thus, when a fine is replaced with imprisonment, the essence of a fine as a lighter alternative is lost, especially for perpetrators with minor roles.

Apart from that, Sudarto also emphasized that: "Punishment should not only be seen as a means of retribution, but should also be directed at improving the perpetrator so that he can become a good member of society again" (Law and Criminal Law, 1986: 72). In this context, imposing prison sentences instead of fines on intermediaries can actually hinder the rehabilitative and socially beneficial goals of punishment. Intermediaries are generally not network controllers or major dealers, but rather a small part of the drug distribution system, often driven by economic factors or dependency. Barda Nawawi Arief also stated that: "Sentencing should not only emphasize the deterrent aspect, but must also consider the benefit and protection aspects of society" (Anthology of Criminal Law Policy, 2010: 27).

If the substitution of a fine for imprisonment is implemented without considering the defendant's role and social circumstances, the punishment loses the balance between retributive and corrective justice. Judges should consider the principle of proportionality, where the severity of the punishment is adjusted to the perpetrator's role in the crime. Furthermore, Indonesia's criminal justice system adheres to the principle of a double-track system, combining punishment and action. In the context of drug dealers who do not act as dealers, a more appropriate legal approach is to impose a fixed-term prison sentence without the need for excessive substitute sanctions, as substituting fines for imprisonment actually prolongs suffering without adding substantive justice. Legally, Article 30 paragraph (2) of the Criminal Code stipulates that if a fine is not paid, it will be replaced with imprisonment. However, this provision is subsidiary, not an absolute obligation, and judges have discretion to adjust the length of the substitute sentence by taking into account the defendant's capabilities. Thus, the relevance of replacing a fine with imprisonment for the role of intermediaries in the sale and purchase of crystal methamphetamine is not entirely in line with the principles of justice and the objectives of modern criminal law, because:

1. Not paying attention to the defendant's economic capabilities.
2. Ignoring the defendant's minor role in the narcotics distribution network.
3. Has the potential to cause substantive injustice and violate the principle of proportionality.

Therefore, from the perspective of substantive justice as stated by Gustav Radbruch, "the law must contain the values of justice, utility, and legal certainty in a balanced manner." If replacing a fine with imprisonment actually ignores the values of justice and utility, then the decision needs to be criticized from the perspective of criminal law policy.

CONCLUSION

Based on the results of the analysis of Decision Number 17/Pid.Sus/2025/PN Pematangsiantar, it can be concluded that the application of criminal law in narcotics cases, particularly regarding the replacement of fines with imprisonment, does not fully reflect the principles of justice and the ideal objectives of sentencing. First, the application of Law Number 35 of 2009 concerning Narcotics has been carried out by considering the elements of the crime proven through evidence as stipulated in Article 184 of the Criminal Procedure Code. However, from a sentencing perspective, judges need to be more careful in adjusting the type and severity of the crime to the defendant's role, especially if the defendant only acted as an intermediary or courier in a narcotics distribution network.

Second, replacing a fine with imprisonment should take into account the defendant's economic capacity and the principle of proportionality, so that the sentence does not create substantive injustice. The fine is intended to be a lighter economic sanction, not an additional form of suffering for perpetrators who cannot afford it. When a fine is automatically replaced with imprisonment, the purpose of the fine—which is to deter the perpetrator without depriving them of liberty—is defeated. Third, in the context of the objectives of modern punishment, which encompass repressive, preventive, and rehabilitative aspects, the application of imprisonment in lieu of fines for intermediaries actually does not support efforts to improve and reintegrate the perpetrators' social well-being. Punishment should be oriented toward the benefit and protection of society, not solely toward retribution. Thus, the relevance of substituting fines for imprisonment in narcotics cases needs to be reexamined to align with the principles of substantive justice, proportionality, and the objectives of modern criminal law. Judges are expected to exercise

discretion wisely in sentencing, taking into account the perpetrator's role, socioeconomic conditions, and the humanitarian spirit of criminal law.

REFERENCES

- Andi Hamzah. Hukum Pidana Indonesia. Jakarta: Sinar Grafika, 2014.
- Barda Nawawi Arief. Bunga Rampai Kebijakan Hukum Pidana. Jakarta: Kencana Prenada Media Group, 2010.
- Gustav Radbruch. Filsafat Hukum. Bandung: Citra Aditya Bakti, 2006.
- Sudarto. Hukum dan Hukum Pidana. Bandung: Alumni, 1986.
- Moeljatno. Asas-Asas Hukum Pidana. Jakarta: Rineka Cipta, 2008.
- Roeslan Saleh. Segi Lain Hukum Pidana. Jakarta: Ghalia Indonesia, 1983.
- Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika.
- Kitab Undang-Undang Hukum Pidana (KUHP).
- Kitab Undang-Undang Hukum Acara Pidana (KUHAP).
- Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman.
- Putusan Pengadilan Negeri Pematangsiantar Nomor 17/Pid.Sus/2025/PN Pematangsiantar