

Legal Analysis of the Role and Legal Liability of Actors in Collective Narcotics Crimes: A Study of Decision Number 35/Pid.Sus/2025/PN Mtk

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Abstract

This study aims to analyze the application of law and the form of liability of offenders in collective narcotics crimes as reflected in the District Court Decision of Mentok Number 35/Pid.Sus/2025/PN Mtk. The research method used is normative legal research with a case approach and statutory approach. The primary data are obtained from court decisions and Law Number 35 of 2009 on Narcotics, supported by secondary legal materials such as legal literature and academic journals. The results show that Article 114 paragraph (2) in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Penal Code was applied to prosecute the defendants who collectively committed the illegal distribution of Class I narcotics in the form of 55 kilograms of marijuana. Although the defendants had different levels of involvement, the court imposed heavy collective sentences, reasoning that their participation was active and organized. Nevertheless, the proportionality of sentencing among the defendants remains a legal concern regarding the implementation of the principle of justice in criminal law. This finding emphasizes the importance of assessing the degree of culpability and individual role in determining criminal liability within collective narcotics offenses.

Keywords: *Legal Analysis, Criminal Liability, Collective Narcotics Crime, Legal Accountability, Principles of Justice.*



A. INTRODUCTION

The phenomenon of drug crimes in Indonesia has become a very serious and complex legal issue. (Dewi & Monita, 2021) Cases of drug trafficking are no longer carried out individually, but have evolved into organized crime with collective and cross-regional working patterns. One concrete case illustrating this issue is the Mentok District Court Decision Number 35/Pid.Sus/2025/PN Mtk, where four defendants were found guilty beyond a reasonable doubt of the crime of illicit trafficking of approximately 55 kilograms of marijuana. The four defendants – Pandapotan Nasution, Alvin Rizky Lubis, Muhammad Nasrulloh, and Rajab Bin Pijor – jointly transported marijuana from Mandailing Natal Regency, North Sumatra, to Bangka Belitung Islands Province at the behest of someone named Adam Malik (DPO). Although the defendants played different roles in the commission of the criminal act, the panel of judges still imposed severe and almost uniform sentences, ranging from 13 to 18 years in prison and a fine of Rp1 billion.

The legal question that then arose from the case was how to apply the concept of collective criminal liability (*medeplegen*) to the perpetrators who had different

roles and levels of involvement. In the context of Indonesian criminal law, the principle of criminal liability must be based on the principle of guilt (*schuld beginsel*), meaning that a person can only be punished if there is fault that can be attributed to them. Thus, differences in roles, intent, and factual contribution to the criminal act should be the basis for differentiating sentencing. However, in practice, courts often place all perpetrators under a single legal construction of "joint participation" as stipulated in Article 55 paragraph (1) number 1 of the Criminal Code, without significantly differentiating the level of guilt and the role of each individual.

This condition raises an important legal question: can every participant in a jointly committed drug offense be held equally accountable, even if their roles differ? In the case of the Mentok District Court, Pandapotan Nasution acted as the trip organizer and the direct contact with the network controller (DPO), while the other defendants only served as drivers and companions who received small wages. However, the criminal sentences imposed do not clearly reflect these differences in the level of culpability or degree of involvement.

From a substantive legal perspective, Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics stipulates that anyone who, without rights or unlawfully, offers for sale, sells, buys, receives, acts as an intermediary in the sale and purchase, exchanges, or delivers first-class narcotics in a certain quantity, is threatened with a minimum prison sentence of six years and a maximum of twenty years, or life imprisonment, and a fine of at least one billion rupiah. This article does not explicitly distinguish between the principal and accomplices, but rather places all actions within a single sequence that can be subject to the same severity of criminal punishment. In practice, law enforcement agencies tend to use a repressive approach by maximizing this article against all perpetrators, including couriers or intermediaries whose roles are relatively minor.

This matter pertains to substantive justice in criminal law, in addition to the technical aspects of sentencing. Punishment should be proportional to the severity of the offense and the perpetrator's role in accordance with the principle of justice. The principles of proportionality and individualization of punishment may be violated by excessively uniform sentencing for trivial offenders. Sudarto posits that the objective of criminal law is not merely to preserve order, but also to ensure a fair balance between the protection of society and the human rights of the perpetrator. In this context, it is inappropriate to equate an actor who exclusively portrays a chauffeur with the primary perpetrator who has the intention and initiative to distribute narcotics.

Furthermore, the interpretation of the element "acting together" (*medeplegen*) in the Criminal Code is another matter that requires attention. The criminal law doctrine elucidates that in order to be classified as "aiding and abetting," the perpetrators must demonstrate a consensus of will (*concursum voluntatum*) and conscious cooperation. In this instance, the defendants and the network controller (DPO) have a hierarchical relationship rather than a parallel one; certain defendants

were solely adhering to orders without understanding the overarching structure of the crime. This begs the question: Is the element of "aiding and abetting" genuinely legally satisfied for all defendants?

Deterrent effects and rigorous legal action are indeed necessary to combat narcotics from a criminal policy perspective. However, the principles of justice and humanity must still be taken into account by effective law enforcement, as emphasized in Article 28D paragraph (1) of the 1945 Constitution, which includes the right to recognition, guaranty, protection, and equitable legal certainty. (2021, Kristian et al.) The potential to produce injustice and obscure the essence of the principle of legality in criminal law exists when the law is applied without distinguishing between the severity of the perpetrator's offense. It is also intriguing that the Mentok District Court made this decision, as it demonstrates how the criminal justice system interprets the relationship between the structure of the narcotics crime network and the role of individuals. Judges are obligated to rigorously enforce the law in order to safeguard society from the dangers of narcotics; however, they must also guarantee that sentencing is equitable and proportionate. The judge's decision to subject all defendants to the same legal framework suggests a conflict between the preservation of the rights of perpetrators with subordinate roles and the repressive nature of law enforcement.

This research is significant from an academic standpoint as it may enhance the evolution of criminal law, specifically regarding the interpretation of collective criminal culpability in narcotics offenses. This study will examine the implementation of Article 114 paragraph (2) and Article 55 paragraph (1) number 1 of the Criminal Code in the ruling, and evaluate the degree to which the court adhered to the principles of proportionality and justice in determining the penalty. This research will compare the perspectives of criminal law doctrine and theory on complicity with the courts' practical implementation.

This research employs a normative legal method to analyze the relevant legal norms and their application in judicial rulings. This method is pertinent for evaluating the alignment between statutory law and judicial practice, as well as analyzing judges' deliberations in rendering rulings. The Mentok District Court Decision Number 35/Pid.Sus/2025/PN Mtk will be subjected to qualitative analysis, correlating it with the stipulations of the Narcotics Law, the Criminal Code, and theories of criminal law pertaining to joint culpability. This research aims to elucidate the legal constraints and fairness pertaining to the use of collective criminal liability, especially in narcotics offenses. This research is both academically significant and practically beneficial for law enforcement officials, especially in differentiating between primary offenders, accomplices, and individuals with minimal involvement.

In conclusion, the background of this research stems from a real legal issue that arises in judicial practice, namely the unclear distinction of responsibility between the main perpetrator and the accomplice in drug crimes committed jointly. The PN Mentok case provides a concrete example of how the application of criminal

articles can lead to issues of substantive justice if the individual's level of culpability is not carefully considered. Therefore, this study is important to reaffirm that the ultimate goal of criminal law is not only to punish crime, but also to uphold proportional justice for each perpetrator according to their role and culpability.

Referring to the research questions mentioned above, this study aims to analyze the application of law to perpetrators who are collectively involved in narcotics crimes, specifically by examining the legal considerations and judicial reasoning in Decision Number 35/Pid.Sus/2025/PN Mtk. Furthermore, this study seeks to identify and evaluate the form of legal accountability imposed on the perpetrators by reviewing it from the principles of justice and proportionality of punishment, in order to determine whether the sanctions given are appropriate, fair, and in accordance with the objectives of criminal law enforcement.

B. METHOD

This study employs normative legal research, which focuses on analyzing legal principles, positive legal norms, and court decisions pertinent to the legal issues under consideration. The statute approach and the case approach were used in this study because it examines the application of the provisions of Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics and Article 55 paragraph (1) number 1 of the Criminal Code in Mentok District Court Decision Number 35/Pid.Sus/2025/PN Mtk. The data sources are divided into three categories: main legal documents (legislation and court decisions), secondary legal materials (literature, academic publications, and expert opinions on criminal law), and tertiary legal materials (dictionaries and encyclopedias). Data was collected through library research, which involved evaluating and inventorying key legal papers in order to develop a systematic grasp of the legal topic under consideration. All legal materials were evaluated using descriptive qualitative approaches, which included describing and interpreting the applicable legal standards, as well as examining the coherence of their application in court decisions, in order to discover argumentative and rational solutions to the research question.

C. RESULT AND DISCUSSION

1. How is the Law Applied to Perpetrators who are Jointly (Collectively) Involved in Narcotics Crimes Based on Decision Number 35/Pid.Sus/2025/PN Mtk

The application of law to perpetrators jointly involved in drug crimes is a fundamental issue in Indonesian criminal law. (Amalia et al., 2024) This is because drug crimes are generally committed by more than one person, and often involve organized networks with complex working structures. In this context, the roles of each actor are not always equal, but the justice system often equates the form of legal accountability among them. This issue is clearly reflected in the Mentok District Court Decision Number 35/Pid.Sus/2025/PN Mtk, where four defendants Pandapotan Nasution, Alvin Rizky Lubis, Muhammad Nasrulloh, and Rajab Bin

Pijor were found guilty of committing drug-related crimes jointly as stipulated in Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics jo. Article 55 paragraph (1) number 1 of the Criminal Code.

In this case, the four defendants were found to have jointly smuggled roughly 55 kilograms of marijuana from Mandailing Natal, North Sumatra, to Bangka Belitung. According to the legal evidence given in court, Pandapotan Nasution was closely related to Adam Malik (wanted), the drug distribution controller. Pandapotan asked three of his friends to help him transport the marijuana for a charge. The other three defendants, Alvin, Muhammad Nasrulloh, and Rajab, simply worked as drivers and travel assistants without full knowledge of the drug trafficking network. Nonetheless, the panel of judges ruled that all defendants had collectively met the elements of "offering for sale, selling, buying, receiving, acting as an intermediary in the sale and purchase, exchanging, or handing over first-class narcotics in plant form weighing more than 1 kilogram," and imposed relatively similar sentences.

The application of this article shows that the judge interpreted the defendants' involvement as "joint participation" (medeplegen) as intended in Article 55 paragraph (1) number 1 of the Criminal Code. (Pratama, 2023) Based on criminal law doctrine, medeplegen means the conscious cooperation between two or more people to commit a specific criminal act, where each perpetrator has the same will and awareness of the consequences of their actions. The most important elements in this concept are the concurrence of wills (*concursum voluntatum*) and active contribution to the execution of the criminal act. In this case, the judge found that the common intent was proven because the defendants traveled together, used the same vehicle, and were both aware that the items they were carrying were marijuana narcotics.

Normatively, the judge's consideration aligns with the principle in criminal law that co-perpetrators can be held criminally liable as long as there is active involvement in the execution of the criminal act. However, what is interesting to analyze is that the judge did not differentiate the level of involvement of each perpetrator, even tho factually, Pandapotan played a dominant role as the organizer and direct intermediary with the controlling network (DPO), while the other defendants only carried out orders. This decision indicates that in applying Article 114 paragraph (2) of the Narcotics Law in conjunction with Article 55 of the Criminal Code, the court tends to prioritize a repressive and formalistic approach, where any involvement in narcotics crimes is treated equally without considering the hierarchy of roles.

This kind of approach certainly has a strong legal policy basis, considering that narcotics crimes are categorized as extra ordinary crimes or extraordinary crimes. The state considers drug crimes a serious threat to national security, the morals of the younger generation, and social stability. (Isvany et al., 2024) Therefore, sentencing policies for drug offenders are often severe and emphasize deterrence. However, theoretically, such sentencing policies must still be placed within the framework of the principles of justice and proportionality. The principle of

substantive justice in criminal law demands that every perpetrator be held accountable according to the degree of their culpability.

Based on the analysis of the judge's legal considerations in this decision, there are three important points in its application of the law. First, the element of acting without right or unlawfully is proven because the defendants did not have permission to possess or carry first-class narcotics as required by Article 8 of the Narcotics Law. Second, the element of "acting as an intermediary in the sale, exchange, or delivery of first-class narcotics in plant form" is also fulfilled because the defendants knew and consciously helped carry the marijuana to be delivered to another party according to the controller's instructions. Third, the element of "acting jointly" is fulfilled because there was a division of tasks and an agreement between the defendants to deliver the narcotics to Bangka Belitung.

However, even tho these elements are legally fulfilled, the judge's approach in qualifying the four defendants as joint perpetrators (*medeplegen*) without differentiating responsibility poses its own legal problems. According to the theory of criminal liability, as stated by Simons and Moeljatno, to determine someone as a co-perpetrator, it is necessary to prove the existence of collective awareness regarding the commission of the criminal act. This means that if there are perpetrators who do not have the same intent, or who only commit the act due to orders or economic dependence without fully understanding the crime being committed, their criminal liability should be different. In this case, the defendant Pandapotan clearly had the full intent and awareness to carry out the drug transaction, while the other three defendants were only following orders to receive payment.

This difference in roles should have implications for differentiating types of criminal liability. Pandapotan can be classified as the main perpetrator (*pleger*), while the other three defendants are more accurately categorized as accomplices (*medeplichtige*) as stipulated in Article 56 of the Criminal Code. Therefore, the criminal sentence against them should be lighter, because according to criminal law doctrine, accomplices do not share the same full intent as the main perpetrator. However, the panel of judges in this decision did not make such a distinction. The judge's consideration only emphasized the fact that all the defendants knowingly transported narcotics in a single vehicle, without elaborating on the individual intentions of each defendant.

From the perspective of legal justice theory, the application of the law in this case can be criticized for not sufficiently considering the principle of criminal individualization. This principle emphasizes that when imposing a sentence, judges must consider the personal factors, background, and role of the perpetrator in the criminal act. In the PN Mentok case, the defendant Pandapotan acted as the initiator and main link, while the other defendants only served as technical executors with little compensation and no control over the evidence. Therefore, the collective application of Article 55 of the Criminal Code without differentiating roles obscures the concept of proportional justice.

However, from the perspective of national criminal policy (Rahman et al., 2021), this decision also demonstrates consistency with the direction of drug law enforcement in Indonesia, which has a zero-tolerance policy toward any form of involvement in the illicit trafficking of narcotics. This principle is affirmed in various regulations and policies, including Presidential Instruction Number 2 of 2020 concerning the National Action Plan for the Prevention and Eradication of Narcotics Abuse. In this context, the judge seems to be adopting a deterrence approach, meaning that by imposing heavy sentences not only on the controller but also on all participating parties, it aims to deter other potential perpetrators.

Thus, the application of the law in the Mentok District Court's decision can be said to have met the formal elements of the charged article, but it has not fully reflected substantive justice and the principle of proportionality in sentencing. (Wibowo & Widiyasmoko, 2021) The judge interpreted the defendants' involvement within a narrow legal framework, solely based on the fact that they transported narcotics together, without considering the psychological and social aspects that differentiated the roles and culpability of each perpetrator.

When compared to similar rulings, such as Supreme Court Decision Number 1528 K/Pid.Sus/2016, where the defendant, who only played the role of driver, received a lighter sentence because they were considered not to have the primary intent in the distribution of narcotics, the Mentok District Court Decision demonstrates an inconsistency in judicial practice regarding the assessment of collective perpetrators. This reinforces the urgency of legal research to reexamine the application of the concept of complicity in narcotics crimes so as not to create structural injustice for perpetrators with subordinate roles.

Therefore, an analysis of Decision Number 35/Pid.Sus/2025/PN Mtk shows that the application of law to perpetrators of narcotics crimes collectively is still dominated by a legalistic and repressive approach, with the main focus on eradicating crime rather than on the proportionality of accountability. Although this approach is legally valid and has a strong legal basis, within the framework of modern criminal law theory, the enforcement of just laws must also consider the dimensions of moral culpability and individual accountability. The law should not stop at the formality of the act, but must also delve into the extent of the perpetrator's will, motive, and knowledge regarding the crime they committed.

Thus, it can be concluded that the application of the law in Decision Number 35/Pid.Sus/2025/PN Mtk normatively complies with the provisions of the Narcotics Law and the Criminal Code, but substantively still raises justice problems because it ignores the differentiation of roles of the perpetrators in the context of collective criminal liability. To achieve more proportional justice in the future, consistency in interpreting the element of "committing together" is needed, as well as the courage of judges to assess the differences in the intensity of guilt among the perpetrators. This will ensure that the resulting decisions not only uphold the law (legal certainty) but also reflect a sense of justice and expediency within the Indonesian criminal justice system (Basri, 2021).

2. What is the Form of Legal Accountability for the Perpetrators in Drug Crimes Collectively, Viewed from the Principles of Justice and Proportionality of Punishment?

Criminal liability is the core of criminal law, determining whether a person is worthy of punishment for their actions. The main principle in the Indonesian criminal justice system is the principle of no punishment without guilt (*geen straf zonder schuld*). This means that punishment can only be imposed if a person is proven to have committed a prohibited act and has legal culpability. In criminal offenses committed collectively or jointly (*medeplegen*), this principle faces challenges because the errors made by several people are often not individual but collaborative. Therefore, it is important to analyze the form of legal accountability in this collective context, especially from the perspective of justice and proportionality of punishment.

In the Mentok District Court Decision Number 35/Pid.Sus/2025/PN Mtk, the four defendants were proven to have jointly engaged in the cross-provincial trafficking of 55 kilograms of marijuana. In that decision, the panel of judges sentenced each defendant to imprisonment for between 13 and 18 years and a fine of Rp1 billion. The judge ruled that all defendants shared the same awareness and intent in transporting the narcotics to be delivered to others. Thus, all the elements of the crime as stipulated in Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics in conjunction with Article 55 paragraph (1) number 1 of the Criminal Code are considered to have been fulfilled.

From a positive legal perspective, collective criminal liability is indeed generally regulated in Article 55 of the Criminal Code, which states that: "Punished as perpetrators of a criminal act are: those who commit, order the commission of, and participate in the act". This formulation serves as the basis for courts to prosecute more than one perpetrator in the same criminal act. However, in practice, this provision often poses problems when faced with the differing roles and levels of fault of each actor. In the case of the Mentok District Court, the four defendants had different roles Pandapotan Nasution acted as the trip organizer and liaison with the controller (DPO), while the other three defendants served as drivers and logistics assistants. Nevertheless, the judge did not make a significant distinction in sentencing between the main perpetrators and the accomplices.

It is in this context that the legal question arises regarding the form of just and proportionate legal accountability. The principles of justice and proportionality are two inseparable principles in the sentencing system. Justice means that every perpetrator must receive punishment according to the severity of their offense, while proportionality demands a balance between the severity of the punishment and the degree of the perpetrator's guilt. These two principles are derived from Aristotle's classical thought, which distinguishes between distributive justice (giving according to rights and merits) and corrective justice (determining punishment based on wrongdoing).

According to the notion of individual criminal liability, each perpetrator in a collective crime should be held liable to the extent of their personal culpability. Pompe believes that in order to impose criminal culpability, it must be demonstrated that each perpetrator had subjective fault (*mens rea*), rather than just proving their combined involvement. As a result, criminals who are simply following orders or are uninformed of the full context of the crime should not face the same punishment as the primary perpetrators who have control and initiative over the act.

In judicial practice, the issue of proportionality in sentencing is often overlooked, especially in narcotics cases. This is due to the view that narcotics crime is an extraordinary crime, thus requiring firm and uncompromising law enforcement. This approach is known as the strict liability tendency, where any involvement, no matter how small, in the circulation of narcotics is considered a serious crime. This approach is evident in the Mentok District Court's decision, where the judge focused on the defendants' factual involvement without considering their motivation and socioeconomic background.

In reality, retributive justice theory (Agustin & Sulchan, 2025) posits that punishment is retribution for the perpetrator's moral and legal wrongdoing. Consequently, justice can only be accomplished if the punishment is proportional to the wrongdoing. The Mentok District Court's transgression of this retributive principle is evidenced by the similarity in sentencing between the primary perpetrator and the accomplices. Additionally, Herbert L. Packer proposes that the optimal criminal justice system should be capable of maintaining equilibrium between two primary models: the crime control model, which prioritizes law enforcement efficacy, and the due process model, which prioritizes the safeguarding of individual rights. In this context, the Mentok District Court seems to favor a crime control paradigm, emphasizing severe punishment for drug offenders without distinguishing individual moral responsibility.

From a normative perspective, the division of roles in collective criminal acts can be distinguished into three main categories: the principal (*pleger*), the accomplice (*medepleger*), and the accessory (*medeplichtige*). (Sirojul Baehaqi, 2022) The main perpetrator is the party who has the intent and direct control over the criminal act. Accomplices are those who knowingly cooperate and share the same will as the main perpetrator. Assistants, on the other hand, are parties who help the criminal act occur without having the primary intention to commit it. Based on the legal facts in the Mentok District Court case, Pandapotan's role clearly meets the elements of the main perpetrator, while the other three defendants are more accurately classified as accomplices. However, the judge placed all defendants as co-perpetrators without differentiating their capacity for responsibility.

The equity of sentencing is directly impacted by the inaccuracy in distinguishing the roles of these actors. (2023, Muksin) In the context of the principle of proportionality, disparities in punishment should be directly proportional to differences in roles. Pandapotan, as the primary organizer, should be subjected to the most severe penalty, as he possessed complete *mens rea* and oversaw the

criminal act's planning. In contrast, the sentences of the other defendants, who were solely liable for driving or assisting with the journey, should have been more lenient. Consequently, the principle of proportionality functions as both an ethical standard (Setiawan et al., 2024) and a tool for preserving the legitimacy of the criminal justice system.

Additionally, the principle of substantive justice in this context demands that judges not only formally assess the actions but also consider the social and economic context of the perpetrator. The fact that some of the defendants come from low economic backgrounds and have no control over the criminal network should be a legal reason to consider a lighter sentence. In this case, the principle of humanity in criminal law as stated in Article 28D paragraph (1) and Article 28I paragraph (2) of the 1945 Constitution should be used as a moral foundation in handing down decisions.

According to Sudarto, punishment must consider the objectives of criminal law (Muhammad Ramadhan & Dwi Oktafia Ariyanti, 2023), which are to protect society and rehabilitate the offender. Excessively harsh punishment for perpetrators with a minor role not only disregards human values but also hinders the corrective function of criminal law. Within the framework of modern punishment theory, such as the integrative theory proposed by Barda Nawawi Arief, punishment should have three dimensions: retribution, prevention, and rehabilitation. In the case of the PN Mentok, the retributive dimension appears too dominant, while the rehabilitative aspect and individual justice are insufficiently considered.

Justice and proportionality in sentencing are also related to the moral legitimacy of the criminal justice system. When the court imposes sentences without considering the differences in roles and errors, public trust in the judiciary can decline. A just decision is not only about legal certainty, but must also provide a sense of justice and usefulness. In this case, the Mentok District Court has met the aspect of legal certainty by issuing a decision based on applicable law, but the aspect of substantive justice is still debatable.

Furthermore, it is imperative to underscore the significance of vertical proportionality in sentencing. A reasonable comparison between the punishment for the primary perpetrator and the accomplice is required by vertical proportionality. The function of the hierarchy of criminal responsibility is obscured if all perpetrators are sentenced to nearly identical sentences. This principle has been incorporated into the Indonesian criminal justice system through Article 56 of the Criminal Code, which establishes a foundation for the reduction of punishment for accomplices. Nevertheless, this principle is still infrequently implemented in narcotics cases, as evidenced by the Mentok District Court's ruling.

Based on the overall analysis, it can be concluded that the form of legal accountability in narcotics crimes should be collectively differentiated and proportional, not absolutely collective. The court must assess each perpetrator individually, taking into account the degree of culpability, role, and intent. In the Mentok District Court case, the uniform application of the law to all defendants does

indeed provide legal certainty and a deterrent effect, but it also raises issues of justice and a lack of proportionality.

So, in order to prevent future drug offenses, law enforcement must strike a balance between the corrective objective and individual justice and the repressive objective of crime prevention. As required by Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, judges are obligated to investigate, adhere to, and comprehend the legal values and sense of justice that exist in society. Thus, they play a critical role in revealing the values of justice in each decision. With this approach, the form of legal accountability in narcotics crimes is no longer rigid and uniform, but more humane and just. Punishment is not merely a tool for the state to retaliate against the perpetrator, but also a means to uphold substantive justice and strengthen the moral legitimacy of criminal law itself.

D. CONCLUSION

This study makes two significant conclusions, as indicated by the analysis presented above: Initially, the application of the law to the perpetrators involved jointly (collectively) in narcotics crimes based on the Mentok District Court Decision Number 35/Pid.Sus/2025/PN Mtk is essentially in accordance with the provisions of Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics jo. Article 55 paragraph (1) number 1 of the Criminal Code, where the panel of judges assessed that all elements of the crime had been formally fulfilled. The judge was of the opinion that the defendants' agreement and joint action satisfied the "aiding and abetting" (medeplegen) requirement. Nevertheless, the implementation of this legislation remains legalistic and formal, as it fails to account for the respective levels of involvement, intent, and contribution of each perpetrator. Consequently, the sentences imposed are generally consistent, irrespective of the individual's role, indicating that the objective of law enforcement has not been completely reflected in substantive justice. Secondly, the legal accountability for collective perpetrators of narcotics offenses should be based on the principles of justice and proportionality of punishment, taking into account the moral and social capacity of each perpetrator, the intensity of the error, and the differences in roles. Ideally, in the context of the PN Mentok case, a distinction should be made between the primary perpetrator (pleger) and the accomplice (medepllichtige) to ensure that the sentence imposed is consistent with the principle of *geen straf zonder schuld* (no punishment without guilt). The potential to disregard human values and the principle of individualization of punishment exists when perpetrators with varying roles are sentenced uniformly. Consequently, the application of criminal law to collective perpetrators in drug cases should not only prioritize legal certainty but also maintain a balance between repressive and corrective objectives. This will result in decisions that are not only legally valid but also fair, proportional, and humane, in accordance with the principles of Indonesian national law.

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