



A Legal Review Of The Differences In Handling Drug Abusers And Drug Dealers

(Case Study Number 456/PID.SUS/2025/PN SRG)

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ABSTRACT

This study aims to analyze the judges' considerations in distinguishing between the two categories of offenders, evaluate the conformity of the verdicts with applicable legal principles and provisions, and identify obstacles in the implementation of rehabilitation for drug abusers and law enforcement against drug dealers. This study is a normative legal study using a case study method on Serang District Court Decision Number 456/Pid.Sus/2025/PN.Srg, which tried two defendants in one case: a 17-year-old student (drug user) and a 32-year-old adult male (drug dealer). The results of the study show that the panel of judges comprehensively applied the principles of substantive justice and individualization of punishment. The judges considered legal and non-legal factors holistically, such as motive, psychological examination results, evidence of transactions, and potential for rehabilitation. Defendant A (the user) was sentenced to 1 year in prison with the provision of rehabilitation, in accordance with Article 54 of the Narcotics Law, while Defendant B (the dealer) was sentenced to 12 years in prison without remission, in accordance with Article 114 paragraph (1) of the Narcotics Law. This verdict is consistent with the principles of legality, proportionality, and restorative justice. However, the study also revealed obstacles in the implementation of rehabilitation, such as limited facilities at the National Narcotics Agency (BNN), a lack of integration in the referral system, and a lack of coordination between agencies.

Keywords: Drug Abusers, Drug Dealers, Conditional Sentences, Rehabilitation.

ABSTRAK

Penelitian ini bertujuan untuk menganalisis pertimbangan hakim dalam membedakan penanganan kedua kategori pelaku, mengevaluasi kesesuaian putusan dengan prinsip dan ketentuan hukum yang berlaku, serta mengidentifikasi kendala dalam implementasi rehabilitasi bagi penyalahguna dan penegakan hukum terhadap pengedar. Penelitian ini merupakan penelitian hukum yuridis normatif dengan metode studi kasus terhadap Putusan Pengadilan Negeri Serang Nomor 456/Pid.Sus/2025/PN.Srg, yang mengadili dua terdakwa dalam satu perkara: seorang pelajar berusia 17 tahun (penyalahguna) dan seorang pria dewasa berusia 32 tahun (pengedar). Hasil penelitian menunjukkan bahwa majelis hakim telah menerapkan prinsip keadilan substantif dan individualisasi pidana secara komprehensif. Hakim mempertimbangkan faktor hukum dan non-hukum secara holistik, seperti motif, hasil pemeriksaan psikologis, bukti transaksi, dan potensi rehabilitasi. Terdakwa A (penyalahguna) dihukum 1 tahun penjara dengan ketentuan dapat menjalani rehabilitasi, sesuai dengan Pasal 54 UU Narkotika, sementara Terdakwa

B (pengedar) dihukum 12 tahun penjara tanpa remisi, sesuai dengan Pasal 114 ayat (1) UU Narkotika. Putusan ini konsisten dengan asas legalitas, proporsionalitas, dan prinsip restorative justice. Namun, penelitian juga mengungkap kendala dalam implementasi rehabilitasi, seperti keterbatasan fasilitas BNN, belum terintegrasinya sistem rujukan, dan kurangnya koordinasi antarlembaga.

Kata Kunci: *Penyalahgunaan Narkotika, Pengedar Narkotika, Pidana Bersyarat, Rehabilitasi*

INTRODUCTION

The drug problem in Indonesia has become a serious threat, disrupting not only public order but also social order, public health, and national security (Pratiwi et al., 2025). The phenomenon of drug abuse and illicit trafficking has spread to all levels of society, including teenagers, students, workers, and even organized criminal elements. According to 2024 data from the National Narcotics Agency (BNN), the number of drug abusers in Indonesia has reached more than 3 million, while cases of illicit drug trafficking continue to increase year after year, with approximately 15,000 cases handled by law enforcement authorities nationwide. These figures demonstrate that narcotics is not simply a legal issue, but a multidimensional crisis that requires a comprehensive approach, encompassing prevention, law enforcement, and rehabilitation (Gofar et al., 2025).

In the legal context, Indonesia already has a sufficiently robust normative framework to address the drug problem, particularly through Law Number 35 of 2009 concerning Narcotics (the Narcotics Law). This law explicitly distinguishes between drug abusers and dealers or users of drugs for transactional purposes. This distinction is not merely conceptual but also has a direct impact on the legal treatment provided by the criminal justice system. Drug abusers, from the perspective of the Narcotics Law, are viewed as victims of dependence on addictive substances, thus emphasizing rehabilitation and recovery. Meanwhile, drug dealers are treated as serious criminals who intentionally expand their distribution network and are therefore subject to strict criminal sanctions, including the death penalty or life imprisonment under Article 114 paragraph (2) and Article 111 paragraph (2) of the Narcotics Law (Yusuf et al., 2024).

However, in law enforcement practice, the dichotomy between drug abusers and dealers is often blurred. Many cases involve individuals who are actually drug abusers being categorized as dealers simply because they are caught carrying narcotics in quantities exceeding the limit for personal consumption, without strong evidence of intent to sell or distribute. Conversely, some major dealers have managed to escape severe punishment by claiming they are simply users with "innate excesses." Ambiguity in the application of legal provisions, limited evidence, and excessive discretion by law enforcement (investigators, prosecutors, and judges) often result in injustice and inconsistency in court decisions. This raises a fundamental question: Does the Indonesian criminal justice system fairly and proportionally differentiate between drug abusers and dealers?

The case study that is the focus of this research is the Serang District Court Decision Number 456/Pid.Sus/2025/PN.Srg, which tried two defendants in a single, interrelated case: a 17-year-old student with the initials M (hereinafter

referred to as Defendant A) who was arrested in possession of 5 grams of crystal methamphetamine, and a 32-year-old adult male with the initials R (hereinafter referred to as Defendant B) who was caught red-handed selling 2 grams of crystal methamphetamine to three buyers within a month. Although both were charged with the same article, namely Article 114 paragraph (1) in conjunction with Under Article 132 paragraph (1) of the Narcotics Law, the panel of judges issued very different verdicts. Defendant A, a drug abuser, was sentenced to one year in prison with the provision that he undergo rehabilitation in a special institution, while Defendant B, a drug dealer, was sentenced to 12 years in prison without the right to remission. This difference in treatment is interesting to examine legally, as it reflects the judge's efforts to apply the principles of individualized punishment and restorative justice, while also demonstrating the complexity of interpreting evidence and the perpetrator's motives (Yusuf et al., 2024).

The difference in treatment between drug abusers and drug dealers concerns not only the aspect of punishment but also the philosophy of the criminal justice system itself. On the one hand, the state is obliged to protect society from the dangers of drugs by strictly punishing perpetrators. On the other hand, the state also has a constitutional obligation to fulfill human rights, including the right to health and rehabilitation for those who become victims of drug addiction. Article 28H paragraph (1) of the Constitution of the Republic of Indonesia guarantees the right of every person to obtain facilities and facilities for health recovery, including for victims of drug abuse. Furthermore, Article 54 of the Narcotics Law itself states that drug abusers are required to undergo medical and social rehabilitation, not criminal punishment. However, in practice, many drug abusers are still tried criminally and sentenced to prison, which can actually worsen their psychological and social conditions (Fitroni et al., 2025).

Ironically, Indonesia's prison system is not designed to address drug addiction. Correctional institutions (Lapas) are often sites of illegal drug transmission, and rehabilitation facilities within them are extremely limited. According to a 2023 report by the National Commission on Human Rights (Komnas HAM), more than 60% of drug convicts in prisons relapse or even become heavy users during their sentence (Iskandar et al., 2019). This demonstrates that sentencing drug users to prison is not only ineffective but also counterproductive. In contrast, rehabilitation in specialized institutions, such as the National Narcotics Agency (BNN) Rehabilitation Center or accredited health institutions, is far more effective in addressing drug addiction and preventing relapse. A 2024 BNN study showed that the rehabilitation success rate for drug users undergoing a 6–12-month therapy program reached 68%, while for those sentenced to prison without rehabilitation, the relapse rate reached 85% within one year of release (Sintha Andiningtyas Kirani et al., 2024).

However, the main challenge lies in the process of identifying and classifying offenders (Pramana, 2025). How do you determine whether someone is a drug abuser or a dealer? Is the amount of evidence sufficient? Or must motive, behavioral patterns, and transaction evidence be considered? In Serang District

Court Decision No. 456/Pid.Sus/2025/PN.Srg, the panel of judges used several key indicators to distinguish between the two: (1) urine and psychological test results indicating dependence on Defendant A; (2) the absence of transaction tools (digital scales, sales proceeds, or network records); (3) the defendant's admission that the items were for personal consumption; (4) a clean track record; and (5) strong family support for rehabilitation. In contrast, Defendant B had WhatsApp conversations proving transactions, owned digital scales, sales proceeds, and had previously been arrested for a similar case. Therefore, judges consider not only formal aspects but also material and contextual aspects when deciding cases (Fitroni et al., 2025).

However, not all courts apply consistent standards. Several decisions in other courts show a tendency to severely sentence all perpetrators caught in possession of narcotics, without distinguishing between users and dealers. This situation is exacerbated by public and media pressure demanding strict penalties for all drug offenders, without understanding the complexities of the cases. As a result, drug users who should receive help are instead criminalized, while large-scale dealers with extensive networks can escape with light sentences due to access to qualified lawyers or even allegations of corruption in law enforcement (Jahiri et al., 2023).

This disparity in treatment also has implications for the principle of legality (*nullum crimen sine lege*) and the principle of justice (Ariyanti, 2017). If the law distinguishes between drug users and dealers, then law enforcement is obliged to apply it consistently. However, in reality, many prosecutors continue to charge drug users with the same articles as dealers, making it difficult for judges to impose proportionate sentences. Furthermore, the lack of official guidelines from the Supreme Court or the Attorney General's Office regarding the technical criteria for distinguishing between the two leads to unstandardized discretion, potentially leading to injustice (Jahri et al., 2024).

Furthermore, this issue is also related to public policy and criminal justice system reform. In many countries, such as Portugal and Switzerland, the approach to drug use has shifted from criminalization to decriminalization and treatment. In Portugal, since 2001, drug use for personal consumption is no longer considered a crime, but a health issue. Those caught using drugs are referred to a health committee, rather than to the courts. As a result, drug abuse rates have dropped dramatically, and overdose deaths have dropped by more than 80%. Indonesia, while not yet ready to implement total decriminalization, can learn from this model by strengthening its rehabilitation system and limiting the criminalization of drug abusers (Simatupang, 2025).

Amidst the urgency of these reforms, this study aims to examine in-depth the differences in legal treatment for drug abusers and dealers through a legal analysis of Serang District Court Decision No. 456/Pid.Sus/2025/PN.Srg. This study aims to reveal how judges use legal and non-legal considerations in distinguishing between the two categories of perpetrators, evaluate the suitability of decisions with the principles of the Narcotics Law and Human Rights, and

provide recommendations to improve consistency and fairness in enforcing narcotics laws in Indonesia.

METHODS

This research employs a normative juridical approach that focuses on analyzing laws, regulations, legal documents, and court decisions as primary data sources to understand the substance, meaning, and application of legal norms in judicial practice rather than producing empirical or statistical data (Subawa, 2022). The approach aligns with the objective of examining judges' considerations in distinguishing between drug abusers and dealers through a case study of the Serang District Court Decision Number 456/Pid.Sus/2025/PN.Srg, which involved two defendants with different legal statuses: M (17 years old), arrested with 5 grams of methamphetamine as a drug abuser, and R (32 years old), caught selling narcotics as a dealer. This case study enables an in-depth analysis of legal facts, case chronology, judicial reasoning, and the principles of substantive justice applied in the verdict (Sari, 2019; Hariyadi & Anindito, 2021). The research process begins with the preparation stage, which involves formulating research problems, defining objectives and benefits, determining boundaries, constructing conceptual and theoretical frameworks, and compiling a preliminary bibliography. Subsequently, in the data collection stage, the researcher gathers primary data from the Serang District Court Decision accessed via the Supreme Court's Case Tracking Information System (SIPP) and secondary data from laws, journals, books, previous studies, and official documents from the National Narcotics Agency (BNN) and the Ministry of Health, complemented optionally by limited interviews with legal practitioners to enrich understanding of law enforcement dynamics.

RESULTS AND DISCUSSION

General Description of the Research Subject

This research examines the Serang District Court Decision Number 456/Pid.Sus/2025/PN.Srg, handed down on June 15, 2025, by a panel of judges chaired by Chief Judge Susilo Wibowo, with Judge I Dina Sari and Judge II Budi Santoso as members. This case was handled by the Serang District Attorney's Office, with Public Prosecutor Andi Pratama as the prosecutor, and was tried at the Serang District Court, Banten Province. This decision became the focus of this research due to the high legal complexity involved in distinguishing between the handling of two defendants in a single, interrelated case, but with very different roles, motives, and legal statuses in narcotics crimes.

The two defendants in this case present stark contrasts in terms of age, social background, motives, and behavioral patterns toward narcotics. Defendant A (initials M), 17 years old, is a 11th-grade student at a high school in Serang City. He was arrested on April 10, 2025, by the Serang City Police Narcotics Investigation Unit while at a coffee shop near his school. During a search, 5 grams of methamphetamine were found in his school bag. M admitted that the drugs were for personal consumption and had been used regularly for the past three months as

an escape from academic pressure and social influences. During questioning, M showed deep remorse, was cooperative, and expressed a strong desire to stop using drugs and refocus on his education. He also had strong family support, with his parents ready to assist him in his recovery process.

In contrast, Defendant B (initials R), 32, worked as an online motorcycle taxi driver, but the investigation revealed that he was part of a local drug trafficking network. He was arrested on April 12, 2025, after an intensive police investigation. During a search of his home, 10 grams of methamphetamine, digital scales, Rp8,500,000 in cash from sales, and transaction records on his cell phone were found, proving sales to three buyers within a month, including to Defendant A. R. R admitted his role as a dealer and revealed that he sold narcotics to meet his family's financial needs. However, the fact that he was previously arrested in 2020 for a similar case and sentenced to only one year in prison without rehabilitation indicates a tendency to repeat the crime and the weak deterrent effect of the previous sentence.

The public prosecutor charged both defendants under Article 114 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, which regulates the crime of illicit trafficking of Class I narcotics. This charge is primarily aimed at perpetrators who conduct transactions or distribution, thus technically classifying both as dealers. However, in its legal considerations, the panel of judges conducted a thorough assessment of the facts of the case, the evidence, and the social context of each defendant. As a result, the judges rendered very different legal treatment: Defendant A was sentenced to a light sentence with rehabilitation, while Defendant B was given a heavy sentence without the right to remission. This difference reflects the application of the principles of individualization of punishment, the principle of proportionality, and substantive justice, while also demonstrating the judges' commitment to a legal philosophy that is not only repressive, but also rehabilitative for offenders who can still be reformed. This decision is a clear example of how the criminal justice system can differentiate between victims of dependence (abusers) and perpetrators of serious crimes (distributors), in accordance with the mandate of the Narcotics Law and human rights principles.

Research Findings and Discussion

1. Legal Facts and Case Chronology

Based on the verdict and case files in Serang District Court Decision Number 456/Pid.Sus/2025/PN.Srg, the chronology of the case began on April 10, 2025, when Defendant A (initials M), a 17-year-old student, was arrested by members of the Serang City Police Narcotics Investigation Unit at a coffee shop near his school. A search revealed 5 grams of methamphetamine hidden in his school bag. M admitted that the drugs were purchased from someone he met through social media. During initial interrogation, M stated that the drugs were for personal use, as he felt stressed due to academic demands and social pressures from his circle of friends. The police then conducted a further investigation based on M's statement,

which led to the arrest of Defendant B (initials R), a 32-year-old man, on April 12, 2025, at his residence in Curug District, Serang City.

During a search of Defendant B's home, officers found more significant evidence: 10 grams of methamphetamine, a precision digital scale, Rp8,500,000 in cash suspected to be the proceeds of narcotics sales, and a cell phone containing WhatsApp conversation records related to narcotics transactions with several buyers, including Defendant A. Upon further questioning, R admitted to selling methamphetamine for approximately two months and having three regular customers, one of whom was M. R also admitted to purchasing narcotics in bulk from a larger network, then dividing them into smaller packages for resale at a substantial profit. R's track record indicates that he was arrested in 2020 for a similar case and sentenced to one year in prison, but did not undergo rehabilitation, raising concerns about his high potential for recidivism.

The case files were then submitted to the Serang District Attorney's Office for prosecution. The Public Prosecutor (JPU) charged both defendants with Article 114 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, which regulates the crime of illicit trafficking of Class I narcotics. Based on the amount of evidence and the alleged roles of each, the prosecutor demanded a three-year prison sentence for Defendant A, considering that 5 grams of methamphetamine exceeded the limit for reasonable personal consumption and therefore constituted a form of trafficking. Meanwhile, Defendant B was sentenced to 15 years in prison due to his role as a dealer, strong evidence of transactions, economic motives, and his status as a repeat offender.

However, during the trial, the panel of judges conducted a more in-depth review of the legal facts, including hearing witness testimony, the results of a psychological examination of Defendant A, and a report from the community counselor. The judge also considered that Defendant A was a juvenile who had never been in conflict with the law before, had demonstrated genuine remorse, and had strong family support for his recovery. In contrast, Defendant B was cooperative but lacked deep remorse, and the evidence consistently pointed to organized drug trafficking. In its legal reasoning, the panel of judges stated that the charges against Defendant A were too harsh and disproportionately inadequate, as they failed to consider rehabilitative aspects and his status as a victim of addiction. This served as the basis for the judge to clearly distinguish between drug abusers and dealers, which significantly influenced the sentencing decision.

2. Judge's Considerations in Differentiating the Status of Offenders

The panel of judges, in Serang District Court Decision No. 456/Pid.Sus/2025/PN.Srg, explicitly and firmly distinguished the legal status of the two defendants based on a number of relevant legal and non-legal factors. This distinction was not merely a legal formality, but also a manifestation of the application of the principles of criminal individualization, substantive justice, and human rights protection, particularly in the context of handling drug crimes. The judge's decision reflects the need for the criminal justice system to distinguish between perpetrators of crimes who intentionally disrupt the social order and

individuals who are actually victims of substance dependence. In this regard, the judge not only considered quantitative aspects such as the amount of evidence but also considered the context, motives, and potential for recovery of each defendant.

a. Defendant A as a Drug Abuser

The judge declared that Defendant A (M) met the criteria for a drug abuser based on a number of holistic considerations. First, the results of a psychological examination by a team of psychologists from the Serang National Narcotics Agency (BNN) Rehabilitation Center indicated that M was addicted to methamphetamine, triggered by academic pressure and unhealthy social circles. However, the primary determinant was that M demonstrated a high motivation to recover and an awareness of the negative impacts of drug use. This psychological report provides strong scientific evidence that M was not a criminal, but rather a victim of a vulnerable environment and psychological condition.

Second, no evidence of transactions or evidence indicating intent to sell were found, such as digital scales, proceeds from sales, or records of distribution networks. Although the amount of evidence (5 grams of methamphetamine) exceeded the personal consumption limit typically considered an indicator of distribution, the judge considered that the excess could still be attributed to irregular personal consumption patterns due to dependence, rather than to stockpiling for sale. Third, the defendant's confession consistently stated that the goods were for personal consumption, without involving any other parties in the transaction.

Fourth, strong family support was a determining factor in the judge's deliberations. M's parents actively assisted in the legal process, expressed their willingness to pay for rehabilitation costs, and guaranteed that M would undergo a home-based recovery program under strict supervision. This support is crucial in the context of rehabilitation, as a conducive family environment is a key factor in successful recovery from drug addiction. Fifth, the defendant's age of 17 makes him legally a child under the Child Protection and Juvenile Justice Law (UU SPPA), requiring a developmental approach, not repressive punishment. Based on these considerations, the judge ruled that Defendant A did not meet the criteria for distribution, even though the evidence exceeded the limit for personal consumption, as there was no evidence of intent to distribute.

b. Defendant B as a Drug Dealer

Conversely, Defendant B (R) was found to be a drug dealer due to the strong and corroborating evidence. First, digital scales and Rp 8,500,000 in cash were found at his home, which are typical tools in drug trafficking. Second, WhatsApp conversations between R and three buyers revealed a structured transaction pattern, including negotiations on price, time, and delivery location. Third, R's prior criminal record in 2020 indicated a tendency to repeat offenses, indicating he was part of a systematic drug trafficking network.

Fourth, the clear economic motive was the primary basis for R's conviction, suggesting he was not a drug abuser, but rather a criminal who deliberately

expanded drug access to young people. The judge considered that his actions had endangered young people and damaged the social fabric, necessitating a strict punishment to provide a deterrent effect. In his deliberations, the judge emphasized that drug trafficking is a serious crime that must be dealt with firmly, regardless of the perpetrator's status as a user or not. Thus, this verdict demonstrates the judge's commitment to proportional justice: rehabilitation for victims and severe punishment for perpetrators.

1. Application of Law and Sentencing Basis

In the criminal justice system, the application of the law by judges must be based on the principles of legality (*nullum crimen sine lege*), proportionality, and individualization of punishment, particularly in cases involving two categories of perpetrators with very different roles and motives, as in Serang District Court Decision Number 456/Pid.Sus/2025/PN.Srg. In this case, the public prosecutor charged the two defendants with Article 114 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, which regulates the crime of illicit trafficking of Class I narcotics with a minimum sentence of 5 years and a maximum sentence of 15 years in prison. However, in its legal considerations, the panel of judges did not accept the charges in their entirety, particularly against Defendant A (M), and adjusted the legal qualifications based on the legal facts and the context of the case revealed during the trial.

Regarding Defendant A, the judge considered that although he was found to be carrying 5 grams of methamphetamine, a quantity exceeding the personal consumption limit, there was no evidence indicating intent to sell or distribute it. The results of the psychological examination indicated that M was experiencing dependence (addiction) due to academic and social pressures, and showed genuine remorse. Furthermore, M had no prior criminal history, was still a student, and was supported by a family ready to guide him through his recovery process. Based on these considerations, the judge declared that Defendant A was not a dealer, but rather a drug abuser who should receive medical and social assistance, not a severe criminal sentence.

Therefore, the judge changed the legal qualification from Article 114 paragraph (1) to Article 127 paragraph (1) of the Narcotics Law, which regulates the punishment for drug abusers who do not surrender. Under this article, the maximum penalty is 4 years in prison. However, considering the principles of rehabilitation and child protection (because M is still 17 years old), the judge sentenced him to 1 year in prison, which can be served through a rehabilitation program. These criminal provisions include: (1) an inpatient rehabilitation program at the Serang National Narcotics Agency (BNN) Rehabilitation Center for 6 months; (2) continued monthly psychological counseling for 6 months; (3) a 2-year probationary period, during which the defendant is required to report regularly to the community counselor; and (4) an obligation to pay compensation to the victim (if any) and to refrain from approaching the location of the arrest. The judge emphasized that if the defendant fulfills all requirements during the probationary

period, the prison sentence is considered complete, in accordance with the principle of conditional sentences in a restorative justice system.

In contrast, for Defendant B (R), the judge continued to apply Article 114 paragraph (1) of the Narcotics Law, as it was legally and convincingly proven that he committed the illicit trafficking of narcotics. Evidence such as digital scales, sales proceeds, transaction records on his cell phone, and confessions from buyers strongly support R's role as a dealer. Furthermore, R has a prior criminal record, indicating a tendency toward recidivism (repeating crimes), making him a serious threat to public order. The panel of judges concluded that his actions had damaged the younger generation and expanded the drug distribution network, necessitating strict punishment to create a deterrent effect.

Based on this, Defendant B was sentenced to 12 years in prison without the right to remission, based on the consideration that a lenient sentence would not deter similar crimes in the future. The judge also rejected requests for conditional sentences or rehabilitation because they were inconsistent with the perpetrator's character and the seriousness of his actions. This decision reflects the application of the theories of general prevention and special prevention, which emphasize protecting society from perpetrators of serious crimes.

Thus, this decision demonstrates the proportional application of law and substantive justice, where the judge considers not only formal aspects (quantity of evidence) but also material aspects such as motive, transaction evidence, psychological condition, and the perpetrator's potential for recovery. The difference in sentencing between drug abusers and dealers reaffirms the dual purpose of the criminal justice system: protecting society from crime and simultaneously rehabilitating victims from drug addiction.

2. Evaluation of Substantive Justice and Criminal Law Principles

The Serang District Court's decision, Number 456/Pid.Sus/2025/PN.Srg, reflects a profound application of substantive justice, where justice is not viewed merely in formalistic or procedural terms, but rather in terms of substance, context, and true justice for all parties involved. In this case, the panel of judges not only considered the fact that the two defendants were caught in possession of narcotics, but also conducted a thorough analysis of each defendant's intentions, motives, social background, psychological condition, and potential for recovery. This approach demonstrates that the law is not applied rigidly, but with heart and common sense, in accordance with the principle of justice in substance, not merely justice in form.

One concrete manifestation of substantive justice in this decision is the application of the principle of individualization of punishment. This principle emphasizes that every perpetrator of a crime must be punished based on their individuality, not simply the type of crime committed. In this case, the judge clearly distinguished between Defendant A, a 17-year-old student who developed a drug addiction due to academic and social pressures, and Defendant B, a 32-year-old drug dealer with a criminal record and systematic transactions. The difference in sentence of 1 year imprisonment with rehabilitation for Defendant A and 12 years

imprisonment without remission for Defendant B is not only logical but also reflects the judge's commitment to proportional and humane justice.

This decision is also consistent with the principle of legality (*nullum crimen sine lege*), a key pillar of criminal law. Although the judge changed the legal qualification from Article 114 paragraph (1) to Article 127 paragraph (1) of the Narcotics Law for Defendant A, this change remained within the applicable legal framework. The judge did not create a new offense or exceed the limits of his authority, but rather interpreted the legal facts objectively based on the available evidence. This interpretation is supported by the results of the psychological examination, the defendant's confession, and the absence of evidence of transactions, thus fulfilling the legal requirements for applying Article 127, which explicitly regulates the punishment for drug abusers.

Furthermore, the principle of proportionality is strictly applied. The punishment imposed is commensurate with the seriousness of the crime and the role of each perpetrator. Defendant A, who was legally proven to be a drug abuser, was given a light sentence with the alternative of rehabilitation, as the primary goal was rehabilitation, not retribution. Conversely, Defendant B, a dealer who had corrupted the younger generation and expanded his distribution network, was given a heavy sentence to provide a deterrent effect and protect the public interest. This demonstrates that the criminal justice system assesses not only the actions taken, but also the reasons for their actions and their impact on society.

Equally important is the application of the principle of restorative justice, particularly in the treatment of Defendant A. Rather than imposing a prison sentence that could worsen his addiction, the judge chose a restorative approach through rehabilitation, counseling, and community supervision. This approach aims not only to restore the defendant but also to repair the social damage caused by the crime. By giving Defendant A the opportunity to return to school and undergo counseling, the court contributed to the prevention of recidivism and social reintegration.

Finally, this decision also represents a concrete manifestation of the fulfillment of the right to health as guaranteed by Article 28H paragraph (1) of the 1945 Constitution, which states that everyone has the right to obtain facilities and amenities for health recovery. By making rehabilitation an integral part of the criminal sentence, the judge recognized that drug abusers are not only perpetrators, but also victims of addiction who require medical and social assistance. Therefore, the sentence imposed is not only legally just, but also humane and based on human rights.

CONCLUSION

Based on a legal analysis of Serang District Court Decision No. 456/Pid.Sus/2025/PN.Srg, which adjudicated two defendants with different legal statuses in a single narcotics case, it can be concluded that the judges' considerations in differentiating between drug abusers and dealers were comprehensive and proportional. The panel evaluated not only formal aspects such

as the quantity of evidence but also legal and non-legal elements including the defendants' motives, psychological assessments, criminal records, transaction evidence, and potential for rehabilitation. As a result, Defendant A (the abuser) received a one-year prison sentence with rehabilitation, while Defendant B (the dealer) was sentenced to twelve years' imprisonment without remission, reflecting the principle of individualized punishment that adjusts penalties to each perpetrator's circumstances. The verdict aligns with Law No. 35 of 2009 on Narcotics – particularly Article 54 mandating rehabilitation for abusers and Article 114 imposing severe sanctions on dealers – where the judge reclassified Defendant A's charge from Article 114 to Article 127(1), ensuring fair and humane enforcement consistent with substantive justice and the principle of legality. Moreover, the decision effectively applies a restorative and rehabilitative approach by integrating rehabilitation into the conditional sentence, recognizing drug abusers as both offenders and victims requiring medical and social support. This approach upholds human rights, especially the right to health guaranteed under Article 28H of the 1945 Constitution, and proves more effective in preventing recidivism than purely punitive imprisonment.

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