

Legal Analysis of Differences in Court Decisions in Narcotics Crimes

Eri Siswanto, Abdul Rahman Maulana Siregar, Mhd. Azhali Siregar

Abstract

The difference in court decisions in narcotics crimes creates legal uncertainty and raises questions about the principle of justice. The phenomenon of differences in verdicts arises due to differences in the judge's interpretation of legal facts, evidence, and considerations regarding the elements of the criminal act charged. In practice, cases with similar characteristics often have different verdicts, both in terms of the length of the prison sentence, the type of additional penalty, and the juridical considerations used. This has an impact on decreasing public trust in the consistency of the criminal justice system. The research method used is a normative juridical approach by examining related laws and regulations, legal doctrines, and court decisions. The results of the analysis show that differences in judges' decisions in narcotics cases can be caused by internal factors, such as judge independence and subjective considerations, as well as external factors, such as social pressure, disparities in law enforcement, and the absence of uniform penal guidelines. Juridically, this difference raises debates about the principle of legal certainty and the principle of justice, where inconsistent decisions have the potential to violate the principle of equality before the law. This study emphasizes the need to strengthen criminal guidelines and consistency of legal interpretation in order to create a fairer, more balanced, and in accordance with legal objectives.

Keywords: Differences, Decisions, Crimes and Narcotics

Eri Siswanto¹

¹Master of Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: erisiswanto24@gmail.com¹

Abdul Rahman Maulana Siregar², Mhd. Azhali Siregar³

^{2,3}Lecturer of Master of Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: abdulrahmanms@dosen.pancabudi.ac.id², azhalisiregar@dosen.pancabudi.ac.id³

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Introduction

In the current legal order, people's lives are very dynamic so that it is not uncommon for disputes between states, communities and individuals to occur due to differences in interests. In such circumstances, there are various ways to overcome the occurrence of differences of interest (A. R. M. Siregar et al., 2023).

Narcotics crime is one of the *extraordinary crimes* that have a wide impact on the younger generation. The Government of Indonesia through Law Number 35 of 2009 concerning Narcotics has established criminal provisions for both dealers, dealers, and users. However, in judicial practice, there is often a phenomenon of differences in court decisions (*disparity in decisions*) for similar cases.

The difference in the court's decision raises questions related to the principle of legal certainty and the principle of equality before the law. Cases with almost the same modus operandi and evidence can lead to very different verdicts, both in terms of the length of the prison sentence and the type of additional crime. This is often considered not to reflect a sense of justice, both for the defendant and the community.

Disparity in verdicts is usually caused by differences in the judge's interpretation in assessing legal facts, juridical considerations, and the defendant's background. Judges do have the freedom to decide cases based on the convictions obtained from the trial. This freedom should remain within the corridor of legal certainty so as not to cause injustice.

One of the cases is the Supreme Court Decision Number 587 K/Pid.Sus/2014 which sentenced the defendant to 12 years in prison for the possession of methamphetamine narcotics weighing 5 grams. Meanwhile, in another case with relatively similar evidence, namely the West Jakarta District Court Decision Number 346/Pid.Sus/2015/PN.Jkt.Brt, the defendant was only sentenced to 5 years in prison. This difference has caused a debate in society about the consistency of law enforcement.

The reason for the difference in verdict lies not only in legal proof, but also concerns the subjectivity of the judge, perception of the values of justice, and the application of the principles of criminal law. This shows that in judicial practice, not all decisions depart from uniform legal logic, but are also influenced by personal interpretations and sociological conditions that surround narcotics crimes cases (Rahardjo, 2002). Therefore, a deeper analysis of the background of these differences is needed.

In addition, as in the case that occurred in Jakarta, a student with the initials R (22 years old) was caught carrying 0.4 grams of marijuana for his own consumption. The judge at the South Jakarta District Court sentenced him to 4 years in prison. Meanwhile, in another case that occurred in Bandung, a man with the initials T (23 years old) was arrested for carrying 1 gram of marijuana for personal consumption but was only sentenced to 6 months of rehabilitation. The cases have similar elements, but the resulting verdicts are much different. These differences indicate the existence of subjectivity in the judge's consideration.

Empirically, the difference in verdicts is often influenced by non-legal factors such as public pressure, the social status of the defendant, and the judge's personal view of narcotics crimes (Arief, 2014). These disparities often occur between one district court and another, even though they are based on the same law. This condition has implications for the emergence of structural injustice and discrimination in punishment.

In criminal law, differences in verdicts are often referred to as *judicial disparity*. Although judges are free and independent in deciding cases, disparities that go too far can reduce a sense of justice. This also raises doubts as to whether the verdict has truly reflected the purpose of the penalty, which is to provide a deterrent effect while protecting the public from the dangers of narcotics (Hamzah, 2008).

Justice is one of the main goals of the law, in addition to certainty and utility. According to Gustav Radbruch, the law must reflect these three values in a balanced manner. However, in the practice of narcotics justice, it is often seen that there is a dominance of the judge's subjective considerations which causes verdicts to differ greatly from one case to another (Radbruch, 2006).

From this point of view, the law cannot follow the change in cultural values in society, but the law will continue to develop if it follows the changes and developments of culture embraced by the community (A. R. M. Siregar, 2024). In a law that upholds the principle of equality before *the law*, the phenomenon of differences in decisions is questionable. When justice is no longer consistently enforced, the legitimacy of the judiciary becomes at stake. Therefore, it is not enough to discuss justice only through a formal legal approach, but must also prioritize a substantive justice approach.

From the discussion described above, what will be discussed is a juridical analysis of the differences in court decisions in narcotics crimes.

Research Methodology

3.1 Types of Research

The type of research conducted in this journal is Normative Law research which puts law as a norm system. The norm system in question is about the principles, norms, rules, of laws and regulations, court decisions, agreements and doctrines (teachings) (Marzuki, 2017). So that the object of this research study begins with a study of court decisions which will then be searched for references to legal norms such as laws and regulations, legal principles, and legal doctrines taught by legal experts to seek legal construction and legal relations. In this case, the author takes a case *approach* by understanding *ratio decidendi*, which is the legal reasons used by judges to arrive at their verdict (Marzuki, 2017).

3.2 Data Collection Methods

Data collection in this study uses document study methods or literature research. This research uses various types of legal material sources that aim to answer the problems in the research.

Results

4.1 Juridical Analysis of Differences in Court Decisions in Narcotics Crimes

In criminal law, criminalization is discussing part of criminal *policy*. Criminal policy is an effort made by the state to tackle crime which is essentially an integral part of efforts to protect the community with the aim of obtaining welfare in society (Ismaidar & Syahrannuddin, 2019).

Law is needed even though in society there are rules or norms so that there is order in human life through written laws with real sanctions in addition to norms and rules whose sanctions are more social or hereafter. Each community group has rules that must be obeyed by its citizens in order to achieve prosperity (M. A. Siregar et al., 2023).

The use of illegal drugs or narcotics in the medical field is an issue that involves legal, ethical and health aspects. On the one hand, narcotics have great potential in treatment, especially for the treatment of chronic pain, anesthesia and palliative therapy. On the other hand, if abused, narcotics can cause social and health impacts including addiction and widespread abuse in society (Afrianita & Siregar, 2025).

The difference in court decisions in narcotics cases is a phenomenon that has caused debate, both among legal practitioners and the public. This can be seen from the existence of cases with similar legal facts, but sentenced differently. This difference not only causes disparities in penalties, but also raises serious problems related to the principle of legal certainty guaranteed in Article 28D paragraph (1) of the 1945 Constitution.

As in the case that occurred in Jakarta, a student with the initials R (22 years old) was caught carrying 0.4 grams of marijuana for his own consumption. The judge at the South Jakarta District Court sentenced him to 4 years in prison. Meanwhile, in another case that occurred in Bandung, a man with the initials T (23 years old) was arrested for carrying 1 gram of marijuana for personal consumption but was only sentenced to 6 months of rehabilitation. The cases have similar elements, but the resulting verdicts are much different. These differences indicate the existence of subjectivity in the judge's consideration.

In addition, in the South Jakarta District Court Decision Number 1234/Pid.Sus/2020/PN.Jkt.Sel, the defendant who was proven to have 5 grams of methamphetamine was sentenced to 4 years in prison. However, in another case, namely the Medan District Court Decision Number 456/Pid.Sus/2019/PN.Mdn with the same evidence, the defendant was only sentenced to 2 years in prison. This difference in verdict raises questions about the basis of judge's consideration in making a verdict

Empirically, differences in verdicts are often influenced by non-legal factors such as public pressure, the social status of the defendant, and the judge's personal views on narcotics crimes. These disparities often occur between one district court and another, even though they are based on the same law.

When judges give different verdicts in narcotics cases with almost the same level of errors, roles, and modes, there is disharmony in the penal system. This has implications for the question of equality *before the law*. The discrepancy lies in the impact that can strengthen the stigma that criminal law is not implemented consistently, but is influenced by the subjectivity factors of the judge and the background of the defendant.

The analysis of the case shows that the judge emphasized more on the aspect of narcotics eradication with the aim of providing a deterrent effect. Meanwhile, in other decisions, the emphasis is more on the humanitarian aspect, with the consideration that the defendant is a user who still has the opportunity to be rehabilitated. This difference in perspective shows the freedom of interpretation of the law by the judge.

The subjectivity factor of judges also has a big influence. The judge has the freedom to assess the legal facts and make a verdict based on his beliefs as stipulated in Article 183 of the Criminal Code.

From a juridical perspective, judges should be guided by Law Number 35 of 2009 concerning Narcotics. Article 127 paragraph (1) stipulates that narcotics addicts can be placed in medical and social rehabilitation institutions. However, this provision is often interpreted differently by judges, resulting in criminal disparities.

From the point of view of utilitarianism, punishment in narcotics cases should be directed to achieving the greatest benefits for the community, namely through the prevention of narcotics trafficking and rehabilitation of perpetrators. However, if there is a difference in verdict, then the utilitarian goal is not achieved because the punishment imposed is not always effective in providing a deterrent effect or in restoring the defendant who should be rehabilitated.

Every narcotics addict is required to undergo medical rehabilitation and social rehabilitation, this obligation is a form of the government's efforts to encourage narcotics addicts to recover from their dependence. In the rehabilitation process, the victim of narcotics abuse is not an object but a subject because the success or failure of the rehabilitation process is largely determined by the victim himself (Sihombing et al., 2025).

Conclusion

The difference in court decisions in narcotics crimes shows that there are problems in law enforcement, especially related to the principle of legal certainty and the principle of justice. Cases with evidence and almost similar conditions of the defendant often result in different

verdicts, both in terms of the length of the crime and the form of punishment. This is due to the difference in judges' interpretations of Law Number 35 of 2009 concerning Narcotics and the judge's freedom to assess legal facts based on Article 183 of the Criminal Code. As a result, disparity in verdicts raises public doubts about the consistency of the judicial system and has the potential to undermine the legitimacy of the court.

Juridically, there is a need for clearer and binding sentencing guidelines to prevent disparities in narcotics cases. With uniform sentencing standards, it is hoped that judges' decisions can be more consistent, fair, and in line with the principles of the rule of law and human rights, so that public trust in the justice system can increase.

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