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Criminal Liability for Methamphetamine Purchase and Possession through Conspiracy: A Case Study of Decision No. 916/Pid.Sus/2025/PN Tjk

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Abstract
Conspiracy to commit narcotics offenses constitutes a serious criminal act under Indonesian law because it involves an agreement between two or more individuals to commit crimes related to the possession, purchase, distribution, or control of narcotics. This study aims to analyze the factors contributing to the criminal conspiracy to purchase and possess methamphetamine and to examine the criminal liability imposed on offenders based on Decision Number 916/Pid.Sus/2025/PN Tjk. The research employed a normative-empirical legal approach by combining statutory and doctrinal analysis with empirical data obtained through interviews with investigators from the Lampung Regional Police Narcotics Directorate, public prosecutors at the Bandar Lampung District Attorney's Office, and judges of the Tanjung Karang District Court. Secondary data were collected through library research involving legislation, legal literature, and relevant judicial decisions, while qualitative juridical analysis was applied to interpret the findings. The results indicate that the commission of the offense was influenced by several interrelated factors, including criminal intent, economic hardship, low educational attainment, and inadequate moral and religious values, which collectively encouraged the offender's involvement in narcotics-related criminal activities. Furthermore, the court determined that the defendant fulfilled the legal requirements for criminal responsibility, including criminal capacity, culpability, and the absence of grounds for excuse or justification. Consequently, the defendant was convicted under Article 112 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 on Narcotics and sentenced to five years of imprisonment and a fine of IDR 800,000,000, with a substitute imprisonment of three months in the event of non-payment. The findings demonstrate that criminal liability for narcotics conspiracy is imposed based on the fulfillment of both substantive criminal law elements and evidentiary standards established during judicial proceedings.

INTRODUCTION

Indonesia, as a state governed by the rule of law, upholds the supremacy of law as the fundamental principle underlying its legal and governmental system. Consequently, every citizen is required to comply with the prevailing laws and regulations. Any violation of these legal norms constitutes a criminal offense that must be addressed through the criminal justice system in accordance with the principles of justice, legal certainty, and public benefit. Accordingly, law enforcement authorities are entrusted with the responsibility of implementing the law fairly and professionally through an effective judicial process that is simple, expeditious, and affordable, thereby ensuring legal protection and safeguarding public interests (Irvita & Asriani, 2025).

Narcotics play a significant role in medical treatment, healthcare services, and scientific research when used appropriately. Nevertheless, their unauthorized and unlawful use may lead to dependency and generate serious adverse consequences for both individuals and society. In Indonesia, narcotics-related offenses are classified as special crimes regulated under Law Number 35 of 2009 concerning Narcotics. Among the offenses stipulated in this legislation is criminal conspiracy to purchase, possess, or distribute narcotics, which is subject to criminal liability pursuant to Article 132 paragraph (1) in conjunction with Articles 111–126 and Article 129 of the Narcotics Law. The enactment of these provisions reflects the government's commitment to combating organized narcotics crimes and strengthening legal enforcement against individuals involved in illicit narcotics activities (Ragolane & Khoza, 2024).

This study is motivated by the case of criminal conspiracy involving the purchase and possession of methamphetamine, as adjudicated in Decision Number 916/Pid.Sus/2025/PN Tjk. The case involved several individuals who jointly possessed methamphetamine and allegedly participated in illegal narcotics transactions before being apprehended by investigators from the Directorate of Narcotics Investigation of the Lampung Regional Police. The seizure of narcotics and related evidence during the arrest indicates that the offense extended beyond personal drug abuse and involved coordinated actions among multiple offenders. Therefore, the case represents a relevant example of the application of criminal conspiracy provisions under Indonesia's narcotics legislation and provides an important basis for examining criminal responsibility in organized narcotics offenses (Hasibuan et al., 2025).

Based on this background, the present study aims to analyze the factors contributing to criminal conspiracy in the purchase and possession of methamphetamine and to examine the criminal liability of the offenders based on Decision Number 916/Pid.Sus/2025/PN Tjk. The analysis is grounded in Sutherland's Differential

Association Theory, which explains that criminal behavior is acquired through social interaction, and Andi Hamzah's theory of criminal liability, which emphasizes the existence of criminal responsibility, culpability, and the absence of exculpatory grounds as essential prerequisites for imposing criminal sanctions. By integrating these theoretical perspectives with judicial analysis, this study is expected to contribute to the development of Indonesian criminal law scholarship while providing practical insights for law enforcement authorities in addressing organized narcotics-related crimes more effectively.

Literatur Review

1. Criminal Offense

A criminal offense refers to an act prohibited by law and punishable by criminal sanctions imposed on individuals who violate the applicable legal provisions. According to Moeljatno, a criminal offense is an act that fulfills the elements prescribed by statutory law and is subject to criminal penalties, whereas Muladi and Barda Nawawi Arief define punishment as a legally imposed sanction by the state against individuals who have been proven guilty of committing a criminal offense. Accordingly, criminal law serves as a fundamental legal instrument for maintaining social order by defining prohibited conduct, establishing the basis for criminal liability, and imposing sanctions that uphold justice, legal certainty, and public welfare (Maculan & Gil Gil, 2020).

An act may only be classified as a criminal offense when it satisfies the legal elements established by statutory regulations, including the existence of a human act, unlawfulness, culpability, and the offender's capacity to bear criminal responsibility. Within the framework of criminal punishment, three principal theories are widely recognized: the absolute theory, which views punishment as retribution for wrongdoing; the relative theory, which emphasizes deterrence, crime prevention, and offender rehabilitation; and the combined theory, which integrates retributive and utilitarian objectives. Consequently, criminal punishment is intended not only to penalize offenders but also to prevent recidivism, promote behavioral reform, protect society, and reinforce the effective enforcement of the rule of law (Faisal et al., 2024).

2. Types of Criminal Offenses

In criminal law, criminal offenses are generally classified into two categories: crimes (*misdrijven*) and violations (*overtredingen*). Crimes are regarded as acts that inherently violate legal norms and the fundamental sense of justice within society (*rechtsdelict*), whereas violations are considered criminal offenses solely because they are explicitly prescribed by statutory law (*wetsdelict*). This distinction has significant legal implications, particularly with respect to criminal liability and the application of sanctions. An act may

only be classified as a criminal offense if it fulfills the essential legal elements established by law, including the existence of a human act, unlawfulness, culpability, and the offender's capacity to bear criminal responsibility. Consequently, the classification and constituent elements of criminal offenses provide the legal foundation for determining criminal liability and ensuring the fair and consistent enforcement of criminal law (Volkov et al., 2021).

Criminological theories further explain that criminal behavior results from the interaction of multiple individual and social factors. Biological and psychological perspectives emphasize that criminal conduct may arise from personality traits, learning processes, and life experiences, as reflected in Sigmund Freud's psychoanalytic theory and Albert Bandura's Social Learning Theory. In contrast, sociological perspectives, particularly Émile Durkheim's Anomie Theory and Robert K. Merton's Strain Theory, argue that crime emerges from structural imbalances between socially accepted goals and the legitimate opportunities available to achieve them. Complementing these perspectives, (Faisal et al., 2024) highlights the dynamic interaction of social values, cultural influences, and structural conditions as key determinants of criminal behavior. Collectively, these theoretical perspectives demonstrate that crime is a multidimensional phenomenon, underscoring the importance of comprehensive crime prevention policies that address both individual and societal factors.

3. Law Enforcement Theory

Law enforcement is a fundamental mechanism for ensuring compliance with legal norms and realizing justice, legal certainty, and social order through the effective application of legal sanctions. According to Satjipto Rahardjo, law enforcement is the process of translating the objectives embodied in legal norms into practical reality. Lawrence M. Friedman's Legal System Theory further explains that the effectiveness of law enforcement depends on the interaction of three essential components: legal substance, legal structure, and legal culture. Legal substance encompasses statutory and procedural rules, legal structure refers to law enforcement institutions and the judicial system, while legal culture reflects the values, attitudes, and legal awareness of society. Furthermore, criminal law enforcement is implemented through three interconnected stages, namely formulation, application, and execution, which collectively ensure that criminal law policies are effectively translated into legal practice. As emphasized by (Garland, 2020), effective crime control requires an integrated approach that combines penal and non-penal measures to achieve both crime prevention and social protection, thereby promoting public welfare and strengthening the rule of law.

The effectiveness of criminal law enforcement is closely associated with the broader criminal justice system and its responsiveness to social development. Friedrich Carl von Savigny argued that law evolves organically from the customs and values of society, whereas Roscoe Pound viewed law as an instrument of social engineering designed to protect public and individual interests while facilitating social progress. These perspectives indicate that legal effectiveness depends not only on statutory regulations but also on the extent to which legal institutions adapt to societal needs. Accordingly, the criminal justice system integrates the roles of the police, prosecutors, courts, and correctional institutions through normative, administrative, and social approaches. Within the framework of the Integrated Criminal Justice System, effective law enforcement requires structural coordination among legal institutions, substantive consistency in the application of legal rules, and a shared legal culture among law enforcement agencies and the public. Such integration is essential for establishing an accountable, effective, and equitable criminal justice system (Pambudi & Redi, 2024).

4. Theory of Criminal Responsibility

Criminal liability refers to the legal responsibility imposed on an individual for committing a criminal offense and constitutes a fundamental principle of criminal law. A person may be held criminally liable only when the offense fulfills the essential legal elements, including the existence of an unlawful act, culpability, and the offender's capacity to bear criminal responsibility. As explained by Moeljatno, criminal liability requires not only the commission of an act prohibited by law but also the presence of fault and the offender's ability to understand the unlawfulness of the act and to act in accordance with such understanding. Accordingly, criminal responsibility is established when the offender intentionally or negligently commits an unlawful act without the existence of legal grounds that exclude or eliminate criminal liability (Mousourakis, 2018).

The concept of culpability in criminal law encompasses two principal forms, namely intent (*dolus*) and negligence (*culpa*). Intent refers to the conscious willingness of an offender to commit a prohibited act and may take the form of direct intent, certainty-based intent, or conditional intent (*dolus eventualis*), whereas negligence arises from a failure to exercise the degree of care required by law despite the foreseeable risk of harmful consequences. However, criminal liability may be excluded when statutory grounds for justification or excuse apply, such as mental incapacity, necessity, lawful self-defense, or the execution of a lawful official order. Therefore, the imposition of criminal sanctions depends not only on proof that a criminal offense has been committed but also

on the offender's culpability, capacity for responsibility, and the absence of circumstances that legally exempt the offender from criminal liability (Kotlán et al., 2023).

5. Understanding Narcotics and Their Legal Basis

The legal framework governing narcotics in Indonesia is principally regulated under Law Number 35 of 2009 on Narcotics, which defines narcotics as substances derived from plants or non-plant sources, whether natural, semi-synthetic, or synthetic, that may alter consciousness, relieve pain, and cause dependence. Although narcotics have legitimate applications in medicine and scientific research, their misuse poses serious threats to individual health and public safety. Accordingly, the law classifies narcotics into three categories (Group I, Group II, and Group III) based on their medical utility and potential for dependence. Group I narcotics have the highest potential for abuse and are generally prohibited except for limited scientific purposes, whereas Groups II and III may be used for medical treatment under strict legal supervision.

Law Number 35 of 2009 comprehensively criminalizes various narcotics-related activities, including the cultivation, production, possession, storage, transportation, distribution, trafficking, and unlawful use of narcotics without legal authorization. The severity of criminal sanctions is determined by the type and quantity of narcotics involved, with penalties ranging from imprisonment and substantial fines to life imprisonment or capital punishment for large-scale trafficking offenses. Nevertheless, the legislation also adopts a rehabilitative approach by recognizing that narcotics users and addicts may require medical and social rehabilitation. Articles 54, 103, and 127 authorize judges to order rehabilitation for individuals who are proven to be victims of narcotics abuse, thereby reflecting a balanced legal policy that combines punitive measures against illicit trafficking with therapeutic interventions for drug dependence. This dual approach demonstrates Indonesia's commitment to protecting public health while strengthening criminal law enforcement against narcotics-related crimes.

6. Theory of Conspiracy

Under Law Number 35 of 2009 on Narcotics, criminal conspiracy (*permufakatan jahat*) is defined as an agreement between two or more persons to plan, commit, facilitate, organize, or instruct the commission of a narcotics-related offense. This concept expands the general provision of conspiracy under Article 88 of the Indonesian Criminal Code (KUHP), which recognizes conspiracy when two or more individuals reach an agreement to commit a crime. Accordingly, the essential elements of criminal conspiracy include the involvement of at least two persons, a mutual agreement, and the intention to commit a narcotics offense. If these elements cannot be established, criminal liability is assessed

under the provisions on participation (*deelneming*) as regulated in Articles 55 and 56 of the KUHP.

The doctrine of participation distinguishes several forms of criminal involvement, including direct perpetrators, indirect perpetrators, co-perpetrators, instigators, and accomplices. Article 55 of the KUHP imposes criminal responsibility on individuals who commit, order, participate in, or intentionally induce the commission of a criminal offense, while Article 56 extends liability to those who knowingly provide assistance, facilities, information, or other forms of support during the commission of the crime. Consequently, Indonesian criminal law recognizes liability not only for the principal offender but also for other participants whose intentional conduct contributes to the commission of the offense, thereby ensuring comprehensive accountability in the enforcement of narcotics crimes (Nahak, 2020).

METHODS

This study employed a legal research design using both normative juridical and empirical approaches to examine the criminal liability of offenders involved in criminal conspiracy to purchase and possess methamphetamine. The normative approach analyzed statutory regulations, legal principles, and relevant legal doctrines, particularly the provisions of the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and Law Number 35 of 2009 on Narcotics. The empirical approach complemented the doctrinal analysis by collecting primary data through field research to obtain practical insights into the implementation of criminal liability in narcotics cases.

The research utilized both secondary and primary data sources. Secondary data comprised primary legal materials, including legislation governing criminal law and narcotics, as well as secondary legal materials such as scholarly books, journal articles, and other academic references. Supporting tertiary materials, including legal dictionaries and related reference sources, were also employed to strengthen the analysis. Primary data were obtained through observations and semi-structured interviews with key law enforcement officials, including investigators from the Lampung Regional Police Narcotics Directorate, prosecutors from the Bandar Lampung District Prosecutor's Office, and judges at the Tanjung Karang District Court. Data collection was conducted through library research and field research to ensure comprehensive legal and empirical evidence.

The collected data were processed through systematic editing, classification, and organization before being analyzed using a qualitative juridical method. This analytical approach emphasized the interpretation of statutory provisions, legal doctrines, and

empirical findings to evaluate the application of criminal responsibility in cases involving narcotics conspiracy. Finally, the findings were interpreted using deductive reasoning, whereby general legal principles were applied to specific case facts, enabling a coherent and evidence-based assessment of the implementation of criminal liability under Indonesian narcotics law.

RESULT AND DISCUSSION

1. Factors Causing the Crime of Conspiracy to Buy and Possess Narcotics of the Type Shabu Based on Decision Number: 916/Pid.Sus/2025/PN Tjk

Indonesia, as a state governed by the rule of law, is constitutionally obligated to protect human rights while ensuring legal certainty, equality before the law, and impartial judicial processes. Within this framework, Law Number 35 of 2009 on Narcotics regulates the control and criminalization of narcotics offenses to safeguard public health and social order. Methamphetamine (shabu), classified as a Category I narcotic, is prohibited for medical treatment and may only be used for scientific research because of its high addictive potential and severe effects on the central nervous system. Interviews with investigators from the Lampung Regional Police Narcotics Directorate further confirmed that the rapid increase in methamphetamine abuse and illicit trafficking has become a serious national concern, driven by Indonesia's strategic position as both a transit and distribution hub for narcotics.

Empirical findings indicate that narcotics crimes are influenced by multiple interacting factors. According to prosecutors and judges interviewed in this study, criminal behavior is shaped by individual characteristics, socioeconomic conditions, educational background, moral values, and environmental influences, while opportunities to commit crime often determine whether criminal intent is realized. These findings are consistent with criminological perspectives, particularly Sutherland's Differential Association Theory, which explains that criminal behavior is learned through social interaction with individuals who engage in deviant conduct. In addition, biological, psychological, and sociological theories suggest that social inequality, weak social control, and unfavorable environmental conditions contribute to the emergence of criminal behavior.

The analysis of Decision Number 916/Pid.Sus/2025/PN Tjk demonstrates that the offense of criminal conspiracy to purchase and possess methamphetamine resulted from the convergence of several dominant factors, namely criminal intent, economic pressure, limited educational attainment, and inadequate moral and religious values. Evidence presented during the trial showed that the offenders had jointly planned and participated

in the distribution of methamphetamine, thereby satisfying the essential elements of criminal conspiracy under Law Number 35 of 2009 on Narcotics. These findings reinforce the argument that narcotics-related criminal conspiracies arise not only from individual motivation but also from broader social and economic conditions, highlighting the need for integrated law enforcement, preventive education, socioeconomic interventions, and moral development to effectively reduce narcotics-related crime.

2. Accountability of the Perpetrator of the Crime of Conspiracy to Purchase and Possess Narcotics of the Type Shabu Based on Decision Number: 916/Pid.Sus/2025/PN Tjk

Criminal liability refers to the legal responsibility imposed on an individual for committing an unlawful act that fulfills the elements of a criminal offense. Under Indonesian criminal law, criminal responsibility is established only when the offender possesses the capacity to be held accountable, commits an unlawful act with intent or negligence, and is not protected by any legal justification or excuse. Interviews with judges, prosecutors, and narcotics investigators consistently emphasized that criminal punishment cannot be imposed solely because an unlawful act has occurred; rather, it requires proof of both the offender's culpability and legal capacity to bear criminal responsibility. Accordingly, the determination of criminal liability forms a fundamental principle in ensuring that criminal sanctions are imposed fairly and in accordance with the rule of law.

The empirical findings further indicate that the judicial assessment of criminal responsibility involves three sequential stages: determining whether the criminal act has been committed, evaluating the defendant's criminal responsibility, and imposing an appropriate sentence after all legal elements have been proven. This approach is consistent with Andi Hamzah's theory of criminal responsibility, which requires three essential elements: the offender's capacity for responsibility (*toerekeningsvatbaarheid*), the existence of culpability in the form of intent (*dolus*) or negligence (*culpa*), and the absence of legal excuses that eliminate criminal responsibility. These principles ensure that criminal sanctions are imposed only on individuals who consciously commit unlawful acts and are legally accountable for their conduct.

The analysis of Decision Number 916/Pid.Sus/2025/PN Tjk demonstrates that the defendant fulfilled all elements of criminal responsibility. Although the court acquitted the defendant of the primary charge of conspiracy to distribute Category I narcotics, it found the defendant guilty under the subsidiary charge of criminal conspiracy to unlawfully possess Category I methamphetamine pursuant to Article 112 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 on Narcotics.

Consequently, the court imposed a sentence of five years' imprisonment and a fine of IDR 800,000,000, with a substitute imprisonment of three months in the event of non-payment. This judgment confirms that the imposition of criminal sanctions was based on the fulfillment of all legal requirements for criminal responsibility, thereby reflecting the proper application of Indonesian narcotics law in adjudicating conspiracy offenses.

CONCLUSION

The findings indicate that the commission of a criminal conspiracy to purchase and possess methamphetamine, as examined in Decision Number 916/Pid.Sus/2025/PN Tjk, was influenced by multiple interrelated factors. These include the offender's initial criminal intent, economic hardship, low educational attainment, and limited moral and religious values. Consistent with Differential Association Theory, these factors collectively contributed to the offender's involvement in narcotics-related criminal activities by shaping attitudes and behaviors that supported unlawful conduct.

Regarding criminal liability, the court concluded that the defendant had fulfilled the legal requirements for criminal responsibility under Article 112 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics. The court found that the defendant acted intentionally, possessed the capacity to be held criminally responsible, and had no legal grounds for exemption from liability. Consequently, the defendant was sentenced to five years' imprisonment and fined IDR 800,000,000, with a subsidiary imprisonment of three months in the event of non-payment. This decision reflects the application of criminal responsibility principles aimed at ensuring legal certainty, justice, and deterrence in combating narcotics-related offenses.

The study recommends strengthening preventive measures through continuous public education and legal awareness programs conducted by law enforcement agencies to reduce narcotics abuse and trafficking. Furthermore, judicial sentencing should consistently balance statutory provisions, proportionality, and the objectives of punishment, including deterrence, rehabilitation, and the protection of society, thereby enhancing the effectiveness of criminal justice in addressing narcotics conspiracy offenses.

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