

CHAPTER V

CLOSING

A. Conclusion

Based on the results of the case study and discussion of the Decision of the Banyumas District Court Number: 46/PID.SUS/2024/PN BMS, it can be concluded as follows:

1. The judge's legal consideration in the crime of being an intermediary in the sale and purchase of class I narcotics of cannabis plants in the Banyumas District Court Decision Number: 46/PID.SUS/2024/PN BMS is to consider all aspects of a juridical and non-juridical nature consisting of sociological aspects and philosophical aspects. Juridical considerations, namely based on the fulfillment of the elements of committing the crime of being an intermediary in the sale and purchase of cannabis as regulated in Article 114 paragraph (1) of the Narcotics Law and on valid evidence submitted at trial, in this case based on three pieces of evidence, namely witness testimony, letter evidence and testimony of the defendant and connected with evidence. Based on the sociological aspect, namely the defendant's desire to consume cannabis and the defendant only played a role as an intermediary as well as on the aggravating and mitigating circumstances of the defendant. Based on the philosophical aspect, namely the Panel of Judges has its own considerations to impose imprisonment on the defendant, namely the main punishment in the form of imprisonment will deviate from the minimum

provisions of criminal punishment as stipulated in Article 114 paragraph (1) of the Narcotics Law. However, the Panel of Judges should be able to sentence the defendant to imprisonment of more than 4 (four) years, because the 4 (four) year sentence is still too light so that it does not have a deterrent effect on the perpetrators of the crime of being an intermediary in the sale and purchase of cannabis.

2. The proof of the crime of being an intermediary in the sale and purchase of class I narcotics of cannabis plants in the Banyumas District Court Decision Number: 46/PID.SUS/2024/PN BMS is in accordance with the provisions of Article 183 of the Criminal Procedure Code and Article 184 of the Criminal Procedure Code which is based on at least two valid pieces of evidence and accompanied by the judge's confidence in the evidence. The evidence presented in the trial was in the form of witness testimony, letters, instructions, and testimony of the defendant. All of the evidence gave the judge confidence that the defendant had been proven legally and convincingly guilty of committing the crime as charged by the Public Prosecutor and was sentenced to imprisonment for 4 (four) years and a fine of Rp. 1.000.000.000,00 (one billion rupiah), provided that if the fine is not paid, it will be replaced by imprisonment for 3 (three) months.

B. Suggestion

1. The judge in handing down the verdict should impose the minimum verdict in the penalty contained in Article 114 paragraph (1) of the Narcotics Law in order to have a deterrent effect by deciding the perpetrator of the criminal act

of being an intermediary with a prison sentence of more than 4 (four) years, because the Narcotics Law is included as a *lex specialis derogat legi generalis* where the provisions used use special provisions of procedural law, the criminal act requires more comprehensive arrangements. Judges as law enforcers should provide sanctions that are able to reduce the risk of recurrence of similar crimes. Law enforcement should be carried out more firmly, consistently and seriously in the event of a criminal offense of being an intermediary in the sale and purchase of narcotics in accordance with the provisions of applicable laws and regulations.

2. Evidence against intermediaries in the sale and purchase of narcotics should be carried out by paying attention to the evidence presented in the trial which should be assessed carefully and thoroughly. Intermediaries in the sale and purchase of narcotics have an important role in the narcotics distribution network, so the proof should be carried out carefully, using valid and relevant evidence, prioritizing principles in accordance with applicable law. Intermediaries in the sale and purchase of narcotics conducted through social media should ensure that electronic evidence submitted at trial has the authenticity that the evidence is not manipulated, this is very important so that electronic evidence can be accepted as valid evidence in the trial.