

JURIDICAL ANALYSIS OF WOMEN AS ABUSERS OF NARCOTICS CLASS I (ONE) TYPE OF SHABU (CASE STUDY OF DECISION NUMBER: 450/PID.SUS/2023/PN.MND)

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ABSTRACT

This thesis is titled "Legal Analysis of Women as Abusers of Class I Narcotics (Methamphetamine) (Case Study of Ruling Number: 450/PID.SUS/2023/PN.MND)". This research aims to explore the legal aspects related to drug abuse by women in Indonesia, particularly within the framework of criminal law. The case of defendant Angelina Emilia Wowor, involved in the abuse of methamphetamine, serves as the focal point of analysis, including legal practices, criminal liability, and the judges' considerations in imposing sentences. The findings indicate the importance of understanding the social and psychological contexts behind criminal behavior and the need for recommendations for a more humane and just handling in the legal system.

Keywords: Narcotics; Drug Abuse; Women; Criminal Liability.

INTRODUCTION

Drug abuse is a complex and evolving social phenomenon, causing negative impacts on individuals, society, and the state (Ishaq, 2018). This crime does not only occur among the general public but also involves various social groups, including women. Narcotics on the one hand have benefits in the medical world, but their abuse poses a great threat, especially to the younger generation (Djoko Prakoso, 1978). Indonesia is facing a surge in drug abuse cases, which has prompted the government to implement strict regulations such as Law No. 35/2009 on Narcotics to tackle this crime (Martono, 2016). The government also established the National Narcotics Agency (BNN) to tackle drug trafficking and abuse, and enacted a punishment system that considers aspects of rehabilitation and justice for perpetrators and victims (Sudarto, 1978). In the criminal justice system, judges have an important role in imposing verdicts based on the principles of justice and valid evidence in accordance with Article 184 of the Criminal Procedure Code (Prakoso, 1988). One of the cases that attracted attention was the case of Angelina Emilia Wowor who was caught in a narcotics crime and sentenced to 10 years in prison and a fine of Rp1 billion based on Decision Number 450/Pid.Sus/2023/PN.Mnd. This case reflects the involvement of women in drug trafficking networks, which is often driven by economic and social factors (Irianto). Therefore, the

strategy to overcome narcotics abuse must be holistic by involving various sectors, including the active role of the community, law enforcement officials, as well as preventive and rehabilitative approaches to reduce the destructive impact of narcotics abuse on the nation and state. based on the background explanation above, the author is interested in conducting a research entitled "JURIDICAL ANALYSIS OF WOMEN AS USERS OF NARCOTICS GLASS I (ONE) TYPE SHABU (CASE STUDY OF DECISION NOMOR 450/PID.SUS/2023/PN.MND)"

MATERIAL AND METHODS

This research uses a normative legal method with a statute approach and case approach. The statutory approach is carried out by analyzing relevant regulations, while the case approach examines the ratio decidendi of the judge in Manado District Court Decision Number 450/Pid.Sus/2023/PN.Mnd related to women as abusers of class I narcotics type shabu.

Sources of legal materials consist of primary materials such as the 1945 Constitution, Criminal Code, Criminal Procedure Code, and Law Number 35 of 2009 concerning Narcotics. Secondary materials include legal literature, journals, and previous research, while tertiary materials include legal dictionaries and other scientific references. The collection of legal materials was carried out through literature studies, which were then processed by a process of checking, editing and systematization to ensure the relevance and completeness of the data.

Analysis of legal materials is carried out qualitatively with a descriptive-analytical approach, which aims to describe and explain the application of the law in the case under study. The results of the research will be measured and evaluated based on the application of material criminal law and the suitability of the ratio decidendi with the principles of justice in the criminal justice system. With this method, the research is expected to provide a comprehensive understanding of the effectiveness of regulation and punishment in handling cases of narcotics abuse by women and its implications for the criminal justice system in Indonesia.

RESEARCH RESULTS AND DISCUSSION

1. *Ratio Decidendi* of Judges in deciding cases against women as abusers of narcotics group I (one) type of shabu (Case Study of Decision Number: 450/Pid.Sus/2023/PN.Mnd)

1.1. Case Position

1) Indictment

ONE

The act of the defendant ANGELINA EMILIA WOWOR is a criminal offense as regulated and punishable in Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics.

Or

BOTH

The act of the defendant ANGELINA EMILIA WOWOR is a criminal offense as regulated and punishable in Article 112 paragraph (2) of Law Number 35 of 2009 concerning Narcotics.

2) Demands

- Stating that the defendant ANGELINA EMILIA WOWOR was found guilty of committing the crime of "Without the Right or Unlawfully Offering for Sale, Selling, Buying, Receiving, Becoming an Intermediary, in the Sale, Purchase, Exchange or Delivery of Narcotics Group I in the Form of Non-Plants Weighing More than 5 (five) grams" as charged in the First Indictment, namely violating the provisions of Article 114 paragraph (1) of Law Number 35 of 2009 concerning Narcotics;
- Sentenced the defendant to 10 (ten) years imprisonment minus the period of detention he has served with the order that the defendant remain in detention;
- Impose a fine in the amount of Rp. 1,000,000,000, - (one billion rupiah) with the provision that if the fine is not paid, it will be replaced by imprisonment for 6 (six) months;

- Determine the Evidence, in the form of:
 - a) 1 (one) small plastic piece of White color;
 - b) 1 (one) clear plastic clip package containing Narcotics Type Shabu net weight 30.21 (thirty point twenty-one) grams, with details:
 - weighing 0.24 (zero point twenty-four) grams for Laboratory Test at Balai POM;
 - weighing 29.97 (twenty-nine point ninety-seven) grams for evidence in Court;
 - c) 36 (thirty-six) clear plastic clips;
 - d) 1 (one) glass pipette;
 - e) 1 (one) glass bottle;
 - f) 1 (one) hair dryer / Hair Dryer brand Fleco blue color;
 - g) 1 (one) package labeled Recipient: SIVA WOWOR, cell phone number: 08777472101 Jln. Garuda Lorong Setapak Paving Pas T-junction Kel. Mahakeret Barat Lingk. III No. House 08 Manado City Item;
 - h) 1 (one) Hair Dryer No. HP 088976140940;
 - i) 1 (one) Mobile Phone Brand Infinix Hot 12 Play Black color along with Simcard Number 6287777472101All were seized for destruction;
- Charged the defendant to pay court costs in the amount of Rp.5,000 (five thousand rupiah).

3) Judge's Consideration

Considering, that the Panel of Judges will consider whether based on the legal facts mentioned above, the Defendant can be found to have committed the criminal offense charged against him has been charged by the Public Prosecutor with an alternative charge, by directly choosing the first alternative charge as regulated in Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics whose elements, as follows:

1) Everyone

- 2) Without the Right or Unlawfully Offering for Sale, Selling, Buying, Receiving, Becoming an Intermediary, in the Sale, Purchase, Exchange or Delivery of Narcotics Group I in the Form of Non-Plants Weighing More than 5 (five) grams;

Considering, that the Panel of Judges will consider the elements of the Article in Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics, as follows:

Element of Every Person:

Considering, that what is meant by Every Person is a person as a legal subject, in this case a person as a perpetrator of a criminal offense, in the trial, both based on the testimony of witnesses and the testimony of the Defendant himself, there was no denial or objection that the Defendant was the subject or perpetrator of this criminal offense or legal subject carrying rights and obligations who consciously committed a criminal offense and was deemed capable and feasible in taking responsibility for his actions according to the law;

trial by answering all questions arising in the trial and stated that she committed the act in a state of consciousness and was not under pressure from anyone; Considering, that based on the identity both in the indictment of the Public Prosecutor and the facts obtained in the trial the Defendant Angelina Emilia Wowor has confirmed her identity and the Defendant was able to follow the

Considering, that during the examination in court both from the testimony of witnesses and the testimony of the Defendant, the identity in the indictment has been confirmed and during the trial the Defendant was able to follow and answer all questions arising in the trial;

Considering that, thus the Defendant Angelina Emilia Wowor is a person or subject who is physically and mentally healthy and can be held criminally responsible;

Considering that, based on the matters mentioned above, the first element has been fulfilled;

Element Without Right or Against the Law Offering to Sell, Selling, Buying, Receiving, Becoming an Intermediary, in the Sale, Purchase, Exchange or Delivery of Narcotics Group I in the Form of Non-Plants Weighing More than 5 (five) grams:

Considering, that Article 7 of Law Number 35 of 2009 concerning Narcotics provides an explanation that narcotics can only be used for the benefit of health services and / or the development of science and technology, therefore if someone wants to use narcotics for these purposes, they must obtain a special permit and / or approval from the Minister (in this case the Minister of Health) as the authorized official on the recommendation of the Food and Drug Administration (BPOM)...;

Considering, that what is meant by "without rights" or "against the law" in relation to the Narcotics Law is permission and/or approval from the authorized party for this matter, namely the Minister on the recommendation of BPOM or other authorized officials based on the Narcotics Law, besides in that the element against the law is an element that must be present or absolute in a criminal act, whether mentioned or not mentioned, it can be interpreted that against the law means without rights or without authority. Therefore, it can be concluded that the element of "without right" is part of the element of "against the law" Considering that Offering for Sale, Selling, Buying, Receiving, Becoming an Intermediary, in the Sale, Purchase, Exchange or Delivery of Narcotics Group I in the Form of Non-Plant Weighing More than 5 (five) grams;

Considering, that the Defendant ANGELINA EMILIA WOWOR was arrested on Tuesday, September 12, 2023 at approximately 3:00 p.m. in Kel. Pinaesaan Kec. Wenang Kota Manado Prov. Who made the arrest, namely the Opsnal Team of Subdit II of the Directorate of Narcotics Investigation of North Sulawesi Police led directly by AKP HILMAN MUTHALIB, S.H with Team members including witness Jackson Rommy Maukar and witness Ebenhezer Y Barahama;

- That the narcotic shabu found in Kel. Pinaesaan Kec. Wenang Kota Manado Prov. North Sulawesi was obtained by the Defendant from the brother ENDA KAWOAN alias ENDA TIKUS who is in JAKARTA which was sent via the Mex Shipping Service;

- That then came witnesses including witness Jackson Rommy Maukar and witness Ebenhezer Y Barahama in plainclothes who introduced themselves as members of the Directorate of Drug Detection of North Sulawesi Regional Police immediately arrested the Defendant and then searched and found 1 package marked Recipient: SIVA WOWOR, cell phone number: 08777472101 Jln. Garuda Lorong Setapak Paving Pas T-junction Kel. Mahakeret Barat Lingk. III No. House 08 Manado City Item: 1 Hair Dryer No. HP 088976140940 inis the property of this itemside contains 1 (one) hair dryer / Hair Dryer blue color which is inserted 1 (one) plastic clip containing narcotics of the type of methamphetamine, 36 (thirty-six) clear plastic clips, 1 (one) glass pipette, 1 (one) glass bottle and 1 (one) cellphone brand Infinix Hot 12 Play black color + Simcard No. the defendant - That the defendant is the owner of . 6287777472101 belonged to the defendant - That based on the testimony of the defendant, he received methamphetamine narcotics from the man ENDA KAWOAN alias ENDA TIKUS on 2 (two) occasions with the following details;
- First, on September 05, 2023, the defendant received a delivery package from the MEX Delivery Service containing shabu narcotics with a fee of Rp.2,000,000 (two million) transferred through the DANA application on the defendant's cellphone. Then in the afternoon the delivery package was told to be given to someone the defendant did not know at Jalan Garuda, Manado City, North Sulawesi to be distributed in addition to getting money. North Sulawesi to be distributed in addition to getting money the Defendant also received 1 small package of methamphetamine.
- The second time on September 12, 2023 received 1 delivery package from the MEX Delivery Service containing narcotics of the type shabu with a promised wage of Rp.2,000,000 (two million) but only paid for Rp. 1,200,000 (one million two hundred thousand) transferred via the DANA application on the Mobile Phone;

- That the Defendant knew the man ENDA KAWOAN alias ENDA RAT since 2022 via telephone who was introduced by a friend of the defendant. - That the Defendant did not have a license either to possess methamphetamine narcotics or to consume it. The last methamphetamine narcotic was on September 12, 2023;
- That the defendant in possessing, storing, controlling and providing methamphetamine narcotics did not have the authority and / or permission or legal documents but the defendant did it illegally or illicitly and the defendant knew that his actions in possessing and consuming methamphetamine narcotics were unjustified and unlawful;
- That the defendant was involved in the crime of methamphetamine in 2018 with a Manado Court decision of 5 (five) years 6 months sub 1 (one) month. The defendant served 4 (four) years and 7 (seven) months.;
- That the results of testing from the Manado POM Center for samples / samples of Evidence weighing +0.1395 (zero point one three nine five) grams as stated in the Test Report Number: L02.03.24A.24A1.09.23.013 dated September 19, 2023 concluded: The sample really contains Methamphetamine (shabu-shabu) which is Narcotics Gol. I in accordance with Indonesian Law Number 35 of 2009 concerning Narcotics "

Considering, that 1 (one) Hair Dryer No. HP 088976140940 inside contains 1 (one) hair dryer / Hair Dryer Blue color; 1 (one) plastic clip containing Narcotics type Shabu, 36 (thirty-six) pieces of clear plastic clips, 1 (one) glass pipette, 1 (one) glass bottle in addition, the police officers confiscated 1 (one) unit of Mobile Phone Brand Infinix Hot 12 Play black color + Simcard No Shabu;

Considering, that a conclusion can be drawn as follows the defendant acted without the right against the law to buy and receive narcotics group I in the form of non-plants weighing more than 5 (five) grams;

Considering, that the second element has been fulfilled;

Considering, that because all elements of Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics have been fulfilled, the Defendant has been legally and convincingly proven to have committed the crime as charged in the first alternative charge;

Considering that, in the trial of this case, the Panel of Judges did not find anything that could release the Defendant from responsibility, either as a justification or excuse, therefore the Defendant must be sentenced and fined in accordance with his actions;

Considering that in this case the Defendant has been subject to lawful arrest and detention, then based on Article 22 paragraph (4) of the Criminal Procedure Code, the period of arrest and detention must be deducted in full from the sentence imposed;

Considering that, during the examination of the case no sufficient reason was found to remove the Defendant from detention, then based on Article 193 paragraph (2) letter b of the Criminal Procedure Code, it is sufficient reason for the Defendant to remain in detention;

Considering that, the imposition of punishment is not merely a form of retaliation but as a deterrent because the punishment imposed must be used as something that educates and makes the Defendant aware of his mistake so that he will not repeat his actions and the punishment can be perceived by the community as something that is acceptable and fair;

Considering, that against the charges of the Public Prosecutor, the Panel of Judges does not agree with the criminal charges, because the Defendant has admitted his actions and asked for leniency, it is appropriate that the Panel of Judges will impose a sentence as in the amended decision;

and social justice, there is sufficient reason for the Defendant to remain in detention; Considering that, the Panel of Judges considers that the punishment imposed is in accordance with the sense of legal justice, moral justice

Considering, that in order to impose a punishment against the Defendant, it is necessary to first consider the aggravating and mitigating circumstances of the Defendant;

Aggravating circumstances:

- That the Defendant's actions do not support government programs in tackling narcotics;
- The defendant has been convicted;

Mitigating circumstances:

- The defendant regretted his actions and will not reoffend;
- The defendant is still young and can be expected to improve his behavior.

3) Verdict

- Stating that the Defendant Angelina Emilia Wowor has been legally and convincingly proven guilty of committing the crime of "without the right against the law to buy and receive narcotics in the form of non-plant drugs weighing more than 5 (five) grams";
- Sentenced to the defendant with imprisonment for 10 (ten) years and a fine of Rp.1,000,000,000, - (one billion rupiah) if the fine is not paid will be replaced by imprisonment for 2 (two) months;
- Determine that the length of time the Defendant was arrested and detained shall be fully deducted from the sentence imposed;
- Determine that the Defendant remains in detention;
- Determining Evidence in the form of:
 - a) Package inscribed Recipient: SIVA WOWOR, cell phone number: 08777472101 Jln. Garuda Lorong Setapak Paving Pas T-junction Kel. Mahakeret Barat Lingk. III No. House 08 Manado City Item: 1 Hair Dryer No. HP 088976140940 1 piece;
 - b) Clear plastic clip containing narcotics type methamphetamine 1 package weighing 30.02 grams;
 - c) 36 clear plastic clips;
 - d) Hair dryer / Hair Dryer blue color Fleco brand blue color 1 piece;
 - e) Glass pipette 1 piece;
 - f) Glass bottle 1 piece;
 - g) Mobile phone brand Infinix Hot 12 Play black color + Simcard No. 6287777472101 1 piece;

Confiscated for destruction.

1.2. Juridical Analysis of the Judge's Ratio Decidendi

Ratio decidendi in a decision is the legal reason underlying the judge's decision to reach a certain verdict. In this case, the actions of the defendant ANGELINA EMILIA WOWOR who was charged with committing a narcotics crime, and then decided by the panel of judges, became the main focus. The criminal act committed by the defendant falls under the category of offering, selling, buying, receiving, intermediating, or distributing class I narcotics in the form of non-plants weighing more than 5 grams, in accordance with Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics.

Based on the facts of the trial, it has been revealed that there was an agreement between the defendant ANGELINA EMILIA WOWOR and Mr. ENDA KAWOAN alias ENDA RAT, then with awareness and their respective roles, all of them worked together to realize their intentions and objectives to sell, receive, broker, or distribute narcotics. That the evidence of narcotics of the type of methamphetamine was in the possession of the defendant, because previously the defendant was contacted by Mr. ENDA KAWOAN alias ENDA TIKUS via the WhatsApp application and a conversation took place, namely: ENDA: Hello. Defendant: Yes ENDA: Wait for 2 or 3 days for hair dryer to be available the (the hair dryer is methamphetamine) and the defendant agreed to pick up the package, and then ENDA KAWOAN alias ENDA TIKUS told the defendant to give the package containing methamphetamine to someone the defendant did not know at Jalan Garuda, Manado City.

The defendant obtained the methamphetamine by receiving it from ENDA KAWOAN alias ENDA TIKUS with the intention of delivering it to someone the defendant did not know on Jalan Garuda Manado City, and in return for his services the defendant was given a fee of Rp.2,000,000, - (two million rupiah) for each delivery of methamphetamine. Therefore, the panel considered that the actions taken by the Defendant to obtain a prohibited item, namely narcotics, by law constituted an act of conspiracy or conspiracy. Then the Defendant has admitted that the evidence of methamphetamine narcotics in his possession is an item or something prohibited by law. The case is in accordance with the requirements of criminal

conspiracy according to the Criminal Code, namely the intention and agreement of two or more people to commit a crime, so it can be said to be a criminal conspiracy.

The definition of criminal conspiracy contains the notion of *deelneming* (*participation*) which is made alternatively. Therefore, the definition of criminal conspiracy is often interpreted as *deelneming*/participation (such as Article 55 of the Criminal Code). The legal basis for the crime of participation is regulated in Article 55 and Article 56 of the Criminal Code. One form of participation is the perpetrator (*pleger*) is a person who becomes a perpetrator in the participation and can be punished the same as the maker. Pleger is referred to as a person who materially and actually commits an act that perfectly fulfills the elements of the formulation of the offense that occurred. In principle, he is a person who either alone or in connection with others can be sentenced to criminal sanctions. So pleger is a person who is told to do and of course he is present at the time of committing the criminal act and can be proven guilty.

In the decision of the Manado District Court, , according to the researchers should have been the namely the defendant ANGELINA EMILIA WOWOR acted as a perpetrator (defendant's actions included in the form of participation (*deelneming*),) who was told by the brother ENDA KAWOAN alias ENDA TIKUS *plegerto* deliver to someone the defendant did not know on Jalan Garuda Manado City,, and in return for her services the defendant was given a fee of Rp.2,000,000, - (two million rupiah) for each delivery of shabu narcotics.

The judge in making the decision used the ratio decidendi theory, which is a theory based on a fundamental philosophical foundation, namely related to conscience and a sense of justice by considering all aspects related to the subject matter in dispute such as aspects of humanity, aspects of benefit, and aspects of legal certainty. Then the laws and regulations are used as the basis for a judge to determine the verdict. In this case the judge is guided by Law Number 35 of 2009 concerning Narcotics.

The judge's reasoning in imposing a sentence will determine whether a judge's decision is considered fair or not, determining whether the decision can be accounted for or not. The author does not agree with the consideration of the judge who sentenced the defendant to imprisonment for 10 (ten) years because the defendant's role in case this was

as a perpetrator (pleger) who was told by the brother ENDA KAWOAN alias ENDA RAT to deliver methamphetamine narcotics. Although the defendant's purpose in controlling the methamphetamine narcotics was to deliver it, there was an agreement or conspiracy between the defendant and the brother ENDA KAWOAN alias ENDA TIKUS which was carried out based on their respective awareness and roles.

In the criminal justice system, the gender of the defendant can be one of the factors that can be considered in sentencing, although it is not explicitly mentioned in positive law. In this context, it can be that in the case of ANGELINA EMILIA WOWOR argued there is an argument that a lighter sentence can be considered based on her gender. , who is a woman,

The basic principle in law enforcement is justice, which includes substantive and procedural justice. In this case, substantive justice means that the punishment imposed must be in accordance with the severity of the acts committed by the defendant. However, justice must also take into account the individual factors of the defendant. Gender, as a relevant factor in this analysis, can be the basis for a more lenient sentence.

In many studies on women as offenders, it is found that women are often involved in criminal offenses due to the influence of different social and psychological conditions compared to men. For example, women are more likely to be involved in criminal offenses due involvement in tofamily economic problems. This is a valid reason for judges to consider the gender of the defendant in giving a lighter sentence.

In the context of human rights, there is the principle of non-discrimination which states that the law must provide equal protection to all people regardless of gender. However, there are exceptions in terms of providing special treatment to vulnerable groups, such as women, who have different needs and conditions than men in the context of criminal justice.

Women, especially those accused in criminal cases, are often in a weaker social position. For example, women are often involved in drug offenses because they are trapped in drug trafficking networks that involve physical or emotional violence by other parties. Therefore, gender factors can be considered as a reason to give more thoughtful consideration in sentencing.

Based on the above grounds, there is a strong legal opinion to state that a lighter sentence can be given to the defendant ANGELINA EMILIA WOWOR, by considering the gender factor in sentencing. Although there is no provision that explicitly mentions gender as a factor in determining punishment, the Panel of Judges can use the principles of justice that are inclusive and humanist by giving a lighter sentence to the defendant ANGELINA EMILIA WOWOR. The decision of the Panel of Judges of the Manado District Court to give a lighter sentence than what has been decided as an application of the principle of justice that considers the special conditions faced by the defendant ANGELINA EMILIA WOWOR.

CONCLUSIONS AND ADVICE

In the case involving the defendant ANGELINA EMILIA WOWOR, who was charged with committing the crime of narcotics, there was a significant role in terms of conspiracy or criminal conspiracy. The crime committed by the defendant involved the delivery of methamphetamine on the orders of ENDA KAWOAN alias ENDA TIKUS. Based on the facts of the trial, the defendant was involved in an agreement with ENDA KAWOAN and was rewarded for his role. The Panel of Judges imposed a prison sentence of 10 years, even though the defendant only played a role as a participant or “pleger” in the crime. However, there is room to consider special factors related to the defendant, especially gender. In law enforcement, although the principle of non-discrimination is applied, there are arguments that women involved in criminal offenses, especially those related to social and psychological conditions, can be considered for a lighter sentence. In this case, considerations such as social dependency, influence of others, or economic conditions can be a reason to provide a more proportional and humane sentence.

From the conclusions that the author has givenprovide , the author can the following suggestions:

- a. Consideration of Gender in Sentencing The Panel of Judges needs to consider the gender factor in sentencing, although there is no explicit provision mentioning this in positive law. A defendant who is a woman, with all the social and psychological conditions that differ from men, has the potential to receive a lighter sentence. This

is in line with the principle of substantive justice, which states that the punishment should reflect the act committed, while still taking into account the individual factors of the defendant.

- b. Use of Inclusive Justice Principles Justice must be inclusive and humane, which means judges need to take into account the specific circumstances faced by the defendant. For example, in this case, women are often involved in criminal offenses due to social or economic factors. This consideration could provide an opportunity for the judge to give a sentence that is more thoughtful and appropriate to the context of the defendant's life. In assessing the role of the defendant, the judge should pay more attention to the characteristics of her role in the crime. The defendant ANGELINA EMILIA WOWOR acted as a “pleger”, which means that she acted on the orders of others and was involved in the distribution of narcotics without having the initial intention to commit the crime independently. This should influence the sentencing, by providing consideration for a lighter sentence.

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