

ABSTRAK

Penjatuhan pidana pada Putusan Nomor: 13/Pid.Sus/2022/PN Tjk oleh Majelis Hakim tidak mempertimbangkan alat bukti yang dihadirkan dalam persidangan. Berdasarkan Undang-Undang Nomor 1 Tahun 1981 tentang Hukum Acara Pidana telah mengatur alat-alat bukti yang dibenarkan undang-undang yang dapat dipergunakan hakim dalam membuktikan kesalahan yang didakwakan, sehingga majelis hakim tidak diperbolehkan secara subjektif memvonis terdakwa.

Penelitian ini menggunakan metode normatif dan hasil penelitian ini berupa Memorandum Hukum yang mengkaji Pasal 184 Kitab Undang-Undang Hukum Acara Pidana yang menguraikan bahwa alat bukti yang sah ialah keterangan saksi, keterangan ahli, surat, petunjuk dan keterangan terdakwa. Dalam putusan tersebut terdakwa dijatuhi putusan bebas dikarenakan terdakwa tidak melanggar ketentuan yang terdapat didalam dakwaan penuntut umum. Dakwaan penuntut umum kepada terdakwa dijatuhkan Pasal 114 ayat (2) *Juncto* Pasal 132 ayat (1) Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika dan Pasal 112 ayat (2) *Juncto* Pasal 132 ayat (1) Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika.

Kata Kunci : Pembuktian, Kitab Undang-Undang Hukum Acara Pidana, Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika

ABSTRACT

Criminal conviction in Decision Number: 13/Pid.Sus/2022/PN Tjk the panel of judges is not consider the evidence presented at the court. Based on Law Number 1 of 1981 about Criminal Procedure Law, it has regulated the evidence is justified by law that can be used by judges to prove the guilt charged, so the panel of judges not allowed to subjectively sentence the accused.

The research used normative method and the results of the research were the form of a Legal Memorandum that applies Article 184 of the Criminal Procedure Code which outlines that valid evidence is witness statement, expert statement, letter, instructions and statement of the accused. In the verdict, the defendant was sentenced to acquittal because the defendant did not violate provision contained in the public prosecutor's indictment. The charges against the public prosecutor against the defendants were imposed Article 114 paragraph (2) Juncto Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics and and Article 112 paragraph (2) Juncto Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics.

Keywords : *Evidence, Code of Criminal Procedure, Law Number 35 of 2009 concerning Narcotics*