

ABSTRAK

Rabu tanggal 25 Mei 2022 anggota Satresnarkoba polres Bangkalan yang sedang melakukan patroli dan Hunting di wilayah Dsn. Bajik Kec. Tanjung Bumi Kab. Bangkalan. Melihat Terdakwa Wahyu Aditya Bin Maruki dan Moh Arifin Bin Abdullah yang sedang mengendarai sepeda motor Kawasaki Ninja berwarna abu – abu melintas di jalan tersebut dengan gerak gerik mencurigakan. Sehingga anggota Stresnarkoba melakukan pengeledahan kemudian ditemukan barang bukti berupa 1 (satu) kantong plastik berisikan kristal warna putih dengan berat 0,002 gram dan barang bukti berupa 1 (satu) kantong plastik berisikan kristal warna putih dengan berat 0,049 gram. Barang tersebut dibeli dari saudara Ros (DPO) dengan harga patungan Rp. 100.000 (seratus ribu rupiah). Majelis Hakim menjatuhkan pidana dengan pidana penjara 1 (satu) Tahun 6 (enam) Bulan.

Putusan yang di analisis yakni Apakah tepat putusan dengan nomor: 225/Pi.Sus/2022/PN.Bkl. Menjatuhkan pidana terhadap pelaku Penyalahguna Narkotika Golongan I Bukan Tanaman.

Metode penelitian yang digunakan adalah normatif. Hasil dari penelitian ini menunjukkan, pertimbangan Majelis Hakim di dalam putusan Nomor 225/Pid.Sus/2022/PN.Bkl kurang tepat dari kekeliruan dakwaan Jaksa Penuntut Umum (JPU) karena lebih tepat apabila Terdakwa Wahyu aditya didakwa dalam pasal 127 Ayat (1) Nomor 35 tahun 2009 tentang Narkotika. Akan tetapi, dakwaan tersebut tidak ada di dalam dakwaan Penuntut Umum, sebaiknya terdakwa Wahyu Aditya di berikan perawatan dengan cara direhabilitasi medis atau rehabilitasi sosial. Putusan Hakim terdapat sanksi pidana dibawah ancaman minimum sudah menyimpangi peraturan perundang-undang yang telah ada.

Kata kunci: Penyalahguna Narkotika, Rehabilitasi, Putusan.

ABSTRACT

Wednesday, May 25, 2022 members of the Bangkalan Police Narcotics Satres who are conducting patrols and hunting in the Dsn area. Virtue Kec. Tanjung Bumi Kab. Bangkalan. Seeing the Defendants Wahyu Aditya Bin Maruki and Moh Arifin Bin Abdullah who were riding a gray Kawasaki Ninja motorbike crossing the road with suspicious gestures. So the members of Stresnarkoba conducted a search and found evidence in the form of 1 (one) plastic bag containing white crystals weighing 0.002 grams and evidence in the form of 1 (one) plastic bag containing white crystals weighing 0.049 grams. The goods were purchased from Ros's brother (DPO) at a joint price of Rp. 100,000 (one hundred thousand rupiah). The Panel of Judges sentenced him to imprisonment for 1 (one) year and 6 (six) months.

The decision being analyzed is whether the decision is correct with number: 225/Pi.Sus/2022/PN.Bkl. Imposing criminal penalties on the perpetrators of Narcotics Abuse of Group I Non-Plants.

The research method used is normative. The results of this study indicate that the considerations of the Panel of Judges in decision Number 225/Pid.Sus/2022/PN.Bkl are less precise than the mistake in the indictment of the Public Prosecutor (JPU) because it is more appropriate if the Defendant Wahyu Aditya is charged in Article 127 Paragraph (1) Number 35 of 2009 concerning Narcotics. However, this indictment is not included in the public prosecutor's indictment, it is better for the defendant Wahyu Aditya to be given treatment by means of medical rehabilitation or social rehabilitation. The judge's decision contains criminal sanctions under the minimum threat that have violated existing laws and regulations.

Keywords: Narcotics Abuse, Rehabilitation, Verdict.