

RINGKASAN

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**PENUNTUTAN JAKSA PENUNTUT UMUM
TERHADAP TERDAKWA TINDAK PIDANA
PENYALAHGUNA NARKOTIKA DI
WILAYAH HUKUM KABUPATEN
SIMALUNGUN
(Johari, S.H., M.H dan Muksalmina, S.H.I.,
M.H.)**

Penyalahgunaan narkotika telah diklasifikasikan sebagai kejahatan luar biasa yang merusak ketahanan nasional, Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika menyediakan mekanisme pemulihan bagi pecandu, namun praktik di Kejaksaan Negeri Simalungun memperlihatkan dominasi tuntutan pidana penjara bagi penyalahguna. Masalah utama dalam penelitian ini adalah kesesuaian penuntutan dengan Peraturan Jaksa Agung Nomor PER-005/A/JA/03/2014 serta Pedoman Nomor 18 Tahun 2021, dan alasan jaksa dalam memilih sanksi penjara bagi terdakwa. Penelitian ini bertujuan untuk mengidentifikasi hambatan dalam implementasi keadilan bagi penyalahguna narkotika dan faktor-faktor yang memengaruhi diskresi jaksa di wilayah hukum tersebut.

Metode penelitian yang digunakan adalah hukum empiris. Data primer diperoleh melalui wawancara mendalam dengan jaksa penuntut umum, penyidik kepolisian, dan terdakwa. Analisis dilakukan secara kualitatif dengan menyandarkan temuan lapangan pada teori efektivitas hukum dan kebijakan kriminal.

Hasil penelitian menunjukkan bahwa penuntutan di Kejaksaan Negeri Simalungun berupaya mengikuti amanat Pasal 54 Undang-Undang Nomor 35 Tahun 2009, namun pelaksanaannya sangat bergantung pada syarat administratif dalam Peraturan Jaksa Agung Nomor PER-005/A/JA/03/2014. Jaksa seringkali ragu mengusulkan sanksi tindakan medis sebagaimana diatur Pasal 103 karena kesulitan membuktikan status terdakwa sebagai pengguna murni sesuai Pasal 127 dan adanya batasan berat barang bukti dalam Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010. Pilihan tuntutan penjara tetap diambil akibat ketiadaan panti rehabilitasi milik negara dan dorongan masyarakat yang masih mengutamakan pola penghukuman fisik.

Oleh karena itu, Kesimpulan penelitian menegaskan bahwa inti masalah gagalnya rehabilitasi di Simalungun adalah ketiadaan sarana panti rehabilitasi milik negara dan dominasi paradigma penghukuman yang mengabaikan hak pemulihan terdakwa. Maka disarankan agar jaksa penuntut umum menggunakan diskresi hukum secara objektif untuk mengusulkan rehabilitasi tanpa ketergantungan pada syarat administratif yang menghambat, serta pemerintah wajib segera membangun fasilitas panti rehabilitasi di tingkat daerah guna menjamin terpenuhinya amanat undang-undang dan hak asasi para pengguna narkotika murni secara nyata.

Kata Kunci: Penuntutan, Jaksa Penuntut Umum, Penyalahguna Narkotika, Rehabilitasi.

SUMMARY

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**PROSECUTION BY THE PUBLIC
PROSECUTOR AGAINST THE DEFENDANT IN
THE CRIMINAL ACTION OF NARCOTICS
ABUSE IN THE JURISDICTION OF
SIMALUNGUN REGENCY
(Johari, S.H., M.H and Muksalmina, S.H.I.,
M.H.)**

Narcotics abuse has been classified as an extraordinary crime that threatens national resilience. Although Law Number 35 of 2009 on Narcotics provides a recovery mechanism for addicts through rehabilitation, prosecutorial practices at the Simalungun District Attorney's Office continue to be dominated by demands for imprisonment against narcotics abusers. The main issues examined in this study are the conformity of prosecution practices with Attorney General Regulation Number PER-005/A/JA/03/2014 and Guideline Number 18 of 2021, as well as the reasons underlying prosecutors' decisions to seek custodial sentences for defendants. This research aims to identify obstacles to the implementation of justice for narcotics abusers and the factors influencing prosecutorial discretion within the jurisdiction of the Simalungun District Attorney's Office.

This study employs an empirical legal research method. Primary data were collected through in-depth interviews with public prosecutors, police investigators, and defendants. The data were analyzed qualitatively by relating field findings to theories of legal effectiveness and criminal policy.

The findings indicate that prosecution practices at the Simalungun District Attorney's Office seek to comply with Article 54 of Law Number 35 of 2009 on Narcotics; however, their implementation remains highly dependent on the administrative requirements stipulated in Attorney General Regulation Number PER-005/A/JA/03/2014. Prosecutors are often reluctant to propose medical rehabilitation measures as provided under Article 103 due to difficulties in proving that defendants are mere users as referred to in Article 127, as well as limitations concerning the quantity of seized narcotics established by Supreme Court Circular Letter Number 4 of 2010. Consequently, imprisonment continues to be the preferred prosecutorial demand, influenced by the absence of state-owned rehabilitation centers and societal expectations that still prioritize punitive approaches.

Therefore, the conclusion of this study emphasizes that the core issue behind the failure of rehabilitation efforts in Simalungun lies in the absence of state-owned rehabilitation facilities and the predominance of a punitive paradigm that neglects the defendants' right to recovery. Accordingly, it is recommended that public prosecutors exercise their legal discretion objectively by proposing rehabilitation without being constrained by administrative requirements that hinder its implementation. In addition, the government should immediately establish rehabilitation centers at the regional level to ensure the effective realization of statutory mandates and the protection of the human rights of individuals who are solely narcotics users.

Keywords: Prosecution, Public Prosecutor, Narcotics Abusers, Rehabilitation.