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RINGKASAN

PENANGANAN PERKARA ANAK PENGGUNA NARKOTIKA OLEH JAKSA
(Studi Penelitian Di Kejaksaan Negeri Aceh Timur)

(Prof. Dr. Yulia, S.H.,M.H. dan Dr. Sulaiman, S.H.,M.Hum.)

Penyalahgunaan narkotika yang melibatkan anak terus mengalami peningkatan dan menimbulkan persoalan serius dalam sistem peradilan pidana anak di Indonesia. Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika dan Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak pada dasarnya telah memberikan ruang rehabilitasi sebagai alternatif pemidanaan bagi anak penyalahguna narkotika. Namun dalam praktiknya, penanganan perkara anak narkotika masih cenderung menggunakan pendekatan pemidanaan formal dibandingkan rehabilitasi. Kondisi tersebut juga ditemukan dalam praktik penanganan perkara anak penyalahguna narkotika di Kejaksaan Negeri Aceh Timur.

Penelitian ini bertujuan untuk menganalisis penanganan perkara anak penyalahguna narkotika oleh jaksa, faktor penghambat dalam penerapan rehabilitasi, serta upaya mengatasi hambatan tersebut di Kejaksaan Negeri Aceh Timur.

Jenis penelitian yang digunakan adalah penelitian yuridis normatif dan yuridis empiris. Data diperoleh melalui studi kepustakaan dan wawancara mendalam dengan jaksa, penyidik, pembimbing kemasyarakatan, dan Tim Asesmen Terpadu. Analisis data dilakukan secara kualitatif.

Hasil penelitian menunjukkan bahwa penanganan perkara anak penyalahguna narkotika oleh jaksa di Kejaksaan Negeri Aceh Timur masih didominasi pendekatan pemidanaan formal, sedangkan penerapan rehabilitasi belum berjalan optimal. Faktor penghambat meliputi multiinterpretasi kriteria pengguna dan pengedar narkotika dalam perkara anak, paradigma represif aparat penegak hukum, keterbatasan sarana dan prasarana rehabilitasi termasuk belum tersedianya kantor Badan Narkotika Nasional Kabupaten di Aceh Timur, lemahnya koordinasi dengan Tim Asesmen Terpadu, serta budaya hukum yang represif di kalangan aparat penegak hukum dan masyarakat. Upaya yang diperlukan antara lain penyusunan pedoman teknis kriteria pengguna dan pengedar, penguatan kapasitas dan profesionalisme jaksa, optimalisasi kewenangan diskresi jaksa dan peran Tim Asesmen Terpadu, penyediaan sarana dan prasarana rehabilitasi disertai pengusulan pembentukan kantor Badan Narkotika Nasional Kabupaten Aceh Timur, penguatan koordinasi antar lembaga penegak hukum, serta penguatan budaya hukum yang lebih rehabilitatif dalam penanganan perkara anak pengguna narkotika.

Kata Kunci: Anak, Narkotika, Jaksa, Rehabilitasi, Restorative Justice.

ABSTRACT

IQRAMULLAH ***HANDLING OF CASES INVOLVING CHILD NARCOTICS USERS BY PROSECUTORS (Research Study at the East Aceh District Attorney's Office)***

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(Prof. Dr. Yulia, S.H.,M.H. dan Dr. Sulaiman, S.H.,M.Hum.)

Drug abuse involving children continues to increase and has become a serious issue within the juvenile criminal justice system in Indonesia. Law Number 35 of 2009 concerning Narcotics and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System have basically provided rehabilitation as an alternative to imprisonment for child narcotics abusers. However, in practice, the handling of juvenile narcotics cases still tends to prioritize formal criminal punishment rather than rehabilitation. This condition is also reflected in the handling of juvenile narcotics abuse cases at the Kejaksaan Negeri Aceh Timur.

This study aims to analyze the handling of juvenile narcotics abuse cases by prosecutors, the inhibiting factors in implementing rehabilitation, and the efforts to overcome these obstacles at the East Aceh District Prosecutor's Office.

This research employs normative juridical and empirical juridical methods. Data were collected through library research and in-depth interviews with prosecutors, investigators, correctional counselors, and the Integrated Assessment Team. Data analysis was conducted qualitatively.

The results show that the handling of juvenile narcotics abuse cases by prosecutors at the East Aceh District Prosecutor's Office is still dominated by formal criminal prosecution, while the implementation of rehabilitation has not been optimal. The inhibiting factors include multiple interpretations of the criteria distinguishing drug users from drug traffickers in juvenile cases, the repressive paradigm among law enforcement officers, limited rehabilitation facilities including the absence of a District Office of the National Narcotics Agency (BNNK) in East Aceh, weak coordination with the Integrated Assessment Team, and a repressive legal culture among law enforcement officers and the community. The efforts needed include formulating technical guidelines on the criteria for users and traffickers, strengthening the capacity and professionalism of prosecutors, optimizing prosecutorial discretion and the role of the Integrated Assessment Team, providing rehabilitation facilities and proposing the establishment of a BNNK office in East Aceh, strengthening inter-agency coordination among law enforcement institutions, and fostering a more rehabilitative legal culture in the handling of juvenile narcotics cases.

Keywords: Children, Narcotics, Prosecutor, Rehabilitation, Restorative Justice.