

DISPARITAS SANKSI PIDANA PADA TINDAK PIDANA PENYALAHGUNA NARKOTIKA DI PENGADILAN NEGERI SINGARAJA

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ABSTRAK

Penelitian ini memiliki tujuan untuk (1) menganalisis pertimbangan hakim yang menyebabkan adanya disparitas putusan No. 105/Pid.Sus/2022/PN Sgr dan No. 168/Pid.Sus/2022/PN Sgr, serta (2) mengidentifikasi faktor-faktor yang berkontribusi terhadap disparitas dalam kasus penyalahgunaan narkotika di Pengadilan Negeri Singaraja. Penelitian ini menggunakan metode yuridis empiris pendekatan deskriptif. Teknik pengumpulan data dilakukan melalui studi dokumen, wawancara, serta observasi. Teknik penarikan sampel yang digunakan adalah purposive sampling. Data yang dikumpulkan dianalisis menggunakan pendekatan kualitatif. Hasil penelitian mengungkapkan bahwa (1) Hakim dalam menjatuhkan putusan mempertimbangkan berbagai aspek, termasuk surat dakwaan, keterangan saksi, barang bukti, serta faktor yang meringankan dan memberatkan terdakwa. Dalam putusan No. 105/Pid.Sus/2022/PN Sgr, terdakwa dijatuhi hukuman 10 bulan penjara, sedangkan dalam putusan No. 168/Pid.Sus/2022/PN Sgr, terdakwa dijatuhi hukuman 1 tahun 10 bulan penjara. Hakim dalam kedua putusan tersebut telah mempertimbangkan fakta-fakta hukum yang terungkap selama persidangan. (2) Disparitas dalam putusan ini dipengaruhi oleh beberapa faktor, antara lain perbedaan pandangan hakim, ketentuan dalam perundang-undangan, peran penuntut umum, serta sikap dan perilaku terdakwa selama persidangan.

Kata Kunci: Disparitas pemidanaan, Pertimbangan Hakim, Penyalahguna Narkotika

***DISPARITY OF CRIMINAL SANCTIONS IN
DRUG ABUSE CRIMES IN SINGARAJA DISTRICT COURT***

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ABSTRACT

This study aims to (1) analyze the judge's considerations that caused the disparity in decisions No. 105/Pid.Sus/2022/PN Sgr and No. 168/Pid.Sus/2022/PN Sgr, and (2) identify factors that contribute to disparities in drug abuse cases at the Singaraja District Court. This study uses an empirical legal method with a descriptive approach. Data collection techniques were carried out through document studies, interviews, and observations. The sampling technique used was purposive sampling. The data obtained were analyzed qualitatively. The results of the study show that (1) Judges in making decisions consider various aspects, including indictments, witness statements, evidence, and mitigating and aggravating factors for the defendant. In decision No. 105/Pid.Sus/2022/PN Sgr, the defendant was sentenced to 10 months in prison, while in decision No. 168/Pid.Sus/2022/PN Sgr, the defendant was sentenced to 1 year and 10 months in prison. The judges in both decisions have considered the legal facts revealed during the trial. (2) The disparity in this decision is influenced by several factors, including differences in the judge's views, provisions in the legislation, the role of the public prosecutor, and the attitude and behavior of the defendant during the trial.

Keywords: *Disparity in sentencing, Judge's Considerations, Drug Abusers*

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