

**PENERAPAN REHABILITASI DALAM PUTUSAN HAKIM TERHADAP
ANAK PENYALAHGUNA NARKOTIKA GOLONGAN I BAGI DIRI
SENDIRI (STUDI KASUS PUTUSAN NO. 1/PID-SUS ANAK/PN SGR)**

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ABSTRAK

Penelitian ini bertujuan untuk (1) menganalisis pertimbangan hukum hakim dalam menjatuhkan pidana penjara tanpa perintah rehabilitasi terhadap anak penyalahguna narkotika golongan I bagi diri sendiri dalam Putusan Nomor 1/Pid.Sus-Anak/2019/PN Sgr, serta (2) mengkaji akibat hukum dari tidak dicantumkannya perintah rehabilitasi dalam amar putusan terhadap pelaksanaan rehabilitasi bagi anak. Metode yang digunakan adalah penelitian hukum empiris dengan sifat deskriptif. Penelitian dilaksanakan di Pengadilan Negeri Singaraja dan Badan Narkotika Nasional Kabupaten Buleleng. Data dikumpulkan melalui wawancara, observasi, dan studi dokumen, dengan penentuan subjek menggunakan teknik purposive sampling. Analisis data dilakukan secara kualitatif. Hasil penelitian menunjukkan bahwa (1) Majelis Hakim menyatakan anak terbukti melanggar Pasal 127 ayat (1) huruf a Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika dan menjatuhkan pidana penjara selama 6 (enam) bulan tanpa perintah rehabilitasi medis maupun sosial. Padahal, berdasarkan fakta persidangan dan SEMA Nomor 4 Tahun 2010, anak memenuhi kriteria sebagai pecandu yang berhak memperoleh rehabilitasi, sehingga putusan tersebut belum sejalan dengan Pasal 54 Undang-Undang Narkotika dan prinsip kepentingan terbaik bagi anak. (2) Tidak dicantumkannya perintah rehabilitasi mengakibatkan BNNK tidak dapat melaksanakan rehabilitasi untuk anak tersebut, sehingga anak hanya menjalani pidana penjara tanpa pemulihan, yang berpotensi meningkatkan risiko residivisme dan menghambat tujuan pemidanaan yang edukatif dan restoratif.

Kata Kunci: rehabilitasi, anak, narkotika, putusan hakim.

**IMPLEMENTATION OF REHABILITATION IN JUDGES' DECISIONS
TOWARD JUVENILE OFFENDERS WHO ABUSE CATEGORY I
NARCOTICS FOR PERSONAL USE (CASE STUDY OF DECISION NO.
1/PID-SUS ANAK/PN SGR)**

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ABSTRACT

This study aims to (1) analyze the legal considerations of the panel of judges in imposing a sentence of imprisonment without an order for rehabilitation on a child who abused Category I narcotics for personal use in Decision Number 1/Pid.Sus-Anak/2019/PN Sgr, and (2) examine the legal consequences arising from the absence of a rehabilitation order in the operative part of the judgment concerning the implementation of rehabilitation for the child. The research employs an empirical legal method with a descriptive approach. It was conducted at the Singaraja District Court and the National Narcotics Agency of Buleleng Regency. Data were collected through interviews, observation, and document study, with research subjects selected using purposive sampling. The data were then processed and analyzed qualitatively. The results show that (1) the panel of judges declared the child legally and convincingly guilty of violating Article 127 paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics and imposed a sentence of six months' imprisonment without ordering medical or social rehabilitation. This decision appears inconsistent with the facts revealed during trial and the criteria outlined in Supreme Court Circular Letter Number 4 of 2010, which indicate that the child qualifies as an addict entitled to rehabilitation. (2) The omission of a rehabilitation order prevents the National Narcotics Agency at the regency/city level (BNNK) from providing rehabilitation services to the child, resulting in the child serving only a prison sentence without receiving recovery treatment. This condition potentially increases the risk of recidivism and hinders the achievement of the educational and restorative objectives of punishment.

Keyword: *rehabilitation, children, narcotics, judicial decision.*