

ABSTRAK

Al Athabliq. 2025. Penerapan Asas Legalitas Dalam Penegakan Hukum Pelaku Tindak Pidana Narkotika Berdasarkan Ketentuan Minimum Khusus Di Polresta Jambi. Islah, S.H., M.H. Sebagai Pembimbing I dan Triamy Rostarum, S.H., M.Kn. Sebagai Pembimbing II.

Kata kunci: Asas Legalitas, Ketentuan Minimum Khusus.

Diberlakukannya sistem pidana dibawah minimal khusus diharapkan dapat memberikan efek jera terhadap pelaku penyalahgunaan narkotika karena dapat dikenai hukuman yang berat. Tujuan penelitian ini yaitu untuk mengetahui penerapan asas legalitas dalam penjatuhan pidana bagi pelaku tindak pidana narkotika menurut ketentuan minimum khusus dalam peraturan perundang-undangan di Polresta Jambi dan mengetahui kendala-kendala dalam penerapan asas legalitas dalam penjatuhan pidana bagi pelaku tindak pidana narkotika menurut ketentuan minimum khusus dalam peraturan perundang-undangan di Polresta Jambi. Penelitian ini termasuk penelitian empiris. Hasil penelitiannya ialah kasus di Polresta Jambi pada Januari 2024 menunjukkan penerapan asas legalitas melalui operasi controlled delivery, di mana pelaku ditangkap dengan barang bukti 20 paket sabu. Berdasarkan hasil pengujian, pelaku dijerat Pasal 112 ayat (2) dan Pasal 114 ayat (2) UU Narkotika. Penerapan asas legalitas dalam penjatuhan pidana narkotika di Polresta Jambi menghadapi berbagai kendala meskipun ketentuan minimum khusus dalam Undang-Undang Narkotika dimaksudkan untuk memberikan kepastian hukum. Kendala normatif muncul karena perumusan undang-undang tidak membedakan peran pelaku (bandar, pengedar, kurir, pengguna), sehingga hakim terikat pada pidana minimal tanpa ruang fleksibilitas. Dari aspek interpretatif, perbedaan tafsir antar aparat penegak hukum menimbulkan inkonsistensi putusan meski kasus serupa. Kendala teknis juga tampak dalam pembuktian, keterbatasan fasilitas laboratorium, serta prosedur rantai bukti yang belum sempurna. Selain itu, koordinasi antar lembaga sering kurang optimal, sehingga mekanisme rehabilitasi bagi pengguna sulit diterapkan. Ditambah lagi, keterbatasan sumber daya manusia, sarana forensik, dan kapasitas lembaga masyarakatan memperparah masalah. Kondisi ini menunjukkan perlunya keseimbangan antara asas legalitas, keadilan substantif, serta efektivitas penegakan hukum narkotika di lapangan.

ABSTRACT

Al Athabliq, 2025. Implementation of the Principle of Legality in Law Enforcement of Narcotics Crime Perpetrators Based on Special Minimum Provisions at the Jambi Police. Islah, S.H., M.H. as Supervisor I and Triamy Rostarum, S.H., M.Kn. as Supervisor II.

Keywords: *Principle of Legality, Special Minimum Provision.*

The enforcement of the sentencing system under the special minimum provision is expected to provide a deterrent effect on narcotics offenders since they may be subjected to severe punishment. The purpose of this study is to examine the application of the principle of legality in sentencing narcotics offenders under the special minimum provisions in legislation at the Jambi City Police (Polresta Jambi) and to identify the obstacles in its implementation. This research is empirical in nature. The findings show that the case at Polresta Jambi in January 2024 demonstrated the application of the legality principle through a controlled delivery operation, where the offender was arrested with 20 packages of methamphetamine. Based on laboratory results, the offender was charged under Article 112 (2) and Article 114 (2) of the Narcotics Law. According to investigators, the special minimum provisions present challenges because all offenders, whether couriers or drug lords, are subject to severe punishment. However, the principle of legality is still applied to ensure legal certainty, even though it sometimes creates dilemmas regarding substantive justice. The application of the legality principle in narcotics sentencing at Polresta Jambi faces various obstacles, even though the special minimum provisions in the Narcotics Law are intended to ensure legal certainty. Normative challenges arise because the legislation does not differentiate offenders' roles (drug lords, distributors, couriers, users), binding judges to minimum sentences without flexibility. From an interpretive aspect, differing interpretations among law enforcement officers create inconsistencies in verdicts, even in similar cases. Technical obstacles are also evident in the evidentiary process, limited laboratory facilities, and imperfect chain of custody procedures. Moreover, inter-agency coordination is often suboptimal, making rehabilitation mechanisms for users difficult to implement. In addition, limited human resources, forensic facilities, and prison capacities exacerbate the problem. These conditions highlight the need for balance between the principle of legality, substantive justice, and the effectiveness of narcotics law enforcement in practice.