

ABSTRAK

Penyalahgunaan narkoba oleh anak di Indonesia merupakan masalah sosial yang semakin serius. Penelitian ini bertujuan menganalisis proses perumusan rekomendasi penelitian kemasyarakatan oleh Pembimbing Kemasyarakatan terhadap anak pelaku penyalahgunaan narkoba berulang, serta mengkaji respon Penuntut Umum dan Hakim terhadap rekomendasi tersebut. Metode yang digunakan adalah hukum sosio-legal dengan pendekatan sosiologi hukum, berbasis data primer dan sekunder melalui wawancara dengan Bapas, Jaksa, dan Hakim serta studi dokumen. Hasil penelitian menunjukkan bahwa perumusan rekomendasi Litmas terhadap anak pelaku penyalahgunaan narkoba berulang tidak hanya berpijak pada Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, tetapi juga pada peraturan teknis seperti Permenkumham Nomor 33 Tahun 2016 dan Standar Litmas Anak 2016. Namun, dalam Putusan No. 2/PID.SUS-ANAK/2024/PN PWT, rekomendasi Litmas hanya didasarkan pada UU SPPA. Penuntut Umum dan Hakim tidak sepenuhnya mengikuti rekomendasi tersebut karena dinilai belum mencerminkan kebutuhan korektif bagi anak yang telah dua kali melakukan penyalahgunaan narkoba dan sebelumnya menjalani rehabilitasi mandiri, sehingga dianggap perlu kombinasi pidana penjara dan rehabilitasi sosial. Penelitian merekomendasikan agar Bapas menggunakan seluruh ketentuan yang relevan dalam penyusunan Litmas dan diperlukan penegasan makna “mempertimbangkan” laporan Litmas dalam Pasal 60 ayat (4) UU SPPA demi kepentingan terbaik bagi anak dan sinergi antar penegak hukum.

Kata kunci: Anak berhadapan hukum, anak berkonflik dengan hukum, Penelitian kemasyarakatan, penyalahgunaan narkoba.

ABSTRACT

The abuse of narcotics among children in Indonesia has become an increasingly serious social problem. This study aims to analyze the process of formulating social inquiry recommendations by Community Advisors for children who repeatedly commit narcotics abuse, and to examine the responses of Public Prosecutors and Judges to those recommendations. The research employs a socio-legal method with a sociology of law approach, drawing on primary and secondary data obtained through interviews with officers from the Correctional Center (Bapas), Prosecutors, and Judges, as well as document studies. The findings indicate that the formulation of social inquiry (Litmas) recommendations for children who repeatedly abuse narcotics is not limited to the provisions of Law No. 11 of 2012 on the Juvenile Criminal Justice System, but also refers to technical regulations such as Minister of Law and Human Rights Regulation No. 33 of 2016 and the 2016 Child Litmas Standards. However, in Decision No. 2/PID.SUS-ANAK/2024/PN PWT, the Litmas recommendation was based solely on the Juvenile Criminal Justice Law. The Public Prosecutor and the Judge did not fully adhere to the recommendation because it was deemed insufficient to reflect the corrective needs of a child who had twice committed narcotics abuse and had previously undergone self-rehabilitation, thus necessitating a combination of imprisonment and social rehabilitation. This study recommends that the Correctional Center incorporate all relevant regulations when preparing Litmas recommendations. It also highlights the need for clearer interpretation of the term “to consider” the Litmas report as stipulated in Article 60(4) of the Juvenile Criminal Justice Law, to ensure alignment with the best interests of the child and reinforce synergy among law enforcement actors in the Juvenile Criminal Justice System.

Keywords: *Children in contact with the law, children in conflict with the law, social inquiry report, narcotics abuse.*