

**PENERAPAN SURAT EDARAN JAKSA AGUNG
REPUBLIK INDONESIA NOMOR SE-013/A/JA/12/2011 TENTANG
PEDOMAN TUNTUTAN PIDANA PERKARA TINDAK PIDANA UMUM
DALAM PERKARA TINDAK PIDANA NARKOTIKA
DI KEJAKSAAN NEGERI JAKARTA BARAT**

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis sinkronisasi secara vertikal yaitu pengaturan Surat Edaran Jaksa Agung Republik Indonesia Nomor SE-013/A/JA/12/2011 tentang Pedoman Tuntutan Pidana Perkara Tindak Pidana Umum dalam hal melanggar Pasal 114 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika dan penerapannya di Kejaksaan Negeri Jakarta Barat ditinjau dari perspektif keadilan, kepastian hukum, dan kemanfaatan, serta mengetahui dan menganalisis pengaturan dan penerapan terkait tuntutan pidana dalam perkara tindak pidana melanggar Pasal 114 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika di masa mendatang.

Penelitian ini merupakan penelitian hukum normatif-empiris sehingga data yang digunakan adalah data sekunder yang diperoleh melalui penelitian kepustakaan dan data primer yang diperoleh melalui penelitian lapangan di Kejaksaan Negeri Jakarta Barat dengan metode wawancara terhadap responden, kemudian kedua data tersebut dianalisis secara deskriptif kualitatif.

Berdasarkan hasil penelitian dan pembahasan disimpulkan sebagai berikut : *Pertama*, Ketidaksesuaian dalam hal formulasi jumlah narkotika dalam satuan berat yang tidak sesuai dengan rumusan delik dalam Pasal 114 ayat (1) Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika serta formulasi pidana minimum khusus yang diatur lebih tinggi dalam Surat Edaran Jaksa Agung Republik Indonesia Nomor SE-013/A/JA/12/2011 tentang Pedoman Tuntutan Pidana Perkara Tindak Pidana Umum menimbulkan kerancuan pada saat diterapkan dalam perkara *in concreto*. *Kedua*, Disinkronisasi pengaturan Surat Edaran Jaksa Agung Republik Indonesia Nomor SE-013/A/JA/12/2011 tentang Pedoman Tuntutan Pidana Perkara Tindak Pidana Umum terhadap ketentuan Pasal 114 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika dapat menimbulkan disorientasi tujuan pemidanaan serta tidak tercapainya tujuan hukum yaitu keadilan, kepastian hukum, dan kemanfaatan. *Ketiga*, Formulasi dalam pengaturan Surat Edaran Jaksa Agung Republik Indonesia Nomor SE-013/A/JA/12/2011 tentang Pedoman Tuntutan Pidana Perkara Tindak Pidana Umum memerlukan perbaikan. Penuntut umum dalam melaksanakan kewenangan penuntutan harus lebih mengejar terpenuhinya keadilan substansi.

Kata Kunci : *Pedoman Tuntutan Pidana, Tindak Pidana Narkotika, Kejaksaan.*

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**THE IMPLEMENTATION OF CIRCULAR LETTER OF ATTORNEY
GENERAL OF REPUBLIC OF INDONESIA NO.SE-013/A/JA/12/2011
REGARDING THE GUIDELINE OF CRIMINAL CASE PROSECUTION
OF GENERAL OFFENSES OF NARCOTICS IN
DISTRICT ATTORNEY OF WEST JAKARTA**

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ABSTRACT

This research is aimed to discover and analyze the synchronization in vertical context regarding the arrangement of the Circular Letter of Attorney General of Republic of Indonesia No.SE-013/A/JA/12/2011 regarding the Guideline of Criminal Case Prosecution of General Offenses in the violation of Article 114 of Law No.35/2009 regarding Narcotics and the implementation in the District Attorney of West Jakarta reviewed from the perspectives of justice, legal certainty, and expediency as well as discovering and analyzing the arrangement and implementation associated with the criminal charges in the criminal offense of the violation of Article 114 of Law No.35/2009 regarding Narcotics for the future cause.

This research is a normative-empirical law study, therefore, the data that being used are secondary data acquired through literature study and primary data acquired through field study in District Attorney of West Jakarta through interview method towards respondents, both of the acquired data then being analyzed in a qualitative-descriptive manner.

According to the results and discussion of the research, the conclusions are as follows: first, the incompatibility in the context of narcotics amount formulation in the weight standard which not in accordance with the offense formulation of Article 114 verse (1) of Law No.35/2009 regarding Narcotics as well as the formulation of special minimum charges which regulated in a higher degree of the Circular Letter of Attorney General of Republic of Indonesia No.SE-013/A/JA/12/2011 regarding the Guideline of Criminal Case Prosecution of General Offenses that have emerged a confusion during its implementation on *in concreto* case. Secondly, the desynchronization on the arrangement of the Circular Letter of Attorney General of Republic of Indonesia No.SE-013/A/JA/12/2011 regarding the Guideline of Criminal Case Prosecution of General Offenses towards the regulation of Article 114 of Law No.35/2009 regarding Narcotics which able to emerge the disorientation of the objectives of charges as well as the non-achievement of law purposes such as justice, legal certainty, and expediency. Thirdly, the formulation in the arrangement of the Circular Letter of Attorney General of Republic of Indonesia No.SE-013/A/JA/12/2011 regarding the Guideline of Criminal Case Prosecution of General Offenses is requiring an improvement. The general prosecutor has to achieve more substantial justice in performing the charging authority.

Keywords : Guideline of Criminal Case Prosecution, Narcotics Crimes, Attorney.

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