



Criminal enforcement of drug abuse article 127 of law no. 35/2009 against the lubuk pakam district court decision no. 1344/pid.sus/2019/PN.Lbp

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Abstract

This study examines the inconsistency of the application of Article 127 of Law Number 35 of 2009 concerning Narcotics in Indonesia. Narcotics crimes, especially those involving dealers and abusers, have become a serious problem in society. Although the law gives judges the power to order rehabilitation for abusers, many cases end in prison sentences. This study uses normative juridical methods with legal and conceptual approaches, as well as qualitative analysis of secondary data. A study of two court decisions, namely the Medan District Court Decision Number 392/Pid.Sus/2021/PN Mdn and the Lubuk Pakam District Court Decision Number 1344/Pid.Sus/2019/PN Lbp, shows inconsistencies in the application of the law. One decision ordered rehabilitation, while the other decided to imprison. The results of this study emphasize the need for fair and consistent law enforcement so that legal goals, namely justice, certainty, and usefulness, can be achieved. The implementation of rehabilitation must be strengthened to be more in line with existing regulations.

Keywords: Application of article 127 of the narcotics law, inconsistency of law enforcement, rehabilitation of narcotics abusers

Introduction

Crimes are becoming more and more rampant among the community, this cannot be denied. Of course, crimes that often occur in the community are very disruptive to security, so it is very necessary to take action to take action against the perpetrators of these crimes, for example, crimes that often occur, namely narcotics crimes (Eva Syahfitri Nasution, 2015; Selwendri *et al.* 2020; Silalahi, 2018; Sinaga & Lubis, 2010) ^[3, 12, 14, 15].

Narcotics-related crimes are qualified into several forms of criminal acts, but what often occurs in society is related to "narcotics dealers and narcotics abusers" (Lubis *et al.* 2023; Situmorang; *et al.* 2022) ^[8, 17]. If we talk about narcotics dealers, it is clear that there has been an interaction between narcotics dealers and buyers, both of whom are perpetrators of narcotics crimes. The dealers provide the illegal substances, while the buyers engage in the transaction, thereby perpetuating the narcotics trade and contributing to the cycle of criminal activity. This interaction illustrates the collaborative nature of narcotics offenses, where both parties play integral roles in the commission and continuation of drug-related crimes (Christiani *et al.* 2023; Sahputra *et al.* n.d.) ^[2, 11]. However, if we talk about narcotics abusers, so far there are still differences of opinion regarding narcotics abusers. Positive law states that narcotics abusers are perpetrators of criminal acts because they have met the qualifications in the narcotics law (Marpaung *et al.* 2023; Silalahi Andre, 2019; Sinaga & Lubis, 2010; Siti & Siregar, 2013) ^[9, 13, 15, 16].

In Article 54 of Law Number 35 of 2009 concerning Narcotics, it is stated that narcotics addicts and victims of narcotics abuse are obliged to undergo medical and social rehabilitation. Article 103 of the Narcotics Law gives judges the authority to order addicts and victims of narcotics abuse as defendants to undergo rehabilitation through their verdicts if they are proven guilty of abusing narcotics (Ardiyani *et al.* 2017; Junaidi *et al.* 2020; Pasaribu *et al.* 2020; Syahfitri *et al.* 2021) ^[1, 5, 10, 18].

Several court decisions have been handed down to order defendants who commit criminal acts of narcotics abuse to undergo treatment and/or treatment through rehabilitation. One of these decisions is the Medan District Court Decision Number: 392/Pid.Sus/2021/PN Mdn. In the decision, the defendant was tried on behalf of Rano Karno alias Alung.

The defendant was arrested at Kuala Namu International Airport by Senior Aviation Officer Security as the X-Ray Inspector of the Terminal of Kualanamu Internasional arrival in Deli Serdang Regency together with police officers of the Directorate of Narcotics of the North Sumatra Police but nothing was found in the possession of the Defendant of any type of narcotics, then Senior Aviation Officer Security as the X-Ray Inspector the arrival terminal of Kualanamu International, Deli Serdang Regency together with Police officers from the North Sumatra Police Directorate of Narcotics conducted an inspection in a white Wuling car with Police number BK 1853 VS, and the officer found a blue plastic cracker containing two packages of translucent white plastic clips containing methamphetamine-type narcotics weighing 0.70 (zero point seventy) grams based on the Minutes of Evidence Weighing dated October 7 2020 which was made and carried out by the Directorate of Narcotics of the North Sumatra Police and four pieces of pirez glass and two needles of tools to use methamphetamine-type narcotics on the dashboard of a white Wuling car with Police number BK 1853 VS.

The panel of judges of the Medan District Court in decision number: 392/Pid.Sus/2019/PN. Mdn decides

1. Based on the Minutes of Laboratory Analysis of Narcotics Evidence No.Lab: 10722/NNF/2020 on October 19, 2020, the conclusion of the examination stated that the evidence in the form of urine examined belonging to the Defendant Rano Karno als Alung was true, contained methamphetamine and was registered in Group I (one) Sequence Number 61 Attachment I of Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics. Declaring that the Defendant

- Rano Karno Als Alung has been legally and convincingly proven guilty of committing the criminal act of "Class I Narcotics Abuser for himself".
2. Ordering the Defendant Rano Karno Als Alung to undergo treatment and/or treatment through rehabilitation for 6 (six) months at BNN Deli Serdang Regency, since this verdict was pronounced.
 3. Order that the Defendant be released from custody.
 4. Acquitting the Defendant from the First Indictment of the Public Prosecutor.
 5. Stipulating that the period during which the Defendant undergoes treatment and/or treatment through rehabilitation for 6 (six) months is counted as the period of serving the sentence.
 6. Determining evidence in the form of
 - a. 1 (one) Unit of White Wuling Car with Police number BK-1853-V.
 - b. And 1 (one) Blue Crackle Plastic Bag, Returned to Rano Karno als Alung.
 - c. 1 (one) translucent white plastic clip containing methamphetamine-type narcotics of 0.20 (Zero point twenty) grams netto.
 - d. 1 (one) Translucent White Plastic Clip containing methamphetamine-type narcotics of 0.50 (One point twenty) grams netto, 4 (four) pieces of Pirex glass, 2 (two) Pieces of Syringes of the brand SINGLE USE NEDDLE, to be destroyed.
 7. Charging the Defendant to pay the case fee of Rp.5,000.00 (five thousand rupiah).

However, unfortunately, in other regions of Indonesia, there are still judges' decisions against narcotics abusers sentenced to prison without rehabilitation. This certainly ignores the essence of existing regulations. In fact, it causes problems in the history of legislation in Indonesia. Another effect of this is that it causes a burden on the state to finance narcotics convicts while serving their sentences in correctional institutions. One example of a Court Decision that does not decide on rehabilitation of the abuser is the Lubuk Pakam District Court Decision Number: 1344/Pid.Sus/2019/PN.Lbp. The decision adjudicates the defendant on behalf of Ridwan.

The defendant on behalf of Ridwan was arrested by members of the Medan Police who were carrying out criminal pickets received information from the community on the Border Road, Bakaran Batu Village, Lubuk Pakam District, Deli Serdang Regency, there are often buying and selling of methamphetamine narcotics, based on this information the Police witnesses conducted an investigation at the place, then the Police witnesses saw the defendant standing in the place, then secured the defendant, the police witnesses conducted a search of the defendant and found 1 (one) plastic clip on containing shabu narcotics in the right pocket of the defendant's pants, then the defendant explained that the defendant obtained shabu narcotics from a person named Ari (not yet caught) for Rp. 80,000,- (eighty thousand rupiah) on Jalan Pesantren, Percut Sei Tuan District, Deli Serdang Regency, Furthermore, the defendant and the evidence were brought to the Medan Police to account for their actions, based on the Minutes of Analysis of the Narcotics Evidence Laboratory Number Lab: 2413/NNF/2019 dated March 7, 2019 which was made and signed by remembering the oath of office by Zulni Erma

and Supiyani, S.Si., M.Si each as an examiner at the Medan Branch of the National Police Criminal Investigation Center, explain

1. 1 (one) clear plastic containing white crystals with a net weight of 0.04 grams.
2. 1 (one) plastic bottle containing 30 ml of urine.

Evidence a and b allegedly containing narcotics belonging to the defendant Ridwan are Positive containing methamphetamine and are listed in Group I number 61 Attachment I of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

The panel of judges of the Lubuk Pakam District Court in decision number: 1344/Pid.Sus/2019/PN. Lbp decides

1. Declaring that the Defendant Ridwan was not legally and convincingly proven guilty of committing a criminal act as in the primary indictment.
2. Acquitting the Defendant from the Primary Charge.
3. Declaring that the Defendant Ridwan has been legally and convincingly proven guilty of committing a criminal act, "without the right to possess class I narcotics that are not plants".
4. Imposing a penalty on the defendant, therefore, with a prison sentence of 4 (four) years and a fine of Rp. 800,000,000 (eight hundred million rupiah) with the provision that if the fine is not paid, it will be replaced with a fine of 1 (one) month of imprisonment.
5. Stipulate that the period of arrest and detention that has been undergone by the Defendant is entirely deducted from the sentence imposed.
6. Stipulating that the Defendant remains in custody.
7. Ordered evidence in the form of: 1 (one) plastic clip on containing methamphetamine-type narcotics after being weighed with a gross weight of 0.08 grams and with a net weight of 0.04 grams, confiscated for destruction.
8. Charging the Defendant, a case fee of Rp. 2,500 (two thousand five hundred rupiah).

Decision number: 1344/Pid.Sus /2019/PN. Lbp does not implement rehabilitation for narcotics abusers, which causes problems. The difference between the two decisions above causes the failure to achieve the goals of the law, namely, justice, certainty, and utility. Therefore, it is important to conduct an analysis related to the implementation of rehabilitation for perpetrators who commit criminal acts of narcotics abuse.

Research Methods

In research to find and develop knowledge, research methods are needed that facilitate the achievement of research objectives. This research is a normative juridical research, namely descriptive and analytical literature law research, revealing laws and regulations and legal theories that are the object of research (Lavianchandra *et al.* 2020; Tektona *et al.* 2020) [7, 19]. The approach used is a statute approach and a conceptual approach. The data required is secondary data, consisting of primary, secondary, and tertiary legal materials. Data collection techniques through library research, document studies, and internet searches. Data analysis is carried out qualitatively, organizing legal materials into categories and basic descriptive units to create themes and formulate working hypotheses, with the aim of providing solutions to this research problem.

Results and Discussion

1. Medan District Court Decision Number: 392/Pid.Sus/2021/PN Mdn

a. Case Chronology

The defendant Rano Karno als Alung was arrested at Kuala Namu International Airport by the Senior Security aviation officer as the X-Ray Inspector of the Kualanamu International Terminal of Deli Serdang Regency with police officers from the North Sumatra Police Directorate of Narcotics. Although initially no narcotics were found on the defendant, an examination in a white Wuling car with police number BK 1853 VS found a blue crackle plastic containing two packages of transparent plastic clips with methamphetamine narcotics weighing 0.70 grams, four pyrex glasses, and two syringes. Based on the Minutes of Analysis of the Narcotics Evidence Laboratory No.Lab: 10722/NNF/2020 signed by Debora M. Hutagaol, S.Si, Apt, R. Fani Miranda, ST, and Ka.Bid. Forensic Lab. Medan Wakabid Branch Siahaan, S.Si, M.Si, the evidence examined belonged to the defendant containing methamphetamine and was registered in Group I Number 61 Attachment I of Law No. 35 of 2009 concerning Narcotics.

b. Indictment

Case of criminal acts of narcotics abuse class I Medan District Court Decision Number: 392 / Pid. Sus/ 2021/ PN. Mdn committed by the defendant Rano Karno als Alung by the Public Prosecutor was charged in the form of a subsidiary indictment. That is

Primair: without the right or against the law to possess, store, control or provide Class I Narcotics other than plants, as regulated and criminally threatened in Article 112 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics.

Subsidiy: without the right or against the law to possess, store, control or provide Class I Narcotics other than plants, as regulated and criminally threatened in Article 127 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics.

c. Public Prosecutor's Demands

Based on the description and provisions of the applicable law, the Public Prosecutor at the Medan District Prosecutor's Office prosecuted the defendant Rano Karno als Alung with the following demands:

- Declaring that the defendant Rano Karno als Alung was proven guilty of committing the crime of abusing narcotics class I for himself as in the second indictment violating Article 127 paragraph (1) letter a of Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics.
- Demanding rehabilitation on behalf of the defendant for 8 months.
- Stating that evidence in the form of a white Wuling car with police number BK-1853-VS and a blue crackle plastic bag was returned to the defendant, while two plastic clips containing methamphetamine narcotics (weighing 0.20 grams and 0.50 grams netto, respectively), four pieces of pirex glass, and two syringes of the SINGLE USE NEDDLE brand were confiscated for destruction.
- Charging a case fee of Rp. 5,000 to the defendant.

d. Judge's Considerations

The judge considered the legal facts in decision number 392/Pid.Sus/2019/PN. Mdn against the defendant Rano Karno als Alung in the case of possession of class I narcotics without a permit. The Panel of Judges stated that the defendant fulfilled the elements in Article 127 paragraph (1) letter a of Law No. 39 of 2009 concerning Narcotics, namely "every person" and "abuse of class I narcotics for oneself."

The facts revealed at the trial, including the statements of witnesses and defendants, as well as evidence, support the conclusion that the defendant had used methamphetamine-type narcotics and had such evidence. Laboratory analysis also confirmed that the defendant's narcotics and urine evidence contained methamphetamine, which was registered in group I.

The judge concluded that all elements of the crime had been proven and the defendant should be sentenced appropriately. During the trial, no grounds were found that could relieve the defendant of criminal responsibility. Therefore, the defendant must be responsible for his actions and ordered to undergo rehabilitation. The evidence found will be destroyed except for the vehicle and plastic bag which will be returned to the defendant.

The aggravating circumstance is that the defendant's actions do not support the government's program in eradicating narcotics, while the mitigating factor is that the defendant has never been punished, behaved politely at trial, and regretted his actions.

e. Judge's Verdict

In decision number 392/Pid.Sus/2019/PN. Mdn, the panel of judges of the Medan District Court decided that the defendant Rano Karno als Alung was proven guilty of abusing class I narcotics for himself. The judge ordered the defendant to undergo rehabilitation for 6 months at BNN Deli Serdang Regency since the verdict was pronounced, and released him from custody. The defendant was also acquitted of the first charge of the public prosecutor. The rehabilitation period is counted as the sentence period. Evidence in the form of a white Wuling car and a crackle plastic bag was returned to the defendant, while narcotics and other tools were destroyed. The defendant was also charged a case fee of Rp. 5,000.

2. Lubuk Pakam District Court Decision Number: 1344/Pid.Sus/2019/PN.Lbp

a. Case Chronology

The defendant Ridwan was arrested by members of the Medan Police after witnesses received information from the public about the frequent trading of methamphetamine-type narcotics on the Border Road of Bakaran Batu Village, Lubuk Pakam District, Deli Serdang Regency. Police who conducted an investigation at the location saw the defendant and found a plastic clip containing shabu in his pants pocket. Ridwan admitted that he got shabu for Rp. 80,000 from a person named Ari. The defendant and evidence were taken to the Medan Police. Based on laboratory analysis, the evidence contained methamphetamine and was registered in Group I in accordance with Law No. 35 of 2009 concerning Narcotics.

b. Indictment

The case of class I narcotics abuse committed by the defendant Ridwan by the Public Prosecutor was charged in the form of a subsidiary indictment. That is

Primair: without the right or against the law to offer to sell, sell, buy, receive, become an intermediary in the sale, purchase, exchange, or delivery of Class I Narcotics, as regulated and criminally threatened in Article 114 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics.

Subsidy: without the right or against the law to possess, store, control or provide Class I Narcotics other than plants, as regulated and criminally threatened in Article 112 Paragraph (1) of the Law on Narcotics 35 of 2009.

More Subsidy: without the right or against the law to possess, store, control or provide Class I Narcotics other than plants, as regulated and criminally threatened in Article 127 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics.

c. Public Prosecutor's Demands

Based on the description referred to above and based on the provisions of the applicable laws and related to this case, the Public Prosecutor at the Deli Serdang District Prosecutor's Office demanded in the Public Prosecutor's letter of demand dated August 14, 2019 Case No. Rek.Percase: PDM-299/Enz.1/LPKAM/06/2019, in essence as follows

- Declaring the defendant Ridwan guilty of committing the crime of "Without rights or against the law, possessing, storing, controlling or providing Class I Narcotics other than plants" violates Article 112 paragraph (1) of Law No. 35 of 2009 concerning Narcotics, as referred to in the Subsidiary indictment in this case.
- The sentence against the defendant Ridwan is imprisonment for 8 (eight) years and a fine of Rp. 800,000,000, - (eight hundred million rupiah) Subs 3 (three) months in prison with an order that the defendant remain in custody.
- Declaring evidence in the form of
 - 1 (one) plastic clip on containing methamphetamine narcotics after weighing.
 - with a gross weight of s grams and with a net weight of 0.04 grams.
 - Confiscated to be destroyed.
- Stipulating that the defendant Ridwan should be burdened to pay the case fee of Rp. 2,000 (two thousand rupiah).

d. Judge's Considerations

Based on the Lubuk Pakam District Court Decision Number 1344/Pid.Sus/2019/PN. Lbp, the Judge considered the case of Ridwan who was charged with "without the right to possess class I narcotics". Ridwan pleaded for a lighter sentence, while the Public Prosecutor remained on his demands.

- **Consideration of Primary Indictment (Article 114 paragraph (1) of the Narcotics Law)**

Everyone's Element: Fulfilled because Ridwan's identity is in accordance with the indictment.

Elements Without Rights or Against the Law: Fulfilled due to possession of narcotics by Ridwan without a permit.

Elements of Offering to Sell, Sell, Buy, Receive, Become an Intermediary, Exchange, or Hand Over Class I Narcotics: Not fulfilled because the purpose of Ridwan's ownership is for personal use, not for transactions.

Because one of the elements of the primary indictment was not met, Ridwan was acquitted of the indictment.

- **Considerations for Alternative Charges (Article 112 Paragraph (1) Narcotics Law)**

Everyone's Element: Fulfilled.

Elements Without Rights or Against the Law: Fulfilled.

Elements of Possessing, Storing, Possessing, or Providing Class I Narcotics Other than Plants: Fulfilled.

The judge stated that Ridwan was proven guilty according to the subsidiary indictment. Ridwan was punished commensurate with his actions, accounting for the possession of class I narcotics without a permit.

Aggravating Matter: His actions do not support the government's program in eradicating narcotics abuse.

Mitigating Matters: Admit their actions, have never been punished, and be polite at trial.

e. Judge's Verdict

The panel of judges of the Lubuk Pakam District Court in decision number: 1344/Pid.Sus/2019/PN. Lbp decides

- Declaring that Defendant Ridwan was not legally and convincingly proven guilty of committing a criminal act as in the primary indictment.
- Acquitting the Defendant from the Primary Charge.
- Declaring that Defendant Ridwan has been legally and convincingly proven guilty of committing a criminal act, "without the right to possess class I narcotics that are not plants".
- Imposing a penalty on the defendant, therefore, with a prison sentence of 4 (four) years and a fine of Rp. 800,000,000 (eight hundred million rupiah) with the provision that if the fine is not paid, it will be replaced with a fine of 1 (one) month of imprisonment.
- Stipulate that the period of arrest and detention that has been undergone by the Defendant is entirely deducted from the sentence imposed.
- Stipulating that the Defendant remains in custody.
- Ordered evidence in the form of: 1 (one) plastic clip on containing methamphetamine-type narcotics after being weighed with a gross weight of 0.08 grams and with a net weight of 0.04 grams, confiscated for destruction.
- Charging the Defendant, a case fee of Rp2,500 (two thousand five hundred rupiah).

3. Problems with the Application of Article 127 in Law Number 35 of 2009 concerning Narcotics

Narcotics abuse is a crucial problem for a nation. The problems that arise have a very massive impact on all aspects of human life. Health problems are not the only concern for us about the dangers posed by narcotics abuse, but also the social impact on narcotics abuse is one of the aspects that cannot be underestimated (Kemenkumham, 2020) ^[6].

There is an interesting thing in the Narcotics Law is the authority of the judge to impose a verdict for a person who is proven to be a narcotics abuser for rehabilitation (Hehalatu *et al.* 2023) ^[4]. Implicitly, this authority recognizes that narcotics addicts are not only perpetrators of

crimes but also victims of the crime itself, which from the perspective of Victimology ("victim" = victim and "logical/logos" = science) is often referred to as self-victimization or victimless crime. The description in the article emphasizes the power of judges in deciding narcotics cases. Unfortunately, the formula is not effective in reality. Trials against narcotics addicts mostly end with prison sentences and not rehabilitation sentences as stipulated in the law.

The qualification for the crime of narcotics abuse can only be applied to addicts and victims of narcotics abuse. The implementation of rehabilitation for addicts and victims of narcotics abuse is guaranteed by law, where the determination of rehabilitation for addicts and victims of narcotics abuse can be done in two ways, namely mandatory reporting and arrest.

According to SEMA Number 4 of 2010 *jo* SEMA Number 3 of 2011 concerning the Placement of Abusers, Victims of Abuse, and Narcotics Addicts in Medical Rehabilitation and Social Rehabilitation Institutions. According to SEMA Number 4 of 2010 which can be imposed rehabilitation measures, namely the defendant was caught by the Police and BNN investigators, when he was caught, evidence of 1 day of use was found, and there was a certificate of positive laboratory test using narcotics based on the request of the investigator, there was a certificate from a government psychiatrist appointed by the judge, and it was not proven that the person concerned was involved in the illicit circulation of narcotics.

The Public Prosecutor in handling cases of narcotics abusers often uses Article 111, Article 112, Article 114, and Article 127 of the Narcotics Law in both indictments and charges. Article 111, Article 112, and Article 114 are often placed in primary charges which have the consequence of closing the

possibility for drug users to be placed in medical and social rehabilitation institutions. Article 127 of the Narcotics Law provides imprisonment for group I narcotics abusers for a maximum of 4 years, group II for 2 years, and group III for 1 year. Article 127 paragraph (2) of the Narcotics Law which explains that in deciding cases of narcotics abuse, judges are obliged to pay attention to the provisions in Article 54, Article 55, and Article 103 of the Narcotics Law by providing guidelines for placing the defendant in medical and social rehabilitation institutions. Placement in rehabilitation institutions is limited to addicts and victims of narcotics abuse.

This study analyzes 2 (two) decisions, namely, the Medan District Court Decision Number: 392/Pid.Sus/2021/PN.Mdn and the Lubuk Pakam District Court Decision Number: 1344/Pid.Sus/2019/PN.Lbp. The two decisions have similar legal facts but different verdicts. In the Medan District Court Decision Number: 392/Pid.Sus/2021/PN.Mdn, the Panel of Judges of the Medan District Court declared the defendant to be a class I narcotics abuser and stipulated that the defendant undergo treatment and/or treatment through rehabilitation for 6 (six) months is counted as the period of serving the sentence

The verdict is inversely proportional to the Lubuk Pakam District Court Decision Number: 1344/Pid.Sus/2019/PN.Lbp, the Panel of Judges "without the right to possess class I narcotics that are not plants and impose a penalty on the defendant, therefore with a prison sentence of 4 (four) years and a fine of Rp. 800,000,000,- (eight hundred million rupiah) with the provision that if the fine is not paid, it will be replaced with a fine of 1 (one) month of imprisonment.

Table 1: Comparison of Court Decisions in Research

It	Variable	Putusan PN Medan No:392/Pid.Sus/2021/PN.Mdn	Lubuk Pakam District Court Decision No:1344/Pid.Sus/2019/PN.Lbp
1	Defendant	Rano Karno as Alung	Ridwan als Ridwan
2	Puzzle Duckwan	Article 112 paragraph (1) or Article 127 paragraph (1) of the Narcotics Law	Article 114 paragraph (1) or Article 112 paragraph (1) of the Narcotics Law
3	Weight of Evidence	0.70 gr	0.04 gr
4	Urine Test Results	Positive	Positive
5	Verdict	Rehabilitation	Prison Sentence

Source: Court Decision

Based on the legal facts contained in the Decision of the Medan District Court Number: 392/Pid.Sus/2021/PN.Mdn and the Decision of the Lubuk Pakam District Court Number: 1344/Pid.Sus/2019/PN.Lbp. all of them have been under the conditions and criteria for the implementation of rehabilitation based on the Law on Narcotics and SEMA Number 4 of 2010 *jo* SEMA Number 3 of 2011 concerning the Placement of Abusers, Victims of Abuse, and Narcotics Addicts in Medical Rehabilitation and Social Rehabilitation Institutions.

The Panel of Judges of the Lubuk Pakam District Court handed down the decision Number: 1344/Pid.Sus/2019/PN.Lbp was wrong because it did not determine the defendant to undergo rehabilitation. The application of Article 127 in the Narcotics Law with the qualification of narcotics abusers as mandated in the Narcotics Law has not been fully implemented by law enforcement officials in implementing rehabilitation

penalties based on conditions and qualifications under the Narcotics Law and SEMA Number 4 of 2010 *jo* SEMA Number 3 of 2011 concerning the Placement of Abusers, Victims of Abuse, and Narcotics Addicts in Medical Rehabilitation and Social Rehabilitation Institutions. Rehabilitation measures for narcotics abusers must be implemented comprehensively by law enforcement officials indiscriminately in accordance with the provisions of laws and regulations. Law enforcement officials in enforcing the law against narcotics abusers must pay attention to justice, certainty and usefulness as explained in the theory of legal objectives.

Conclusion

The implementation of Article 127 of Law Number 35 of 2009 concerning Narcotics shows ineffectiveness in reality. Although the law gives judges the authority to rehabilitate drug abusers, many cases end in imprisonment. A review of

two court decisions revealed inconsistencies in the application of the law, where one case ended in rehabilitation and the other with imprisonment. The application of rehabilitation penalties regulated in SEMA Number 4 of 2010 in conjunction with SEMA Number 3 of 2011 has not been consistently implemented by law enforcement officials. Therefore, it is necessary to enforce the law fairly and comprehensively in accordance with the provisions of the law to ensure that narcotics abusers receive proper rehabilitation.

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