

ABSTRAK

ANALISIS DASAR PERTIMBANGAN HAKIM DALAM PENJATUHAN PIDANA TERHADAP PEREMPUAN SEBAGAI PELAKU TINDAK PIDANA PEREDARAN NARKOTIKA (Studi Putusan Nomor 396/Pid.Sus/2025/PN Tjk)

**Oleh
Beatrix Jessyca Eatloina Rajagoekgoek**

Meningkatnya fenomena penyalahgunaan narkotika di Indonesia telah mencapai taraf yang mengkhawatirkan dengan keterlibatan perempuan yang semakin signifikan, baik sebagai pengguna maupun pengedar. Realitas sosial menunjukkan bahwa perempuan sering kali terjebak dalam jaringan narkotika akibat tekanan ekonomi, posisi tawar yang rendah, hingga paksaan dari relasi personal. Salah satu kasus nyata tercermin dalam Putusan Nomor 396/Pid.Sus/2025/PN Tjk, di mana seorang ibu rumah tangga dijatuhi vonis 15 tahun penjara karena terlibat dalam peredaran sabu seberat 1.477,29 gram. Hal tersebut melatarbelakangi rumusan masalah dalam penelitian ini, yaitu Bagaimanakah dasar pertimbangan hakim dalam memutus tindak pidana peredaran narkotika yang dilakukan oleh perempuan dalam Putusan Nomor 396/Pid.Sus/2025/PN Tjk dan Apakah putusan hakim dalam menjatuhkan pidana terhadap perempuan sebagai pelaku tindak pidana peredaran narkotika pada Putusan Nomor 396/Pid.Sus/2025/PN Tjk telah sesuai dengan tujuan pemidanaan.

Penelitian ini menerapkan pendekatan yuridis normatif dan yuridis empiris. Data primer diperoleh melalui wawancara dengan narasumber relevan, yang meliputi Hakim Pengadilan Negeri Tanjung Karang serta akademisi Bagian Hukum Pidana Fakultas Hukum Universitas Lampung. Sementara itu, data sekunder berasal dari bahan hukum berupa peraturan perundang-undangan, literatur hukum, serta dokumen putusan pengadilan yang berkaitan. Pengumpulan data dilakukan melalui studi kepustakaan dan penelitian lapangan, yang selanjutnya dianalisis menggunakan metode analisis kualitatif dengan pendekatan deskriptif.

Hasil penelitian dan pembahasan menunjukkan: Dasar pertimbangan hakim dalam Putusan Nomor 396/Pid.Sus/2025/PN Tjk mengintegrasikan tiga aspek utama. Secara yuridis, hakim menitikberatkan pada pemenuhan unsur Pasal 114 ayat (2) Jo Pasal 132 ayat (1) UU Narkotika melalui alat bukti sah yang membuktikan peran terdakwa sebagai operator keuangan. Secara sosiologis, pidana yang dijatuhkan mencerminkan upaya perlindungan masyarakat dari dampak peredaran narkotika, dengan tetap mempertimbangkan kondisi terdakwa sebagai perempuan yang berada dalam tekanan ekonomi dan relasi rumah tangga. Dari perspektif feminisme,

Beatrix Jessyca Eatloina Rajagoekgoek

kondisi tersebut menunjukkan adanya kerentanan dan ketimpangan relasi kuasa yang perlu dipahami sebagai latar belakang, meskipun tidak menghapus pertanggungjawaban pidana. Secara filosofis, putusan ini telah mencerminkan keseimbangan antara penegakan hukum, pemberian efek jera, dan upaya menjaga ketertiban masyarakat. Tujuan Pidanaan pada Putusan Nomor 396/Pid.Sus/2025/PN Tjk mencerminkan dominasi Teori Absolut yang mengedepankan pembalasan retributif melalui vonis penjara 15 tahun, namun secara substansi belum sepenuhnya memenuhi spirit pembaruan hukum dalam Pasal 51 KUHP Nasional. Meskipun aspek pencegahan dan penyesalan tercapai secara formal, pengabaian terhadap variabel sosiologis dan relasi kuasa yang timpang menyebabkan kegagalan dalam mewujudkan tujuan rehabilitatif dan pemulihan konflik secara utuh. Diperlukan integrasi antara elemen Teori Relatif dan Teori Gabungan yang lebih proporsional agar pidanaan mampu menghadirkan kemanfaatan hukum yang adil dan sensitif gender bagi masa depan terpidana serta keluarganya.

Saran dari penelitian ini adalah: Aparat penegak hukum diharapkan untuk mempertahankan dan memperkuat kedalaman analisis terhadap dinamika relasi kuasa serta profil sosial perempuan dalam setiap perkara narkoba guna memastikan keadilan substantif tetap terjaga. Penting bagi hakim untuk tetap konsisten menjaga prinsip objektivitas hukum agar status kerentanan perempuan tidak disalahgunakan sebagai tameng untuk mendapatkan keringanan hukuman yang tidak objektif. Pemerintah melalui instansi terkait perlu merumuskan program pembinaan yang lebih integratif dan berkelanjutan, yang menyentuh akar permasalahan sosiologis narapidana perempuan seperti pemberdayaan ekonomi dan penguatan mental untuk mencegah residivisme. Selain itu, diperlukan sosialisasi hukum yang lebih luas mengenai risiko pidana berat dalam peredaran narkoba guna melindungi generasi bangsa.

Kata Kunci: Pertimbangan Hakim, Perempuan, Narkoba

ABSTRACT

ANALYSIS OF THE BASIS OF JUDGES' CONSIDERATION IN SENTENCING WOMEN AS PERPETRATORS OF NARCOTICS TRAFFICKING CRIMES (Study of Court Decision Number 396/Pid.Sus/2025/PN Tjk)

By

Beatrix Jessyca Eatloina Rajagoekgoek

The increasing phenomenon of narcotics abuse in Indonesia has reached an alarming level, characterized by the increasingly significant involvement of women, both as users and traffickers. Social reality shows that women are often trapped in narcotics networks due to economic pressure, low bargaining power, and coercion from personal relationships. A concrete case is reflected in Decision Number 396/Pid.Sus/2025/PN Tjk, in which a housewife was sentenced to 15 years in prison for involvement in trafficking 1,477.29 grams of crystal methamphetamine (shabu). This forms the background for the research problems in this study, namely: What is the basis of the judges' consideration in deciding narcotics trafficking crimes committed by women in Decision Number 396/Pid.Sus/2025/PN Tjk and Is the judge's decision in sentencing a woman as a perpetrator of narcotics trafficking in Decision Number 396/Pid.Sus/2025/PN Tjk in accordance with the objectives of sentencing.

This research applies normative juridical and empirical juridical approaches. Primary data were obtained through interviews with relevant informants, including a Judge of the Tanjung Karang District Court and academics from the Criminal Law Department of the Faculty of Law, University of Lampung. Meanwhile, secondary data originated from legal materials in the form of laws and regulations, legal literature, and related court decision documents. Data collection was carried out through library research and field research, which were subsequently analyzed using qualitative analysis methods with a descriptive approach.

The results of the research and discussion indicate that the judge's considerations in Decision Number 396/Pid.Sus/2025/PN Tjk integrate three main aspects. From a juridical perspective, the judge emphasized the fulfillment of the elements under Article 114 paragraph (2) in conjunction with Article 132 paragraph (1) of the Narcotics Law, based on valid evidence proving the defendant's role as a financial operator. Sociologically, the imposed sentence reflects an effort to protect society from the widespread impact of narcotics trafficking, while still taking into account the defendant's condition as a woman under economic pressure and within domestic relational dynamics. From a feminist perspective, these conditions

Beatrix Jessyca Eatloina Rajagoekgoek

demonstrate vulnerability and unequal power relations that should be understood as the background of the defendant's actions, although they do not eliminate criminal liability. Philosophically, the decision reflects a balance between law enforcement, deterrence, and the maintenance of social order. Furthermore, the purpose of sentencing in Decision Number 396/Pid.Sus/2025/PN Tjk reflects the dominance of the Absolute Theory, which emphasizes retributive punishment through a 15-year imprisonment sentence. However, substantively, it has not fully embodied the spirit of legal reform as outlined in Article 51 of the National Criminal Code. Although aspects of prevention and remorse are formally achieved, the limited consideration of sociological variables and unequal power relations indicates a shortcoming in realizing rehabilitative objectives and comprehensive conflict resolution. Therefore, a more proportional integration of the Relative Theory and the Combined Theory is necessary so that sentencing can deliver fair legal benefits and be more gender-sensitive for the future of the convicted individual and their family.

Suggestions from this research are: Law enforcement officials are expected to maintain and strengthen the depth of analysis regarding power relation dynamics and the social profile of women in every narcotics case to ensure substantive justice is maintained. It is important for judges to remain consistent in maintaining the principle of legal objectivity so that women's vulnerability status is not misused as a shield to obtain non-objective sentence reductions. The government, through related agencies, needs to formulate more integrative and sustainable guidance programs that address the sociological roots of female prisoners' problems, such as economic empowerment and mental strengthening to prevent recidivism. Additionally, wider legal socialization regarding the risks of severe criminal penalties in narcotics trafficking is required to protect the nation's generation.

Keywords: Judges' Consideration, Women, Narcotics