



REVIEW ANALYSIS OF CLASS I NARCOTICS ABUSE SANCTIONS FOR YOURSELF (Study Decision Number 707 PK/ Pid.Sus /2022)

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Abstract

Indonesia is one of the countries with draft Supremacy Law that is above law everything , law made as superiority the rules of the game in a country or can be called a rule of law (rechtsstaat). Therefore Therefore , Indonesia is a law - abiding country the rules are stated in regulation applicable laws in Indonesia . Writing This use study law descriptive , which is in study This writer use type study juridical normative use method Research data collection References. Study This For know the problem consideration Panel of Judges at Binjai District Court in implement the Circular Letter Supreme Court Number 4 of 2010 , analysis Review Return To Penalty Abuse Narcotics Group I Share Self Alone (Study Decision Number 707 PK/ Pid.Sus /2022) . Reviewed from Constitution Number 35 of 2009 in conjunction with Circular Letter The Supreme Court Number 4 of 2010 (Analysis Decision Number 707 PK/ Pid.Sus /2022. Based on results research and discussion so obtained picture , that consideration Panel of Judges at Binjai District Court in apply letter circular court great number 4 of 2010 inside decision level First only based on accusations and demands prosecutor without consider return fill letter circular court great number 4 of 2010 concerning placement abusers , abuse victims and addicts narcotics into the rehabilitation medical and rehabilitation social causes injustice decision for abuse narcotics group I for self Alone. That application the sentence carried out by the convict is decided by the Binjai District Court there is mistake so that Supreme Court in matter application review return is done convict decide convict do abuser narcotics group I for himself Alone .

Keywords : Review Returns , Sanctions , Abuse Narcotics

A. INTRODUCTION

Indonesia is a legal country that obeys existing rules in regulation The laws that apply in Indonesia. Law is matter absolute possession any country system used by that country , as listed in Article 1 Paragraph (3) of the Constitution of the Unitary State Republic of Indonesia in 1945 stated that the Indonesian State is based on law , no based on on power mere . One of study knowledge law or field existing laws in Indonesia is Law Criminal .

Basically narcotics needed and have great benefits For humans , esp in the field knowledge knowledge and depth field health . However with the more development of the times, narcotics Then misused . In the world of health , narcotics used For anesthetize patient before operated on . This matter done because inside narcotics there is substances that can influence feelings , thoughts , and consciousness patient . Order use narcotics can give benefit for life people humans , their circulation must supervised in a way strict as arranged inside Article 4 of the Law Number 35 of 2009 concerning Narcotics , which aims to : 1) Guarantee availability narcotics For interest service health and / or development knowledge knowledge and technology ; 2) Prevent , protect and save Indonesian people from abuse narcotics ; 3) Eradicating circulation dark narcotics and precursors narcotics ; and 4) Guarantee arrangement

effort rehabilitation medical and social for wrongdoer use and addict narcotics . Narcotics inside public has showing increasing trend qualitative with widespread casualties , esp circles children , teenagers and generations young in general . This matter underlying government has do change from the old rules , namely Invite Invite Number 22 of 1997 Concerning Narcotics become new rules ie Constitution Number 35 of 2009 Concerning Narcotics .

Frequent narcotics misused is cannabis , marijuana, morphine , heroin, pethidine , cocaine and hashish. Indonesia has become consumer or place marketing Narcotics . Even moment This is one of the producing countries Narcotics and drugs forbidden other . Abuse medicines prohibited in Indonesia like narcotics , psychotropics and substances addictive other has developed and made Indonesia an emergency country drugs . On the field medicine and health , narcotics Enough required availability , will but if misused will give rise to dangerous impact , so must done strict supervision and control . The first is coaching Personality : coaching awareness For religious ; coaching nation and state ; coaching ability intellectual ; coaching awareness to law , coaching integrate self with public . Second , coaching Independence : also a skill For support will efforts independent ; Skills For support efforts industry ; developed skills in accordance talent each ; support business industry or activity agriculture .

Distribution and misuse Narcotics is reality problem laws found within public Now This . Already become work House for government especially apparatus enforcer law For push number increasing distribution and misuse narcotics This . However in One matter law criminal show exists something difference from other laws in general , viz that in it people know exists something gap For give something consequence law form something bijzondere leed or something nature of suffering special in form something punishment to those who have do something violation or the prohibitions that have been made specified therein . Indonesia as a country of law also regulates about contained narcotics in the Constitution Republic of Indonesia Number 35 of 2009 concerning Narcotics .

Constitution This Already arrange about effort eradication to follow criminal Narcotics through threat criminal fine , criminal prison , criminal lifetime life , and criminal off and set about utilization Narcotics For interest medicine and health as well as arrange about rehabilitation medical and social . Narcotics is substance or originating drug from plant or No plants , fine synthetic or semi- synthetic , which can cause decline or change consciousness , loss of feeling, reduced until relieve pain , and can give rise to dependency , which is differentiated to in groups as attached in Constitution This .

Use narcotics in Indonesian people who are not For interest health (medical) has constructed as something behavior crime . Indication from exists definition use narcotics as crime at least can We Look from many emerging regulations about narcotics . Form criminalization use narcotics in Indonesia is reflected in Law no. 35 of 2009 concerning Narcotics , that explains that narcotics on one side is drug or useful material in the field treatment or service health and development knowledge knowledge , and on the other hand it can also give rise to very dependent harm if misused .

Abuse drugs in Indonesia already until to very level worrying , facts on the ground show that 50% of the inmates in prisons (correctional institutions) are caused by cases drugs . Existing problems is on stage formulative or formation Law , felt presence Constitution Number 35 of 2009 concerning Narcotics , less create form something Constitution Truly criminal can cope problem narcotics especially regarding with governing rules punishment for addicts and abusers narcotics . Constitution Number 35 of 2009 concerning Narcotics actually has arrange about opportunity exists rehabilitation medical and rehabilitation social that is as explained in Article 54 which reads “ Addicts Narcotics and victims of abuse Narcotics must undergo rehabilitation medical and rehabilitation social ”, and in Article 103 paragraph :

a. The judge examined it case Addict Narcotics can :

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- 1) Disconnected For ordered the person concerned undergo treatment and/ or maintenance through rehabilitation If Addict Narcotics the proven guilty do follow criminal Narcotics ; or THE PRESIDENT OF THE REPUBLIC OF INDONESIA.
 - 2) Set For ordered the person concerned undergo treatment and/ or maintenance through rehabilitation If Addict Narcotics the No proven guilty do follow criminal Narcotics
- b. Time to live treatment and/ or maintenance for Addict Narcotics as referred to in paragraph (1) letter a is taken into account as a living period punishment .

The law above everything , the law is made superiority internal rules of the game a country or Can called as a rule of law (rechtstaat) is draft supremacy Indonesian state law . One of study knowledge law or field existing laws in Indonesia is Law Criminal . Law Indonesian criminal law regulates condition somebody can convicted to the actions he did . Intentional suffering charged to the person who did it deed and fulfill condition certain is understanding criminal according to sudarto . Law criminal arranged in the Law Book Law Criminal Code (KUHP), in law criminal there is follow criminal specifically , one of them Act Criminal Narcotics .

Abuse medicines prohibited in Indonesia like narcotics , psychotropics and substances addictive other has developed and made Indonesia an emergency country drugs . On the field medicine and health , narcotics Enough required availability , will but if misused will give rise to dangerous impact , so must done strict supervision and control. However in One matter law criminal show exists something difference from other laws in general , viz that in it people know exists something gap For give something consequence law form something bijzondere leed or something nature of suffering special in form . something punishment to those who have do something violation or the prohibitions that have been made specified therein .

Punishment confinement For abuse drugs differentiated according to group there is in the Article 127 Law no. 35 of 2009 concerning Narcotics . Addict narcotics and victims of abuse narcotics must undergo rehabilitation medical and social if classification goods the evidence obtained No exceed regulated provisions , classification application arrest goods relevant evidence must in accordance with a Circular Supreme Court Number 4 of 2010 concerning Placement Abuse , Victims of Abuse and Addicts Narcotics To In a Rehabilitation Institution Medical And Rehabilitation Social . Circular letter Supreme Court Number 4 of 2010 state that classification punishment Penalty Rehabilitation Medical and Rehabilitation Social will given to Addict Narcotics must in accordance with heavy goods proof . Rehabilitation Alone has arranged in Article 54 to Article 59 of the Law Number 35 of 2009 concerning Narcotics .

Rehabilitation for addict Narcotics of course very need given , cause addict narcotics is the person who uses it or abuse Narcotics and in circumstances dependence on narcotics , good in a way physique nor psychic . Rehabilitation to addict narcotics is a purposeful treatment process For freeing addict from dependency and rehabilitation period Alone equalized with time punishment. Rehabilitation is repair member experiencing body disabled individual , for example such as disaster victims , patients at home sick to be useful and possessive human being place in society . Rehabilitation is one of effort government in cope abuse narcotics . Regarding with matter the has arranged Article 54 Law no. 35 of 2009 concerning Narcotics . If addict No rehabilitated , then big possibility will There is follow crimes committed later day .

Based on Article 127 Paragraph 3 of the Law Narcotics , abuse can worn penalty rehabilitation medical and rehabilitation social if He proven or can proven as victims of abuse Narcotics . Article 112 Paragraph 1 of the Law Narcotics very often used police to everyone accused own narcotics Because interpreted that meaning own , keep , control or provide means at the moment the person was arrested in circumstances bring . So that Chapter this too is vulnerable For criminalized to people who don't know know will exists narcotics to him. Based on background behind on writer interested do writing , then This thesis was chosen with

title , “ **Analysis Review Return To Penalty Abuse Narcotics Group I Share Self Alone (Study Decision Number 707 PK/ Pid.Sus /2022) ”.**

B. FORMULATION OF THE PROBLEM

Based on background above , then formulation problem in discussion of this thesis is as following :

- 1) What to be consideration Panel of Judges at Binjai District Court in implement the Circular Letter Supreme Court Number 4 of 2010 in the decision Number 186/ Pid.Sus /2021/ PN.Bnj ?
- 2) How Analysis Review Return To Penalty Abuse Narcotics Group I Share Self Alone (Study Decision Number 707 PK/ Pid.Sus /2022)?

C. RESEARCH METHODS

Type research used in study This is method study law normative or study law bibliography . that is study the law is carried out with method study material References namely primary and secondary data . Material law the arranged in a way systematic to make it easier in take conclusion from the problems studied . In approach problem This use method approach Juridical Normative .

Approach This is approach to regulation current regulation . Approach legislation done with examine all over regulation related legislation with fill the law being dealt with . Approach problem juridical normative is approach used For approach regulation legislation (statue approach), approach This study regulation related legislation with regulation legislation problem studied . Besides that , approach conceptual is also used For see concepts related laws with existing problems .

D. DISCUSSION

1) Consideration Panel of Judges at Binjai District Court in implement the Circular Letter Supreme Court Number 4 of 2010 in Decision Binjai District Court Number 186/ Pid.Sus /2021/ PN.Bnj

In consideration law panel of judges as stated above , linked with evidence and facts the law revealed ahead trial , then as for analysis to Decision Binjai District Court No. 186/ Pid.Sus /2021/ PN.Bnj ., An. IRWANSYAH PUTRA Alias IWAN, as following :

As is known based on theory certainty law that's it in do enforcement law follow criminal narcotics must refers to Constitution Narcotics Number 35 of 2009 Concerning Narcotics , Criminal Procedure Code, and regulations implementation other . In context This chronology the defendant (IRWANSYAH PUTRA alias IWAN) when That defendant currently is at at home , then 2 (two) friends came the defendant and asked Help bought methamphetamine as big as Rp . 50,000,- (fifty thousand rupiah), then defendant direct to TF (place entertainment night) where House defendant with TF the distance about 200 (two hundred) meters.Next the defendant also bought it methamphetamine the to a men who don't defendant know his name is in the TF and after That defendant return to home and hand over methamphetamine the to Friend defendant the Then second Friend defendant the invite defendant For use methamphetamine the Then the defendant was hitchhiked and taken to in a boarding house on Jl . NCO , next second Friend defendant the use methamphetamine and the defendant was holding the bong want to use methamphetamine the Then come some people are dressed civil and friend defendant the direct run yourself , next the man who came the say that they is Narcotics Unit officer Police Binjai , then catch defendant and then confiscate goods the evidence lies ahead or in front of defendant in the form of 1 (one) package small narcotics type wrapped methamphetamine plastic clip transparent , 1 (one) set of tools suck

methamphetamine (bong) along with fruit glass perek containing narcotics type methamphetamine and 1 (one) fruit lighter furthermore officer confiscated it , and asked regarding ownership goods proof and the defendant continued bright that methamphetamine the owned by defendant along with second Friend successful defendant run self and methamphetamine the defendant buy from TF, then defendant and goods proof the brought to Police Binjai .

That based on police investigation report laboratory criminalistic Number Lab: 3209/NNF/2021 dated 12 April 2021 signed by Debor M. Hutagaol , S.Sc. , M.Farm ., Apt as examiner at the laboratory forensics Regional Police North Sumatra :

- a. 1 (one) pack plastic clip containing crystal white with heavy net 0.04 (zero coma zero four) grams,
- b. 1 (one) glass pipe containing remains solids colored white with heavy gross 1.46 (one coma four six) grams,
- c. 1 (one) bottle plastic contains 25 (two twenty five) ml of urine owned by defendant

With conclusion : true contain methamphetamine (incl Narcotics Group I (one) Appendix I according to Republic of Indonesia Law Number 35 of 2009 concerning Narcotics .

That based on fact the judge information witness connected with information defendant and tool proof mutual letters conformity (Vide Article 185 paragraph 6 of the Criminal Procedure Code) that defendant Irwansyah Putra alias Iwan has proven as victims of abuse narcotics in accordance with Article 127 paragraph (1) letter a Republic of Indonesia Law Number 35 of 2009 concerning Narcotics in accordance in indictment Prosecutor General Third .

That based on chronological on consideration Panel of Judges at the Binjai District Court on page 15 Number 186/ Pid.Sus /2021/ PN.Bnj dated August 12 2021 which explains “ Considering that defendant has accused by the Prosecutor General with form of indictment alternative , so The panel of judges with notice facts law the on choose direct indictment alternative second as arranged in article 112 paragraph (1) of the Law Number 35 of 2009 Concerning Narcotics ”.

According to Economical Author , That in decision the above and inside facts along with goods evidence found in the judge Panel of Judges at Binjai District Court No give consideration to reference classification goods proof narcotics to abuse narcotics group I for self Alone in accordance with letter circular court great number 4 in 2010. Based on descriptions that , really No based law If The defendant IRAWANSYAH PUTRA alias IWAN was charged Article 112 paragraph (1) of the Narcotics Law , reason self defendant Actually just a user or abuser narcotics in need rehabilitation medical or rehabilitation social .

a) Position of Circular Letter Supreme Court in Law Positive Indonesia

Theory Hierarchy is theory regarding system the law introduced by Hans Kelsen which states that system law is system child ladder with rule tiered . First time Circular Letter The Supreme Court (SEMA) is created based on provision from article 12 paragraph (3) of the Law Number 1 of 1950 concerning Structure , Power and Way of the Court Indonesian Supreme Court . The Supreme Court is A institution competent judiciary carry out supervision to institution Justice below it . In his journey Because Constitution Still very A little hence the Circular Letter The Supreme Court (SEMA) experienced A little experience shift function , which is the Circular Letter The Supreme Court does not as supervision just but happen expansion function That Alone ie settings , administration , etc.

Circular letter Supreme Court if seen from subject its users can classified in regulation policy or bleidsregel because of the Circular Letter The Supreme Court is usually appointed for judges, clerks , and other positions in court . Legal basis become something guidelines that position a Circular Letter Supreme Court , namely in Article

79 of the Law Number 14 of 1985 concerning Supreme Court . Which sounds as follows : “ The Supreme Court can arrange more carry on necessary things for smoothness maintenance Justice if there is things that haven't Enough arranged in Constitution This . By theory very difficult determine position of Circular Letter Supreme Court in hierarchy something legislation .

Difficulty caused by no exists rule standard that can be become reference . In determine position of Circular Letter Supreme Court in hierarchy legislation must be based on content each Circular Letter Supreme Court that No all Circulars The Supreme Court can categorized as For operate rule making power function . Just a Circular The Supreme Court contains arrange procedural law and also filling emptiness law . With refers to the provisions in Article 8 of the Law Number 12 of 2011 concerning formation regulation legislation , Circular Letters Supreme Court based provision article 79 of the Law Number 14 of 1985 concerning The Supreme Court has strength binding law and can categorized as regulation legislation .

b) Reviewing SEMA No. 4 of 2010 Concerning Rehabilitation Medical and Social

From politics the establishment of SEMA Number 04 of 2010 was issued For carry out something provision Article 103 letters a and b of the Law Narcotics , explained something guidelines for the examining judge case a addict narcotics can (i) disconnect unique ordered the person concerned undergo treatment and/ or maintenance through rehabilitation If addict narcotics that proven guilty do follow criminal narcotics and (ii) determine For ordered the person concerned undergo treatment and/ or maintenance through rehabilitation If addict narcotics the No proven guilty do it follow criminal narcotics .

Circular letter The Supreme Court is just that focuses on two conditions , ie If proven guilty and if No proven guilty do follow criminal narcotics , which one after the examination process at trial court has finished held . No he found arrangement about placement addict narcotics into the institution rehabilitation start from stage investigation , prosecution , up to with the examination process at trial court .

Circular Letter Provisions The Supreme Court of the Republic of Indonesia Number 04 of 2010 has a number of mandatory qualifications fulfilled For can classified as a abusers , abuse victims , and addicts narcotics so can placed into the rehabilitation . Qualification That nature limited (limitative), namely :

- a. Arrest to defendant done in a way caught hand .
- b. When caught hand the found goods proof use 1 (one) day narcotics with type and weight certain .
- c. There is laboratory test letter with results inspection positive use narcotics on request investigator .
- d. Required letter information from doctor psychiatrist / psychiatrist government appointed by judges; And
- e. No there is proof that in question involved in circulation dark narcotics .

Type and weight narcotics in point (ii) is determined in a way detailed and specific , ie

- a. Group methamphetamine (shabu): 1 gram
- b. MDMA (ecstasy) group : 2.4 grams = 8 items
- c. Group Heroin: 1.8 grams
- d. Group Cocaine : 1.8 grams
- e. Group Marijuana: 5 grams
- f. Leaf Coca : 5 grams
- g. Mescaline : 5 grams
- h. Group Psilosybin : 3 grams
- i. group (d-lysergic acid diethylamide): 2 grams

- j. PCP (phencylidine) group : 3 grams
- k. Group Fentanyl : 1 gram
- l. Group Methadone : 0.5 grams
- m. Group Morphine : 1.8 grams
- n. Group Pethidine : 0.96 grams
- o. Group Codeine : 72 grams
- p. Group Buphrenorphine : 32 mg

Circular letter Supreme Court Number 04 of 2010 is reflection from perspective Supreme Court to a user narcotics with do approach that will put forward interest health public . Characteristic limited Circular Letter The Great Makamahh , resulted role from apparatus enforcer the law and also the judge will very important , especially investigators and prosecutors general . Entire terms and conditions regulated in the Circular Letter Supreme Court Number 04 of 2010 can fulfilled with The emphasis is on the paradigm used by investigators and prosecutors general .

c) Abuser Narcotics , Victims of Abusers , and Addicts Narcotics

In Law No. 35 of 2009 concerning Narcotics explain that definition from Blame To use is the person who uses it Narcotics without right or oppose law . And Addict Narcotics is the person who uses it or abuse Narcotics and in circumstances dependence on narcotics , good in a way physique nor psychic . Whereas definition from victims of abuse is the person who uses it or consume narcotics , psychotropics , and substances addictive other outside the treatment process or without knowledge authorized doctor . Views and perceptions of enforcers law from BNN, Police , Prosecutor's Office and District Court , against abusers and abuse victims narcotics as the victim and not perpetrator criminal . Still many apparatus enforcer law that treats user or abuser narcotics as perpetrator criminal and not as a victim.

2) Analysis Review Return To Penalty Abuse Narcotics Group I Share Self Alone (Study Decision Number 707 PK/ Pid.Sus /2022)

a. Analysis of Indictment Cases prosecutor Prosecutor General to Defendant :

First : As regulated and threatened criminal Article 114 Paragraph (1) Law Invite Number 35 of 2009 concerning Narcotics .

Or

Second : As regulated and threatened criminal Article 112 Paragraph (1) of the Law Number 35 of 2009 concerning Narcotics .

Or

Third : As regulated and threatened criminal Article 127 Paragraph (1) letter a of the Law Number 35 of 2009 concerning Narcotics .

b. Demands prosecutor Prosecutor General to Defendant :

1) State The defendant IRWANSYAH PUTRA alias IWAN was proven guilty do follow criminal " Possessing , keeping , controlling or provide Narcotics Group I , no plant " breaking Article 112 Paragraph (1) of the Law Number 35 of 2009 concerning Narcotics in indictment second prosecutor Prosecutor General .

2) Punish The defendant IRWANSYAH PUTRA alias IWAN with criminal prison for 7 (seven) years reduced during defendant is at in prisoner temporary with order for the defendant still detained and fined IDR 800,000,000 (eight hundred million rupiah) subsidiary for 6 (six) months prison .

a) State goods proof :

- 1. 1 (one) package small Narcotics type wrapped methamphetamine plastic clip transparent with heavy net 0.04 (zero coma zero four) grams.

2. 1 (one) fruit glass perok containing narcotics type methamphetamine with heavy net 0.02 (zero coma zero two) grams.
 3. 1 (one) set of tools suck methamphetamine /bong
 4. 1 (one) fruit France .
Confiscated For destroyed .
1. Determine that the Defendant burdened pay cost case as big as Rp . 2,000 (two thousand rupiah).
- c. Decision Binjai District Court Number 186/ Pid.Sus /2021/ PN.Bnj to The defendant IRWANSYAH PUTRA alias IWAN with amar as following :**
- 1) State The defendant IRWANSYAH PUTRA alias IWAN above , proven in a way valid and convincing guilty do follow criminal without right or oppose law Own Narcotics group I , no plant as in indictment second
 - 2) Drop criminal to Defendant because That with criminal prison for 6 (six) years fine in the amount of IDR 800,000,000 (eight hundred million rupiah) with provision if fine the No paid replaced with criminal prison for 3 (three) months .
 - 3) Determine the period of arrest and detention that has been carried out carried out defendant deducted completely from the sentence imposed .
 - 4) Set Defendant still detained .
 - 5) Set goods proof form
 - a. 1 (one) package small Narcotics type wrapped methamphetamine plastic clip transparent with heavy net 0.04 (zero coma zero four) grams.
 - b. 1 (one) fruit glass perok containing narcotics type methamphetamine with heavy net 0.02 (zero coma zero two) grams.
 - c. 1 (one) set of tools suck methamphetamine /bong
 - d. 1 (one) fruit France .
Confiscated For annihilated .
 - 6) Charge to Defendant pay cost case amount of IDR 2,000 (two thousand rupiah).
- d. Decision Supreme Court in Review Matters Return**
1. State The convict IRWANSYAH PUTRA alias IWAN has proven in a way valid and convincing guilty do follow criminal “ **Abuse Narcotics Group I for self Alone** ”
 2. Drop criminal to Convicted because That with criminal prison during **1 (one) year 6 (six) months**
 3. Determine the detention period carried out by the convict deducted completely from the sentence imposed .
 4. Set order for goods proof in the form of :
 - a) 1 (one) package small Narcotics type wrapped methamphetamine plastic clip transparent with heavy net 0.04 (zero coma zero four) grams.
 - b) 1 (one) fruit glass perok containing narcotics type methamphetamine with heavy net 0.02 (zero coma zero two) grams.
 - c) 1 (one) set of tools suck methamphetamine /bong
 - d) 1 (one) fruit match
Confiscated for destroyed .
 5. Charge to Convict For pay cost matters on examination review return amounting to IDR 2. 500,- (two thousand five hundred rupiah).
That can seen from decision made by the Binjai District Court , Panel of Judges before drop the judge's decision is justified with the Law Book Criminal Procedure Law (KUHAP) based on Article 182 Paragraph (4) basis Panel of Judges for deliberation in frame drop decision is letter the indictment and the facts revealed at trial .
According to economical writer Panel of Judges at Binjai District Court at level First wrong in apply decision to the defendant , who applied decision based on indictment second prosecutor Prosecutor General without pay attention and consider indictment

prosecutor Prosecutor General in nature alternative as well as the facts revealed at trial . That after the decision read out by the Panel of Judges at the Binjai District Court has inkrah (status decision remain) convicted submit application review return to decision Binjai District Court the .

That The Supreme Court examined it case application convict committed by the convict in matter application review return have Different view to file case defendant in decision Binjai District Court Number 186/ Pid.Sus /2021/PN/ Bnj on August 12 2021, the defendant on Name Irwansyah Putra Alias Iwan gave it information on the decision Supreme Court Number 707 PK/ Pid.Sus /2022 Whereas a the abuser was arrested currently planned or intend or new finished use narcotics must still seen or categorized as as abuser , aside That that The Supreme Court looked on the facts inside the judge No revealed if convict Once buy , own , control , keep Narcotics in amount Lots exceed limit maximum ownership and use for wrongdoer To use Narcotics as intended in SEMA Number 4 of 2010 in conjunction with SEMA Number 3 of 2011, That based on that ha Supreme Court in The verdict state that application review return stated can justified and pleading review back granted with based on Article 263 Paragraph (2) juncto Article 266 Paragraph (2) letter b number 1 of the Law Number 8 of 1981 concerning the Code of Laws Criminal Procedure Law (KUHAP), there are Enough possible reasons cancel decision Binjai District Court Number 186/ Pid.Sus /2021/ PN.Bnj .

That based on matter the convict get decision criminal imprisonment 1 (one) year 6 (six) months minus the prison time already served carried out convict . In matter This according to economical writer give same opinion to decision Supreme Court in matter review return convict Because can seen from facts the judge that decision Panel of Judges at Binjai District Court only leads to indictment prosecutor Prosecutor General without notice rules special in examine and adjudicate case wrongdoer To use narcotics namely, one of them is a Circular Letter Supreme Court Number 4 of 2010 concerning placement Blame use , Victim Abuser use , and addict Narcotics into a Rehabilitation Institution Medical and Rehabilitation Social , which exists goods appropriate evidence with rule the so that convict get amar fair verdict for his in the decision Supreme Court that convict are victims of abuse narcotics for himself Alone based on Article 127 of the Law Number 35 of 2010 concerning Narcotics .

E. CONCLUSION

Based on results discussion , then obtained conclusions and suggestions as following :

1. That that be consideration Panel of Judges at Binjai District Court in decision Number 186/ Pid.Sus /2021/ PN.Bnj to penalty abuse narcotics group I for self Alone just based on letter accusations and demands prosecutor prosecutor general reference only to Already fulfillment of 1 (one) element indictment chapter to defendant so that No consider other articles as well No notice the facts revealed in the hearings and letters circular court great number 4 of 2010 concerning placement abusers , abuse victims and addicts narcotics to in institution rehabilitation medical and rehabilitation social which is deep matter placement giving decision to defendant For apply Constitution Number 35 of 2009 concerning Narcotics must notice letter circular court great number 4 in 2010.
2. That Application Sentences and Decisions given by the Panel of Judges at the Binjai District Court to convict found mistake in decision The Panel of Judges at the Binjai District Court confirmed the decision Supreme Court in matter application review returned by the convict that in application decision to convict in the facts the judge found goods appropriate evidence with a Circular Letter Supreme Court Number 4 of 2010 so convict enter into the group abuser Narcotics to himself his Alone in accordance with Article 127 of the Law Narcotics Number 35 of 2009 concerning Narcotics that get more decisions light rather than the decision given by the Binjai District Court . with exists letter circular court great number 04 of 2010 concerning placement abusers , abuse victims and addicts

narcotics to in institution rehabilitation medical and rehabilitation social is exists point bright to searcher justice .

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