

**PENERAPAN DAN PELAKSANAAN *MODEL DOUBLE TRACK SYSTEM*
SERTA EFEKTIVITAS HUKUM DALAM PERKARA
PENYALAHGUNAAN NARKOTIKA DI KOTA YOGYAKARTA**

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INTISARI

Peraturan yang mengatur terkait penyalahgunaan narkotika yaitu Undang-Undang No. 35 Tahun 2009 Tentang Narkotika yang perumusan sanksinya menggunakan *double track system*. Penelitian ini menjelaskan penerapan *double track system* dalam perkara penyalahgunaan narkotika pada putusan Pengadilan Negeri Yogyakarta, pelaksanaan pembinaan dan rehabilitasi dalam perkara penyalahgunaan narkotika di Kota Yogyakarta dan efektivitas pelaksanaan *double track system* dalam perkara penyalahgunaan narkotika di Kota Yogyakarta.

Metode yang digunakan adalah normatif-empiris dengan pendekatan perundang-undangan dan kasus serta terdapat wawancara kepada pegawai Lapas Narkotika Yogyakarta dan pegawai BNNP DIY.

Hasil penelitian menyimpulkan penerapan *double track system* dalam perkara penyalahgunaan narkotika pada putusan Pengadilan Negeri Yogyakarta diterapkan sesuai dengan ketentuan yakni terdapat penjatuan penjara dan rehabilitasi. Pelaksanaan pembinaan di Lapas Narkotika Yogyakarta terdiri pembinaan kepribadian dan kemandirian, sedangkan rehabilitasi di Klinik Pratama Seger Waras BNNP DIY melalui jalur sukarela dan paksa. Efektivitas pelaksanaan *double track system* belum sepenuhnya maksimal. Pada faktor hukum terdapat konflik norma pada pasal 54 dan pasal 103 Narkotika. Faktor masyarakat dan budaya terdapat kurangnya kesadaran hukum masyarakat dan terdapat budaya yang menganggap aib seseorang yang datang ke BNN untuk direhabilitasi. Pada faktor penegak hukum, adanya keterbatasan jumlah petugas/pegawai, meskipun tetap dapat menjalankan tugas dan fungsinya. Pada faktor sarana dan fasilitas sudah cukup baik sehingga mendukung berjalannya pembinaan dan rehabilitasi.

Hakim diharapkan berorientasi pada aspek rehabilitasi dalam memutus perkara penyalahgunaan narkotika, Lapas Narkotika Yogyakarta dan BNNP DIY perlu menambah jumlah pegawai untuk memaksimalkan tugas dan fungsi, masyarakat perlu memahami bahaya narkotika dan pentingnya rehabilitasi serta melaporkan penyalahgunaan narkotika kepada pihak berwenang.

KATA KUNCI: *Model Double Track System*, Penyalahgunaan Narkotika, Efektivitas Hukum, Pidana Penjara dan Rehabilitasi

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APPLICATION AND IMPLEMENTATION OF THE DOUBLE TRACK SYSTEM MODEL AND LEGAL EFFECTIVENESS IN DRUG ABUSE CASES IN YOGYAKARTA CITY

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ABSTRACT

The regulations governing narcotics abuse are Law No. 35 of 2009 concerning Narcotics, which formulates sanctions using a double track system. This research explains the application of the double track system in narcotics abuse cases in the decision of the Yogyakarta District Court, the implementation of guidance and rehabilitation in narcotics abuse cases in Yogyakarta City and the effectiveness of the implementation of the double track system in narcotics abuse cases in Yogyakarta City.

The method used is normative-empirical with a statutory and case approach and there are interviews with employees of the Yogyakarta Narcotics Prison and BNNP Yogyakarta employees.

The results of the study concluded that the application of the double track system in narcotics abuse cases in the Yogyakarta District Court decision was applied in accordance with the provisions, namely imprisonment and rehabilitation. The implementation of coaching at the Yogyakarta Narcotics Correctional Facility consists of personality and independence coaching, while rehabilitation at the Seger Waras Pratama Clinic of the DIY BNNP is through voluntary and forced channels. The effectiveness of the implementation of the double track system has not been fully maximized. In legal factors, there is a conflict of norms in article 54 and article 103 of the Narcotics Law. Community and cultural factors, there is a lack of public legal awareness and there is a culture that considers it a disgrace for someone who comes to the BNN to be rehabilitated. In law enforcement factors, there is a limited number of officers / employees, although they can still carry out their duties and functions. The facilities and facilities factor is good enough to support the running of coaching and rehabilitation.

Judges are expected to be oriented towards the rehabilitation aspect in deciding cases of drug abuse, Yogyakarta Narcotics Prison and BNNP DIY need to increase the number of employees to maximize their duties and functions, the community needs to understand the dangers of narcotics and the importance of rehabilitation and report narcotics abuse to the authorities.

KEYWORDS: Double Track System Model, Drug Abuse, Legal Effectiveness, Imprisonment and Rehabilitation

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