

ABSTRAK

Perkembangan tindak pidana narkoba yang semakin kompleks mendorong aparat penegak hukum menggunakan metode khusus, salah satunya pembelian terselubung (*undercover buy*). Namun, penggunaan metode ini menimbulkan persoalan hukum, khususnya mengenai penggunaannya sebagai alat bukti dalam proses peradilan serta kesesuaiannya dengan hukum acara pidana dan prinsip perlindungan hak asasi manusia. Penelitian ini menggunakan metode doktrinal dengan pendekatan perundang-undangan dan pendekatan perbandingan. Data diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, literatur, jurnal, serta putusan pengadilan yang relevan, kemudian dianalisis secara kualitatif dengan menekankan sistematika hukum yang berlaku. Hasil penelitian menunjukkan bahwa metode pembelian terselubung tidak berdiri sebagai alat bukti mandiri, melainkan merupakan sarana memperoleh alat bukti yang ditetapkan Pasal 184 ayat (1) KUHP. Agar sah digunakan di pengadilan, hasil metode pembelian terselubung wajib dituangkan dalam berita acara pemeriksaan didukung dengan keterangan saksi dan alat bukti lainnya seperti alat bukti elektronik. Penerapannya di Indonesia masih menghadapi hambatan berupa ketiadaan pengaturan eksplisit, potensi pelanggaran hak asasi manusia, serta keterbatasan perlindungan hukum bagi aparat atau saksi yang terlibat. Oleh karena itu, diperlukan kebijakan pengaturan lebih jelas, pengawasan internal yang ketat, serta mekanisme perlindungan yang memadai agar metode ini dapat digunakan secara proporsional tanpa mengabaikan prinsip kepastian hukum.

Kata Kunci : Narkoba, Pembelian Terselubung, Alat Bukti.

Abstract

The increasingly complex development of narcotics crimes has encouraged law enforcement officials to use special methods, one of which is undercover buying. However, the use of this method raises legal issues, particularly regarding its use as evidence in the judicial process and its compliance with criminal procedural law and the principles of human rights protection. This study uses a doctrinal method with a statutory and comparative approach. Data were obtained through a literature review of relevant laws, literature, journals, and court decisions, then analyzed qualitatively with an emphasis on the applicable legal system. The results of the study indicate that the undercover buying method does not stand as independent evidence, but rather is a means of obtaining evidence as stipulated in Article 184 paragraph (1) of the Criminal Procedure Code. To be valid for use in court, the results of the undercover buying method must be included in the examination report supported by witness statements and other evidence such as electronic evidence. Its implementation in Indonesia still faces obstacles in the form of a lack of explicit regulations, potential human rights violations, and limited legal protection for officers or witnesses involved. Therefore, clearer regulatory policies, strict internal oversight, and adequate protection mechanisms are needed so that this method can be used proportionally without ignoring the principle of legal certainty.

Keywords: *Narcotics, Undercover Buy, Evidence.*