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Harmonizing Law Enforcement Officials Against Child Victims of Narcotics Abuse

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Abstract: Law No. 35/2009 on Narcotics explains that drug abuse is considered a crime without victims. In handling children who are involved in drug cases, the main principle that must be considered is the best interest of the child. This principle is contained in the Juvenile Justice System Law, which emphasizes that every decision must consider the welfare of the child's life and development. The legal protection of children caught up in drug abuse causes the boundaries between perpetrators and victims to become blurred, because according to the law, drug abuse is considered a criminal offense. Therefore, the legal establishment of both the Police, the Prosecutor's Office and the Judiciary needs harmonization so that the application to children who abuse drugs can be put forward, so that children can be given legal certainty in terms of justice. This study is to analyze the harmony of legal confirmation on children as victims of drug abuse. The method used is normative juridical research with a focus on literature study which uses secondary data. The conclusion of the research is that children as victims of narcotics abusers must be given sanctions in the form of rehabilitation, not imposed criminal sanctions because what children do is a crime but without causing victims (crime without victim), harmonization of law enforcement agencies (APH) in cases of children becoming victims of drug abusers must be aligned for the welfare of children.

Keywords: Law Enforcement Officers, Child Victims, Narcotics Abusers.

Abstrak: UU No. 35 Tahun 2009 tentang Narkotika menerangkan mengenai penyelewengan obat terlarang, dianggap suatu tindakan crime without victim (kriminal tanpa korban). Dalam penanganan anak yang terjerat pada perkara narkoba, prinsip utama yang harus diperhatikan adalah prinsip kepentingan terbaik bagi anak. Prinsip ini termuat didalam UU Sistem Peradilan Pidana Anak ini menegaskan kalau tiap keputusan harus mempertimbangkan kesejahteraan hidup dan perkembangan anak. Proteksi hukum pada anak-anak yang terjerat pada penyelewengan narkotika menyebabkan perbatasan antara pelaku dan korban menjadi kabur, karena menurut UU, penyelewengan obat terlarang dianggap sebagai pelaku tindak pidana. Maka dari itu, penegakan hukum baik itu Kepolisian, Kejaksaan dan Kehakiman diperlukan harmonisasi agar penerapan terhadap anak penyalahguna narkotika dapat dikedepankan, supaya anak dapat diberikan kepastian hukum dari sisi keadilan. Studi ini untuk menganalisis keselarasan penegakan hukum pada anak-

anak sebagai korban penyalahgunaan obat terlarang. Metode Penelitian ini menggunakan jenis penelitian yuridis normatif, adapun yang dimaksud dengan jenis penelitian yuridis normatif adalah penelitian hukum kepustakaan karena dalam penelitian hukum normatif dilakukan dengan cara meneliti bahan-bahan pustaka atau data sekunder saja. Simpulan penelitian anak sebagai korban penyalahguna narkotika harus diberikan sanksi berupa rehabilitasi tidak dijatuhkan sanksi pemidanaan karena yang dilakukan anak adalah kejahatan namun tanpa menimbulkan korban (*crime without victim*), harmonisasi aparat penegakan hukum (APH) baik kepolisian dan kejaksaan harus selaras pada penanganan perkara pidana anak, agar terciptanya penanganan anak yang memiliki prinsip ketentingan terbaik bagi anak.

Kata Kunci: Aparat Penegak Hukum, Anak Korban, Penyalahguna Narkotika.

INTRODUCTION

Legal protection is a right that is owned equally by every citizen and can be realized by someone if he has fulfilled these conditions. Legal protection is a provision to protect the public from despotic acts originating from the authorities, besides that legal protection is one way to create peace and order.¹

Children are important national treasures for the survival of the state and nation. Every child must have the greatest possible opportunity to develop themselves intellectually and socially to the fullest extent possible in order to be responsible for the continuity of the state and nation. Therefore, it is important in taking a defensive stance to understand how the government helps children by providing certification so that they can exercise their privileges without facing prejudice.²

In the preamble of the Child Protection Law No. 23 of 2002 (as amended by Law No. 35 of 2014). Children's obligations are guaranteed by Law No. 35/2014 on the Amendment to Law No. 23/2002 on Child Protection. The Indonesian Child Protection Commission (KPAI) was also established with the task of developing the effectiveness of child protection.³

Children are in greater danger due to drug cases, according to a poll conducted by the Indonesian Child Protection Commission. The average age of the 14,000 adolescent drug users was between 12 and 21 years old. This figure is noteworthy because, according to recent data from the University of Indonesia Health Research Center and the National Narcotics Agency (BNN), there are five million drug users in Indonesia of all ages. This figure is equivalent to 2.8% of Indonesia's total population in 2015.⁴

Legal protection of children through various initiatives for their general freedom and

¹ Ismail Koto, Taufik Hidayat Lubis, and Soraya Sakinah, "Provisions of Legal Protection for Terrorism Victim in Order to Realize Constitution Order," *Volksggeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 2 (2022): 243–52, <https://doi.org/10.24090/volksggeist.v5i2.6939>.

² Faisal Riza & Fauzi Anshari Sibarani, *Prinsip The Best Interest Of The Child Dalam Proses Peradilan Anak* (Medan: Umsu Press, 2021).

³ *Ibid*

⁴ Asep Syarifuddin Hidayat, Samul Anam, and Muhammad Ishar Helmi, "Perlindungan Hukum Terhadap Anak As a drug courier," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 5, no. 3 (2019): 307–30, <https://doi.org/10.15408/sjsbs.v5i3.10416>.

possibilities, including concern for their welfare. The safety of Children in Conflict with the Law (ABH) is a shared obligation of law enforcement. This does not only concern children as perpetrators, but also witnesses and victims who are children. Selain mengikuti UU No. 11/2012 related to the Child Criminal Justice System (SPPA) and other regulations related to the handling of Children in Conflict with the Law, officers handling Children in Conflict with the Law must also prioritize harmony over the formal legal cycle, which as stated in Article 108 of Law No. 11/2012, came into effect on August 1, 2014, two (2) years after the Child Criminal Justice System Law was passed.⁵

One way to understand legal protection for children in conflict with the law is as an attempt to uphold the freedoms and possibilities of children. As such, there are many different aspects to child legal safety. As long as the case meets the standards of diversion, Law No. 11/2012 on the Juvenile Justice System upholds the child's commitment to diversion in its entirety. The determination of criminal cases involving minors is crucial, regardless of whether the provisions governing diversion in Law No. 11/2012 on the Juvenile Justice System are implemented.⁶

Drug addiction is becoming more prevalent in Indonesia, as evidenced by the increasing number of drug users in the country, the types and amounts of drugs consumed, and the number of fatalities. Because they are completely helpless during this stage of development, children are often influenced by the environment around them. To ignore child safety is to ignore what is happening in society as it is a component of the national development system. Youngsters today are required to carry out criminal demonstrations, therefore their delinquency cannot be regarded as the delinquency of children in general. It is reasonable to assume that children who engage in illegal behavior prohibited by law on a continuous basis have sufficient intelligence, sincerity, or morality and are not limited by typical traits. Adolescents may exhibit bizarre behavior, such as trying to consume alcohol, committing delinquent acts, or even abusing prohibited substances such as narcotics.⁷

Increased drug use among young people has been included in the creation of new crimes. Therefore, the state is obliged to provide care to children involved in crime.⁸ In addition, Indonesia's interpretation of the principle of the best interests of the child has its own meaning. The concept of the best interests of the child, as recorded in Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection, states that the best interests of the child must always be prioritized in every decision-making process by the government, the community, the legislative body, and the judiciary.⁹

As law enforcement officers, the police, prosecutors and courts play an important role in assisting young people in conflict with the law, especially children involved in drug abuse. Law enforcement officials must work together because the application of criminal disciplinary

⁵ Frans Simangunsong Hervina Puspitosari, Yana Indawati, *Hukum Perlindungan Anak Korban Narkotika (Perspektif Viktimologi Dan Harmonisasi Peraturan)* (Makassar: Nas Media Pustaka, 2021).

⁶ Jacob Hattu and Astuti Nur Fadillah, "Perlindungan Anak Yang Menjadi Pemakai Narkotika Dengan Rehabilitasi Kesehatan," *Jurnal Belo*, 2021, <https://doi.org/10.30598/belovol6issue2page195-207>

⁷ Luh Putu Gita Dharmaningtyas, "Perlindungan Hukum Terhadap Anak Korban Penyalahgunaan Narkotika," *Jatiswara* 34, no. 1 (2020): 51–61, <https://doi.org/10.29303/jatiswara.v34i1.222>.

⁸ Rico Nur Cahyo et.al., "Jurnal Pembangunan Hukum Indonesia", *Kebijakan Hukum Pidana Tentang Diversi Terhadap Anak Pelaku Recidive Guna Mencapai Restorative Justice* 3 (2021): 213-16.

⁹ Faisal Riza & Fauzi Anshari Sibarani. *Op. Cit.*, pg. 4»

penalties against juveniles is still ongoing even after the December 22, 2009 Joint Circular Letter on Handling Children in Conflict with the Law.

The author develops two (2) problem formulations listed in this study based on the legal difficulties previously described, including:

1. How is the legal regulation of child victims of drug abuse according to positive law in Indonesia?
2. How is the harmonization of law enforcement officials against child victims of drug abuse?

RESEARCH METHOD

Yuridis normatif is the method used, the method here includes two main approaches, such as statute approach and conceptual approach.¹⁰ The research method here is an important factor in understanding the problems discussed, because it aims to obtain scientific research standards. The approach used in this study is perspective analysis, which is used to describe, explain, and analyze legal regulations related to the harmonization of law enforcement officials against child victims of drug abuse.

Then, qualitative methods are also used. This method will be based on a description of the results of the analysis. This method does not focus on numbers, but on explanations, causes, and factors underlying the topic. Similar to the qualitative research approach, this data analysis technique aims to understand and explore certain phenomena. This technique is usually used in research that involves the description of social phenomena, human behavior, and things that are difficult to measure quantitatively.¹¹ Simply put, data analysis is a critical process that involves interpreting, supporting, adding, commenting and drawing conclusions based on the researcher's understanding and the theoretical foundations used.¹²

Data analysis is carried out through a qualitative descriptive analysis approach, which is a method for classifying and evaluating data based on its quality and validity. Then it is associated with theories, principles, and legal rules taken from literature studies, with the aim of obtaining clarity on the problems that have been formulated.

DISCUSSION

1. Legal Provisions Regarding Child Victims of Drug Abuse According to Indonesian Positive Law Regulations

A. Amendment of Law No. 35 of 2014 which became Law No. 23 of 2002 Regarding Child Protection

The purpose of Law No. 35 of 2014, which amends Law No. 23 of 2002 concerning Child Protection, is to ensure the special needs of children so that they are able to grow,

¹⁰ Johnny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia, 2005).

¹¹ UPT Jurnal UMSU, "Teknik Analisis Data: Pengertian, Jenis Dan Cara Memilihnya Diakses," 2023, <https://uptjurnal.umsu.ac.id/teknik-analisis-data-pengertian-jenis-dan-cara-memilihnya/>.

¹² Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum & Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

develop, work, and play a maximum role in line with human dignity. All also want to be protected from various forms of harmful protection so that Indonesia can produce a quality, dignified and prosperous young generation. Law No. 35 of 2014 on the 2nd Amendment to 23 of 2002 concerning Child Protection, especially child safety, criminalization of child trafficking as contained in Article 83 and Article 88 of Law No. 35 of 2014 on the 2nd Amendment to 23 of 2002 concerning Child Protection. If the target is not a child, then the article in the law cannot be used as a valid reason. Therefore, it is important to provide a verifiable interpretation of the demonstration of lawbreaking that handles children for sexual purposes based on the two laws, as well as the need for comprehensive socialization to all levels of society in Indonesia so that young people are guaranteed their freedom.¹³

Given the Child Protection Law, children who commit criminal acts are guaranteed special protection from the government and the state. This is in line with Article 59 which emphasizes that children who are economically exploited, in crisis situations, in trouble with the law, members of minority and protected groups, and in need of security must get it from the government and other state institutions. This includes children who are victims of drug, alcohol, and drug abuse, children who are victims of crimes, sellers, and traffickers, children who are victims of mental or physical abuse, children with disabilities, and children with improper upbringing and neglect.¹⁴

Asep Syarifuddin Hidayat in Andi Najemi, et al clarified that the application of prison sentences to children can certainly be compared to prison sentences for offenders other than children. This is because the mental qualities, points, and goals of children are not aligned with perpetrators other than children. The same with the level of ability to determine related guidelines. This should be taken into consideration for various parties who have the authority to provide overall legal certainty in view of Law No. 35 of 2014.¹⁵

Studies have shown that the implementation of imprisonment has been shown to have a detrimental impact on young people and will have significant social, physical, mental and psychological impacts. Activities such as rehabilitation can be used in conjunction with other alternatives to implement authorization for children.

Most children targeted for drug abuse do not receive rehabilitation as indicated by relevant guidelines, but rather detention. In fact, the principles contained in the Narcotics Law direct the issue of rehabilitation efforts. In this way, law enforcement focusing on rehabilitation is the most effective way for children involved in drug abuse. Implementing such rehabilitation becomes a kind of recovery and, also, as a means to achieve child

¹³ FFauzi Anshari Sibarani, "Penerapan Prinsip The Best Interest Of The Child Terhadap Anak Yang Melakukan Tindak Pidana Kesusilaan (Studi Di Kepolisian Daerah Sumatera Utara)," *Tesis* 3 (2020): 1–240.

¹⁴ Dewi Rachmayani, "Syiar Hukum Jurnal Ilmu Hukum | Volume 16 Nomor 1 | Halaman 45 - 60," *Syiar Hukum Jurnal Ilmu Hukum* 16, no. c (2018): 45–60.

¹⁵ Andi Najemi, Kabib Nawawi, and Lilik Purwastuti, "Rehabilitasi Sebagai Alternatif Pemidanaan Terhadap Anak Korban Penyalahgunaan Narkotika Dalam Upaya Perlindungan Terhadap Anak," *Jurnal Sains Sosio Humaniora* 4, no. 2 (2020): 440–54, <https://doi.org/10.22437/jssh.v4i2.10876>.

protection.¹⁶

B. Law No. 11/2012 on the Juvenile Justice System

The problem of drug use is increasingly common in both agrarian and developed countries. As is known today, drugs are not uncommon in urban communities and have reached the rural level. In addition, drug abusers are adults as well as children or younger people.¹⁷

Children who are victims of drug abuse are victims. So, it is inappropriate for the state to impose punishments that disparage child victims as well as adult criminals (vendors). As victims, children must have a sense of security. Child protection is an effort aimed at creating conditions for every child to be able to fulfill their freedoms and commitments in the context of the child's survival and normal development, both actual, intellectual and social.

In this law, children as victims of drugs actually go through a legal cycle. The legal cycle is to consider the young generation responsible. Even through legal channels, children actually need to get a sense of security. Insurance for children who abuse drugs makes sense because it is considered that environmental factors as a whole, and not the child themselves, are most responsible for children's exposure to drugs.¹⁸

Assuming children who abuse drugs are placed in an appropriate law enforcement system, then they will face positive consequences. Of course, this interferes with children's freedom. Children who consume drugs are ensured through diversion. Diversion offers a sense of security for their overall freedom. Likewise designed in the Juvenile Justice System Law, diversion is one of several legal measures used to protect children who abuse drugs from the negative effects of the criminal cycle.¹⁹

The Juvenile Justice System Law has been legitimately insufficient to provide adequate safeguards for children in conflict with the law, particularly in terms of diversion for children who have committed serious offenses. In drug abuse cases, sentences of less than seven years' imprisonment usually have a different level of harm than other criminal cases involving possession, distribution, storage and management of drugs, which can carry sentences of more than seven years' imprisonment. Article 7 of the Juvenile Justice System Law forces children to go through the conventional criminal justice system, although Article 3 of the Guidelines for the Implementation of Diversion in the Juvenile Justice System, recorded in Supreme Court Regulation No. 4 of 2014, sets a different standard.

Children are subject to diversion in all legal proceedings in accordance with the guidelines in Article 9 of Law No. 11/2012, which outlines:

¹⁶ *Ibid.*,

¹⁷ BNN Provinsi Jawa Timur, "Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana Narkotika," 2022, <https://jatim.bnn.go.id/perlindungan-hukum-terhadap-anak-pelaku-tindak-pidana-narkotika/>.

¹⁸ Beniharmoni Harefa, "Perlindungan Hukum Terhadap Anak Sebagai Penyalahguna Narkotika Dalam Sistem Peradilan Pidana Anak Di Indonesia," *Perspektif* 22, no. 3 (2017): 212, <https://doi.org/10.30742/perspektif.v22i3.647>.

¹⁹ *Ibid.*, pg 226.

- 1) When conducting diversion, investigators, prosecutors, and judges must take the following steps: ²⁰
 - a. The category of the criminal offense that occurred;
 - b. The age of the child involved;
 - c. Social research results from the correctional center (*bapas*); and
 - d. Support from the family and community.
- 2) All diversion agreements require the consent of the child and the victim's family, as well as the consent of the victim and the victim's family, with exceptions:
 - a. Criminal offenses;
 - b. Crimes that are considered minor;
 - c. A crime that does not involve a victim; or
 - d. The value of the loss suffered by the victim does not exceed the value of the local provincial minimum wage.

In the law, the term restorative justice refers to a cycle of goals that includes the offender, the victim, his or her family and other groups that participated in the crime, together seeking a goal. For offenders, this approach emphasizes the process of restoration rather than retribution.²¹

The concept of restorative justice is included in Article 5 of this law, which requires:

- 1) The investigation and prosecution of criminal behavior involving juveniles shall proceed in accordance with the applicable laws, unless otherwise provided by law.
- 2) Courts within the general justice system are responsible for handling cases involving children.
- 3) Provide support, guidance, monitoring, or restoration during the implementation of the sanction or punitive measure, as well as after the sanction or measure has been completed.

C. Law Number 35 of 2009 concerning Narcotics

Children must be protected from the pessimistic impact of progress, the advancement of science and innovation, the globalization of correspondence and data, and the changing patterns of adult life that have reached a very crucial social impact in the lives of individuals, whether positive or negative, must greatly affect the quality and behavior of the younger generation.²²

²⁰ RRachmayani, "Siar Hukum Jurnal Ilmu Hukum | Volume 16 Nomor 1 | Page 45 - 60."

²¹ Viky Vinola, Syahrudin Nawir, and Ahyuni Yunus, "Journal of Lex Generalis (JLS)," *Journal of Lex Generalis (JLS)* 3, no. 3 (2022): 404–17.

²² Risyah Hadiansyah and Nur Rochaeti, "Penerapan Rehabilitasi Terhadap Anak Penyalahguna Narkotika," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 1–13, <https://doi.org/10.14710/jphi.v4i1.1-13>.

Unlawful behavior that occurs in children is often influenced by external factors around them. These factors include the family, community and school in which the child grows up. These environments play a significant role in shaping a child's values and behavior. When these environments are not supportive, they are likely to contribute to the child's unlawful behavior.

Violations or unlawful acts fall under the category of drug abuse. Based on the definition recorded in Article 1 paragraph (15) of Law No. 35/2009 regarding drugs, drug abusers are individuals who use drugs without permission and in violation of the law. In addition, based on Article 1 point 3 of the Juvenile Justice System Law, children involved in the legal process are individuals aged 12 to 18 years old and are considered to have committed criminal behavior.²³

This law has given different treatment to drug abusers, in that there is no differentiation in treatment between drug dealers, dealers, and producers. From one point of view, drug clients or criminals are the ringleaders of crime, but then again they are victims. According to the law, a drug user or addict is a victim with the Narcotics Law that makes criminal punishment given to the perpetrator. Then, again, it can be said that according to the Narcotics Law, drug addicts are victims, which is shown by the regulation that drug users can be punished until recovery.²⁴

Drug abuse can be classified as criminal behavior in line with the regulations in the law. Not only adults can exhibit this kind of behavior, children who are not old enough can also do so. A number of people have fallen victim to this type of illegal activity, especially those of a young age. In addition, due to the global network of drug trafficking that enters the country from abroad, narcotics crimes are also classified as transnational crimes. Based on Article 81 Paragraph (1) of Law No. 11/2012 related to the Juvenile Justice System which states that the maximum punishment that can be imposed on adults cannot be exceeded by the amount of imprisonment for children, the criminal penalties listed in Article 127 of this Law only apply to adult drug offenders.²⁵

2. HARMONIZATION OF LAW ENFORCEMENT OFFICERS AGAINST CHILD VICTIMS OF DRUG ABUSE

The police play an important role as the beginning of the process involving children in conflict of law, starting from the stage of arrest, investigation, to the determination of children as suspects and then their detention by the police. Therefore, to carry out its obligations and authority, the Indonesian National Police must prepare officers or police

²³ Harefa, "Perlindungan Hukum Terhadap Anak Sebagai Penyalahguna Narkotika Dalam Sistem Peradilan Pidana Anak Di Indonesia."

²⁴ Montana Maruli Pakpahan, Erwin Owan Hermansyah, and Lukman Hakim, "Penerapan Status Pengguna Pada Tindak Pidana Narkotika Dalam Prespektif Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika," *Jurnal Hukum Sasana* 7, no. 2 (2021): 203–16, <https://doi.org/10.31599/sasana.v7i2.725>.

²⁵ Pakpahan, Erwin Owan Hermansyah, and Lukman Hakim.

investigators who have the will, responsibility, ability, attention, and special dedication in processing children in conflict with the law.²⁶

Law No. 8/1981 on the Criminal Procedure Code mandates the Indonesian National Police to carry out investigations into criminal behavior without limitation of jurisdiction, as long as it is within the realm of public law. As a result, under the Criminal Procedure Code, the Indonesian National Police (POLRI) is authorized to conduct investigations into a wide range of criminal behavior, although the Criminal Procedure Code also delegates authority to certain law enforcers (PPNS) to conduct investigations in line with Law No. 8 of 1981 related to the Criminal Procedure Code, which delegates authority to the Indonesian National Police to conduct investigations into criminal behavior unlimited by jurisdiction, as long as it remains within the context of public law. Consequently, under the Criminal Procedure Code, the Indonesian National Police may conduct investigations into a wide range of criminal conduct, but the Criminal Procedure Code also recognizes the authority of certain law enforcement agencies (PPNS) in conducting investigations in line with the special powers conveyed in the laws that form the basis for each.²⁷

The police function as investigators within the framework of the justice system. In accordance with Article 1 paragraph (10) of Law No. 2 of 2002 relating to the Indonesian Police, investigators are officers authorized by law to conduct investigations. In carrying out their duties, investigators gather evidence from various sources, clues, and available evidence, with the aim that it can be used as valid evidence, as explained in Article 1 of Law No. 8 of 1981 of the Criminal Procedure Code.²⁸

Pursuant to Article 41 of the Juvenile Justice System Law, the investigation of cases relating to children is carried out through a series of processes established by public officials or other authorities and granted by the Attorney General. There are several requirements to be appointed as a public prosecutor. They must have experience as a public prosecutor, demonstrate interest, care and devotion, and study issues relating to children. They must also have received specialized training on the juvenile justice process.²⁹

The Juvenile Public Prosecutor evaluates the Investigator's report during the course of his/her duties. If deemed appropriate, the case does not need to go to court with the approval of the juvenile judge. While the child is returned to his/her parents, his/her caregivers may also be given warnings and advice. With the judge's permission, the assistance of experts or the formation of a specialized team may be required to help deal with the child's situation. This decision is based on the fact that children need physical and

²⁶ Joint Decree on Handling Children in Conflict with the Law Implementation of the duties and authority of the Indonesian National Police in handling children in conflict with the law Article 8 letter (a).

²⁷ Romli Atmasasmita, *Sistem Peradilan Pidana; Perspektif Eksistensialisme Dan Abilisionisme*, Cet II Revisi (Bandung: Bina Cipta, 1996).

²⁸ Erwin Asmadi, "Procedure for Destruction of Evidence of the Crime of Narcotics Abuse Based on Formal Law in Indonesia," *International Journal Reglement & Society (IJRS)* 1, no. 2 (2020): 77–85, <https://doi.org/10.55357/ijrs.v1i2.27>.

²⁹ Rahmat Ramadhani, *Buku Ajar Hukum Acara Peradilan Anak* (Medan: Umsu Press, 2020).

psychological safety, guidance, protection, care and attention. Social workers, including those from the Correctional Center, guide and handle the child and communicate with the child's parents, guardians or caregivers in this effort.³⁰

In law enforcement, decisions made by judges are considered the final word. In the literature on juvenile criminal court systems, the model used in cases involving children is considered to be representative of the attitude adopted. King and Piper emphasize that the circumstances in cases where children commit rule violations are much more complex than those in cases where adults do so. For example, the age of the child is critical to determining whether the child can be considered to have committed an offense. Age is also important for determining the legal process the child should undergo, including an assessment of the child's ability to commit the offense and the level of punishment that should be applied if the child is found guilty.

To ensure that the decisions judges make in cases involving children will safeguard the safety and well-being of the child, judges must carefully consider all parties attached to the matter, including the child themselves, guardians, lawyers, experts, and other parties. Judges have an important role in determining the fate of the younger generation, according to the Indonesian justice system.³¹

To protect children who are targeted by drug traffickers, law enforcement agencies must collaborate to prevent drug offenses. The police, prosecution, and judiciary are critical in protecting children who are subject to legal proceedings. To protect children who are targets of drug abuse, law enforcement must work well together. The role of the police, prosecutor's office and judiciary is crucial to ensure that children subject to legal proceedings are legally protected.

All legal procedures related to the management of problems involving juveniles involved in unlawful behavior include the juvenile court system. The first stage involves the role of the police as the initial agency that deals with cases of juvenile delinquency and ensures that the juvenile is either released or referred to the next stage. The second stage involves the role of the prosecutor and the parole board to demonstrate that the child's case will be referred to the juvenile court. Stage 3 is the juvenile court, where decisions are made on various treatment options, ranging from release to placement in a correctional facility. Finally, there is the enforcement process.

CONCLUSION

Legal regulations relating to children as targets of drug abuse, in accordance with positive law in Indonesia, include Law No. 35 of 2014 relating to Amendments to Law No. 23 of 2002 relating to Child Protection, Law No. 11 of 2012 relating to the Juvenile Justice System, and

³⁰ Maidin Gultom, *Pelindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia* (Bandung: PT. Refika Aditama, 2014).

³¹ Nursariani Simatupang & Faisal, *Hukum Perlindungan Anak* (Medan: Pustaka Prima, 2018).

³¹ Harrys Pratama Teguh, *Teori Dan Praktek Perlindungan Anak Dalam Hukum Pidana* (Yogyakarta: Penerbit Andi, 2018).

Law No. 35 of 2009 relating to drugs. The alignment of law enforcement officials, such as the police, prosecutor's office and judiciary, in dealing with child victims of drug abuse is a key factor in the juvenile justice system, with the aim of protecting the best interests of the child.

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