

## **CHILD CRIMINAL JUSTICE SYSTEM AGAINST NARCOTICS CRIMES AGAINST CHILDREN**

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### **ABSTRACT:**

Every year there are children who are victims of drug trafficking, even though it is fluctuating. Based on data reported to the Indonesian Child Protection Commission (KPAI), children who use Narcotics, Psychotropics and Addictive Substances (Drugs) from 2014 to 2019 reached 394 children, where each year more than 20 children under age who use drugs. For children as Narcotics, Psychotropic and Addictive Substances (Drugs) Distributors from 2014 to 2019, there were 153 children. This is inseparable from various factors such as educational, economic, environmental and social factors. Given that children are not only perpetrators but also children as victims, in this case, protection of children's rights is needed. So that even though children are considered as victims, their actions still require accountability. This study uses normative research methods and uses literature study legal material collection techniques, namely techniques to collect data through reviewing various literatures and internet studies. The results of this study are to explain and explain the dynamics of drug trafficking involving children as drug couriers and how criminal responsibility is to children as drug couriers.

### **PRELIMINARY:**

#### **A. Background:**

It is common knowledge that low levels of income and education contribute to drug abuse cases regardless of age. Now, cases of drug abuse in children have increased from time to time. It is noted that the dropout rate is directly proportional to the increase in drug cases in

children. Even in some cases drug trafficking by dealers have also started to infiltrate school institutions. In addition, Indonesia's geographic location is very strategic between two continents, two oceans and is an archipelagic country that plays a major role in the traffic of drug trafficking, both on a national and international scale.

In Indonesia, the National Narcotics Agency as the focal point in the field of Prevention and Eradication of Narcotics Abuse and Illicit Narcotics (P4GN) pocketed the number of drug abuse in 2017 as many as 3,376,115 people between the ages of 10-59 years. Meanwhile, the number of drug abuse among students in 2018 (from 13 provincial capitals in Indonesia) reached 2.29 million people. One of the groups of people who are prone to being exposed to drug abuse is those in the age range 15-35 years or the millennial generation. In Indonesia, children are not only as couriers but also as users, more sadly the drug dealer first introduces and makes minors try to consume drugs first so they are addicted. So that drug dealers will find it easier to find new targets and get money, besides that drug dealers also implement this strategy because one of them is the punishment for children being lighter than the criminal punishment for adults. As well as the ease of underage children to launch all the drug dealer strategies, in this case the background for the abuse of drugs in minors is that it can be from various factors including educational, economic, environmental and social stratification factors.

Based on data reported to the Indonesian Child Protection Commission (KPAI) regarding children in conflict with the law (ABH) from 2014 to 2019, there were 8,831 children. There are 63 children who use Narcotics, Psychotropics and Addictive Substances (Drugs) from 2014 to 2019. These data are only reported to the Indonesian Child Protection Commission (KPAI), and do not include those who secretly commit the abuse, even those who have been known to their family and environment, but no one has reported it yet.

Regulations related to Narcotics in Indonesia are regulated in Law Number 35 of 2009 concerning Narcotics which previously was Law Number 22 of 1997. Which aims to eradicate, prevent, protect and save from the abuse of Narcotics. Regarding the regulations on the punishment of children who commit narcotics abuse are regulated in the Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). So that the handling of the law for perpetrators, both adults and minors, is clearly different in the imposition of punishment. A child in conflict with the law is a child who has reached the age of 12 before the age of 18 and is suspected of committing a criminal act, in accordance with Article 1 of Law Number 11 of 2012 concerning SPPA.

Children who become narcotics couriers are perpetrators of criminal acts but to involve victims in the case of minors who are narcotics couriers is still being discussed by academics, the community and others regarding who is the victim in this case. According to the researcher's view, minors who become couriers or commit drug abuse are considered victims other than as perpetrators. So that the approach taken can use restorative justice in order to achieve it and do diversion. This is because children are legal subjects who have committed a criminal act, so children are still the perpetrators who must be accountable for their actions to provide learning, but children are also victims even though their actions need to be accounted for.

Based on Law Number 35 of 2009 concerning Narcotics in Article 114 it is explained that "Any person who without rights or against the law offers to sell, sell, buy, receive, become an intermediary in buying and selling, exchanging, or handing over Narcotics Category I, shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp. 1,000,000,000.00 (one billion

rupiah) ”. This can be likened to the meaning of being a drug courier. Then what is the criminal responsibility for children as drug couriers, is the punishment the same as for someone who is an adult.

Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA) can be an effort to protect and create child welfare and guarantee the rights of a child without discrimination. The vulnerability of minors as couriers and / or committing abuse of Narcotics and Psychotropics can be seen from the factors of education, economy, environment and social stratification as well as children's psychological innocence regarding drugs that will always be used by drug dealers. Children will grow up to become the nation's future young generation who will continue the relay of development from previous generations in social and state life. The increasing number of drug abuse crimes committed by children is a threat to Indonesian children in particular, and to the state society in general. So it is necessary to pay attention to law enforcement officials in the application of punishment for children of narcotics criminal offenders, not only the attention of law enforcers but also their families and communities. Based on the above background, the researcher intends to discuss the problem related to the Narcotics crime, thus the researcher chooses the title "Responsibility of Minors as Victims of Drug Trafficking Under the Juvenile Criminal Justice System Law"

### **B. Problem Formulation:**

1. What are the dynamics of drug trafficking that involve children as drug couriers?
2. How is the Criminal Accountability Against Children as Drug Couriers?

### **C. Research Methods:**

This study uses a normative legal research method that makes law an object of study which is then reviewed from a theoretical aspect. The research data used in this type of normative legal research is secondary data. Sources in secondary data include primary legal material, namely the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA), Law Number 35 of 2014 concerning Child Protection, Law Number 35 of 2009 concerning Narcotics. Secondary legal materials, namely references that are relevant to the theme, journal, thesis. Tertiary legal materials that serve as guidance and explanation of primary law and secondary law which are also reviewed in this research include mass media, dictionaries, and others as a support.

This study uses legal material collection techniques literature study, namely the technique of collecting data through a review of various literature including secondary data related to drug abuse by minors and internet studies, data collection is done via the internet.

## **DISCUSSION:**

### **A. The dynamics of drug trafficking involving children as drug couriers**

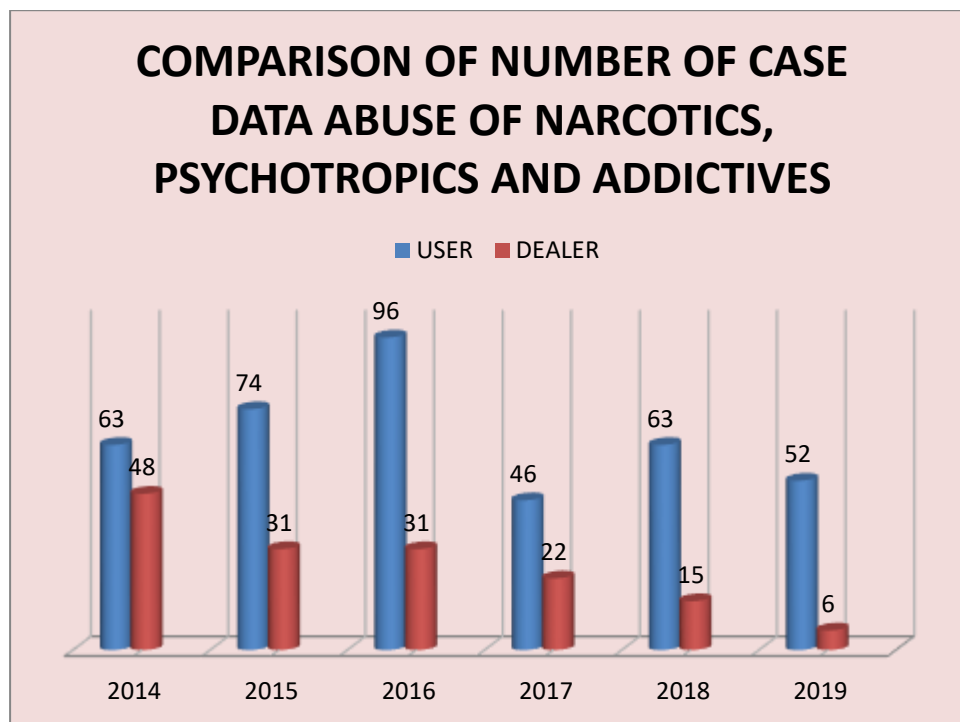
Narcotics comes from the English "narcotics" which means drug. Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semisynthetic that can cause a decrease or change in consciousness, loss of pain and can lead to dependence (Law No.35 of 2009).

Sudarto argued that the word narcotics originated from the Greek word "narcotics" which means "drugged feeling nothing". In the Encyclopedia Americana one can find the notion of "narcotic" as "a drug that dulls the sense, relieves pain, induces sleep, and can produce addiction in varying degrees". While "drug" is defined as "a chemical agent that is used the

rapeutically to treat disease". More broadly, a drug may be defined as any chemical agent affect living protoplasm ". So "narcotics" is a substance that causes taste, relieves pain, and so on.

Narcotics crime is narcotics abuse. is a major crime in Indonesia which is strictly regulated in the Law with the threat of severe punishment for the violator. Narcotics crime can be defined as an act that violates the provisions of the narcotics law.

Narcotics crime rates involving minors can be a threat to a country. Although the figures in the graph fluctuate from year to year. If you pay attention, the graph below can also illustrate the number of minors who abuse drugs. The following is a graph regarding data on Narcotics, Psychotropic and Addictive Substances users by minors.



Based on data reported to the Indonesian Child Protection Commission (KPAI), children who use Narcotics, Psychotropics and Addictive Substances (Drugs) from 2014 to 2019 reached 394 children, where each year more than 20 children under age who use drugs. For children who are traffickers of Narcotics, Psychotropics and Addictive Substances (Drugs) from 2014 to 2019 reaching 153 children. In addition, data regarding children in conflict with the law (ABH) both as perpetrators, victims and witnesses from 2014 to 2019 reached 8,831 children. These data are only part of what was reported to the Indonesian Child Protection Commission (KPAI). There are still some people who do not complain or report to the parties concerned because of thoughts or assumptions of disgrace to the family and or the lack of public knowledge in acting when they find out that one of their family, neighbors, friends and so on, is included in the victim of drug abuse.

The highest number of children as users of Narcotics, Psychotropics and Addictive Substances between 2014 and 2020, namely in 2016 as many as 63 children were recorded in complaints to KPAI. Meanwhile, the highest number of children who trafficked Narcotics, Psychotropics and Addictive Substances was in 2014 as many as 48 children were registered in the complaint to KPAI. If you look at the data above, every year there are cases of drug trafficking in Indonesia that are related to minors. This is very necessary for the attention and awareness of all elements of society as well as law enforcers and the government,

remembering that children as generations in social and state life because of their position who will become the nation's successor.

As for the factors that cause minors to be involved in narcotics abuse which causes the number of drug dealers and users to continue to exist every year. Some of the factors are as follows:

### **1. Educational factors:**

Schools that are not evenly distributed and the nation's children are not evenly educated in Indonesia are one of the factors preventing children from being late and or not knowing what drugs are and the consequences if they are consumed. This has side effects when children who do not receive education or do not get the right to education grow up or become parents at a later date. So that we need educational facilities and legal and health education regarding narcotics. When it is carried out in a directed, regular and planned manner, it is hoped that it will prevent adolescents from abusing narcotics which can destroy the future. Not only adolescents but also children who have reached adolescence to adulthood are also included in the list of the need for education as the rights of every child of the Indonesian nation as regulated in Article 31 of the 1945 Constitution. Article 31 UUD 1945 paragraph (1) Every citizen has the right to education and paragraph (2) Every citizen is obliged to attend basic education and the government is obliged to finance it.

Education is still a field that is used as character building in fostering knowledge and skills for students and educators as transformers of knowledge for the world of education, especially students. The results of BNN's research in 2013 in the 2013 P4GN Journal showed that drug abuse behavior was in accordance with the level of education, dominated by high school levels with ages between 15-19 years as many as 22,952 suspects. This means that education does not guarantee that children will avoid narcotics abuse, but with education it can change one's way of thinking to be more open and insightful so that it is easier to classify something that has a positive or negative impact on oneself or others, besides that it can also create new creativity and innovation. along with the times.

### **2. Economic factors:**

Activist Lingkar Ganja Nusantara (LGN), Bara Dopio said that economic factors play a big role for teenagers to use drugs, "if you don't have money, you can't get goods, then economic factors also play a big role". The tendency of each individual to meet their daily needs often forces people to seek instant solutions. The method of drug dealers first introduces and makes minors try to consume drugs first so that they are addicted, thus making the child try to get the goods or drugs he wants. Then, easy methods were chosen by becoming underage drug dealers who had been regarded as making money or income easily, without the children realizing what the impact or risk was after it happened.

### **3. Environmental factors:**

Environmental factors include the school environment, the neighborhood where they live, and the social environment, which if drugs in the environment are easily obtained, it is easy for minors to abuse drugs. An unhealthy or vulnerable community environmental condition can be a factor in disrupting mental development towards deviant behavior which in turn involves drug use or dependence. Indicators of community environments that are prone to drug use are:

- a. The increasing number of unemployed, school dropouts and street children

b. Entertainment places that are open late into the night and even into the early hours of the morning are often used as places for drug transactions. Speeding, graffiti on the destruction of public places.

c. Places where drug transactions are carried out both openly and secretly.

Social environmental factors of underage children who abuse drugs often argue on the grounds of solidarity this is done so as not to be bullied, in order to get appreciation so that they feel flattered and respected among their friends. In addition, due to the influence of his friends who can cause bad habits in a child. The school environment factors, namely students who are targeted by syndicates as couriers. The syndicates approached the students by tasting them for free for the first time. After the victim is lulled by the pleasure of narcotics with illegal drugs, narcotics are no longer obtained for free, with the offer that the students want to help them offer these drugs to their school friends. If agreed, not only obtained free drugs, but also a certain amount of money in return.

Apart from that, it can also be seen from the environmental factors where they live, as if the people living in their environment are individualistic, there are no positive activities built by the local government or local residents and there is no harmonious relationship in the neighborhood where they live, it is possible that they can be used as a place of circulation drugs easily.

Such conditions can cause the future of the minor to be threatened. Not only that, it can also have physical impacts such as changes in body metabolism, psychological impacts such as mental health and guilt to depression, and have social impacts such as difficulty acceptance in the local community and / or re-adapting due to labeling embedded in children who abuse drugs. Thus, it is difficult to find a job due to these factors and impacts.

#### **4. Social Stratification Factors:**

Social stratification is the differentiation of a population or society into classes in a stratified (hierarchical) manner. People who are included in the social stratification and above will get different treatment than those who are included in the lower social stratification. For example, people who have a higher position or position will be treated special or respected than people with ordinary or middle-lower family backgrounds who do not have a higher position or position. These things are one of the factors in children becoming insecure and feeling alienated in their social environment. Basically, children are easily affected so that the opportunity to get caught in drug abuse, one of which is becoming a narcotics dealer, can occur to fulfill the need so that their social status is considered equal to their social environment.

Currently what is happening in Indonesia regarding underage children who are entangled in drug abuse is due to the four factors above. However, the more dominant factor is occupied by environmental factors, environmental factors are not only family environmental factors but also social environmental factors and school environmental factors. This can be seen from the subject, namely a child who does not have sufficient knowledge of narcotics, and is easily influenced by someone, so that it leads to narcotics abuse by minors. It does not rule out the possibility of children being drug couriers if there are still numbers of drug dealers and users of narcotics by children every year. Thus, the dynamics of drug trafficking involving children as drug users and dealers in Indonesia continue to exist every year, seen in the complaint records to the Indonesian Child Protection Commission (KPAI) 2014 to 2019 which fluctuate every year.

#### **B. Criminal Liability Against Children as Drug Couriers**

Lilik Mulyadi argues that in terms of juridical aspects, the meaning of children in the eyes of positive law in Indonesia is generally defined as an immature person (minderjarig/person underage), an underage person or an underage condition (minderjarigheic Uinferiority), or often referred to as a child who is under the supervision of a guardian (minderjarige). ondervoordij).

According to Marlina, in the book *Child Criminal Court in Indonesia* it is concluded that according to the view of the Indonesian State, a child is a human being who has not reached 18 years, including children who are still in the womb and are not married.

With the establishment of rules for protecting children, the government has created legal products, including Law number 35 of 2014 concerning amendments to Law number 23 of 2002 concerning child protection and Law number 11 of 2012 concerning the juvenile criminal justice system. In practice, children who commit criminal acts are subject to a different judicial process according to the provisions stipulated in Law number 11 of 2012. The definition of a child according to article 1 number 1 of Law number 35 of 2014 concerning amendments to Law number 23 of 2002 concerning child protection is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Children are the nation's assets that must be protected who will later become the successor of the people who are in power in this country and in whatever sector they will work. Children who are faced with the law have the term, namely children as victims and children as perpetrators and children as witnesses. Victims are those who suffer physically and spiritually as a result of their own actions or from other parties, who want to seek fulfillment of their own or other parties' interests that are contrary to the human rights that have been harmed. According to R. Achmad Soema Di Pradja, the perpetrator is a person who commits, orders to do, participates in doing, and deliberately induces to commit the act.

There is no definition of a drug dealer or courier in the Narcotics Law. However, the definition of a dealer and courier is similar to the content in Article 114 of the Narcotics Law which reads "Any person who without rights or against the law offers to sell, sell, buy, receive, become an intermediary in buying and selling, exchanging, or handing over Narcotics Category I, shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah) ”.

Drug dealers and couriers can be defined as people who carry out any activity or series of activities that distribute or deliver narcotics, either in the context of trading or moving plants, for the benefit of health services and the development of science and technology. Meanwhile, a courier is a person who is ordered to deliver drugs whether he or she knows that the goods are drugs. So children who have been used or become drug dealers and / or couriers of drugs by drug dealers can legally be subject to sanctions in the form of acts or crimes against the child. However, before the imposition of sanctions, it is very important to understand the rights of children that must be protected under the Child Protection Law and the SPPA Law. With the existence of special regulations regarding child punishment, the application of criminal sanctions will be different from the punishment imposed on someone who is an adult. So that in dealing with children who are faced with the law it is adjusted to the principle of *lex specialis derogate legigeneralis*.

The SPPA Law requires prioritizing the Restorative Justice approach based on Article 5 of the SPPA Law. Restorative Justice is the settlement of criminal cases by involving perpetrators, victims, families of perpetrators / victims, and other related parties to jointly

seek a fair solution by emphasizing restoration to its original state, and not retaliation. The discourse on the restorative justice approach provides an alternative to be applied in Indonesia in solving criminal law problems more effectively, especially those related to crimes involving children. However, in Indonesia, the interpretation and implementation of the discourse on restorative justice varies. This depends on the perspective of each observer of the law and the reference that becomes the reference.

There are writers who interpret restorative justice as the direct participation of perpetrators, victims and society in the process of solving criminal cases, and even negating the role of the state. This is because the reference is closer to the definition of restorative justice put forward by Burt Galaway and Joe Hudson, as follows:

“A definition of restorative justice includes the following fundamental elements: First, crime is viewed primarily as a conflict between individuals that results in injuries to victims, communities, and the offenders themselves; Second, the aim of the criminal justice process should be to create peace in communities by reconciling the parties and repairing the injuries caused by the dispute: Third, the criminal justice process should facilitate active participation by the victims, offenders, and their communities in order to find solutions to the conflict”.

The interpretation of the role of the participation of perpetrators, victims and the community in the process of resolving criminal cases using a restorative justice approach is only listed in the third element of Galaway and Hudson. It also still states that the criminal justice process is the administrator of justice, meaning that it still requires the role of the state. Especially when interpreted as a whole from Galaway and Hudson's quote, that restorative justice includes fundamental elements. First, crime is seen as basically a conflict between each individual that causes harm to the victim, society, and the perpetrator of the crime. Second, the aim of the criminal justice process should be to create peace in society through reconciling the parties and repairing the loss or damage caused by the dispute. Third, the criminal justice process should also facilitate the active participation of victims, perpetrators and the community in order to find solutions to the conflicts that have occurred.

To deal with the complexity of the roots of the social and political problems underlying narcotics criminal cases involving children, of course, cannot negate the role of government officials through coordinated integrative efforts. Especially if the resolution of restorative justice to be pursued through a public policy approach (public policy) in order to resolve legal problems systematically, even not only government officials from law enforcement circles, but also need to involve other government institutions, such as education, social and other institutions related to a problem

Especially in narcotics crimes involving children, restorative justice is implemented in order to achieve Diversion efforts, which can be done if the punishment is under 7 years and does not constitute a repetition of a criminal act. Diversion is a diversion in the handling of cases of children who are suspected of having committed a criminal offense from the formal process with or without conditions. The diversion approach can be applied to the settlement of cases of children in conflict with the law. Given that Law Number 35 of 2009 concerning Narcotics does not specifically include sanctions on children. As for the diversion agreement, it can be in the form of peace or compensation, handed back to the parent / guardian, participating in education or training at educational institutions or LPKS as well as community services.

Factors that need to be considered in the implementation of the Diversion of Investigators, General Guides, and Judges in conducting diversions must consider:



- a. category of criminal offense;
- b. Age of the child;
- c. Results of community research from the Correctional Center; and
- d. Support the community family environment.

This is one of the stages of case resolution with the involvement of minors before further prosecution is carried out. Because criminal acts committed by children need to be accounted for and investigated which is the background so that they can commit a violation of the law, so law enforcers can provide solutions to children so they don't fall into bad things again.

As for the legal age limit for children's responsibility, according to Nandang Sambas: "Juridically, determining the age limit of a child will have legal consequences concerning issues of rights and obligations for the child himself. Thus, the formulation of children in various laws does not provide an understanding of the conception of a child, but rather a formulation which is a limitation for certain actions, certain interests, and certain purposes".

According to Djamali M. Nasir: "The age limit of a child provides a grouping for a person to be referred to as a child. What is meant by the age limit is the grouping of the maximum age as a form of the child's ability to have legal status, so that the child has the status of becoming an adult or a legal subject who can be independently responsible for the actions and legal actions committed by the child. "

The Juvenile Criminal Justice System Law defines minors, namely children who have reached the age of 12 but before the age of 18. And in Law Number 11 of 2012 concerning SPPA, there are 3 types of children involved in a criminal act, namely:

- a. In Article 1 point 3 of the SPPA Law, children who are perpetrators of a criminal act are 12 years old but before they are 18 years old.
- b. In Article 1 point 4 of the SPPA Law, it is a child who becomes a victim of a crime before the age of 18.
- c. In Article 1 point 5 of the SPPA Law, it is a child who becomes a witness to a crime before the age of 18 years.

According to the SPPA Law, a child criminal offender can be subject to two types of sanctions, namely Actions, for criminal offenders who are not yet 14 years old based on Article 69 paragraph (2) of the SPPA Law and Pidana, for criminal offenders who are not yet 15 years old.

- a. Sanctions Actions that can be imposed on children under Article 82 of the SPPA Law include:
  - Returns to parents / guardians
  - Handover to someone;
  - Care in a mental hospital;
  - Treatment at LPKS
  - Obligation to attend formal education and / or training held by the government or private bodies;

- Revocation of driving license; and / or
- Correction due to criminal action

b. Criminal sanctions

Criminal sanctions that can be imposed on child offenders are divided into the main and additional penalties based on Article 71 of the SPPA Law.

The Principal Crime consists of:

- Criminal warning
- Criminal with the following conditions:

Development outside of institutions, community services, or supervision;

- Work training;
- Development in institutions;
- Jail.

Additional Criminal consists of:

- Deprivation of profits derived from criminal acts; or
- Fulfillment of customary obligations.

Meanwhile, the imposition of sanctions for children aged 12 years and under regulated in the SPPA Law will be subject to return to the parent or guardian, and participate in education, coaching and guidance programs at government agencies or Social Welfare Organizing Institutions (LPKS) at the regional and central levels for a maximum of 6 months. Minors can be sentenced to a maximum sentence of 1/2 (one half) of the maximum imprisonment for adults. Given the limited ability to think and is still under the supervision of parents or guardians.

Detention of a child can be carried out if it meets the elements of the requirements contained in Article 32 Paragraph (2) of the SPPA Law, namely that one of the children is aged 14 years or more, is suspected of having committed a criminal offense which carries a penalty of 7 years or more. Things that need to be considered are where the child is detained, in order to protect the child's safety, detention is carried out at the Social Welfare Organizing Institution (LPKS). If the child has reached the age of 18 years and has not finished serving a sentence at the Special Child Development Institution (LPKA), based on Article 86 of the SPPA Law, it is transferred to a youth penitentiary and when it reaches the age of 21 and has not finished serving a sentence then the child will be transferred to an adult correctional facility.

In statutory regulations as stipulated in Article 90 of the SPPA Law, children of victims and children of witnesses have the same rights in the form of:

- a. Medical rehabilitation and social rehabilitation efforts, both within the institution and outside the institution
- b. Safety assurance, both physical, mental, and social
- c. Ease of obtaining information about case developments.

It is better if detention and punishment of children be prevented or used as a last resort. Children who abuse narcotics, if placed in the formal criminal justice system, will certainly suffer a bad impact. This clearly violates children's rights. Through diversion, children who abuse narcotics get protection. Diversion provides protection for children's human rights. According to the researcher's view, minors who become couriers or commit drug abuse are considered victims other than as perpetrators. In connection with the problem of Narcotics, children become attractive targets by drug dealers to make money printing tools, in which children are still easily influenced or unstable. So that the solution through the approach taken can use restorative justice in order to achieve and carry out Diversion. This is because children are legal subjects who have committed a criminal act, so children are still the perpetrators who must be accountable for their actions to provide learning, but children are also victims even though their actions need to be accounted for.

The initiative to implement restorative justice itself has been initiated by law enforcement agencies such as the Indonesian National Police (Polri) by making policies through the Chief of Police's Letter No Pol: B / 3022 / XII / 2009 / SDEOPS dated December 14, 2009 regarding Case Handling through Alternative Dispute Resolution (ADR). ). This policy was increasingly escalated among other law enforcers, resulting in a Memorandum of Understanding with the Chief Justice of the Supreme Court, Minister of Law and Human Rights, Attorney General, Chief of the Indonesian National Police Number: 131 / KMA / SKB / X / 2012, M. HH-07.HM.03.02, KEP-06 / E / EJP / 10/2012, B / 39 / X / 2012 of 2012, concerning the Implementation of Adjustment of Limits for Minor Crimes and the Amount of Fines, Quick Examination Procedures, and Application of Restorative Justice (Restorative Justice). However, in practice in the field, it is necessary to carry out further studies regarding the readiness of the human resources of law enforcement officers. Is it credible enough and capable of carrying out professionals by prioritizing human values? Especially in narcotics crimes involving children, restorative justice efforts can be said to be a long effort. The ultimate goal is to make the child really understand the offense or crime he is committing so that with full awareness it is hoped that he will not repeat his actions.

## **CLOSING:**

### **A. Conclusion:**

Drug dealers or couriers and users of drugs by children under age exist every year even though it is fluctuating. Children who use Narcotics, Psychotropics and Addictive Substances (Drugs) from 2014 to 2019 reached 394 children, where each year more than 20 minors are drug users. For children who are traffickers of Narcotics, Psychotropics and Addictive Substances (Drugs) from 2014 to 2019 reaching 153 children. The main factors that cause children to fall into drug abuse are educational factors, economic factors, environmental factors, and social starter factors. It is from these factors that minors can become victims of drug traffickers, whether they are aware that these items are prohibited items or are not aware of them.

Regarding the responsibility of minors who are drug couriers, an approach can be used to use restorative justice, considering that children are not only perpetrators but also victims, seen from the causal factors and are still in limited ability to think and are still under the supervision of parents or guardians, so that children cannot be subject to it. full liability sanction. In this case, it is necessary to protect their rights, even though children are considered as victims, but their actions are still needed to be held accountable.

**B. Suggestions:**

Providing education about narcotics which is aimed not only at school children or minors but also to the community, even to villagers who can be said to be far from the city either in the form of activities that include the community in the area where they live, appeal or counseling, socialization or seminars that are conducted periodically. This can instill a mindset or change a person's way of thinking so that they can prevent or reject the items to be used which have the effect of harming themselves and others. With these positive activities, the number of narcotics abuse and / or drug dealers and couriers by children will decrease and can even be called these activities as prevention efforts. Judging from the psychology and the intention of a minor as a courier, he does not have the skills to act so that it is easy to be influenced. In addition, children who are faced with the law can be ostracized in their community, so education is also needed for the community. Because this is very influential so that the community can accept back the child who was in conflict.

Regarding the responsibility of children who are victims of drug trafficking under the SPPA Law, it is obliged to prioritize a Restorative justice approach based on Article 5 of the SPPA Law, it needs to be disciplined by the authorities or parties in this case dealing with children. Detention of a child can be carried out if it meets the elements of the requirements contained in Article 32 Paragraph (2) of the SPPA Law, namely that one of the children is aged 14 years or more, is suspected of having committed a criminal offense which carries a penalty of 7 years or more. According to the SPPA Law, a child criminal offender can be subject to two types of sanctions, namely Actions, for criminal offenders who are not yet 14 years old based on Article 69 paragraph (2) of the SPPA Law and Pidana, for criminal offenders who are not yet 15 years old.

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