



Law Enforcement Against the Crime of Narcotics Abuse by Children in the Jurisdiction of Police Resort Cirebon City

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Abstract. The increase in drug abuse among children is the lack of basic education about drugs both among parents and children. Especially many parents are not aware of the influence of drugs in society and the dangers that children face every day. The formulation of the problem from this research is How is law enforcement against criminal acts of narcotics abuse by children in the jurisdiction of the Cirebon City Police Resort? What are the obstacles in law enforcement against criminal acts of narcotics abuse by children in the jurisdiction of the Cirebon City Police Resort? What are the efforts to overcome the obstacles of criminal acts of narcotics abuse by children in the jurisdiction of the Cirebon City Police Resort. This study uses an empirical juridical approach, with descriptive research specifications. The data used in this study are secondary data obtained through literature study and primary data obtained through field research interviews with Cirebon City Police Investigators which were then analyzed qualitatively using law enforcement theory, legal certainty theory and criminal law enforcement theory according to Islamic studies. The results of this study are Law Enforcement Against Criminal Acts of Narcotics Abuse by Children in the jurisdiction of the Cirebon City Police. Obstacles in law enforcement against criminal acts of narcotics abuse by children in the jurisdiction of the Cirebon City Police, namely: Law enforcement officers or legal structures here are limited to the police, prosecutors and judges where the three law enforcement officers play an active role in providing legal protection to child offenders. criminal acts of narcotics abuse by children using the diversion method with restorative justice. Facilities and facilities in law enforcement are less supportive and incomplete. Community participation and control in several areas in Cirebon Regency are still very low due to a sense of not caring about their own environment even though it is clearly seen directly that there are acts of narcotics abuse. The quality and quality of some police officers who work in the Res Unit are still low. Cirebon City Police to carry out special operations on narcotics abusers is one of the obstacles in eradicating narcotics abuse.

Keywords: Law Enforcement · Crime · Abuse · Narcotics · Children

1 Background

Illegal circulation of narcotics and psychotropics is mushrooming in Indonesia due to the many entry points available in various Indonesian border areas,¹ Weak supervision in border areas, low prices for couriers selling narcotics and psychotropics, easy recruitment of couriers selling narcotics and psychotropics, high population, easy finding a place to live for perpetrators of narcotics and psychotropics dealers and conditions for applying sanctions and legal certainty that are less than optimal.²

Along with the times, the demands of life encourage a variety of criminal acts committed by humans. One of the criminal acts that often occurs today is the abuse of narcotics which is quite common among the public, even the current distribution of narcotics does not look at who is the user, regardless of the position, education and background of the person, ranging from ordinary people to officials. The country, from the adult community and even students of student age are involved in narcotics abuse.³

Basically, the distribution of narcotics in Indonesia when viewed from a juridical aspect is legitimate.⁴ Narcotics are needed in the world of health for treatment and scientific studies of certain types of diseases. The Narcotics Law only prohibits the use of narcotics without permission by the law in question. This situation is at the empirical level, the use of narcotics is often misused not for the benefit of medicine and science. Narcotics are currently used as a promising and rapidly developing business arena, where these activities have an impact on the physical and psychological damage of narcotics users, especially the younger generation.⁵

Every child must receive guidance from an early age, children need to get the widest possible opportunity to be able to grow and develop optimally, both physically, mentally and socially.⁶ Moreover, childhood is a period of forming character, personality and self-character of a human being, so that in life they have strength and ability and stand firm in pursuing life.⁷

Protection for children will be given from the start, namely at the level of the police, prosecutors, courts, and during the execution of sentences. During the legal process, the rights and obligations as a child must be fulfilled. Children who do not get protection

¹ Andri Winjaya Laksana, The Legal Position Of Islamic Boarding School (Pesantren) As A Rehabilitation Effort For Narcotics Abuse, *International Journal of Law Reconstruction*, Vol 5, issue 2 (2021), page 1–10

² Siswandi. 2011. *Pangsa Narkotika Dunia Indonesia*. Gramedia. Jakarta, Page. 16.

³ A. Hamzah dan RM surachman, 1994, *Kejahatan Narkotika dan Psikotropika*, Sinar Grafika, Jakarta, page 6.

⁴ Andri Winjaya Laksana, The Legal Position Of Islamic Boarding School (Pesantren) As A Rehabilitation Effort For Narcotics Abuse, *International Journal of Law Reconstruction*, Vol 5, issue 2 (2021)

⁵ Materi Advokasi, 2005, *Pencegahan Narkoba (Handbook Narkotika Nasional)*, Badan Narkotika Nasional, Jakarta, page. 8

⁶ Sepha Dwi Hananto, Anis Mashdurohatun, Penegakan Hukum Pidana Terhadap Terdakwa Pengguna Narkoba Yang Menjalani Rehabilitasi Di Polda Jateng, *Jurnal Khaira Ummah*, Vol 13, No 1 (2018), page 161-170

⁷ Maidin Gultom, 2008, *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*, Refika Aditama, Bandung, page., 1

are feared to get treatment that damages the child's psychology. Protection for children who are in conflict with the law is regulated in Indonesian positive law in the form of Law No. 35 of 2014 concerning Child Protection.

Abusers who receive rehabilitation guarantees under Article 4 of Law no. 35 of 2009, but in Article 127 abusers are made subjects who can be convicted and lose their rehabilitation rights, unless they can be proven or proven to be victims of narcotics.⁸ In fact, proving that narcotics abusers are victims of narcotics is a difficult matter, because it must be seen from the beginning that narcotics users use narcotics. In addition, it is necessary to prove that narcotics users when using narcotics are persuaded, tricked, deceived, coerced and/or threatened to use narcotics. The large number of these terms can confuse law enforcement officials in applying the articles in Law no. 35 of 2009. The position of narcotics addicts has a slightly different position from the perpetrators of other crimes, namely the problem of narcotics addicts according to statutory provisions, on the one hand they are perpetrators of criminal acts of narcotics abuse, but on the other hand they are victims.⁹

2 Research Methods

The research method that will be carried out by the author is empirical juridical research¹⁰ namely legal research conceptualized as social institutions in real terms linked to aspects of social life and law as empirical social phenomena based on secondary data as initial data then followed by primary data or data obtained in the field.¹¹

3 Discussion

In line with the increasing use of drug abuse, the government has made efforts to take firm action against the indictments and traffickers by giving them harsh sentences, even up to the death penalty. As for victims I users I or I addicts, the government has made efforts to reduce the adverse effects of Inarcotics I use, namely by providing rehabilitation facilities, both medically and socially. This is done so that the victims I drug users can recover, they become productive human beings, they can work to fulfill their life needs and those of their families and they become national generations who are healthy and strong.

⁸ Andri Winjaya Laksana, Tinjauan Hukum Pemidanaan Terhadap Pelaku Penyalahguna Narkotika Dengan Sistem Rehabilitasi, *Jurnal Pembaharuan Hukum*, Vol 2, No 1 (2015), page 74-85

⁹ Hera Saputra, Munsyarif Abdul Chalim, Penerapan Sistem Pemidanaan Terhadap Pelaku Tindakan Pidana Penyalahgunaan Narkoba (Studi Kasus di Polda Jateng), *Jurnal Daulat Hukum*, Vol. 1. No. 1 Maret 2018

¹⁰ Tri Ulfi Handayani, Agustina Suryaningtyas, Anis Mashdurohatun, Urgensi Dewan Kehormatan Notaris Dalam Penegakan Kode Etik Notaris Di Kabupaten Pati, *Jurnal Akta*, Vol 5 No 2018, page 51-64

¹¹ Amirudin dan Zainal Asikin, 2003, *Pengantar Metode Penelitian Hukum*", Raja Grafindo Persada, Jakarta, page 132.

Policy I to place Victims I Drug Users I in Rehabilitation Places I Can't Walk Well I Because They Still Collide With I Provisions I of the Narcotics Law I In this case, Victims I Drug Users I until now I still have to be positioned I as perpetrators of criminal acts, as a result they can't get treatment and recovery I The maximum is because I have to languish Idi I in prison.

The handling of children who become perpetrators of criminal acts, law enforcement officials are always obliged to pay attention to the requirements of children who are not the same as adults. The basic nature of children to become individuals who are still unstable, the future of children becomes a national asset, & the position of children in society who still need protection can be used as a basis for finding an alternative solution how to prevent children according to a formal criminal justice system, placing children in prison, & stigmatization regarding the status of a child as a prisoner. This is considering the nature of the child and his psychological state in some exclusive cases requiring specific treatment and special protection as well, especially for actions which in essence can harm the child's mental and physical development.¹²

Seeing the fact "in the field it is not uncommon for children's rights in the process of law enforcement against the rights of children who commit criminal acts not to be protected in every investigation process until the trial."¹³ Of course, the mandate of Law Number 11 of 2012, in this case, must prioritize restorative justice, which is the fulfillment of justice and the protection of children's rights. The status of children based on Law Number 11 of 2012, Article 22 children can only be punished according to the provisions of the applicable law. Meanwhile, for children aged 8-18 years, they can be punished using exclusive limitations in sync with Law Number 11 of 2012. Accordingly, according to this, children aged 8-18 years must also be subject to diversion, so that restorative justice can be realized for children who committing crimes, especially drug abuse. So that children are not deprived of their independence and can develop according to the dignity and prestige of the child itself.

Law Enforcement Against Narcotics Abuse by Children in the jurisdiction of the Cirebon City Resort Police is that the Government and State Institutions should provide special protection for children, and most specifically for children who are in conflict with the law and children who are victims of narcotics abuse.

The role of law enforcers is to collaborate with schools, the education office, and the community by conducting outreach about the dangers and impacts of narcotics abuse from schools, community organizations and news organizations. Legal protection for child perpetrators of narcotics crimes in the juvenile justice system experiences several obstacles that impede the process of providing optimal protection. These constraints include:

1. The public's view of drug offenders still adheres to the notion of punishment (retributive) and children are no exception.

¹² Maskur, Muhammad A. 2012. *Perlindungan hukum terhadap anak nakal (Juvenile delinquency) dalam proses acara pidana Indonesia*. Pandecta: Research Law Journal, Vol.7, (No.2) page..171-181.

¹³ Haling, Syamsul., Halim, Paisal., Badruddin, Syamsiah., & Djanggih, Hardianto, 2018, *Perlindungan Hak Asasi Anak Jalanan Dalam Bidang Pendidikan Menurut Hukum Nasional Dan Konvensi Internasional*. Jurnal Hukum & Pembangunan, Vol.48 (No.2), page.361-378.

2. Weaknesses of law enforcement officials both in quality and quantity.
3. The factor is the lack of facilities and infrastructure for RPK or PPA units due to a limited budget.
4. The absence of implementing rules regarding diversion.

Based on an interview with IPTU Mulyadi, SH¹⁴ as an investigator also explained during the interview several things that became obstacles in enforcing the law against narcotics crimes in Cirebon Regency, namely, the fear of the public to report narcotics abuse in their environment made this narcotics abuse freely circulate in society and caused the police to lack information about narcotics abuse in Cirebon Regency. And the next thing is the lack of personnel in the Res Unit. Drugs from the Cirebon City Police are an obstacle to law enforcement against narcotics crimes because Cirebon Regency with a large enough area requires more personnel so that supervision of the distribution of narcotics can be minimized, as well as facilities that are less supportive such as urine test kits and cell phone tapping devices that do not so supportive resulting in inhibiting law enforcement against narcotics crimes in Cirebon Regency.

Obstacles in law enforcement against the crime of narcotics abuse by children in the jurisdiction of the Cirebon City Resort Police are analyzed using the theory of legal certainty that legal certainty is the main and first requirement of the law. The demand is for the law to be promulgated and enforced or positive. So that the law will apply with certainty. The law must be obeyed, so that the law is truly positive.

Efforts to overcome obstacles to criminal acts of narcotics abuse by children in the jurisdiction of the Cirebon City Resort Police are analyzed using the theory of legal certainty that legal certainty does not always produce justice. Because of that it is also not useful to discuss legal certainty in the form of "pros and cons". For this reason, it is useless to discuss the notion of "legal certainty" because this understanding is neither necessary nor impossible to achieve. Legal certainty may be useful to ascertain how much weight can be given to legal certainty in certain cases, as opposed to other considerations that weaken the weight or value of legal certainty. From the variety of cases it can only be ascertained that how much weight will be given to legal certainty can only be determined case by case. The weight of arguments for legal certainty in different cases will vary according to each size, which in turn will change according to the time and place of occurrence of the case as it will appear and be considered in the relevant court decision.

According to the author, efforts to overcome obstacles to criminal acts of narcotics abuse by children in the jurisdiction of the Cirebon City Resort Police are analyzed using the theory of criminal law enforcement according to Islamic studies that efforts to realize Islamic criminal law (Jinayat) can be carried out in society, both normatively and formally, is not a simple problem, but requires serious support from various elements, starting from the readiness of the regulations, awareness of the people, conducive culture or culture, as well as high commitment from the implementing organs and law enforcement.

¹⁴ Hasil wawancara dengan MULYADI,SH. selaku Penyidik di wilayah hukum Kepolisian Resor Kota Cirebon, pada tanggal 18 Januari 2022 pukul 14.05 wib

4 Conclusion

1. Law Enforcement Against Narcotics Abuse by Children in the jurisdiction of the Cirebon City Resort Police is that the Government and State Institutions should provide special protection for children, and most specifically for children who are in conflict with the law and children who are victims of narcotics abuse.
2. Obstacles in law enforcement against the crime of narcotics abuse by children in the jurisdiction of the Cirebon City Police, namely:
 - a. Law enforcement officials or legal structures here are limited to the police, prosecutors and judges where the three law enforcement officers play an active role in providing legal protection for children who commit crimes of narcotics abuse by children by using the diversion method with restorative justice.
 - b. Facilities and facilities in law enforcement are less supportive and incomplete.
 - c. Community participation and control in several areas in Cirebon Regency is still very low due to a sense of indifference to their own environment even though it is clearly seen directly that there are acts of drug abuse.
 - d. The quality and quality of several members of the police who serve in the Res Unit are still low. Drugs for the Cirebon City Police to carry out special operations on narcotics abusers is one of the obstacles in eradicating narcotics abuse.
3. Efforts to overcome obstacles to criminal acts of narcotics abuse by children in the jurisdiction of the Cirebon City Resort Police are:
 - a. Increased understanding of the concept of diversion with restorative justice is aimed at law enforcement officials (both for the police, prosecutors and judges).
 - b. Must try to develop potential or human resources in the Res Unit. Drugs by participating in further training on narcotics and the modes involved in their distribution, so that in the future members of the Res Unit. Drugs The Cirebon City Police have the ability and are more optimal in seeking law enforcement against narcotics crimes.
 - c. Invite all elements of society because in accordance with the law the community plays a role in the prevention, prevention, of drug trafficking
 - d. It will be more intensive in carrying out hand-catching operations against narcotics crimes and raids which will be carried out more frequently in areas suspected of being areas prone to the spread or existence of narcotics abuse.

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