



## Analysis of Criminalization of Children Who Commit the Crime of Narcotics Trafficking

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### ABSTRACT

This consider analyzes the criminalization of children who commit the wrongdoing of opiates trafficking, as committed by children could be a genuine issue that requires extraordinary taking care of since children are the nation's era. The reason of this think about is to discover out the application of the criminal law for opiates trafficking wrongdoings committed by children and to know lawful cures in diminishing opiates trafficking wrongdoings committed by children. The inquire about strategy employments standardizing juridical with a administrative approach and a case approach. This think about concludes that the treatment of children is distinctive from grown-ups and there are legitimate measures that can be taken to decrease opiates wrongdoings committed by children.

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## **INTRODUCTION**

Concurring to Law number 35 year 2009, "narcotics are substances or drugs inferred from plants or non-plants, both manufactured and semisynthetic, which can cause a diminish or alter in awareness, misfortune of torment and can cause reliance, which are separated into bunches as connected to this Law".

Narcotics are no longer just a foreign issue, but have become a bitter reality that eats away at the joints of people's lives, entering various social layers regardless of age, education, or economic status. Medicate mishandle can hold the more youthful era, harm mental potential, crush long-term and make a horrendous cycle of destitution, as well as apparently unending ethical corruption.

Drug abuse has spread extensively throughout society at every social stratum in recent times (Meliala, 2021). The problem now affects not only adults but has also ensnared children. This troubling situation reveals both a systemic breakdown in safeguarding youth and inadequate preventive measures. Multiple factors contribute to the prevalence of drug-related crimes among adolescents. The erosion of moral and spiritual values in contemporary society has created psychological vulnerabilities. Additionally, an educational approach that prioritizes academic success over holistic character development has left young people without robust mental resilience.

Data from the National Narcotics Agency (BNN) indicates that global drug abuse has escalated to 296 million individuals, showing an increase from the previous period (Humas BNN, 2024). Furthermore, National Police statistics reveal that 33,924 drug trafficking cases have undergone legal proceedings since January 2024. Police records from September 2024 show that 18.86% of all cases involved drug-related crimes and trafficking, with students accounting for 13.73% of those reported (Pusiknas Bareskrim Polri, 2024).

The statistical evidence demonstrates the pervasive nature of drug-related crimes among today's youth. What's particularly concerning is that young people's involvement in drug trafficking has expanded beyond simple courier roles - in certain instances, they have assumed more substantial positions within trafficking organizations. This evolution presents challenging legal and societal issues. These young offenders can be viewed as victims of their circumstances, influenced by environmental factors and insufficient parental oversight. Yet simultaneously, their actions constitute serious legal violations that carry severe consequences, both for society at large and their own life trajectories. The situation creates a complex dichotomy - these children are both victims of circumstance and perpetrators of serious crimes, requiring a nuanced approach to both enforcement and intervention.

In Indonesia, narcotics control is governed by Law No. 35 of 2009, which defines drug trafficking to include activities such as cultivation, possession, storage, distribution, trade, transportation, and import/export of narcotics substances.

The implementation of Indonesia's narcotics law faces several challenges, particularly in handling juvenile drug trafficking cases. This creates a fundamental legal dilemma: while drug trafficking must be rigorously enforced,

there's also a legal mandate under the Child Protection Law to safeguard children's rights (Rahadjie et al., 2022). This dual obligation has led to a more nuanced approach in juvenile cases, where the focus shifts to rehabilitative measures rather than purely punitive ones. The emphasis is placed on implementing sanctions that serve a social purpose and benefit the child's development, rather than strict punishment. This approach recognizes that when children come into conflict with the law, the response should prioritize their rehabilitation and future welfare.

Tending to adolescent medicate offenses requests a multifaceted approach that considers lawful, social, and mental measurements. The adolescent equity framework ought to emphasize anticipating rehash offenses and encouraging social reintegration, moving past basic correctional measures. This approach recognizes that child drug offenders are themselves victims of systemic failures, including: Inadequate social protection systems, Exposure to hostile environments, Organized drug trafficking networks, Socioeconomic vulnerabilities such as, Poverty, School dropout, Peer pressure, Insufficient spiritual and mental development. These compounding factors often lead to youth becoming ensnared in the cycle of drug trafficking. Understanding this context is crucial for developing appropriate interventions that address both the immediate offense and the underlying systemic issues that contribute to juvenile drug crime.

Intervention strategies for juvenile offenders should emphasize ongoing rehabilitation programs rather than punitive measures. These programs must incorporate comprehensive support through social work services, alternative education pathways, and essential life skills training. Additionally, psychological counseling plays a crucial role, alongside efforts to rebuild family connections and create positive social networks. This holistic approach serves a deeper purpose: to restore these young individuals' sense of self-worth and dignity, while fundamentally reshaping their understanding of their past criminal actions. By providing this second chance, we aim to create an environment where they can not only express genuine remorse but also discover and develop their inherent potential, ultimately working toward a promising future. This rehabilitation-focused strategy recognizes that meaningful change requires both personal transformation and sustained community support.

In agreement with the standards of the framework given for in Act 11 of 2012 and Act 11 of 2012, child discipline is academically useful and honorable by checking the rights of children . It must to get comprehensive preparing. Coaching and restoration to anticipate rehashed criminal exercises and empower individuals to gotten to be the another era of countries with quality, ethical quality and efficiency.

It is truly sad to see young people who have to fulfill legal issues or go through the same legal procedures as adults (Zanah et al., 2023). Numerous national and worldwide lawful measures have appeared that criminal laws don't apply to combat wrongdoings related to drugs by minors where it may imperil the interface of children (Hapsari et al., 2016). This is predicated on the knowledge that children have unique characteristics that need for a range of

adult guidance and protection. An overly strict and severe legal approach may have detrimental psychological impacts and impede future children's development. Therefore, a more oriented approach is needed in humans (children's greatest interest).

Based on the above description, the author would like to raise the title "Criminal Analysis of Children Who Commit the Crime of Narcotics Trafficking".

## **LITERATURE REVIEW**

### **1. Child**

The definition of a child has several meanings that are regulated in various laws and regulations. In Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, a child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb.

Definition of Child according to Law No. 11 of 2012 concerning the Child Criminal Justice System is called a child who has been 12 (twelve) years old, but has not yet reached the age of 18 (eighteen) years old who is suspected of committing a criminal act (Pribadi, 2018).

Children's rights in Indonesia are comprehensively regulated in Law No. 35 of 2014 which is an amendment to Law No. 23 of 2002 concerning Child Protection. Every child has the right to life, development, and participation in line with human dignity, as well as the right to be shielded from prejudice and violence, according to this legislation. These basic rights are the basis for the fulfillment of other children's rights guaranteed by the state.

Rights and Obligations of the Child, Chapter III of the Child Protection Law, covers children's rights in depth from Articles 4 through 18 (Sholihah, 2018). Among the rights of children are:

- a. The the right to live
- b. The right to protection includes the right to protection from discrimination, violence and child neglect
- c. he entitlement to development and progress
- d. The right to a respectable level of living for a child's moral, social, spiritual, mental, and physical development

According to Article 1 number 15 of the Child Protection Law, children who commit crimes or are otherwise considered to be in breach with the law are given extra protection. Children who are in emergency situations, in conflict with the law, from minority or isolated groups, who are economically or sexually exploited, who are trafficked, who abuse drugs, alcohol, psychotropics, or other addictive substances, who are kidnapped, who are trafficked, who suffer from physical or mental violence, who have disabilities, and who are mistreated and neglected are all covered by this special protection. (Rosna Wati, 2017).

### **2. Overview of Narcotics Dealers**

Narcotics are generally characterized as synthetic and semi-synthetic compounds or medications of plant or non-plant origin that have the ability to alter or lower consciousness, reduce pain, and induce dependence. These substances work to affect the central nervous system and can change the behavior, feelings, and thoughts of a person who uses them.

Class I narcotics are the most dangerous narcotics. The Adip power is very high. This group is used for research and science. Examples: marijuana, heroin, cocaine, morphine, and opium. Class II narcotics, are narcotics that have strong additive power, but are useful for treatment and research. Examples: petidine, benzetidine, and betamethadol. Class III narcotics, are narcotics that have mild addictive power, but are useful for treatment and research. Example: codeine and its derivatives (kunci, 2019).

A narcotics dealer is someone who is involved in a series of activities or acts of illegally distributing and distributing narcotics to others. These trafficking activities include various forms such as selling, buying, receiving, becoming an intermediary in buying and selling, bartering, handing over, or acting as a courier in the illegal narcotics distribution chain. In practice, narcotics dealers usually operate in organized networks or syndicates with a clear division of roles among their members. They utilize various ways and strategies to circulate narcotics, ranging from direct transactions to using modern technology, with the main target being vulnerable groups in society. This act of narcotics trafficking is a serious violation of the law that is threatened with severe criminal sanctions in accordance with Law No. 35 of 2009 concerning Narcotics, including long-term imprisonment to the death penalty.

### **3. Criminal Overview**

Criminalization can be interpreted as the stage of determining sanctions and providing sanctions in criminal law. The word criminal is generally interpreted as law, criminalization is interpreted as punishment (Syatar, 2018). Criminalization is an important part of criminal law, being the culmination of the process of holding someone guilty of committing a criminal act. Criminalization can be interpreted as the stage of determining sanctions and providing sanctions in criminal law. The word "criminal" is generally interpreted as law, while "criminal" is interpreted as punishment. In the penal system, the laws and regulations regulate how the criminal law is enforced concretely so that a person is sanctioned.

Criminalization is the imposition of a criminal sentence by a judge against the perpetrator of a criminal act or crime in accordance with laws and regulations. The purpose of criminalization includes improving the personality of the perpetrator, deterring people from committing crimes, and making certain criminals incapable of committing other crimes. Criminalization also functions to prevent the commission of criminal acts, resolve conflicts due to criminal acts, restore balance, and create a sense of security in society.

### **METHODOLOGY**

The method used in this study is a normative juridical research method. The normative juridical research method is a literature law research conducted by researching library materials or secondary data (Sunggono, 2003). The data collection used by the author in this writing is with a normative legal approach. Normative legal research is usually "only" a document study, which uses legal sources in the form of laws and regulations, court decisions/decrees,

contracts/agreements/contracts, legal theories, and the opinions of scholars (Widiarty, 2024).

## **RESEARCH RESULT AND DISCUSSION**

### **1. Application of the Criminal Law on Narcotics Trafficking Crimes Committed by Children**

The definition of a drug dealer is not clearly stated in the drug law. In general, anesthesia dealers are those involved in sales or circulation activities. In accordance with Law No. 35 of 2009 concerning narcotics, trafficking activities include :

- a. Offering, buying, accepting, being an mediator in buying and offering
- b. Barting, conveying, or accepting narcotics
- c. Carrying, sending, transporting or transiting narcotics

Indonesia's anesthesia exchange is right now in put. Criminalizing medicate violations by children requires a extraordinary approach that's distinctive from managing with grown-up wrongdoers.

The judge can sentence the prosecutor as a shape of wrongdoing. The Board of Judges characterizes criminalization as the application or utilization of criminal courses of action inside the law. Criminalization is the organize of giving teach or criminal sanctions to people who have committed infringement (*rechtsdelict*) or criminal acts since the act has been stipulated inside the Law (*wetsdelict*) (Dwidja Priyatno, 2006).

This criminalization as often as possible triggers discourse since criminal teach against children envelops a wide influence on behavior, social disgrace, or on the child himself (Sri Iin Hartini & Fitriyah Ingratubun, 2021). Disrespect or names associated to children due to criminalization can impact children's mental and social headway inside the long term. Children who have experienced criminal strategies routinely have inconvenience reintegrating into society, go up against division in instruction and commerce, and conceivably inclusion mental damage that impacts their certainty and social associations.

Children are not instructed to be superior with the discipline that's as a rule given concurring to the Criminal Code; On the opposite, the discipline compounds their condition and can result in an increment in child wrongdoing (Pratasik, 2020). Law Number 11 year 2012 concerning the Adolescent Criminal Equity Framework (UU SPPA) is display as a arrangement to overcome the shortcomings of the criminal framework within the Criminal Code.

The courses of action of criminal sanctions for children who carry out sedatives infringement are not especially controlled in Law Number 35 year 2009 concerning Sedatives. In any case, in common, children who carry out opiates violations as culprits of unlawful opiates trafficking, specifically children who work as messengers to carry out the method of illegal opiates trafficking, are still subject to articles as stipulated within the criminal arrangements within the Opiates Law, but uncommon arrangements controlled in Law Number 11 year 2012 concerning the Adolescent Criminal Equity Framework apply.

In choice number 101/Pid.Sus-Anak/2023/PN.Mdn, initials I, a 17-year-old child committed the wrongdoing of opiates trafficking and was subject to article 114 Section (1) of Law of the Republic of Indonesia Number 35 year 2009

concerning Opiates and Law Number 11 year 2012 concerning the Child Criminal Equity Framework. The judge sentenced the child with the initials I, with a jail sentence of 4 (four) a long time and Work Preparing for 3 (three) months at Bapas Medan.

From the illustration of the choice, it can be seen that the discipline of children is distinctive from grown-ups. Article 114 of Law Number 35 year 2009 concerning Opiates peruses, "Any individual who without rights or against the law offers to offer, offer, purchase, get, gotten to be an mediator within the deal, deal, trade, or conveyance of Course I Opiates, might be sentenced to life detainment or detainment for a least of 5 (five) a long time and a most extreme of 20 (twenty) a long time and a fine of at slightest Rp1,000,000,000, 00 (one billion rupiah) and a greatest of Rp10,000,000,000.00 (ten billion rupiah)". Be that because it may, inside the choice, the child with the initials I was sentenced to 4 a long time in jail and was not subject to a fine. This can be since criminalization of children is 1/2 (half) of grown-ups and children ought to not be subject to fine sanctions. Article 71 number (3) of Law Number 11 year 2012 concerning the Juvenile Equity Framework peruses "on the off chance that in fabric law there's a aggregate criminal risk within the shape of detainment and fines, the punishment of fines is supplanted with work preparing".

When sentencing a juvenile offender, the judge carefully weighs various aspects of the trial. These considerations include understanding the motivations behind the child's involvement in narcotics trafficking, examining whether the child has a history of similar or other offenses, and evaluating the child's living environment. This comprehensive assessment helps determine the appropriate purpose of punishment. Fundamentally, any judicial decision regarding juvenile sentencing must balance three core principles: truth, justice, and child welfare. While prioritizing the child's best interests, judges must simultaneously respect societal interests and uphold the rule of law (Jeklin, 2016).

The imposition of criminal penalties on juvenile offenders aligns with criminal theory, particularly Deterrence Theory. This approach suggests that punishment serves two preventive functions. First, it aims to create a specific deterrent effect (Speciale Preventie) by instilling fear in the child offender, discouraging them from reoffending. Second, it produces a general deterrent effect (General Prevent) by demonstrating to the broader community the consequences of such actions. When society witnesses the incarceration of juvenile offenders, others are theoretically discouraged from engaging in similar criminal behavior, as they seek to avoid comparable punishment (Rauf & Rosmaidar, 2022).

## **2. Legal Efforts to Reduce Narcotics Trafficking Crimes Committed by Children**

Combating narcotics trafficking by minors requires a dual approach within the criminal policy framework. First, preventive legal measures focus on proactive interventions designed to stop criminal activities before they occur. Second, repressive legal measures address crimes that have already taken place. Within this broader criminal policy strategy, preventive enforcement specifically encompasses actions and initiatives implemented to intercept and deter narcotics

trafficking before children become involved, effectively working to prevent the crime from materializing in the first place (Zulfikri et al., 2022). Repressive legal measures or enforcement actions involve the arrest of both drug users and dealers. These arrests represent the reactive component of drug enforcement strategy, implemented after drug-related crimes have already occurred. This approach focuses on apprehending individuals involved in the illegal drug trade, applying legal consequences to those who have violated narcotics laws, whether they are engaged in consumption or distribution (JASMINE, 2014).

Preventive lawful measures in opiates violations by children can be carried out by, among other ways :

1. Strengthening Legal Education in Schools

Educational initiatives should incorporate information about legal penalties for narcotics trafficking. Currently, counseling programs primarily focus on explaining the dangers of narcotics use, with insufficient attention given to the consequences of trafficking these substances. Generally, minors involved in narcotics distribution lack awareness about the potential legal sanctions they could face for their actions. To address this gap, it would be beneficial to invite representatives from law enforcement agencies or the National Narcotics Board (BNN) to serve as resource persons, providing direct and clear explanations to children about the legal ramifications of narcotics trafficking.

2. Family coaching programs

This initiative is implemented based on the fundamental understanding that the family environment serves as the primary foundation for child development. The program offers guidance to parents on methods for identifying and preventing their children's potential involvement with narcotics. It provides valuable insights on strengthening parent-child communication channels and raises awareness about the critical importance of monitoring children's social circles and activities. Through these comprehensive approaches, the program aims to foster healthy and harmonious family environments that serve as effective safeguards against narcotics involvement.

3. The role of the community

Community involvement is essential in monitoring children's activities within the neighborhood. Residents should take an active part in observing suspicious behaviors, alerting authorities when potential drug trafficking activities are detected in residential areas, identifying concerning behavioral changes in children, and maintaining vigilance over locations that might serve as drug transaction sites. The effectiveness of these community-based prevention efforts depends on maintaining a harmonious neighborhood environment characterized by strong empathetic connections among community members.

The enactment of Law No. 35 of 2009 serves primarily as a deterrent against narcotics trafficking. This legislation empowers law enforcement

authorities to implement comprehensive measures to disrupt drug distribution networks and bring legal action against traffickers operating at various scales, from local dealers to those involved in international drug syndicates (Hutasohit et al., 2022).

Oppressive lawful cures in opiates trafficking violations committed by children are activities carried out after the opiates wrongdoing has taken put. To overcome sedate infringement that take put within the field, severe endeavors are carried out (Kristiono & Fatmawati, 2023). Repressive legal measures targeting narcotics trafficking by minors constitute actions implemented after drug-related offenses have already occurred. When confronted with actual narcotics violations in real-world situations, authorities deploy these reactive enforcement strategies as part of the comprehensive approach to combating juvenile involvement in drug trafficking.

The legitimate dealing with prepare for children included in medicate trafficking is carried out through a few stages. Beginning from the examination arrange which must be conducted by extraordinary child examiners including the Remedial Center (BAPAS) for community investigate. At the arraignment arrange, the uncommon prosecutor for children will consider the community investigate report and seek after preoccupation in case qualified. At the court organize, the case will be inspected in a uncommon adolescent court with procedures that are closed to the open.

In the fight against child-related drug trafficking, parents and community members are uniquely positioned to support law enforcement efforts. They can help eliminate drug abuse and trafficking involving minors by sharing information, either as individuals or through established organizations such as the National Anti-Drug Movement (Granat) and the Anti-Madat Movement (Geram). The government maintains that community participation in anti-drug campaigns at schools and other institutions is valuable. The widespread distribution of narcotics can be effectively controlled through robust collaboration between law enforcement and community members (L et al., 2022).

## **CONCLUSIONS AND RECOMMENDATIONS**

The enforcement of criminal law for children involved in narcotics trafficking follows specific guidelines outlined in the juvenile justice system. This is governed by two key laws: Law No. 11 of 2012 on the Juvenile Criminal Justice System and Law No. 35 of 2009 on Narcotics. While drug-related offenses are classified as serious crimes, the fact that the offender is a minor requires special legal considerations. Judges must review reports from the Correctional Center (BAPAS) before making decisions in criminal proceedings. These reports detail the child's personal history, family circumstances, motivations for the offense, and suggestions for appropriate interventions. The final judgment may include either criminal penalties or rehabilitative measures, taking into account factors such as the offense's severity, the child's individual circumstances, the context of the crime, and subsequent developments.

To address narcotics trafficking by minors, the legal system employs both preventive and repressive measures. Preventive approaches prioritize deterrence

through educational initiatives, awareness campaigns, mentoring programs, and environmental interventions. These preventive strategies require collaboration among various stakeholders, including family units, educational institutions, community members, and government bodies such as the National Narcotics Agency (BNN) and law enforcement. Repressive measures come into play after an offense has been committed, but must still adhere to principles protecting children's best interests as outlined in Law Number 35 year 2009 on Narcotics and Law Number 11 year 2012 on the Juvenile Criminal Justice System.

### **ADVANCED RESEARCH**

To decrease the trafficking of opiates including children, collaboration between the government, the community, and instructive teach is basic. Prevention programs must be improved by providing education about the dangers of narcotics and the effects of being involved in the distribution of narcotics to children and adolescents. In addition, parents need to be involved in this prevention effort by increasing their awareness of the important role in child supervision and coaching. Law enforcement must also be carried out strictly but still pay attention to children's rights. Law enforcement officials need to be trained to understand the characteristics and needs of children as perpetrators of criminal acts. Thus, the legal action taken does not only focus on sanctions, but also on the recovery and social reintegration of children into society. This will help reduce the rate of narcotics trafficking among children and provide opportunities for them to improve themselves and contribute positively in the future.

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