

# An Analysis of Criminal Sanctions and Rehabilitation for Child Drug Offenders: A Case Study of Decision Number 51/Pid.Sus-Anak/2024/PN Tjk

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## ABSTRACT

This study aims to analyze the application of criminal penalties against children as perpetrators of drug abuse based on Decision Number 51/Pid.Sus-Anak/2024/PN Tjk. Drug abuse by minors is increasingly becoming a concern in the Indonesian legal system, especially in relation to the protection of children's rights and the fair application of criminal law. This study uses a qualitative method with a case study approach that focuses on the analysis of court decisions against children as perpetrators of drug abuse. Data were collected through document analysis of court decisions and in-depth interviews with several legal experts (n = 3) who are competent in criminal and juvenile justice. The results of the study indicate that although Indonesian criminal law regulates the treatment of children who commit crimes, sentencing for children in drug abuse cases should prioritize rehabilitation rather than punishment. This study also found that courts tend to make decisions that emphasize more on the development and rehabilitation of children rather than imposing severe sentences. These findings imply the need for strengthening a child-centered justice approach by integrating rehabilitation-focused policies and improving the capacity of law enforcement in handling juvenile drug cases. The suggestions given are the need to improve understanding of child protection in the criminal law system and expand the implementation of more effective rehabilitation programs for children involved in drug abuse.

**Keywords:** Implementation of Criminal Law, Child Criminal Law, Drug Abuse.

## I. Introduction

The application of law aims to create order and justice in society. Indonesia, as a state based on law (Rechtsstaat), requires all citizens to comply with applicable legal norms as part of positive law (*ius constitutum*) (UUD 1945). Law can be understood as a set of rules governing human behavior in society, which can be enforced to achieve justice and social order (Miharja, 2019). In this context, criminal law serves as an instrument to regulate and respond to violations that disrupt public order. The enforcement of criminal law through punishment must not only ensure legal certainty but also reflect justice. In addressing increasingly complex crimes, society plays a role as social control, while law enforcement functions as a preventive mechanism. One pressing issue is drug abuse involving minors, particularly adolescents who are in a transitional stage and are more vulnerable to external influences (Ma'ruf et al., 2024).



Drug abuse in Indonesia has become a serious concern, especially after the government declared a drug emergency in 2015. Indonesia is not only a transit country but has also developed into a location for drug production, as indicated by the discovery of illegal drug laboratories (Wahyuni, 2017). Although narcotics are legally used in medical and scientific fields, their misuse has led to widespread negative impacts, particularly among the younger generation. Adolescent drug abuse is considered a form of juvenile delinquency influenced by internal, family, and environmental factors (Moallem & Hayashi, 2021). Data from the National Narcotics Agency (BNN) and the Indonesian Institute of Sciences (LIPI) show that millions of students in Indonesia have been exposed to narcotics, indicating the seriousness of the issue (CNN Indonesia, 2024). The widespread distribution of drugs, including in rural areas, has made children increasingly vulnerable, even involving them in roles such as couriers, where they may also be seen as victims due to their limited awareness (Carr et al., 2021).

From a legal perspective, handling children involved in drug abuse must prioritize the protection of their rights. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 35 of 2014 on Child Protection emphasizes a child-centered approach that focuses on rehabilitation and the best interests of the child (Miharja, 2019). This approach is supported by theories such as differential association theory, which explains that deviant behavior is learned socially, and motivational theory, which highlights the importance of a supportive environment for child development (Maloku, 2020). Despite these regulations, the application of criminal sanctions against children in drug cases remains debated (Urbaningrum et al., 2025). Some perspectives emphasize the need for punishment as a deterrent, while others prioritize rehabilitation. In practice, judicial decisions may vary, reflecting differences in interpretation and implementation. This study focuses on Decision Number 51/Pid.Sus-Anak/2024/PN Tjk, which involves a minor in a drug-related case in Lampung. The case illustrates the challenges in balancing punishment and rehabilitation within the juvenile justice system. Based on this background, this research aims to analyze the application of criminal sanctions against children involved in drug abuse, with an emphasis on legal considerations and child protection principles.

## II. Literature Review and Hypothesis Development

### 2.1. Criminal Offenses

An explanation of the concept of criminal offenses is essential, as it clarifies when an act can be categorized as a crime and when a person can be held legally responsible. In contemporary legal studies, a criminal offense is generally understood as an unlawful act that violates statutory regulations and is subject to sanctions imposed by the state (Syarhan et al., 2021). This definition reflects a modern perspective that emphasizes both legal prohibition and accountability, replacing older terminologies derived from Dutch colonial law such as *strafbaarfeit* (Siregar, 2025). Rather than focusing solely on linguistic origins, recent scholars define criminal offenses based on their legal elements, including the existence of an unlawful act, fault (*mens rea*), and sanctions (Agustin Rizky Ade et al., 2025). This approach is more accessible and relevant for current legal analysis. Criminal law systems, including those influenced by Anglo-American traditions, use terms such as offense or criminal conduct to describe similar concepts (S., 2025). Understanding criminal offenses is important in this study because it forms the basis for analyzing whether children involved in drug abuse can be held criminally liable and to what extent sanctions should be applied. This conceptual foundation supports the development of the research argument that legal responses to children must differ from adults, particularly in emphasizing rehabilitation over punishment.

### 2.2. Criminal Sanctions for Children

Criminal sanctions for children in Indonesia are specifically regulated to ensure the protection of children's rights while maintaining legal accountability (Sechan et al., 2025). Law No. 11 of 2012 on the Juvenile

Criminal Justice System emphasizes a restorative justice approach, prioritizing rehabilitation, diversion, and social reintegration rather than punitive measures (Hidayah & Putri, 2026). Recent studies highlight that the Indonesian juvenile justice system aligns with international standards, such as the United Nations Convention on the Rights of the Child (UNCRC), which emphasizes the best interests of the child and the use of detention as a last resort (Nurlaily, 2026). This indicates that Indonesia has adopted a progressive legal framework that balances justice and child protection. Empirical findings also show that rehabilitation-based approaches are more effective in reducing recidivism among juvenile offenders compared to imprisonment (Rahmadhani et al., 2025). Therefore, the application of criminal sanctions to children, especially in drug-related cases, should prioritize recovery, education, and social reintegration. This section supports the research hypothesis that legal decisions involving children should focus more on rehabilitation outcomes rather than purely punitive sanctions.

### 2.3. Drug Abuse

Drug abuse refers to the illegal use of narcotics or psychotropic substances without medical justification and in violation of the law (Arny et al., 2025). According to recent legal and public health research, drug abuse is not only a criminal issue but also a social and health problem that requires a multidisciplinary approach (Musofiana & Ahmed Kheir Osman, 2025). Law No. 35 of 2009 on Narcotics classifies drug abuse as a criminal offense; however, recent policy developments emphasize rehabilitation for users, particularly minors, rather than strict punishment (Kardita et al., 2024). This reflects a shift toward a more humane and restorative legal approach. Empirical evidence in Indonesia indicates that punitive approaches alone are ineffective in addressing drug abuse among adolescents, while rehabilitation programs significantly improve recovery and reduce repeat offenses (Sobko, 2020). In addition, recent studies emphasize that effective responses to drug abuse among children require preventive strategies that involve education, family engagement, and community-based interventions. Schools and families play a crucial role in shaping awareness and resilience against drug exposure, while community support systems help reduce risk factors associated with substance abuse. Therefore, addressing drug abuse among minors should not rely solely on legal mechanisms but must also integrate preventive and rehabilitative efforts to ensure sustainable behavioral change and long-term social reintegration. In the context of this study, drug abuse by children is analyzed not only as a legal violation but also as a behavior influenced by environmental and social factors. This perspective strengthens the research argument that judicial decisions should integrate legal enforcement with rehabilitation measures.

## III. Research Method

This study employs normative legal research with a statutory approach. Normative legal research is defined as a method that examines legal norms, principles, and doctrines by analyzing legislation, legal theories, and court decisions as primary sources, rather than relying on field data or empirical observations (Hariyanto, 2019). Legal research is conducted using primary legal materials by understanding the theories, concepts, and principles of law and regulations relevant to this study. The primary materials include statutory regulations and court decisions, particularly Decision Number 51/Pid.Sus-Anak/2024/PN Tjk, while secondary materials consist of books, journal articles, and legal commentaries. This study does not use sampling techniques, as is common in empirical research, but instead relies on a comprehensive literature-based approach. In addition, expert opinions are incorporated through documented scholarly interpretations and peer-reviewed journal articles, rather than direct interviews, to strengthen the analytical framework of the study.

The research adopts an analytical descriptive design, which is defined as a method that systematically describes legal rules and analyzes their application in practice, particularly how positive law is implemented in real cases. This approach differs from purely descriptive research, as it not only presents legal provisions but

also critically evaluates their application in judicial decisions. Data collection in this study is conducted through a systematic literature review, which includes identifying, selecting, and analyzing relevant legal documents such as legislation, court decisions, academic journals, and scholarly works. This approach ensures that the data is collected in a structured and methodologically sound manner, rather than merely describing it as a documentation study.

Furthermore, the transition from data collection to analysis is carried out through a qualitative legal analysis method. The collected legal materials are interpreted and analyzed descriptively to explain patterns, legal reasoning, and implications within the case under study. This qualitative descriptive method aims to provide a comprehensive understanding of how legal norms are applied, rather than measuring perceptions or using quantitative indicators. To improve clarity and structure, the methodology can be conceptually divided into three main components: (1) type of research (normative legal research), (2) data sources (primary and secondary legal materials), and (3) data analysis (qualitative descriptive legal analysis). This structure enhances readability and helps readers better understand the research design.

## IV. Result and Discussion

### 4.1. Implementation of Criminal Procedure Against Children as Perpetrators of Drug Abuse Based on Decision Number 51/Pid.Sus Anak/2024/PN Tjk

The application of criminal penalties to children who are perpetrators of drug abuse in Decision Number 51/Pid.Sus-Anak/2024/PN Tjk is a form of implementation of the juvenile criminal justice system regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). This law emphasizes that the legal process against children must pay attention to the principles of protection, the best interests of the child, and restorative justice. In this study, the analysis of the court decision is conducted using a normative legal approach, which examines how these legal principles are applied in judicial practice, thereby directly linking the research method to the research objective. In this case, the child who is the perpetrator is not treated the same as an adult. Based on the SPPA Law, children who are in conflict with the law are given special treatment that emphasizes diversion and rehabilitation. The judge considered that children involved in drug abuse are often influenced by their environment and may also be victims of illicit drug networks. Therefore, instead of focusing solely on punishment, the decision emphasizes rehabilitation and education as primary responses, which aligns with both national law and international child protection standards.

Decision Number 51/Pid.Sus-Anak/2024/PN Tjk shows that the application of criminal penalties to children who abuse narcotics is carried out by considering factors such as age, psychological conditions, and the child's social environment. The judge also considers the principle of restorative justice, which aims to restore children to normal life and prevent them from falling back into unlawful acts. This finding is significant because it demonstrates a shift from punitive justice to a rehabilitative model, which contributes to the broader development of juvenile justice practices in Indonesia. One important aspect in the application of criminal penalties to children is rehabilitation efforts as a form of accountability. Children who are perpetrators of drug abuse in this case are required to undergo rehabilitation in accordance with Article 54 of Law Number 35 of 2009 concerning Narcotics, which states that drug addicts who are still minors must undergo medical and social rehabilitation. This aims for children to recover from drug addiction and obtain the necessary psychological and social assistance.

In practice, this decision shows that the court not only plays a role in imposing criminal sanctions but also in directing children to the right rehabilitation process. Children who are addicted to narcotics need special treatment so that they can return to the community without stigma and discrimination. Therefore, the rehabilitation institutions designated in this decision have an important role in helping children overcome addiction and rebuild their lives. In addition to rehabilitation, support from family and social environment is also an important factor in a child's recovery. This decision emphasizes the importance of the role of parents, legal counselors, and social communities in ensuring that children do not return to an environment that can

worsen their condition. Therefore, after undergoing rehabilitation, children still need supervision and guidance so that they do not fall back into drug abuse.

The application of criminal law in this case also considers aspects of international law, especially the Convention on the Rights of the Child (CRC) which has been ratified by Indonesia through Presidential Decree Number 36 of 1990. In the convention, it is stated that children who are in conflict with the law must receive protection and the opportunity to improve themselves. Thus, the judge's decision in this verdict is in line with international standards in child protection. By considering all these aspects, the application of criminal law to children in this case is not only oriented towards punishment but also towards recovery and social reintegration. This approach is expected to be a model in handling similar cases in the future, where children involved in drug abuse are not only viewed as perpetrators of criminal acts, but also as individuals who need guidance and rehabilitation in order to return to being part of a productive society.

In many theories, the application of sanctions includes the application of criminal penalties to child, it turns out cause various impact negative. Due to the various negative impacts that arise, the use of sanctions as a means of combating crime is currently a conceptual debate, and recently there has been an international tendency to always seek alternatives to the criminal penalty of deprivation of liberty in the form of alternative sanctions. Thus, conceptually, the use of sanctions as a means of overcoming crime is also being questioned. Based on this reality, the use of sanctions against children also deserves attention, considering that children are very special legal subjects that are different from adult legal subjects in general who require special treatment. special also. This means that if the application of sanctions to adults is considered ineffective as a means of combating crime due to the various negative impacts it causes, then the application of sanctions to children will actually cause much broader and more complex negative impacts. To provide a complete picture of the negative impacts caused by the application of sanctions, below are various negative impacts due to the application of these sanctions in general, with one hope that with this description it will also be illustrated how the application of these sanctions affects children.

Sutherland and Cressey state that the success of criminal punishment as a means of reform is very small, even emphasizing that indeed no known whether repetition ( recidivism ) it has decreased, these methods have failed to reduce the crime rate, while regarding the effectiveness of imprisonment, it was stated by RM Jackson that imprisonment is a type of punishment that is relatively less effective. Based on the results of a comparative study of the effectiveness of punishment, it was stated by him that the average comparison rate of repetition or re-punishment ( reconviction rate ) for people who commit crimes for the first time compared to backwards with the age of the perpetrator. The highest reconviction rate is seen in children, which is 50%. For those who have been imprisoned, the highest figure is seen in those aged 21 and under, which is 70%. More clearly what was stated by Graham M. Sykes, who mentioned the negative consequences of imprisonment, The Paint of Punishment: a. the deprivation of liberty; b. the deprivation of good and service; c. the deprivation of heterosexual relationship; d. the deprivation of autonomy; and e. the deprivation of security . 109 (Negative consequences of imprisonment: a. robbery freedom; b. robbery need And service; c. deprivation of sexual relations between the opposite sex; d. deprivation of autonomy personal; and e. deprivation of security).

Based on this, it can be predicted that the application of such criminal penalties will have a very negative impact if applied to children, so that apart from being a criminal factor, and at the same time give rise to structural victimization. Including also in the implementation of the imposition of criminal penalties in correctional institutions have also realized that the implementation of guidance in correctional institutions is still weak. As stated by Muladi, that the guidance of students must be placed in the context of the Criminal Justice System, so not only the task of the Juvenile Correctional Institution. Considering that so far what has been done by corrective officials has been more inward looking . The characteristics of the system within the framework of the Criminal Justice System are not prominent, this is evident in: less purposive; less holistic thinking, more looking at correctional As a method of development of the criminal justice subsystem, positive and negative control mechanisms play less of a role.

Meanwhile, if we examine it, there is a growing trend in the instrument international Already in a way firm state that The application of sanctions against children must be limited or avoided as far as possible, as per the principles set out in the Beijing Rules, 111 which state that Restrictions on the personal liberty of the juvenile shall be imposed only after careful consideration and shall be limited to the possible minimum; Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response .

A law enforcer in carrying out legal procedures for sanctions for children in conflict with the law or in this special situation, must use a special paradigm. This is very necessary because the sanctions given must be able to provide educational value, and the nature of the sanctions must be in accordance with the philosophical meaning. Therefore That, sanctions the must give road go out best from the existing problems, and for the best interests of the child, which is in accordance with the principle of *ultimum remidium*. However, on the other hand, the imposition of sanctions on children as perpetrators of psychotropic drug dealers which are directed at the objectives of the Indonesian legal system from the perspective of the objectives of the law which provide a deterrent effect, and the form of disapproval of the actions taken by the child, then this will be a dilemma for law enforcers. Based on this condition, it is necessary to formulate a criminal law policy against children as perpetrators of psychotropic drug crimes so that the dynamics of psychotropic drug crimes committed by children can be resolved in accordance with the objectives of the law in Indonesia.

From a policy perspective, the findings of this study indicate the need to strengthen the implementation of a rehabilitation-based approach within the juvenile criminal justice system. The current legal framework already provides adequate provisions for diversion and restorative justice; however, its effectiveness largely depends on the consistency of its application by law enforcement officers. Therefore, improving coordination among police, prosecutors, judges, and social institutions is essential to ensure that children receive appropriate treatment in accordance with legal principles. Furthermore, this study highlights that the success of handling juvenile drug abuse cases is closely related to the availability and quality of rehabilitation facilities. In practice, not all regions have adequate institutions to support medical and social rehabilitation programs. This limitation may affect the optimal implementation of court decisions that prioritize recovery over punishment. Thus, the government needs to expand access to rehabilitation services and improve institutional capacity as part of a comprehensive legal policy.

In addition, the results of this study contribute to the development of legal science, particularly in the field of juvenile criminal law. By demonstrating the shift from a punitive approach to a rehabilitative and restorative model, this research provides empirical support for the argument that child-centered justice is more effective in preventing recidivism. It also reinforces the importance of integrating legal, social, and psychological perspectives in addressing crimes involving children. The implications of this study are also relevant for legal practitioners, especially judges, in making decisions involving children. Judges are expected to not only consider legal certainty but also prioritize the best interests of the child in every decision. This includes assessing the child's background, environmental factors, and potential for rehabilitation. Such an approach ensures that the legal process does not merely punish but also educates and restores the child's role in society. Overall, this study confirms that the application of criminal law against children involved in drug abuse must be carried out with a balanced approach between accountability and protection. The emphasis on rehabilitation, restorative justice, and social reintegration reflects a more humane and progressive legal system.

#### 4.2. Judge's Decision in Imposing Imprisonment on Children as Perpetrators of Drug Abuse Based on Decision Number 51/Pid.Sus-Anak/2024/PN Tjk

Diversion, as regulated in Article 6 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, is intended to achieve several fundamental objectives, including creating peace between the victim



and the child, resolving cases outside the formal court process, preventing the deprivation of the child's liberty, encouraging community participation, and instilling a sense of responsibility in the child. In the context of this case, the application of diversion reflects an effort to balance legal accountability with the protection of the child's future, ensuring that the legal process does not produce long-term negative consequences for the child's development. Furthermore, the implementation of restorative justice emphasizes a participatory approach involving the child, the victim, the family, and relevant social institutions. This approach is essential in cases of drug abuse, where children are often influenced by environmental and social factors beyond their control. By involving multiple stakeholders, the justice process becomes more comprehensive and focused on recovery rather than punishment, allowing the child to understand the consequences of their actions while also receiving guidance and support.

In addition, the role of the Correctional Center (BAPAS) is crucial in monitoring and evaluating the child's progress during the rehabilitation and guidance process. BAPAS is responsible for providing recommendations to the court regarding the child's condition, including psychological assessments and social background reports. These considerations are important to ensure that the sanctions imposed are proportional and tailored to the child's needs, thereby supporting the effectiveness of rehabilitation programs. From a legal policy perspective, the case demonstrates that imprisonment for children should only be used as a last resort (*ultimum remedium*). This principle is consistent with both national regulations and international standards, which emphasize that deprivation of liberty should be avoided whenever possible. Instead, non-custodial measures such as rehabilitation, counseling, and social reintegration programs are prioritized to minimize the negative impact of the criminal justice process on children.

Overall, the handling of this case indicates a shift in the paradigm of juvenile justice in Indonesia, from a punitive approach to a more rehabilitative and restorative model. This approach not only aims to resolve the legal issue but also seeks to reintegrate the child into society as a responsible individual. Therefore, the application of restorative justice and diversion in this case can be considered an appropriate and progressive step in addressing juvenile drug abuse within the framework of child protection and legal justice. In case number 51/Pid.Sus-Anak/2024/PN Tjk, in this case the defendant was brought to trial based on the indictment submitted by the public prosecutor as previously explained, where the defendant violated the provisions in the primary indictment, namely Article 114 Paragraph (1) of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

Mrs. Yulia Susanda, SH, MH as Judge said that in the enforcement of criminal law against children, in its implementation there are types of punishments that can be imposed by judges on children for the crimes they commit, Law Number 11 of 2012 does not follow the provisions of criminal sanctions contained in Article 10 of the Criminal Code but creates separate sanctions. In this case, the Correctional Center (BAPAS) is required to evaluate the implementation of the education, coaching, and guidance program. Because the child still needs further education, coaching, and guidance, the period of education, coaching, and guidance can be extended for a maximum of 6 (six) months. Sanctions stipulated in the Child Protection Act for Children are still possible, although determined by existing requirements. The imposition of criminal penalties on children must be adjusted to the child's mental state and cannot be equated with the imposition of criminal penalties on adults. In Law Number 11 of 2012 concerning the Child Criminal Justice System, the Child Criminal Justice System must prioritize the Restorative Justice approach.

Restorative Justice is a diversion from formal to informal criminal proceedings as the best alternative for handling children in conflict with the law by means of all parties involved in a particular crime, together solving problems to handle the consequences of the child's actions in the future. (Marlina: 2009, 203-204). In the SPPA Law, Restorative Justice is carried out with Diversion. Based on Article 6, Diversion aims to:

- a. Achieving peace between victims and children.
- b. Resolving children's cases outside the court process,
- c. Protecting children from deprivation of liberty.
- d. Encourage people to participate.

e. Instilling a sense of responsibility in children.

The types of criminal penalties regulated in the Juvenile Criminal Justice System Law that can be imposed on children and their mechanisms are regulated in Articles 71-83, Article 71 mentions the main and additional penalties for children. Therefore, the term of special conditional punishment is longer than the term of general conditional punishment. The maximum term is 3 (three) years. Children who are serving a conditional sentence must continue to follow 9 (nine) years of compulsory education, supervised by the Public Prosecutor and receive guidance from the Community Guidance Officer. Then, Children who have undergone ½ (one half) of the length of their rehabilitation in LPKA and behave well are entitled to parole. Imprisonment for Children is only used as a last resort. If the crime committed by the Child is a crime that is threatened with the death penalty or life imprisonment, then the sentence imposed is a maximum of 10 (ten) years imprisonment.

Article 32 Paragraph (2) explains that children who are 14 years old or older and are suspected of committing a crime with a prison sentence of 7 (seven) years or more can be detained. In addition to the main punishment, there are also additional punishments consisting of:

a. Confiscation of Profits Obtained from Criminal Acts

The deprivation in question is the deprivation of liberty of a child. However, in principle, liberty of a child cannot be deprived, unless forced for the purpose of resolving a criminal act.

b. Fulfillment of Customary Obligations

The customary obligations referred to are fines or actions that must be fulfilled based on local customary norms that still respect the dignity and honor of the child and do not endanger the physical and mental health of the child.

Based on the Child Protection Law, children who commit crimes receive special protection from the government and the state. In accordance with Article 59 which states that the government and other state institutions are obliged and responsible for providing special protection to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are exploited economically and/or sexually, children who are traded, children who are victims of abuse of narcotics, alcohol, psychotropics, and other addictive substances (napza), children who are victims of kidnapping, sale and trade, children who are victims of physical and/or mental violence, children with disabilities, and children who are victims of mistreatment and neglect.

Article 67 explains special protection for children who are victims of abuse of narcotics, alcohol, psychotropics and other addictive substances (napza) and are involved in their production and distribution, carried out through supervision, prevention, care and rehabilitation efforts by the government and the community. In accordance with Article 64 Paragraph (2), children in conflict with the law receive special protection, namely:

- a. Humane treatment of children in accordance with the dignity and rights of children;
- b. Provision of special child support officers from an early age;
- c. Provision of special facilities and infrastructure;
- d. Imposing appropriate sanctions in the best interests of the child;
- e. Continuous monitoring and recording of the development of children in conflict with the law;
- f. Providing guarantees to maintain relationships with parents or family; and
- g. Protection from identity disclosure through mass media and to avoid labeling.

Based on the age limits that have been determined by law, the author confirms that if a child who becomes a drug abuser and is proven to have violated Law 35 of 2009 concerning narcotics, is still in the

underage category, then the judge can only impose sanctions on the child in accordance with Article 82 of Law No. 11 of 2012. Basically, there are no provisions that regulate if the child does not know anything. This will later be proven in court, and the judge will determine whether the child is guilty or not.

This case concerns a verdict involving a child in conflict with the law in a narcotics case within the jurisdiction of the Tanjung Karang District Court. The child was suspected of committing a criminal act by acting as an intermediary in the distribution and abuse of narcotics in Teluk Betung, Bandar Lampung, or at least within the jurisdiction of the Tanjung Karang District Court. Because the perpetrator was a child, the trial process was conducted under the juvenile criminal justice system, as regulated by applicable laws and regulations, and was held in a closed session. In its decision, the Court stated that the child offender, Raja Gilang Saputra Bin Ari Zainul Putra, was legally and convincingly proven guilty of committing the crime of "unlawfully possessing Class I narcotics in the form of non-plants," as charged in the second alternative indictment by the Public Prosecutor.

The Court sentenced the child offender to 8 (eight) months of imprisonment at LPKA Bandar Lampung in Masgar and 4 (four) months of job training at LPKS, located on Jl. Raya Padang Cermin Km. 10, Hurun Village, Pesawaran Regency. The sentence was imposed with a deduction for the period of arrest and detention that had already been served. The Court also ordered that the child offender remain in detention. Furthermore, the Court determined that the period of arrest and detention already served by the child offender shall be fully deducted from the sentence imposed. The Court also ordered that the child offender remain in detention during the legal process. The Court established the following evidence: 1 (one) plastic clip containing 3 (three) plastic clips filled with white crystals weighing 0.1564 grams; 1 (one) digital scale; 1 (one) plastic clip; and 1 (one) Android cellphone unit with its SIM card. All evidence was confiscated for destruction. Finally, the Court charged the child offender to pay court costs in the amount of Rp2,000.00 (two thousand rupiah).

The judge decided that the children were capable of being responsible, so the children must be found guilty of the crime charged against them and therefore must be sentenced. Then the judge sentenced based on considerations during the trial process and examination of the parties and evidence until the verdict was read. The discussion on criminal sanctions shows that punitive approaches, especially imprisonment, often produce negative impacts, particularly for children. These impacts include psychological trauma, social stigma, and a higher risk of recidivism. Therefore, modern legal perspectives increasingly promote alternative sanctions that minimize deprivation of liberty. Scholars such as Sutherland and Cressey argue that punishment is not always effective in reducing crime, while studies on imprisonment show high recidivism rates among young offenders. This strengthens the argument that imprisonment should be used as a last resort (*ultimum remedium*), especially for children.

Graham M. Sykes also highlights the negative consequences of imprisonment, including the loss of freedom, autonomy, and security. When applied to children, these impacts can be more severe, affecting their long-term development and reintegration into society. International instruments such as the Beijing Rules further emphasize that deprivation of liberty for children must be limited and only applied in exceptional circumstances. This supports the argument that rehabilitation and diversion should be prioritized in juvenile justice systems.

The above, indicates that the law enforcement process in the juvenile criminal justice system can be said to reflect the justice system. However, according to the author, the unfortunate thing is how the child's psyche is then traumatized and can cause a moral burden in living his future life. As it should be, the trial process before there is legal certainty, as the child does not have to go through the legal process first, but rather should be returned first to his parents or guardians. Only when there is legal certainty, the child can be determined whether he is guilty of the charges against him or not. If the juvenile justice process has taken place but in the end the child is declared not guilty, then the psychological burden is believed to be traumatic and even become a reason for the child to be involved in the world of drug trafficking in the future, and become one of the factors in the occurrence of crimes committed by someone who has been a victim in a criminal incident.

The legal process can still be carried out but must consider the rights of children that imprisonment is the last step. The paradigm of protection for children like this should not be revenge by criminalizing children but there must be aspects of deterrence and education so that in the future children will not be trapped as recidivists. In this context, on the contrary, law enforcement officers do not immediately use the Criminal Procedure Code in court proceedings, but must use Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. From a criminal aspect, this is clearly a form of crime. However, from the aspect of protecting children's rights, this is a social problem of children that must receive serious attention from all parties, from all parents, families, society and also the government of the country. Children are victims of adult engineering in narcotics problems, children are the main target where their curiosity is still unstable because children are classified as victims.

The analysis shows that while the decision reflects the juvenile justice system, there are still concerns regarding the psychological impact of legal proceedings on children. Long and formal legal processes may create trauma and negatively affect the child's future. From a policy perspective, this study suggests that diversion mechanisms should be maximized before formal court proceedings are conducted. This would reduce the negative impact on children while still ensuring accountability. The legal process must still be carried out but should prioritize children's rights. Imprisonment must be the last option, and sanctions should focus on education and rehabilitation. In conclusion, this study highlights that children involved in drug abuse should not only be viewed as offenders but also as victims of social and environmental factors. Therefore, legal responses must integrate punishment, protection, and rehabilitation to achieve justice and long-term social benefits.

## V. Conclusion

Based on the analysis of the research results and discussion, it can be concluded that children who become drug dealers are also classified as victims. Although they do not experience physical suffering, children experience significant psychological impacts. The residential environment greatly influences children's involvement in criminal acts, especially because of their high curiosity about the influence of the surrounding environment. In this case, the secondary environment, namely the social environment outside the family, is the main factor that causes children to fall into drug abuse. Environmental influences can be in the form of coercion from adults, either in the form of direct orders or other social pressures. The element of coercion is often related to economic factors which are the main reason children are involved in drug trafficking.

Legal proceedings can still be carried out against children as perpetrators of drug abuse, but must consider the rights of children, in accordance with the principle that imprisonment should be a last resort. Cases related to narcotics do not always have to be resolved through criminalization, but can be done through other approaches such as medical rehabilitation and social work. In cases where children act as dealers or intermediaries, social rehabilitation is a more effective solution, for example by putting children in Islamic boarding schools and providing the best education. This is in line with one of the principles in the Child Criminal Justice System Law (UU SPPA) which emphasizes the development and guidance of children so that they do not re-commit similar crimes.

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