

CRIMINAL LIABILITY OF CHILDREN IN NARCOTICS CRIMES UNDER THE JUVENILE CRIMINAL JUSTICE SYSTEM

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Abstract

This study discusses juvenile criminal liability for narcotics crimes in the context of the juvenile criminal justice system in Indonesia. In recent years, narcotics abuse among children and adolescents has increased significantly, making this issue a serious challenge for society and the government. Through a normative approach and juridical analysis, this study explores the basic principles that govern child protection, as well as the challenges faced in the implementation of the juvenile criminal justice system. The findings suggest that social, economic, and psychological factors contribute to drug abuse among children. The study also highlights the importance of rehabilitation as the main approach in dealing with narcotics abuse cases, compared to repressive law enforcement. In addition, an evaluation of existing policies and practices is needed to ensure that children's rights are protected and that they have the opportunity for social reintegration. The conclusions of this study emphasize the need for collaboration between governments, communities, and non-governmental organizations to create an environment that supports the recovery of children involved in narcotics abuse. Further research is needed to explore more effective and sustainable solutions in addressing this issue. With a more comprehensive approach, it is hoped that children can have a better future and be free from the negative influence of narcotics.

Keywords: *Criminal Liability, Narcotics Crimes, Juvenile Criminal Justice System*

INTRODUCTION

In the context of criminal law, children's accountability for crimes, especially narcotics crimes, is a very important issue and requires serious attention. In the juvenile criminal justice system, there are various aspects that need to be considered, ranging from understanding the psychological development of children, to the social impact caused by these crimes. Narcotics crimes, which are increasingly prevalent among teenagers, are not just a violation of the law, but also reflect a deeper problem in society (Simbolon et al., 2023). One of the important aspects that need to be considered is the child's psychological development. Children and adolescents are in a very vulnerable developmental phase, where they often seek identity and recognition from the surrounding environment. In many cases, their involvement in narcotics abuse can be triggered by peer pressure, a lack of family support, or even emotional instability (Laksana et al., 2023). For example, a teenager who feels alienated at school may seek to be accepted by certain groups by using narcotics. This shows that narcotics crime is not only an individual problem, but also a social problem that requires a more holistic approach.

Furthermore, in the juvenile criminal justice system, there are principles that must be applied to ensure that children involved in narcotics cases are not only punished, but also given opportunities for rehabilitation. For example, a restorative justice approach can be an effective alternative. This approach focuses not only on punishment, but also on restoring relationships between perpetrators, victims, and society. In practice, this can be done through mediation between the perpetrator's child and the victim's parents, so that each party can understand the impact of the actions taken and try to improve the situation (Heliany et al., n.d.). However, major challenges remain in the implementation of the juvenile criminal justice system. Many countries, including Indonesia, still face obstacles in terms of infrastructure and resources to support child rehabilitation. For example, existing child correctional

CRIMINAL LIABILITY OF CHILDREN IN NARCOTICS CRIMES UNDER THE JUVENILE CRIMINAL JUSTICE SYSTEM

Andi Khaedhir Kamri

institutions often do not have adequate facilities to support the rehabilitation process, so children who should receive more humane treatment are trapped in a system that worsens their condition. In this regard, it is important to collaborate with various parties, including governments, non-governmental organizations, and communities, to create a more supportive environment for children involved in narcotics crimes. From a legal point of view, there needs to be an affirmation regarding the protection of children's rights in the judicial process. The Child Protection Law in Indonesia provides a strong legal basis to protect children from unfair treatment. However, in practice, children often fall victim to social stigma and discrimination, which can hinder their rehabilitation process. Therefore, education to the public about children's rights is very important and encourages rehabilitation must continue to be carried out.

LITERATURE REVIEW

Drug abuse among children is an increasingly urgent problem around the world, including in Indonesia. According to data released by the United Nations Office on Drugs and Crime (UNODC), about 5.6 percent of the global population between the ages of 15 and 64 have consumed narcotics at least once. In Indonesia, the National Narcotics Agency (BNN) reported that the prevalence of narcotics abuse among students reached 3.2 percent in 2018, which shows a significant increase compared to the previous year. In addition, the Indonesian Child Protection Commission (KPAI) noted that out of a total of 87 million children in Indonesia, around 5.9 million children aged up to 18 years old have consumed narcotics.

Therefore, this research makes a significant and innovative academic contribution by conducting a juridical analysis of narcotics abuse among children. This study specifically examines the role of the juvenile criminal justice system in Indonesia with a more rehabilitative approach compared to the justice system for adults in general. The study also identifies critical gaps in the existing literature by analyzing the state's responsibility in facilitating access to justice through the Child Criminal Justice System Act, as well as evaluating practical challenges in its implementation from a human rights and justice perspective. To support this analysis, this study adopts Gustav Radbruch's legal theory regarding the three basic values of law, namely justice, utility, and legal certainty, and integrates criminal law reform theory and criminal accountability theory as a conceptual framework to promote a more comprehensive and fair victim protection system.

METHOD

Legal research is a systematic process designed to address various legal issues that arise. Therefore, the ability to identify legal issues, analyze them thoroughly, and develop appropriate solutions is essential. This study uses normative legal research methodologies, which are essentially prescriptive, and utilizes a case study approach to increase the depth of analysis.

RESULTS AND DISCUSSION

1. Criminal Responsibility of Children of Narcotics Abuse Based on Positive Legal Provisions in Indonesia

Positive legal provisions in Indonesia related to child criminal responsibility are regulated in several laws, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 35 of 2009 concerning Narcotics. According to Article 1 paragraph (1) of the Law on the Juvenile Criminal Justice System, the child in question is a person under the age of 18. In the context of narcotics abuse, this law provides a different approach compared to the general criminal law, which places more emphasis on criminalization (Indonesia, 2012). Article 7 of the Law on the Juvenile Criminal Justice System affirms that children who commit criminal acts must be processed through the juvenile criminal justice system, which aims to protect the rights of children and provide opportunities for rehabilitation. In this case, a child involved in narcotics abuse may be subject to rehabilitation, not just a prison sentence. This is in line with the principles of child protection as set out in the UN Convention on the Rights of the Child.

A relevant case example is the case of a 16-year-old teenager who was arrested for distributing narcotics in Jakarta. Although he was tried as a child, the legal process he underwent did not provide enough focus on rehabilitation. As a result, the teenager experienced trauma and difficulty reintegrating into society after serving his sentence. This case shows the need to evaluate the juvenile criminal justice system in handling narcotics abuse cases. Criminal liability for children in Indonesia is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In this law, there are several principles that are the basis for law enforcement against children, namely

CRIMINAL LIABILITY OF CHILDREN IN NARCOTICS CRIMES UNDER THE JUVENILE CRIMINAL JUSTICE SYSTEM

Andi Khaedhir Kamri

the principles of protection, the best interests of children, and rehabilitation. These principles aim to ensure that children involved in crimes, including narcotics crimes, receive treatment appropriate to their age and psychological development (Arifin, 2021). One of the important aspects of this legal framework is the age of the child who can be subject to criminal liability. According to Article 1 number 2 of the Law, a child is someone under the age of 18. However, the law also provides that children over the age of 12 can be subject to criminal sanctions, taking into account the degree of error and the impact of the actions committed. This shows that the juvenile criminal justice system has a different approach compared to the criminal justice system for adults (Indonesia, 2012).

In the context of narcotics crimes, juvenile criminal liability must also consider factors that affect children's behavior, such as the social environment, education, and mental health. For example, children involved in narcotics abuse often come from less supportive family backgrounds. Therefore, in the legal process, it is important to involve psychologists and social experts to provide a comprehensive assessment of the child's condition. Statistics show that the rate of narcotics crime among children is increasing. According to the BNN report, in 2021 there was a 15% increase in narcotics abuse cases among children compared to the previous year. This shows that there is an urgent need to strengthen existing legal and policy frameworks in order to be more effective in dealing with this issue. The juvenile criminal justice system must also be supported by effective rehabilitation programs. According to data from the Ministry of Social Affairs, only about 30% of children involved in narcotics crimes receive appropriate rehabilitation programs. Therefore, there is a need for collaboration between various institutions, including the government, non-governmental organizations, and the wider community to create programs that can help these children get back on track (Susilowati, Diah, 2019). Overall, while positive laws in Indonesia have provided a foundation for child protection in the context of narcotics abuse, there are still many challenges to overcome. Effective rehabilitation and appropriate handling of children involved in narcotics abuse must be a priority in efforts to eradicate narcotics in Indonesia.

2. Factors That Cause Drug Abuse Among Children

One of the factors that contribute to drug abuse is the social environment. Many children are exposed to drug abuse behaviors through peers, family, or communities. A study conducted by the University of Indonesia showed that children who had close friends who used drugs were 2.5 times more likely to engage in drug abuse compared to those who did not (Hakim, 2023). This shows how important the influence of the social environment is in shaping children's behavior. In addition, economic factors also play an important role. In many cases, children from economically disadvantaged families are more susceptible to drug abuse. Data from the Central Statistics Agency (BPS) shows that poverty rates in Indonesia are still quite high, and children from poor families often face greater pressure to seek refuge from difficult living conditions. In this context, drugs are often seen as a way to cope with stress or as a means to earn money in a quick way.

Psychological factors should not be ignored either. Many children who experience emotional or mental problems, such as depression or anxiety, tend to look for ways to cope with those feelings through drug use. According to a report from the Ministry of Health, about 20% of adolescents in Indonesia have mental disorders, and this number continues to rise. The inability to manage emotions and stress can prompt a child to seek escape through drugs (Satya Prema et al., 2020). Lastly, the lack of education and awareness about the dangers of drugs also contributes to this problem. Many children do not receive adequate education about the risks of drug abuse, both at school and at home. A survey conducted by the Institute for Research and Community Service shows that only 30% of schools in Indonesia have effective drug education programs. This lack of information makes children more vulnerable to getting caught up in drug abuse.

Normative approaches to dealing with drug abuse among children emphasize the importance of social norms and moral values in preventing risky behaviors. In this context, drug-related laws in Indonesia, such as Law Number 35 of 2009 concerning Narcotics, provide a clear legal framework for handling drug problems. This law not only regulates sanctions for offenders, but also includes rehabilitation efforts for drug users (Jananuraga & Cahyaningtyas, n.d.). Education about the dangers of drugs and prevention efforts should be an integral part of public policy. The law also requires the government to conduct public counseling and education campaigns about drugs. In this regard, the normative approach must be in line with public policy to create an environment that supports the prevention of drug abuse among children (Laila Dyah Rachmawati, 2016). Overall, a combination of a normative approach and a strong

CRIMINAL LIABILITY OF CHILDREN IN NARCOTICS CRIMES UNDER THE JUVENILE CRIMINAL JUSTICE SYSTEM

Andi Khaedhir Kamri

legal policy is needed to address the problem of drug abuse among children. By strengthening education, raising awareness, and providing support to families, we can create a healthier and safer society for future generations.

3. Legal Protection for Children Involved in Narcotics Abuse

Within the framework of Indonesian law, the protection of children from the abuse of addictive substances is regulated in several relevant laws and regulations. One of the most important legal bases is Law Number 35 of 2014 on Child Protection, which regulates children's rights and the state's obligation to protect them from various forms of violence, including the abuse of addictive substances. Article 1 paragraph (1) of this law states that a child is someone who is not yet 18 years old, including a child who is still in the womb. This shows that legal protection for children covers all individuals in that age range (Kemensesneg, 2014). In addition, Law Number 35 of 2009 concerning Narcotics also provides a legal basis for handling drug problems, including among children. In this law, there are provisions that regulate rehabilitation for drug addicts, which should be a priority in handling children's cases. However, practice in the field often shows that children involved in drug abuse are instead faced with a onerous legal process, without considering their psychological and social conditions. This is contrary to the principles of child protection that should be prioritized.

In this context, it is important to re-evaluate existing policies and practices in handling cases of addictive substance abuse among children. A normative approach that emphasizes rehabilitation and social reintegration should be a priority in handling children's cases. Governments and relevant agencies need to work together to develop more effective programs in providing legal protection and rehabilitation for children involved in drug abuse. Overall, the existing legal framework in Indonesia is adequate, but weak implementation and enforcement are the main challenges. Commitment from all parties is needed to ensure that children's rights are protected and that they have the opportunity to improve themselves, not be punished and marginalized from society. Thus, legal protection for children involved in the abuse of addictive substances can be effectively realized (Muhammad Vandy Patriantoro; Hartono, 2021).

CONCLUSION

Juvenile criminal accountability for narcotics crimes in Indonesia's juvenile criminal justice system faces a variety of challenges, including increasing cases of narcotics abuse, social stigma, and limited access to rehabilitation programs. Cooperation between governments, communities, and non-governmental organizations is needed to create an environment that supports the recovery of children involved in narcotics abuse. Further research is needed to explore more effective and sustainable solutions in addressing this issue. Juvenile criminal liability for narcotics crimes in the juvenile criminal justice system is a complex issue and requires a careful approach. By understanding the basic principles underlying this system, we can create a better environment for children involved in narcotics crimes. It is important for all parties, including governments, communities, and related institutions, to work together in providing the necessary support for the rehabilitation and reintegration of children into society. Thus, we can help these children to have a better future and be free from the negative influence of narcotics.

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CRIMINAL LIABILITY OF CHILDREN IN NARCOTICS CRIMES UNDER THE JUVENILE CRIMINAL JUSTICE SYSTEM

Andi Khaedhir Kamri

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