



## Criminal Liability of Child in Drug Circulation Case (Study of Decision Number 31/PID.SUS.ANAK/2015/PN.BKS)

Mutia Nur Santi, Rahtami Susanti, Bayu Setiawan

Faculty of Law, Universitas Muhammadiyah Purwokerto

Email: nursanti.mutia@gmail.com

### Abstract

The Indonesian Child Protection Commission (*Komisi Perlindungan Anak Indonesia*, KPAI) found an increase in the involvement of children in the narcotics trade. In 2018, 5.9 million children in Indonesia were exposed as narcotics addicts, 27 percent of them or 1.6 million became narcotics dealers. This study aims to determine the criminal responsibility of children in narcotics trafficking cases in Decision Number 31/Pid.Sus.anak/2015/PN.BKS. The method used in this research is normative juridical. Based on the results of the study, the criminal responsibility of children in narcotics trafficking cases was legally and convincingly proven guilty of violating Article 111 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics and sentenced to imprisonment for 7 months taking into account that the Defendant's actions are contrary to the government's program which is actively eradicating narcotics trafficking, the Defendant regrets his actions and promises not to do it again, the Defendant is still underage and lacks attention from his parents, the Defendant has never been punished. So that narcotics cases against children do not grow rapidly, an anti-narcotics ambassador program is held in each school regularly every year so that school students are always reminded not to abuse narcotics and in the RT/RW/Village community a task force for handling narcotics abuse is formed to prevent abuse as early as possible. narcotics in the environment are still.

**Keywords:** Criminal Liability, Children, Narcotics Circulation

### Abstrak

*Komisi Perlindungan Anak Indonesia (KPAI) menemukan adanya peningkatan keterlibatan anak dalam perdagangan narkoba. Pada tahun 2018 tercatat 5,9 juta anak di Indonesia terpapar sebagai pecandu narkoba, 27 persen diantaranya atau 1,6 juta menjadi pengedar narkoba. Penelitian ini bertujuan untuk mengetahui pertanggungjawaban pidana anak dalam perkara peredaran narkoba pada Putusan Nomor 31/Pid.Sus.Anak/2015/PN.BKS. Metode yang digunakan dalam penelitian ini yaitu yuridis normatif. Berdasarkan hasil penelitian, pertanggungjawaban pidana anak dalam perkara peredaran narkoba terbukti secara sah dan meyakinkan bersalah melanggar Pasal 111 ayat (1) jo Pasal 132 ayat (1) Undang – Undang Nomor 35 Tahun 2009 tentang Narkoba dan dijatuhi hukuman pidana penjara selama 7 bulan dengan mempertimbangkan bahwa perbuatan Terdakwa bertentangan dengan program pemerintahan yang sedang giat – giatnya memberantas peredaran narkoba, Terdakwa menyesali perbuatannya dan berjanji tidak akan mengulangnya lagi, Terdakwa masih dibawah umur dan kurang perhatian dari orang tuanya, Terdakwa belum pernah dihukum. Agar kasus narkoba terhadap anak tidak semakin berkembang pesat, diadakan program duta anti narkoba di tiap sekolah secara rutin setiap tahun agar siswa sekolah senantiasa teringat untuk tidak menyalahgunakan narkoba dan di lingkungan masyarakat RT/RW/Desa dibentuk gugus tugas penanganan penyalahgunaan narkoba untuk mencegah sedini mungkin penyalahgunaan narkoba di lingkungan masing – masing.*

**Kata Kunci:** Pertanggungjawaban Pidana, Anak, Peredaran Narkoba

## **I. Introduction**

Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence.<sup>1</sup>

The current rise of narcotics abuse is supported by technological and scientific developments to a very worrying level. The perpetrators of narcotics abuse are not only adults but have spread to all levels of society, including minors. The spread of narcotics among children has reached a stage that is difficult to control, this fact is very worrying.

The Indonesian Child Protection Commission (*Komisi Perlindungan Anak Indonesia*, KPAI) found an increase in the involvement of children in the narcotics trade. In 2018 there were 5.9 million exposed as drug addicts, 27 percent of whom were children, namely 1.6 million children as dealers. This data is considered by KPAI to be quite worrying, especially when there is a tendency for dealers to continue targeting children as users or couriers.<sup>2</sup>

For example, the case of narcotics trafficking committed by children occurred in the city of Bekasi on June 11, 2015, where the defendant Priyana alias Yana Bin Arip Haryanto was legally and convincingly proven guilty of committing the crime of "planting, maintaining, possessing, controlling, or providing narcotics class I in the form of plants" as regulated and subject to criminal sanctions in Article 111 paragraph (1) in conjunction with Article 132 paragraph (1) of the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics.

Regarding children who are in legal trouble, it is regulated in Law Number 11 of 2011 concerning the Juvenile Criminal Justice System, both in terms of treatment differences in procedural law and criminal threats. The difference in treatment and threats regulated in this law is intended to provide more protection and protection for children in facing their long future. In addition, the distinction is intended to provide opportunities for children so that after going through coaching, their identity will be obtained to become better human beings, which is useful for themselves, their families, society, nation, and state.<sup>3</sup>

Based on this background, the researcher is interested in researching criminal liability for children in narcotics trafficking cases in Decision Number 31/Pid.Sus.anak/2015/PN.Bks.

## **II. Research Problems**

The method used in this research is normative juridical, namely by using the positivist conception of *legis*, this concept views the law with written norms that are made and promulgated by institutions or authorized officials related to this research,<sup>4</sup> namely descriptively which aims to provide an objective picture of the actual situation of children who abuse narcotics.<sup>5</sup> In this study, the source of the data used is secondary data, where the data obtained from the results of a literature review or a review of various works of literature or library materials related to problems or research and scientific materials sourced from primary, secondary, and tertiary legal materials.<sup>6</sup> Collecting data in this study utilizing a literature study where this technique collects and examines laws and regulations, documents, books, and library materials that are related to this research. The data analysis used is qualitative, because the data collected is not in the form of numbers but based on the laws and regulations to answer this research and analyze the collected data into systematic, orderly, structured, and meaningful data.

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<sup>1</sup> Law Number 35 of 2009 concerning Narcotics

<sup>2</sup> Kumparan news, "5,9 Juta Anak Indonesia Menjadi Pencandu Narkotika", *Kumparan.com*, 2018, <https://kumparan.com/kumparannews/kpai-5-9-juta-anak-indonesia-jadi-pecandu-narkotika/full>, accessed 8 August 2020.

<sup>3</sup> Jefferson B Pangemanan, "Pertanggungjawaban Pidana Anak Dalam Sistem Peradilan Pidana Indonesia", *Lex et Societatis*, 3 (1) (2015): 110.

<sup>4</sup> Ibrahim Johny, *Teori dan Metode Penelitian Hukum Normatif* (Malang: Banyumedia, 2011), 295.

<sup>5</sup> Ishaq, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, serta Disertasi* (Bandung: Alfabeta, 2017), 28.

<sup>6</sup> Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris* (Yogyakarta: Pustaka Pelajar, 2015), 34.

### III. Research Results And Discussion

#### 1. Child Criminal Liability

Criminal liability is known as *toekenbaardheid* or criminal responsibility which leads to the criminalization of the perpetrator intending to determine whether a defendant or suspect is responsible for a criminal act that occurred or not.<sup>7</sup> Criminal liability can be said to be something related to the mental state of the suspect. The relationship between that mental state and the actions performed is such that the person is reproached for it. Criminal liability is always related to mistakes, both in the form of intentional and negligence.<sup>8</sup>

Criminal liability leads to the punishment of the perpetrator if he has committed a crime and fulfills the elements that have been determined by law.<sup>9</sup> Viewed from the point of view of the occurrence of prohibited actions, a person will be held accountable for his actions if the action is against the law and there is no reason to justify or negate the unlawful nature of his actions. From the point of view of the ability to be responsible, only someone who can take responsibility can be held accountable for his actions.<sup>10</sup>

Elements of being able to be responsible include:<sup>11</sup>

- a. The state of soul:
  - 1) Not disturbed by disease continuously or temporarily (temporary)
  - 2) No defects in growth (stupid, idiot, imbecile, and so on), and
  - 3) Not disturbed by surprise, hypnotism, overflowing anger, subconscious influence/*reflex beweging*, digress /*slaapwandel*, delirious due to fever/*koorts*, cravings, and so on. In other words, he is in a conscious state.
- b. The ability of the soul:
  - 1) Can realize the nature of his actions
  - 2) Can determine his will for the action, whether the child is carried out or not, and
  - 3) Can find out the reproach of the action.

In criminal law, narcotics crime is one of the special acts against the law. The regulation of narcotics crime is stated in Law Number 35 of 2009 concerning Narcotics, the criminal sanctions used are:<sup>12</sup>

- a. The main criminal sanctions are capital punishment, life imprisonment, imprisonment with a certain time limit, imprisonment, fines, and other additional penalties.
- b. Action sanctions in the form of medical and social rehabilitation. The weighting of criminal acts based on the number of narcotics, the consequences, carried out in an organized manner, carried out by corporations, carried out using children who are not old enough, and if there is a repetition (*recidive*) within a period of 3 years

#### 2. Narcotics Circulation

Narcotics circulation is regulated in Article 35 of Law Number 35 of 2009 concerning Narcotics which explains that narcotics circulation includes any activity or series of activities

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<sup>7</sup> Andi dan Nur Azisa, *Buku Ajar Hukum Pidana* (Makassar: Pustaka Pena Pers, 2016), 124.

<sup>8</sup> Hanafi, "Reformasi Sistem Pertanggungjawaban Pidana", *Jurnal Hukum* 8 (11) (1999): 27.

<sup>9</sup> Jefferson B Pangemanan, *Op. Cit*, 105.

<sup>10</sup> *Ibid*, 124.

<sup>11</sup> Amir Ilyas, *Asas – Asas Hukum Pidana* (Yogyakarta: Rangkang Education Yogyakarta dan PuKAP-Indonesia 2015), 76.

<sup>12</sup> Soedjono Dirjosisworo, *Hukum Narkotika Indonesia* (Bandung: Citra Aditya 1990): 3.

for distributing or delivering narcotics, both in the context of trading, not trading or transferring, for the benefit of health services and the development of science and technology. Several articles in the Narcotics Law regarding the criminal provisions of narcotics trafficking are:

a. Article 111

- (1) Any person who without rights or against the law plant, maintain, possess, store, control, or provide Narcotics Category I in the form of plants, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years. and a minimum fine of Rp.800,000,000.00 (eight hundred million rupiahs) and a maximum of Rp.8,000,000,000.00 (eight billion rupiahs).
- (2) If the act of planting, maintaining, possessing, storing, controlling, or providing Narcotics Category I in the form of plants as referred to in paragraph (1) weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).

b. Article 112

- (1) Any person who without rights or against the law owns, keeps, controls, or provides Narcotics Category I which is not a plant, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a minimum fine of IDR 800,000,000.00 (eight hundred million rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion rupiahs).
- (2) If the act of possessing, storing, controlling, or providing Narcotics Category I is not a plant as referred to in paragraph (1) weighing more than 5 (five) grams, the perpetrator shall be sentenced to life imprisonment or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one-third).

c. Article 114

- (1) Any person who without rights or against the law offers for sale, sells, buys, receives, becomes an intermediary in buying and selling, exchanging, or delivering Narcotics Category I, shall be sentenced to life imprisonment or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years and a minimum fine of Rp.1,000,000,000.00 (one billion rupiahs) and a maximum of Rp.10,000,000,000.00 (ten billion rupiahs).
- (2) If the act of offering for sale, selling, buying, being an intermediary in buying and selling, exchanging, delivering, or receiving Narcotics Category I as referred to in paragraph (1) which in the form of plants weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks or in the form of non-plants weighing 5 (five) grams, the perpetrator is sentenced to death, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and a fine maximum as referred to in paragraph (1) plus 1/3 (one third).

d. Article 132

- (1) Attempt or conspiracy to commit criminal acts of Narcotics and Narcotics Precursor as referred to in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126, and Article 129, the perpetrator is sentenced to the same imprisonment under the provisions referred to in those Articles.
- (2) In the case of acts as referred to in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126, and Article 129 are carried out in an organized manner, the maximum imprisonment and fine is added by 1/3 (one third).
- (3) The punishment as referred to in paragraph (2) does not apply to criminal acts punishable by death, life imprisonment, or 20 (twenty) years imprisonment.

### 3. Children's Liability in Narcotics Abuse Cases

Children who are perpetrators or victims of criminal acts of narcotics abuse, either as intermediaries for buying and selling or couriers, illicit narcotics traffickers, narcotics users, and narcotics addicts are obliged to undergo medical rehabilitation and social rehabilitation accompanied by their parents or guardians. Apart from that, children who are perpetrators of criminal acts of narcotics abuse are also obliged to take part in a coaching program as stipulated in Law Number 35 of 2009 concerning Narcotics Article 60 paragraph (2) letters b and c.<sup>13</sup>

Regulations regarding sanctions against children who commit narcotics crimes in addition to being guided by Law Number 35 of 2009 concerning Narcotics, must also comply with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 35 of 2014 concerning Protection Child. That the criminal sanctions imposed on children who commit narcotics crimes must be adjusted to the social conditions and rights of a child and under Article 71 in the form of warnings, penalties with conditions, coaching outside the institution, community services, supervision, job training, Guidance in additional criminal and institutional institutions consists of; Deprivation of profits derived from criminal acts or fulfillment of customary obligations. Apart from that, after the child is sentenced to criminal sanctions or alternative sanctions under the provisions of the legislation, a child who is a perpetrator of a narcotic crime is undergoing criminal sanctions or criminal executions of the parties involved in the execution of the child must receive humane treatment.<sup>14</sup>

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, changing the view that punishment should be the last resort for children dealing with the law so that the approach to punishment has changed. This Juvenile Criminal Justice System Act puts forward a retributive justice model of punishment. The retributive justice model of punishment is restoration to its original condition and sentencing as a last resort so that other methods outside the court take precedence. One of them is by diversion, namely the transfer of the settlement of children's cases from the process in criminal justice to a process outside the criminal justice system. Diversion is the most appropriate solution so that children are not brought to court. Therefore, this diversion must be the duty of the police in every handling, whether at the level of investigation, prosecution, to the examination of cases in court.<sup>15</sup>

That the determination of the age limit of children concerning criminal liability that can be brought before the trial is 12 to 18 years under the decision of the Constitutional Court no. 1/PUUVIII/201/021 and as stipulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. Article 69 paragraph (2) also stipulates that "children who are not yet 14 years old can only be subject to action," so that children aged 12 to 13 years can only be subject to action sanctions while those aged 14 to 18 years can be sanctioned. criminal law as regulated in Law No. 11 of 2012 concerning SPPA. However, with children who are not yet 12 years old, Article 21 paragraph (1) of Law no. 11 of 2012 confirms that "if a child under 12 years of age commits or is suspected of committing a criminal act, investigators, community counselors, and professional social workers decide to hand it back to parents/guardians or to participate in education, coaching and mentoring programs at the relevant agency. handle the field of social welfare, both at the central and regional levels for a maximum of 6 months.<sup>16</sup>

Law No. 35 of 2009 on Narcotics does not provide exceptions to child offenders. However, the decision handed down by the judge regarding the punishment imposed and the weight imposed must take into account 5 social conditions (such as age, gender, education,

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<sup>13</sup> Basid, "Tindak Pidana Narkotika Yang Dilakukan Oleh Anak Dalam Perspektif Hukum Positif", *Jurnal Ilmiah Ilmu Hukum* 26 (4) (2020): 463.

<sup>14</sup> *Ibid*, 470.

<sup>15</sup> Ardhi Prasetyo, "Diversi Tindak Pidana Narkotika terhadap Anak (Studi Kasus di Kabupaten Sambas)", *Jurnal Nestor Magister Hukum* 4 (4) (2017): 8.

<sup>16</sup> Ridwan Ardiansyah, "Pertanggungjawaban Pidana Terhadap Kasus Penyalahgunaan Narkotika ditinjau dari UU No 35 Tahun 2014 tentang Perlindungan Anak", *Lex Privatum* 5 (3) (2017): 88.

occupation, ability) regarding the facts of the child offender. Thus, before deciding against a child who commits a crime, several things become the basis for the judge's consideration. The judge's decision will affect the child's life in the future. Therefore, the judge must be sure that the decision taken is the most appropriate and also fair to children who commit narcotics crimes. Under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, it is explained in Article 81 paragraph (2) that "the punishment that can be imposed on children is a maximum of the maximum threat of imprisonment for adults".

**4. The situation of Cases and Judges' Decisions on Narcotics Circulation Cases by Children in Decision No. 31/Pid.Sus.Anak/2015/PN.BKS**

In this decision, the defendant Priyana alias Yana bin Arip Haryanto was born in Bekasi on April 18, 1999, having his address at Kampung Panjang Rt 008/004 Tanjung Sari Village, North Cikarang District, Bekasi Regency. selling, buying, receiving, intermediary in buying and selling, exchanging or delivering narcotics class I. Starting on Thursday 11 June 2015 at around 14:30 Doni Widirizaldi was at an internet cafe in Warung Kobak Village, Pasir Gombong Village, North Cikarang District, Bekasi Regency next door with the defendant showing an SMS from Lambang who wants to buy marijuana type narcotics.

The criminal charges submitted by the Public Prosecutor are basically as follows:

- a. Stating that Defendant Priyana alias Yana Bin Arip Haryanto has been legally and convincingly proven guilty of committing the crime of "planting, maintaining, possessing, storing, controlling or providing narcotics class I in the form of plants" as regulated and subject to criminal sanctions in Article 111 paragraph (1) jo Article 132 paragraph (1) of the Republic of Indonesia Law Number 35 of 2009 concerning narcotics
- b. Sentenced Defendant Priyana therefore with a prison term of 10 months minus the period of detention that had been served by Defendant and a fine of Rp. 800,000,000 (eight hundred million rupiahs) subsidiary Mandatory Work Training for 3 months
- c. Determined the evidence in the form of 1 used shampoo pack of mild cigarettes inside containing 1 pack of paper containing marijuana type narcotics with a gross weight of approximately 5.71 grams and 1 Samsung brand cellphone, white and red, along with a sim card and Rp. 50,000 (five) in cash. ten thousand rupiahs)
- d. Stipulates that Defendant is burdened with paying court fees of Rp. 2000 (two thousand rupiahs).

The basis for the judge's consideration of imposing a sentence in Decision Number 31/Pid.Sus.Anak/2015/PN.BKS, namely:

- a. Considering that Defendant at the trial has given testimony
- b. Considering, that at the trial the parents of the defendant had heard statements
- c. considering that at trial the Defendant did not present any mitigating witnesses
- d. Considering that the public prosecutor submitted the following evidence:
  - 1) 1 former pack of *shampooerna* mild cigarettes in it contains 1 pack of paper suspected of containing marijuana type narcotics with a gross weight of approximately 5.71 grams
  - 2) 1 piece of Samsung brand cellphone, white red with a sim card
  - 3) money in the amount of IDR 50,000 (fifty thousand rupiahs)
- e. considering, that the defendant has been indicted by the public prosecutor with an alternative indictment so that the panel of judges by taking into account the legal facts choose the second alternative indictment as stipulated in article 111 paragraph (1) in conjunction with article 132 paragraph (1) of the Republic of Indonesia Law Number 35 of 2009 about Narcotics
- f. Considering that in the trial the panel of judges did not find things that could eliminate criminal liability either as a justification or excuse for forgiveness, Defendant must be held accountable for his actions.
- g. Considering, that because the defendant is capable of being responsible, he must be declared guilty and sentenced to a sentence

- h. Considering that to impose a sentence on Defendant, it is necessary to first consider the aggravating and mitigating circumstances for the defendant
  - 1) Aggravating circumstances:
    - a) Defendant's actions are contrary to the government's program which is actively eradicating narcotics trafficking.
  - 2) Mitigating circumstances:
    - a) The defendant regrets his actions and promises not to repeat his actions again
    - b) The defendant is underage and lacks attention from his parents
    - c) The defendant has never been convicted

Based on the judge's considerations above, the criminal liability of children in narcotics trafficking cases is based on decision number 31/Pid.Sus.anak/2015/PN.Bks was sentenced to 7 (seven) months in prison because it was legally and convincingly proven guilty of committing a criminal act in a trafficking case. narcotics as referred to in Article 111 paragraph (1) in conjunction with Article 132 paragraph (1) of the Narcotics Law.

The judge considered that there was an element of intent by the defendant knowingly trading marijuana type narcotics and judging from the provisions of Article 69 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which allows the imposition of criminal sanctions only on children who are 14 years old. . The basis for the judge's consideration to apply criminal sanctions imposed on perpetrators using Law Number 35 of 2009 concerning Narcotics violates Article 111 paragraph (1) in conjunction with Article 132 paragraph (1), Law Number 3 of 1997 concerning Child Protection and Law No. Law Number 8 of 1981 concerning Criminal Procedure Code and other relevant laws and regulations.

Regarding the minimum criminal threat in the case of child defendants, under Article 81 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, "the prison sentence that can be imposed on a child is a maximum of the maximum threat of imprisonment for adults. This provision is interpreted to mean that against child defendants, it is not possible to determine the minimum penalty limit, meaning that the imprisonment that will be imposed on child defendants follows the minimum penalty of 1-day imprisonment in the Criminal Code The article provides guidelines for judges not to impose a sentence exceeding of the maximum penalty but does not prohibit imposing a sentence below the minimum. Based on the reasons for these considerations, the Supreme Court believes that imprisonment for children is as good as possible following the minimum threat of imprisonment for 1 (one) day in the Criminal Code.

Based on the above provisions, the Bekasi District Court Judge sentenced the defendant to imprisonment for 7 months even though the defendant's actions were proven to have violated Article 111 where the penalty was 4 years.

#### **IV. Conclusions**

The criminal liability of children in narcotics trafficking cases is based on decision Number 31/Pid.Sus.anak/2015/PN.Bks by considering that Defendant's actions are contrary to the government program which is actively eradicating narcotics trafficking, Defendant regrets his actions and promises not to do it again. , Defendant is still underage and lacks attention from his parents, Defendant has never been convicted then declares Defendant has been legally and convincingly proven guilty of committing a criminal act of narcotics abuse as referred to in Article 111 paragraph (1) in conjunction with Article 132 paragraph (1) of the

Law Narcotics, therefore imposed a sentence on the defendant with imprisonment for 7 (seven) months and a fine of Rp. 800,000,000 (eight hundred million rupiahs) provided that if the fine is not paid, it will be replaced with work training for 2 (two) months, stipulating that the period of arrest and detention that the defendant has served is deducted entirely from the sentence imposed and charges the defendant with a court fee of Rp. 2000 (two thousand rupiahs). Regarding the minimum criminal threat in the case of child defendants, the Supreme Court believes that imprisonment for children is as good as possible following the minimum threat of imprisonment for 1 (one) day in the Criminal Code. Based on the above provisions, the Bekasi District Court Judge sentenced the defendant to imprisonment for 7 months even though the defendant's actions were proven to have violated Article 111 where the penalty was 4 years.

## V. Suggestions

1. An anti-narcotics ambassador program is held in each school regularly every year so that school students are always reminded not to abuse narcotics
2. In the RT/RW/Village community, a task force for handling narcotics abuse was formed to prevent narcotics abuse as early as possible in their respective neighborhoods.

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