

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Implementation of Rehabilitation Measures for Child Narcotics Addicts in Palangka Raya City as a Fulfillment of the Principles of Diversion

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Abstract *The purpose of this writing is to find out and describe the implementation of rehabilitation measures for child narcotics addicts in Palangka Raya City as a fulfillment of the principles of diversion. The approach method in writing uses a sociological juridical approach. The results of the research carried out stated that the implementation of rehabilitation for children who abuse narcotics in practice is still not in accordance with existing laws and regulations, namely where the existing regulations are supposed to rehabilitate children who abuse narcotics but this provision is never implemented; more children are punished than rehabilitated. Bearing in mind Articles 56, 57, 58, 59 concerning Narcotics ensure that narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation so that children of narcotics abusers do not experience narcotics addiction again, both mentally and socially. As an effort to implement solutions for children dealing with drug cases, rehabilitation should be the main choice in the juvenile criminal process. To restore the rights of children who have been robbed by the absence of rehabilitation, law enforcers must return to the principles of diversion in handling cases of child drug addicts.*

Keywords: *Children; Diversion; Narcotics; Rehabilitation.*

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1. Introduction

Children are a gift from God Almighty and possess inherent dignity as complete human beings. In the Indonesian constitution, the protection of children is explicitly guaranteed for the sake of the nation's continuity. However, increasingly complex social dynamics have brought serious threats to child development, one of which is narcotics abuse. In Palangka Raya City, the phenomenon of children entangled in narcotics is no longer just a health issue but has shifted into a complicated legal problem.

Theoretically, children who consume narcotics should be viewed as victims of environmental failure, lack of parental supervision, and targets of illicit trafficking syndicates. Therefore, the legal approach used must not be equated with adult offenders. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) introduced the concept of Diversion, which is the diversion of the settlement of child cases from the criminal justice process to processes outside the criminal justice system to achieve restorative justice (Marlina, 2010).

However, there is a contradiction in law enforcement in the field. On one hand, the Narcotics Law (Article 54) mandates rehabilitation for addicts. On the other hand, law enforcement officers in Palangka Raya often get trapped in a *retributive* mindset (revenge), where detention is considered the primary solution to provide a deterrent effect. The gap between legal norms and practice results in the neglect of children's rights to receive rehabilitation. Children who should be medically and psychologically restored are instead placed in prison environments that risk damaging their future (Gultom, 2014).

This introduction also highlights that without the correct implementation of diversion, the justice system will only produce new recidivists. Narcotics addiction is a "brain disease" that requires medical intervention, not just physical isolation behind bars. Therefore, this research is crucial to dissect why, in Palangka Raya City, "punishment" is still far more dominant than "recovery" for child narcotics addicts, and how to realign these practices with the overarching principle of the *Best Interest of the Child*.

2. Research Method

This research uses a sociological juridical (empirical) approach. This approach views law as a patterned behavior of society in life (Wignjosoebroto, 2002). The research was conducted in Palangka Raya City, collecting data through:

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1. Primary Data: Interviews with law enforcement officers (Police, Prosecutors, Judges) and the City National Narcotics Agency (BNNK) of Palangka Raya.
2. Secondary Data: Literature study of laws and regulations, legal journals, and official documents related to the handling of child cases.
3. Data Analysis: Qualitative analysis to describe the gap between the Narcotics Law/SPPA Law and the reality of law enforcement.

3. Results and Discussion

3.1. The Reality of Rehabilitation Implementation for Children in Palangka Raya

Based on data and sociological observations in Palangka Raya City, the implementation of Articles 56-59 of the Narcotics Law regarding children still faces a dead end. Normatively, every investigator, prosecutor, and judge has the discretion to place a child in a rehabilitation facility. However, in practice, this discretion is rarely exercised. Research shows that law enforcement officers often prioritize formalistic procedures over the substantive recovery of the child (Soekanto, 2012).

Integrated assessments conducted by the Integrated Assessment Team (TAT)—consisting of legal and medical elements in Palangka Raya—often become a mere administrative formality. TAT recommendations suggesting rehabilitation are frequently ignored by judges in their decisions, citing the severity of the crime or the absence of adequate state-owned rehabilitation facilities in the Central Kalimantan region. Consequently, the child remains within the criminal justice flow, leading to imprisonment rather than treatment.

Systemic Obstacles: Facilities and Budget

A key finding in this research is the lack of specialized child rehabilitation infrastructure in Palangka Raya. Most existing rehabilitation centers are privately managed with significant costs or are government-managed but with very limited capacity. Consequently, when diversion is agreed upon for rehabilitation, the question arises: *"Who will fund it and where will the child be placed?"*

The state's unreadiness to provide free and quality rehabilitation facilities at the regional level indirectly forces law enforcement officers to take a shortcut: placing children in the Special Child Development Agency (LPKA). This clearly violates the principles of the Juvenile Criminal Justice System which mandates that imprisonment should be the *last resort*. This lack of

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facilities robs children of their right to health and social reintegration as mandated by the constitution (Siahaan, 2013).

3.2. Synchronization of Diversion Principles and Restorative Justice

Diversion is not merely "releasing" a child from legal charges; it is a diverted responsibility. In narcotics cases, the most appropriate form of responsibility is the child's willingness to undergo total medical and social treatment. Restorative justice in Palangka Raya should involve parents, community leaders, and the BNNK to create a post-rehabilitation support system.

If a child is only imprisoned without rehabilitation, the *neurobiological* factors of narcotics dependence in their brain will never be healed. Upon release from prison, it is highly likely the child will return to using narcotics or even escalate into becoming a dealer. Thus, the failure to implement rehabilitation through diversion is a systemic failure in breaking the chain of narcotics distribution (Atmasasmita, 2010).

The Role of Law Enforcement as Agents of Change

Sociological law enforcement requires officers not to be mere "mouthpieces of the law" (*bouche de la loi*). Police, prosecutors, and judges in Palangka Raya must possess a progressive child protection perspective. The implementation of rehabilitation must be seen as a legal obligation equivalent to the enforcement of other criminal articles. Neglecting rehabilitation for child addicts can be categorized as a violation of human rights committed by the state through the justice system (Nashriana, 2011). To restore these rights, there must be a paradigm shift from a "punitive approach" to a "humanist-rehabilitative approach."

4. Conclusion

The implementation of rehabilitation measures for child narcotics addicts in Palangka Raya City is still not fully aligned with the principles of diversion and restorative justice. Law enforcement practices tend to be punitive rather than rehabilitative. To address this, strong synergy is needed among law enforcement agencies to prioritize rehabilitation as a form of protecting the child's future and fulfilling the mandate of the Narcotics Law and the SPPA Law. The government must also immediately address the shortage of rehabilitation facilities to ensure that "lack of space" is no longer an excuse to imprison children who are victims of drug abuse.

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