

Criminal Law Policy in Handling Criminal Acts of Drug Abuse Among Adolescents (Case Study at Cirebon City Police)

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Abstract. *Drug and illicit drug abuse is an international crime and an extra ordinary crime. The definition is a crime that has a very large and multidimensional impact on social, cultural, economic and political and the negative impact caused by this crime is so terrible. The purpose of this study is to determine and analyze criminal law policies in overcoming the crime of drug abuse among teenagers. To determine and analyze the obstacles faced by the police in overcoming the crime of drug abuse among teenagers and their solutions. The method used by the researcher is a sociological legal approach and the specifications in this study are descriptive. The sources and types of data in this study are primary data obtained through interviews and secondary data obtained from literature studies. The data is analyzed qualitatively using the theory of the rule of law and the theory of the legal system. Based on the results of the study, the Criminal Law Policy in overcoming the crime of drug abuse among adolescents focuses on law enforcement, rehabilitation, and prevention. The Narcotics Law (Narcotics Law) is the main legal basis, with criminal sanctions that vary depending on the type and amount of narcotics involved. Overcoming drug crimes, including synthetic tobacco and crystal methamphetamine, among adolescents requires a comprehensive approach. In addition to strict law enforcement, effective rehabilitation and prevention are needed to prevent drug abuse among adolescents. The main obstacles in overcoming drug crimes, especially among adolescents, include: easy access to drugs, lack of understanding of the dangers of drugs, and lack of adequate support and rehabilitation. Solutions that can be taken include intensive education, strict law enforcement, and social support and rehabilitation for drug addicts.*

Keywords: *Adolescents; Crime; Criminal Law Policy; Narcotics.*

1. Introduction

Drug abuse today has reached an alarming situation, making it an urgent national and international problem.¹This is proven by the increasing news in print media, electronic media,

¹Ahmad Sofyan, 2017, *Drugs Target Young People*, Prestasi Pustaka, Jakarta, p. 12.

or on social media which almost every day reports on the arrest of perpetrators of drug abuse. Most of the perpetrators are teenagers or children, most of whom do not know the dangers of using drugs.² Abuse of narcotics and illegal drugs is an international crime and an extraordinary crime. The definition is as a crime that has a very large and multidimensional impact on social, cultural, economic and political and the negative impact caused by this crime is so terrible. In the current era of globalization, society is also developing dynamically, which is followed by a process of adjustment that sometimes occurs unevenly, by utilizing the most advanced and sophisticated technological developments in the fields of telecommunications and transportation, so that it will facilitate access to various kinds including the flow of entry and exit of narcotics and illegal drugs in Indonesia. Abuse of the use of narcotics and illegal drugs (narcotics), continues to increase in society, especially teenagers, and in some places, these illegal drugs have attracted young people into the world of crime and deadly addiction. The use of narcotics is often associated with crime, both narcotics are considered to have a negative influence and cause users to commit crimes. As a narcotics crime that has long been the enemy of the nation, now narcotics are very worrying for our nation and all nations in the world today. The production and distribution of narcotics is so massive in the midst of our society. Article 7 of Law No. 35 of 2009 concerning Narcotics, namely "Narcotics can only be used for the benefit of health services and/or the development of science or technology". However, there are still many people in the world, especially in Indonesia, who misuse their use. Even the circulation of narcotics is very massive, the circulation of narcotics and illegal drugs in Indonesia when viewed from a legal aspect is legitimate, the Narcotics Law only prohibits the use of narcotics without permission from the law in question. Very often the use of narcotics is not for the benefit of medicine and science.

People often use narcotics in large doses so that they can be intoxicating and addictive. Therefore, narcotics crime is used as a promising and rapidly growing business opportunity, which activity has an impact on the mental damage both physically and psychologically of narcotics users, especially teenagers. Drug addicts who are dependent must undergo rehabilitation, in this case, what is meant by addicts based on the Circular of the Supreme Court (SEMA) Number 4 of 2010 concerning the Placement of Abusers, Victims of Abuse and Drug Addicts into Medical Rehabilitation and Social Rehabilitation Institutions is people who use or abuse narcotics in a state of dependence both physically and psychologically, regarding the placement of abusers, victims of abuse and drug addicts are placed in medical and social rehabilitation institutions. This means placing drug abusers as victims of drug crimes.

The application of law aims to realize order and justice in society. As we know, Indonesia is a country of law (Rechstaat) Indonesia is a country of law (Rechstaat)³, therefore it can be concluded that all Indonesian citizens must obey all regulations that apply as positive law (Ius

²B. Simanjutak, 2019, Background of Juvenile Delinquency (Etypology of Juvenile Delinquency), Alumni, Bandung, p. 55.

³Likadja, JAC 2015. Understanding "State Law (Law Through State)" in the Framework of "Legal State (Rechtstaat)". Hasanuddin Law Review, 1(1), p. 75-86

Constitutum).⁴As we know, Indonesia is a state based on law (Rechstaat), Indonesia is a state based on law (Rechstaat),⁵Punishment of perpetrators of criminal acts is the application of criminal law in accordance with applicable laws and regulations, which in its implementation can be enforced in accordance with applicable regulations as an effort to enforce the law, but in its implementation it must pay attention to the aspect of justice, so that its application is appropriate and fulfills the elements of the values of justice in society, so that society has a function as⁶"social control" because law enforcement is considered⁷as a preventive measure or tool to combat the various complexities of criminal acts involving perpetrators and victims without regard to age limits are increasingly growing, one of which is drug abuse committed by children. The purpose of implementing the law is to create an orderly and just society. As is known, Indonesia is a country of law (Rechstaat).⁸ Punishment of perpetrators of criminal acts is the application of criminal law in accordance with applicable laws, which can be enforced as an effort to enforce the law. However, the application must consider the aspect of justice so that it is appropriate and meets the values of social justice, so that society has a function as "social control" Because law enforcement is considered as punishment for perpetrators of criminal acts is the application of criminal law in accordance with applicable laws that can be enforced as an effort to enforce the law, but in its implementation must pay attention to the aspect of justice, so that its application is appropriate and meets the elements of social justice, so that society has a function as one of which is drug abuse by children.

The first case occurred in the Cirebon City Police Resort areaBased on the Information Report from the public about the alleged Criminal Act of Abuse of Synthetic Tobacco (Gorilla) and Methamphetamine. so that the Cirebon City Police Narcotics Research Unit conducted a search and surveillance and an investigation was carried out into the alleged Criminal Act of Abuse of Synthetic Tobacco (Gorilla) and Methamphetamine which was allegedly carried out by Mr. SR with evidence in the form of 1 Package of Synthetic Tobacco (Gorilla) in a clear plastic clip package with a gross weight of 26.69 grams in a blue-black backpack, 1 (one) Black Iphone brand cellphone and 1 (one) package of Methamphetamine in a clear plastic clip wrapped in black duct tape with a gross weight of 0.28 grams. Furthermore, the suspect and evidence were taken to the Cirebon City Police Narcotics Research Unit for further investigation. The second case has secured 1 man claiming to be Mr. A who is suspected of being a distributor of methamphetamine narcotics with evidence found 3 packages of

⁴Ginting, H., & Muazzul, M. 2018. "The Role of the Police in the Implementation of Restorative Justice for Perpetrators of Gang-Battling Crimes Committed by Children and Adults." Scientific Journal of Law Enforcement, 5(1), p. 32-40

⁵Chabib, S. 2020, "Implementation of Material Criminal Law to Drug Abuse by Children (Case Study of the Decision of the Rantau Prapat District Court, North Sumatra Number: 435/Pid. B/2014/PN. Rap)" (Doctoral dissertation, IBLAM School of Law).

⁶Irawati, AC 2019, "Legal Politics in Criminal Law Reform (RUU KUHP Legality of the Main Principles)." Jurnal ADIL Indonesia, 1 (2)

⁷Irawati, AC 2022. "Alternative mediation for resolving medical disputes in the perspective of new normal legal politics." Lawnesia Journal (Indonesian National Law Journal), 1 (1), p. 42-53.

⁸Isnantiana, NI (2019). "Law and Legal System as Pillars of the State. Journal of Islamic Economic Law," 2(1), p. 19-35.

methamphetamine narcotics wrapped in clear plastic clips wrapped in black duct tape in Kapal Api plastic packaging with a gross weight of 1.12 grams, 2 packages of methamphetamine narcotics wrapped in clear plastic clips wrapped in black duct tape in a lighter package with a gross weight of 0.82 grams and 1 (one) Opo brand cellphone in blue in the grip of Mr. A's right hand as referred to in Article 114 paragraph 1 Jo Article 112 paragraph 1 of Law Number 35 of 2009 concerning Narcotics and then the suspect and evidence were taken to the Cirebon City Police Narcotics Unit office for further investigation and inquiry.

2. Research Methods

Based on the problems raised, a sociological legal approach method is used, namely an approach method that looks at the facts in the field that are related to the problems raised by the author to then be connected with the applicable positive provisions.⁹

3. Results and Discussion

3.1. Criminal Law Policy in Handling Criminal Acts of Drug Abuse Among Adolescents

Conditioni Indonesia is currently in a critical state with the issue of drug emergency, one of the causes of this is because Indonesia continues to experience an increase in drug cases every year. Technology that continues to develop rapidly in various fields without realizing it also contributes to the negative impact on the development and growth of drug trafficking in Indonesia, because with easy access to technology, especially in the field of information, illegal drug trafficking can occur more quickly and easily so that efforts and efforts to prevent the entry of dangerous illegal narcotics become a challenge for law enforcement.¹⁰

Crime prevention efforts through the penal path are handling through criminal law. Roughly speaking, it can be said that crime prevention efforts through the penal path focus more on the "repressive" nature (opression / eradication / supression) after a crime has occurred.¹¹

Abusern and also the circulation of narcotics has spread widely so that it can touch all levels of society from various social statuses, drug abuse in this digital era can not only reach groups categorized as uneducated but has also spread to educated groups. This can easily hapen because narcotics and illegal drugs have various variations, from the most expensive types that can only be bought and obtained by the elite or celebrities, to the cheapest types that can be consumed by low-income groups.¹²

⁹Amirudin and Zainal Asikin, 2004, Introduction to Legal Research Methods, Raja Grafindo, Jakarta, p. 133

¹⁰ Telaumbanua, Teoli Bewamati. 2018. The Role of the National Narcotics Agency in Efforts to Prevent and Combat Illicit Drug Trafficking in Gunungsitoli. Mahupiku Journal Vol. 1 No. 2

¹¹Indah Lestari, Sri Endah Wahyuningsih, 2017, Criminal Law Enforcement Against Drug Users in the Central Java Regional Police, Khaira Ummah Law Journal Vol. 12. No. 3, Unissula

¹² The Man, NCO Sura. 2014. Drug Abuse among Teenagers. UNSA Seminar Proceedings

Drug and drug abuse has become a chronic problem in Indonesia, including the distribution and abuse of crystal methamphetamine, and many drug dealers have been arrested in various cases, proving that Indonesia is illegal. This condition is caused by several factors, namely increasingly difficult life and increasing community busyness, causing depression levels in society as a whole, resulting in children and adolescents suffering from a lack of vitality. Parents and families need to be careful to ensure that children and adolescents do not turn to drugs as a way out of their problems.¹³

Drugs have negative impacts on individuals, families, and society. The impacts that occur on individuals include mental disorders, dependency, health problems, becoming criminals, destroying one's own future, and causing death. The negative impacts on families include disrupting harmony, disgrace, and can eliminate family hopes.¹⁴

Other conditions include the diversity and prevalence of activities carried out by teenagers at night, including the large number of nightclubs. This has an impact on the lives of society in general and can also lead to drug trafficking among teenagers. The drug problem is currently a worrying problem that requires confrontation between various groups from all levels of society, because drugs are the biggest threat to the Indonesian nation, especially the younger generation of the nation's successors. Another negative impact of drug use is the spread of infectious diseases such as HIV / AIDS and hepatitis viruses through the use of shared needles. As we all know, currently there is no cure for HIV / AIDS, and HIV / AIDS is the cause of death of millions of people. Therefore, if this drug problem is not immediately addressed and prevented, it will certainly harm the entire Indonesian nation.

Sifat teenagers who have a tendency to ignore values, norms and also the legal system that has been in force in the midst of community life is one of the causes of increasing drug consumption among teenagers. The increasingly hard life causes a spike in the level of community busyness, an increase in the number of people suffering from depression, many children who do not get enough attention from their family environment, and so many kinds of activities at night, which can be seen through the proliferation of night entertainment venues that continue to open and develop. This can significantly affect the pattern of community life, one of which is the increase in the presence of narcotics among teenagers.¹⁵

The problem regarding drug abuse requires a joint solution involving all elements of society, because it is a threat that requires more attention, considering that the problem can affect the younger generation as the nation's future successors. The negative impacts that can be felt by drug abusers include the spread of sexually transmitted diseases such as HIV / AIDS and also the hepatitis virus whose contamination can occur through the use of injection

¹³ Kareth, NVJ, & Shintasari, R. 2020. National Narcotics Agency Policy in Combating Drugs in Border Areas. *Musamus Journal of Public Administration*, 3(1), p. 20–31. <https://doi.org/10.35724/mjpa.v3i1.3143>

¹⁴ Andri Winjaya Laksana, 2019, Social Analysis of Narcotics Abuse Prevention Women, *Journal of Legal Reform*, Volume VI No.3, p. 10

¹⁵ English:, Bayu Puji. 2018. Prevention and Eradication of Drug Trafficking in Indonesia. *Journal of Legal Sovereignty*, Unissula

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needles which can cause the death of millions of people, thus harming the country which is also a target for drug dealers, because drug dealers and dealers can sell these prohibited goods more easily. This happens because of the lack of public awareness and knowledge of the dangers and side effects of drug abuse and also the lack of government role in preventing drug abuse.¹⁶

In the enactment of Law Number 35 of 2009 concerning Narcotics, then the community, especially law enforcement officers, will eradicate drug abuse so that efforts are needed to organize medical and social rehabilitation for drug addicts and addicts. The mandate of the law specifically targets judges who investigate and decide cases involving drug addicts (those suspected of being addicted to drugs). Rehabilitation punishment is the most appropriate punishment for drug addicts who have problems with the law, and is an alternative or substitute for punishment, and drug addicts must receive treatment, education, aftercare, rehabilitation, and reintegration.

Rehabilitation is also counted as the sentence served (Law Number 35 of 2009, Article 103, Article 2). This is an obligation of Law Number 8 of 1976 which ratified the Single Convention on Narcotics and its Protocol Amendments, and Law Number 7 of 1997 which ratified the UN Convention Against Illegal Trafficking in Narcotic Drugs and Psychotropic Substances in 1988, translated into Article. The fourth letter (d) of Law Number 35 of 2009 concerning Narcotics. In this case, the Government also has an obligation to provide rehabilitation resources to help them recover and reintegrate into society so that they can live normal lives again. Based on the facts on the ground, we often find violations of the law or drug law enforcement officers, especially when handling cases of people who abuse drugs for themselves.

Hal This causes law enforcement to treat them like suspected drug dealers. So far, cases of personal drug abuse have rarely been brought into one provision, in this case Article 127. This is because drug investigators are reluctant to require an evaluation to determine the suspect's physical and psychological dependence on drugs because it is considered a burden. In addition, prosecutors consider the results of the investigation so far to be complete and do not assume that the suspect is a drug addict. Worse still, prosecutors routinely keep case files prepared by investigators without any recommendations or expert statements regarding the suspect's physical and mental dependence status.

Comparison of the criminal law system of Article 114 paragraph 1 Jo Article 112 paragraph 1 of the Republic of Indonesia Law Number 35 of 2009 among teenagers with Germany emphasizes fundamental differences in the legal approach, sanctions, and rehabilitation. Article 114 paragraph 1 regulates sanctions for perpetrators of narcotics transactions, while Article 112 paragraph 1 provides threats for owners or rulers of narcotics. Meanwhile,

¹⁶ Manafe, Yapi. 2012 Prevention of Drug Abuse for Teenagers, Directorate of Information Dissemination, Deputy for Prevention, Jakarta:

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Germany is known for its stronger rehabilitation approach for lawbreakers, including those related to drugs, with a focus on recovery and social reintegration.

Indonesia:

1. Article 114 paragraph 1: Regulates the criminal act of offering, selling, buying, acting as an intermediary in the sale and purchase, exchanging, or handing over Class I Narcotics. The threat of life imprisonment or a minimum of 5 years.
2. Article 112 paragraph 1: Regulates the criminal act of possessing, storing, controlling, or providing Class I Narcotics. The threat of imprisonment is a minimum of 4 years and a maximum of 12 years, and a minimum fine of IDR 800 million and a maximum of IDR 8 billion.
3. Among Teenagers: The Narcotics Law (Law Number 35 of 2009) does not provide any specific differences in sanctions for teenagers who commit drug crimes. The penalties applied are the same as those for adults, but often take into account age factors and developments in the judicial process.
4. Handling of Juveniles: The law provides special handling options for juveniles involved in drug crimes, such as coaching and rehabilitation in special institutions or social institutions. In addition, there is also the possibility of using the juvenile criminal law system (Law Number 35 of 2009, Articles 81-86) if the juvenile is considered to not have sufficient reasoning ability.

German:

1. Criminal Law System: Germany has a criminal law system that emphasizes restoration and rehabilitation. The focus is on social recovery and reintegration of offenders into society.
2. Rehabilitation Approach: Germany has a strong rehabilitation system for offenders, including those involved in drug-related crimes. Rehabilitation programs aim to treat addiction and provide support for reintegration into society.
3. Juvenile Treatment: Germany also provides special treatment for juveniles who commit drug crimes, such as rehabilitation programs that focus on the special needs of juveniles as well as integration into the education and social systems.
4. Penalties: Penalties for drug crimes in Germany vary depending on the type and quantity of drugs and the role of the perpetrator in the case. Penalties can include imprisonment, fines, or corrections in a special institution.

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Comparison:

1. **Emphasis on Punishment:** Indonesia tends to place more emphasis on criminal penalties (prison) as the main sanction for drug offenders, while Germany places more emphasis on rehabilitation and recovery.
2. **Approach to Youth:** Indonesia pays special attention to handling youth involved in drug crimes, but maintains strict criminal sanctions. Germany, on the other hand, focuses more on rehabilitation and social support for the youth involved.
3. **Focus on Recovery:** Germany has a criminal justice system that focuses heavily on the recovery and social reintegration of offenders, including those involved in drugs.
4. **Cultural and Social Differences:** Differences in the approach to criminal law between Indonesia and Germany are also influenced by cultural and social differences in their respective societies.

The Indonesian and German criminal law systems have fundamental differences in their approach to drug crimes, especially among teenagers. Indonesia places more emphasis on strict criminal sanctions, while Germany focuses more on rehabilitation and recovery. The choice of this approach is influenced by various factors, including culture, society, and legal philosophy in each country.

Criminal actThe abuse of synthetic tobacco (gorilla) and crystal methamphetamine narcotics that occurred in the Cirebon City Police Resort area, the following facts were found:

1. **Summons:** No summons was issued to the suspect.

2. **Arrest**

With Arrest Warrant Numberxxx, September 11, 2024 An arrest was made against a suspect named Mr. SR on Wednesday, September 11, 2024 at around 22.00 WIB in Cirebon City for committing a crime of abuse of narcotics in the form of synthetic tobacco (gorilla) and narcotics in the form of crystal methamphetamine. As referred to in Article 114 paragraph (1) in conjunction with Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics in conjunction with Regulation of the Minister of Health Number 36 of 2022 concerning Changes to the Classification of Narcotics, a Minutes of Arrest was madeon Wednesday, September 11, 2024.

3. **Detention**

Detention was carried out with Detention Warrant Number:xxx, on September 13 2024, a suspect namedMr. SR on Wednesday, September 11, 2024 at around 22.00 WIB in Cirebon City committed the Criminal Act of Abuse of Synthetic Tobacco (Gorilla) and Crystal Meth. As referred to in Article 114 paragraph (1) Jo Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics Jo Regulation of the Minister of Health Number 36 of 2022 concerning Changes to the Classification of Narcotics, then a Detention Report was madeon September 13, 2024

4. **Foreclosure**

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Confiscation was carried out with a Confiscation Order Number: xxx, on September 11, 2024, confiscation of objects/goods suspected of being related to the crime of narcotics abuse in the form of crystal methamphetamine was carried out by Mr. SR, who was arrested on Wednesday, September 11, 2024 at around 22.00 WIB in Cirebon City with evidence found 1 Package of Synthetic Tobacco Narcotics (Gorilla) in a clear plastic clip wrapper with a gross weight of 26.69 grams in a black and blue backpack, 1 (one) unit of black iPhone brand cellphone, then a confiscation report was made on Wednesday, September 11, 2024.

Confiscation was carried out with Confiscation Order Number: xx, on September 11, 2024, confiscation of objects/goods suspected of being related to the crime of narcotics abuse in the form of crystal methamphetamine was carried out by Mr. SR, which was developed on Wednesday, September 11, 2024 at around 22.30 WIB, evidence was found in the form of 1 (one) narcotic type of crystal methamphetamine wrapped in clear plastic clips wrapped in black duct tape with a gross weight of 0.28 grams, then a Confiscation Report was made on Wednesday, September 11, 2024

5. Search

A search was conducted with a search warrant number: xxx, September 11, 2024, have been done Body search of Mr. SR, who was arrested on Wednesday, September 11, 2024 at around 22.00 WIB with evidence found 1 Package of Synthetic Tobacco Narcotics (Gorilla) in a clear plastic clip wrapper with a gross weight of 26.69 grams in a blue-black backpack, 1 (one) unit of black iPhone brand cellphone, then a search report was made on Wednesday, September 11, 2024.

A search was conducted with a search warrant number: xxx, September 11, 2024, have been done Body search of Mr. SR, who was arrested on Wednesday, September 11, 2024 at around 22.30 WIB, was found to have evidence in the form of 1 (one) narcotic type crystal methamphetamine wrapped in clear plastic clips wrapped in black duct tape with a gross weight of 0.28 grams. Then a search report was made on Wednesday, September 11, 2024

Case Analysis

Based on the facts above, a picture or construction of the case was obtained which showed the involvement of the Suspect in this case as the perpetrator, which was supported by evidence from the Crime Scene Examination, the Suspect's Statement and Evidence as follows:

Based on the results of the crime scene examination by the suspects and the suspects, it is true that there has been a crime of abuse of narcotics of the synthetic tobacco type (Gorilla) and narcotics of the crystal methamphetamine type that occurred to Mr. SR, 1 man has been secured, claiming to be Mr. SR, who is suspected of being an "intermediary for possessing, distributing, trading and controlling" the crime of abuse of narcotics of the synthetic tobacco type (Gorilla) and narcotics of the crystal methamphetamine type. As referred to in Article 114 paragraph (1) Jo Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics Jo Regulation of the Minister of Health Number 36 of 2022 concerning Changes to the Classification of Narcotics

Legal Analysis

That the Suspect's actions constitute a Criminal Act of Misuse of Pharmaceutical Preparations Without a Distribution Permit, as in the Case Analysis above, has fulfilled the formulation of the following Article:

"Article 114 paragraph (1) of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics in conjunction with the Minister of Health Regulation Number 22 of 2022 concerning Changes to the Classification of Narcotics"

"Any person who without rights or against the law offers for sale, sells, buys, receives, acts as an intermediary in the sale and purchase, exchanges or delivers Class I Narcotics, shall be punished with Life Imprisonment or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years, and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah)"

OBJECTIVE ELEMENTS	FACTS - FACTS
a. Each person	Mr. SR, Religion Islam, Occupation Casual Laborer, Last education is high school (graduated), Indonesian Citizenship, NIK xxx
b. without rights or against the law distributing, purchasing, possessing and controlling Class I Narcotics other than plants	Mr. SR offers for sale, sells, buys, receives, becomes a distributor in the sale and purchase or delivers Class I Narcotics to with evidence of 1 Package of Synthetic Tobacco Type Narcotics (Gorilla) in a clear plastic clip wrapper with a gross weight of 26.69 grams in a black backpack, 1 (one) Unit of Black Iphone brand cellphone and 1 (one) package of Methamphetamine Type Narcotics in a clear plastic clip wrapped in black duct tape with a gross weight of 0.28 grams.

"Article 112 paragraph (1) of the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics in conjunction with the Republic of Indonesia Minister of Health Regulation No. 22 of 2020 concerning Changes to the Classification of Narcotics"

"Any person who without rights or against the law carries, owns, stores and controls Class I Narcotics other than plants, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah).

OBJECTIVE ELEMENTS	FACTS - FACTS
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a. Each person	Mr. SR, Religion Islam, Occupation Casual Laborer, Last education is high school (graduated), Indonesian Citizenship,, NIK xxx
b. Carrying, possessing, controlling Class I narcotics other than plants	1 Package of Synthetic Tobacco Narcotics (Gorilla) in a clear plastic clip wrapper with a gross weight of 26.69 grams in a black backpack, 1 (one) unit of black iPhone brand cellphone and 1 (one) package of crystal methamphetamine narcotics in a clear plastic clip wrapped in black duct tape with a gross weight of 0.28 grams.

Based on the Case Analysis and Legal Analysis above, it can be concluded that it is true that Mr. SR, who was arrested on Wednesday, September 11, 2024 at around 22.00 WIB, committed a Criminal Act of Abuse of Synthetic Tobacco (Gorilla) and Crystal Meth. As referred to in Article 114 paragraph (1) Jo Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics Jo Regulation of the Minister of Health Number 36 of 2022 concerning Changes to the Classification of Narcotics

After studying the results of the Suspect's statement which explained that the Suspect had admitted to committing the Criminal Act of Abusing Synthetic Tobacco (Gorilla) and Crystal Meth Narcotics. As referred to in Article 114 paragraph (1) Jo Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics Jo Regulation of the Minister of Health Number 36 of 2022 concerning Changes to the Classification of Narcotics.

After studying the evidence and the results of expert witness statements, as well as the results of the discussion above, which are closely related to the criminal act committed by the Suspect, the Investigator can conclude that the Suspect Mr. SR has been secured for allegedly "possessing, controlling, selling and distributing" the Criminal Act of Abuse of Synthetic Tobacco (Gorilla) and Crystal Meth Narcotics. As referred to in Article 114 paragraph (1) Jo Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics Jo Regulation of the Minister of Health Number 36 of 2022 concerning Changes to the Classification of Narcotics.

Drug abuse, including synthetic tobacco (Gorilla) and crystal methamphetamine, among adolescents is a criminal offense that can be prosecuted under Articles 112 and 114 of the Narcotics Law. It is important to understand the legal provisions and criminal sanctions related to drug abuse, as well as provide education and prevention to adolescents to avoid drug use.

The circulation of narcotics in Cirebon City has spread to almost all areas, not only in the Regency, in the City, namely the District of the Cirebon City Prosecutor's Office, but has reached the community in remote villages. Narcotics abuse has become a matter of great concern among the people of Cirebon City because narcotics have circulated to minors, users or illegal users of narcotics are not only for those who are adults or parents. Narcotics abuse by minors or teenagers is a very serious problem because the impacts can destroy the future of children as the next generation of the nation. Therefore, in order to overcome the problem of narcotics abuse in Cirebon City, the Cirebon City Police must be able to carry out their

duties and functions as well as their authorities as regulated in Law Number 2 of 2002. In order to enforce applicable laws and increase public awareness for the smooth running of regional development, protecting teenagers as the next generation of the nation.

In an effort to prevent drug abuse by teenagers in the Cirebon City Police Resort, the process and steps in law enforcement, especially the Cirebon City Police Resort Narcotics Unit (Sat Narcotics), require cooperation from various parties, including the community, who should play an active role in assisting the police by providing information regarding indications of drug abuse by teenagers to the Cirebon City Police Resort.¹⁷

Based on the data obtained by the author, that in the Cirebon City Police there are a number of cases of drug abuse committed by teenagers, namely in 2023 there were 28 (twenty eight) cases of drug abuse, and in 2024 it decreased to 20 (twenty) cases of drug abuse by teenagers, which were handled by the Cirebon City Police Narcotics Unit. A number of these cases indicate that there are 20 (twenty) teenagers who are suspects of drug abuse, who are generally still aged 20 to 23 years. The suspects come from several sub-districts, namely the Kejaksaan sub-district.

The problem of drug abuse by teenagers that occurs in Cirebon City needs more serious handling. Cirebon City Police in an effort to overcome drug abuse take the following strategic steps:¹⁸

1. Pre-emptive which is a learning or educational activity, the goal is to be able to influence the causes of drug crimes, so that a sense of self-awareness is realized and the development of a deterrent force in daily life free from drugs, namely the existence of a firm nature to reject drug crimes. activities in the form of coaching and development of a simple lifestyle environment and creative, constructive, productive activities and other positive activities especially for children who are still teenagers.
2. Preventive efforts to prevent narcotics crimes through control and supervision of official channels as well as direct supervision of illegal distribution channels.
3. Refrensive efforts to take action by arresting drug users and dealers.

Various efforts have been made by the Cirebon City Police Narcotics Unit in an effort to prevent drug abuse by conducting routine raids on locations or places considered prone to drug abuse, at a secret time and carried out suddenly so that the perpetrators do not expect a raid to be carried out and cannot avoid the raids carried out. In addition, the Cirebon City Police Narcotics Unit also takes action against teenagers who are found abusing drugs, namely by making arrests, and will be temporarily detained in the detention center that has been provided during the process of resolving the teenager's case. Furthermore, the investigation process by the Cirebon City Police is carried out in accordance with the applicable SOP

¹⁷Results of the interview with Iptu Deny Arisandy, SH, MH, as an Investigator at the Cirebon City Police, on April 24, 2025, at 13.00 WIB

¹⁸Ibid

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(Standard Operating Procedure), with reference to the Regulation of the Chief of the Republic of Indonesia Police Number 6 of 2019 concerning Criminal Investigation.

The government reporting policy will encourage more addicts and their families to report themselves or their family members as addicts, and more addicts will be able to report themselves or their loved ones to government agencies such as community health centers and hospitals. Patients will be treated in designated rehabilitation centers. Found in the IPWL category. Therefore, the implementation of government criminal policies or programs is expected to reduce the number of addicts who are found guilty by the court. However, if we look at government policies and compare them with the number of drug users in the country which reaches 5.1 million people, there will be confusion and inconsistency in their implementation.¹⁹

In this case, we can see several government efforts in handling narcotics, including:

1. Many correctional institutions in Indonesia (Lapas) accommodate drug offenders. In fact, the condition of many prisoners due to drugs must be placed in the category of addicts, couriers, dealers or drug dealers. However, if you look at the rules regarding drugs, according to the Narcotics Law Number 35 of 2009, drug addicts should undergo rehabilitation and should not be imprisoned for a long time.
2. Another visible sign of the government's inconsistency in implementing the Narcotics Law Number 35 of 2009 is the uneven number of IPWL in various regions or drug addicts. Whereas drug addicts are almost evenly distributed in the region.
3. The implementation of decriminalization in the form of rehabilitation (both medical rehabilitation and social rehabilitation) for drug addicts still has an impact on society, especially those who do not understand the law or do not understand the law. people. This raises fear and concern for those who report fraud. According to the public's view, legal handling is very time-consuming, complicated, and requires special expertise.
4. Drug addicts and addicts are still considered worthless or worthless by most of society.
5. Public access to legal centers and offices is not evenly distributed. This means that access to police stations and IPWL authorities is not as easy as in urban and metropolitan areas, namely in the unitary state of the Republic of Indonesia.²⁰

The government's policy in dealing with drug addicts is fully implemented as required in the Narcotics Law Number 35 of 2009, namely providing counseling and treatment to drug addicts. This means that the government is still inconsistent in enforcing Law Number 35 of 2009 concerning Narcotics.

¹⁹Noviarini, ni putu wulan, Yuliartini, ni putu rai, & mangku, dewe gege sudika. 2021. Criminological Review of Drug Abuse Crimes Among Adolescents in Buleleng Regency. E-Journal of the Yustisia Community, Ganesha University of Education, 4(2), p. 416–426.

²⁰Sanger, C. 2013. Law Enforcement Against Drug Trafficking Among the Young Generation. Lex Crimen, 2(4), p. 5–13.

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The criminal law policy on the crime of methamphetamine abuse (Article 114 paragraph 1 Jo Article 112 paragraph 1 of the Republic of Indonesia Law Number 35 of 2009) for adolescents generally applies criminal sanctions in prison. However, there are special considerations regarding the punishment for perpetrators who are still adolescents, with the possibility of rehabilitation or alternative sanctions.

1. Article 114 paragraph (1) of the Narcotics Law:

Explains the punishment for those who without the right offer, sell, buy, receive, act as intermediaries, exchange, or hand over Class I narcotics (such as crystal methamphetamine). Life imprisonment or a minimum of 5 years, and a maximum of 20 years.

Article 112 paragraph (1) of the Narcotics Law:

Explains the punishment for those who without the right possess, store, control, or provide Class I narcotics. The minimum prison sentence is 4 years and the maximum is 12 years, and a fine of at least IDR 800 million and a maximum of IDR 8 billion.

2. Crime of Drug Abuse:

Drug abuse can take the form of using, possessing, storing, controlling, or providing narcotics.

3. Application of Criminal Sanctions to Juveniles:

Criminal sanctions against juveniles who commit drug crimes may differ from those against adults. There is the possibility of implementing alternative sanctions or medical and social rehabilitation as a solution.

4. Rehabilitation and Alternative Sanctions:

- a. Rehabilitation: Article 54 of the Narcotics Law states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation.
- b. Alternative Sanctions: Examples include conditional release with strict supervision, or placement in a state-run rehabilitation program.

Policy Objectives:

1. Preventing drug abuse:

Through strict sanctions, it is hoped that it can prevent teenagers from getting involved in drug abuse.

2. Protecting health and future:

Rehabilitation and alternative sanctions aim to protect the health and future of the youth involved.

3. Giving a chance to recover:

Rehabilitation programs and alternative sanctions provide opportunities for youth to recover from drug addiction and return to society.

Analysis of criminal law policy in dealing with criminal acts of Article 114 paragraph 1 Jo Article 112 paragraph 1 of the Narcotics Law among adolescents, using the theory of criminal law policy, can focus on several things. First, assessing the effectiveness of criminal sanctions in preventing such actions. Second, considering preventive and reactive aspects, including rehabilitation and prevention through education. Third, paying attention to the role of law enforcement agencies and support from the community in law enforcement and prevention.

The explanation:

1. Effectiveness of Criminal Sanctions: Review whether the criminal sanctions (imprisonment, fines) stipulated in Article 114 paragraph 1 and 112 paragraph 1 of the Narcotics Law (which regulates narcotics transactions and possession) have a significant preventive impact on drug crimes among adolescents.

2. Preventive and Reactive Aspects: Criminal policy analysis needs to consider preventive and reactive aspects. As part of the handling, medical and social rehabilitation, as well as handling of victims and drug addicts are important. Early drug education and prevention also need to be a focus to reduce the prevalence of drugs among teenagers.

3. Role of Institutions and Society: Law enforcement institutions, such as the police and prosecutors, play a role in enforcing criminal law. However, support from the community through education, socialization, and empowerment is also very important to prevent drug abuse and build a safer environment from drugs.

4. Policy Alternatives:

In addition to criminal sanctions, consider policy alternatives, such as:

- a. Handling of Victims and Addicts: Handling of victims and addicts of narcotics, including medical and social rehabilitation, needs to be a priority.
- b. Education and Prevention: Education about the dangers of drugs and early drug prevention in schools and communities is important to build awareness and prevent abuse.
- c. Role of Community and Family: Family and community involvement in drug prevention can help prevent abuse and provide support for at-risk youth.

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With this comprehensive approach, criminal law policy analysis can provide a more complete picture of the effectiveness and efficiency of dealing with drug crimes among adolescents, so that more appropriate and effective policies can be formulated.

3.2. Obstacles Faced by the Police in Combating Drug Abuse Crimes Among Teenagers and Their Solutions.

The development of law in Indonesia itself is very dynamic and always changing following the development of society, the development of law especially in the development of criminal (material) and criminal procedure law (formal) outside the territory of Indonesia KUHP (Criminal Code Book) and the Criminal Procedure Code (Indonesian Language Book of Criminal Procedure Law) which are currently in effect. This is because the basic rules of the Criminal Procedure Code (material) of the Criminal Code and the Criminal Procedure Code (formal) of the Criminal Procedure Code which are old legal products that have not been updated or revised, only revisions / material tests of the Articles in both laws and regulations do not replace / revise the entire Criminal Code or Criminal Procedure Code.²¹

Drug abuse is classified as a crime in Law Number 35 of 2009 concerning Narcotics. The application of the criminal punishment system for perpetrators of drug abuse prioritizes a humanistic approach that takes into account the principle of individualization of punishment in the use of criminal sanctions as a means of overcoming crime. In essence, drug abusers are also victims who need medical help. The application of actions in the form of medical and social rehabilitation aims to improve the condition of drug abusers so that they are free from drug dependence so that they can return to society normally.²²

Teenage use drugs due to several factors (internal and external). Internal factors are factors that come from within a person, including personality and family factors and economy. An unstable personality can easily fall into using drugs, while a family that tends to be problematic and less harmonious can also cause someone to easily feel hopeless and frustrated, poor financial factors can also influence someone to want to become a drug dealer or courier, but on the other hand a teenager who is categorized as coming from a well-off and sufficient family but does not get enough attention from his primary environment, namely family or trapped in an environment that has a bad influence will more easily fall into drug abuse.²³

Factor external is a factor that comes from outside the individual that can ultimately affect each person's actions, as well as the problem of drug abuse. These external factors can be divided into social and community relationships. There is a strong impact and encouragement

²¹Moch. Isa Nazarudin, Umar Ma'ruf, 2020, Comparison Of The Implementation Of Pre-Court Process Before And After The Constitutional Court Decision Number: 21 / PUU-XII / 2014 In The Batang, Jurnal Daulat Hukum Volume 3 Issue 1, Unissula

²²Dafit Supriyanto Daris Warsito, 2018, The Criminal System for Narcotics Abuse Criminals, Jurnal Daulat Hukum Vol. 1. No. 1, Unissula

²³ Johni & Antoro, 2006. Preventing Drug Involvement. Media Vision, Tangerang:

in this drug abuse, one of which comes from peer groups. The invitation can start from peers, especially teenagers who have personalities that are not yet mature enough. While a good secondary environment and having unwavering control will be able to prevent invitations or encouragement to drug abuse among teenagers.

Influenceh peers, great curiosity and the influence of a less harmonious family environment can be triggers for drug abuse. The availability and ease of access to obtain drugs can also trigger someone to end up becoming a drug addict. Among teenagers, the beginning of introduction to drugs often begins with smoking or consuming alcoholic beverages. Lack of knowledge about the bad side effects of narcotics and psychotropics can have a major impact on influencing the level of drug abuse.

Openn new problems, since long agodrugsadsAmong teenagers, it is indeed something that has its own dynamics, some of the main reasons why teenagers are very vulnerable to drug abuse include:

1. Pressuren social.

Ageadolescence becomes a phase of finding identity. At this age phase, teenagers will without hesitation follow whatever is done by their circle of friends or groups, with the aim of being accepted and recognized in the social circle. Therefore, if a playmate or idol is fond of negative things like drugs, they will also be vulnerable to trying the same thing in order to get validation and not feel isolated. While the media can also contribute to influencing teenagers in acting, such as social media, television shows, or films can also influence and leave bad side effects because they could have depicted drug abuse as a figure or example of an individual who seems cool, so that it is vulnerable to being followed by other teenagers.

2. Runnerrn of the problem.

Banyak and the various problems that occur in adolescents, such as problems in the school and family environment can cause an adolescent to be unhapy and end up finding an outlet through other things. The form of escape that is done can end with choosing something that is far from positive, such as drug abuse or consuming alcohol. Drugs are an option that is often chosen as an escape because their use seems to be able to provide a solution. This can hapen because drugs can make users feel the effects of self-confidence, feelings of hapiness, and feeling energetic, although it will not last long and will only last for a moment. In fact, if it continues to be done and left alone, it can result in addiction to drugs and can end in death.

4. Formk rebellion.

Typea teenager wants to try something new and volunteer to be a pioneer of something, it often causes them to look conspicuous and be stared at by their circle of friends and groups. For the sake of views in the surrounding environment, usually teenagers will try new things to get recognition from their friends. One of them is drugs. Now drugs seem to be seen as a backup source among teenagers to act more daringly and aggressively towards the environment. The type of drug, crystal methamphetamine, can make teenagers act violently, aggressively, or even endanger others.

5. Quantityg confident.

Whent expressing opinions in public, apearing at school events, even just chatting with other people will result in problems for teenagers who have low self-confidence. Therefore, drugs

are often used as a way out by teenagers who lack self-confidence. Certain types of drugs can have an effect on users such as being more confident, or can even make users not afraid to do anything. But that is only for a moment. As with the effects of drug abuse, the effects of self-confidence as above are only temporary. In addition to the temporary effects, drug abuse can cause death for users.

6. Pleasure for a moment.

Although the original intention was only curiosity that led to trying drugs for momentary pleasure, this temporary feeling of happiness can make teenagers who fall into drugs feel addicted and want to try again and again. In order for the intensity of the feeling of happiness to last, of course a higher dose of drugs is needed. So when you have fallen into drug abuse, it will be a difficult challenge to escape from the trap of addiction and dependence.

Creating teenagers who are free from drugs is not easy, There are 3 aspects that need to be considered in order to achieve effectiveness, namely:

1. Environment family.

Typically a teenager makes mistakes in doing anything often parents are emotional and play physically to their children without giving them the opportunity to explain, Such things are wrong because as parents it is better to be democratic towards their children by giving enough appreciation and attention. Therefore it is important for parents to build a warm and comfortable atmosphere for their children so that they do not seek an outlet or escape outside the home when facing problems.

2. Environment school.

Parents need to provide education and basic information about drugs as a form of anticipation in overcoming drug abuse among teenagers.

3. Environment society.

Stakeholders in society need to be consistent and act fairly and firmly in efforts to prevent drug abuse and be supported by security forces and the police.

In these three things, socialization is an important effort to be carried out by providing education about the dangers of drug abuse for health, especially for teenagers, and providing sanctions for those who do so. This is in accordance with Law Number 5 of 1997 concerning Psychotropics.

Drug abusers who receive rehabilitation guarantees based on Article 4 of Law Number 35 of 2009, but in Article 127 drug abusers are made subjects who can be punished and lose their rehabilitation rights, unless it can be proven or proven to be victims of narcotics. In fact, proving that drug abusers are victims of narcotics is difficult, because it must be seen from the beginning of the drug user using narcotics. In addition, it needs to be proven that drug users when using narcotics are in a condition of being persuaded, tricked, deceived, forced

and/or threatened to use narcotics. The many terms can confuse law enforcement officers in implementing the Articles in Law Number 35 of 2009. The position of drug addicts has a slightly different position from other criminals, namely the problem of drug addicts according to the provisions of the law, on the one hand are perpetrators of criminal acts of drug abuse, but on the other hand are victims.²⁴

4. Conclusion

Criminal law policy in dealing with drug abuse crimes among adolescents focuses on law enforcement, rehabilitation, and prevention. The Narcotics Law (UU Narkotika) is the main legal basis, with criminal sanctions that vary depending on the type and amount of narcotics involved. Dealing with drug crimes, including synthetic tobacco and crystal methamphetamine, among adolescents requires a comprehensive approach. In addition to strict law enforcement, effective rehabilitation and prevention are needed to prevent drug abuse among adolescents. Obstacles faced by the police in combating drug abuse crimes among teenagers include: easy access to drugs, lack of understanding about the dangers of drugs, and lack of adequate support and rehabilitation. Solutions that can be taken include intensive education, strict law enforcement, and social support and rehabilitation for drug addicts.

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