

CRIMINAL RESPONSIBILITY OF CHILD INTERMEDIARIES IN NARCOTICS TRADE UNDER LAW NO. 11/2012 ON JUVENILE JUSTICE

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Abstract

The study aims to analyze the criminal responsibility of children who act as intermediaries in the sale and purchase of narcotics under Law No. 11 of 2012 concerning the child criminal justice system. Children involved in narcotics crimes are often exploited due to their vulnerability in understanding legal consequences. This research employs a normative juridical approach by examining legislation and relevant cases. The results indicate that while children can be subject to criminal sanctions, the child criminal justice system emphasizes rehabilitation and guidance efforts over imprisonment. The child criminal justice system provides special protection for children, prioritizing restorative justice, which seeks to restore the situation without focusing on punishment. However, challenges arise in implementing this system, particularly regarding the role of law enforcement officials and consistent application across Indonesia. This study recommends enhancing the understanding and capacity of law enforcers and strengthening the rehabilitation system for children involved in drug-related crimes.

Keywords: Children, Criminal Responsibility, Narcotics, Rehabilitation, Restorative Justice.

A. INTRODUCTION

Narcotics are drugs or substances intended for use as medicine for certain diseases. However, they are often abused by individuals who exceed the prescribed limits of use. Narcotics, derived from synthetic, non-synthetic, and semi-synthetic plants, can cause dependence and reduce consciousness.¹ The impact of narcotics on society, especially on the younger generation, is

¹ Muhammad Yunus, Ina Heliany, and Edy Supriyanto., *Perlindungan Hukum Bagi Anak Berhadapan Dengan Hukum Terhadap Tindak Pidana Narkotika Anak Sebagai Perantara Peredaran Narkotika (Studi Kasus Putusan Pengadilan Negeri Jakarta Utara Nomor 10/Pid. Sus. Anak/2022)*, *Yure Humano*, Vol.7, no. 1, 2023, page. 59-76.

significant due to the dangers they pose to the survival and values of the Indonesian nation. Law enforcement against narcotics crimes has been widely implemented and accepted by judges. While it is expected to curb the circulation of drugs, in reality, the more intensive the enforcement efforts, the greater the increase in drug circulation.² Drug abuse is a significant global issue with extensive social ramifications. The abuse of both pharmaceutical and illicit drugs, including opioids, sedative-hypnotics, and central stimulants, leads to severe health and social problems, burdening individuals, families, and societies.³

While Indonesia is not highlighted as a major producer of narcotics like opium or heroin, it is part of Southeast Asia, a region with significant drug production and trafficking activities. Neighboring countries such as Myanmar and Laos are major producers of opium, and methamphetamine production is a growing concern in the region.⁴ This is evidenced by several high-profile cases where major drug lords, their networks or syndicates, have been arrested, and large drug production factories in Indonesia have been dismantled.⁵

Children are part of the young generation, which is the potential and successor to the ideals of the nation's struggle in the future. Children are the future of the country and the successors of its values, so every child has the right to live, grow, and develop, participate, and be protected from violence and discrimination. With their strategic role and unique characteristics, they need guidance and protection to ensure balanced physical, mental, and social growth and development. Childhood, also known as the period of formation of a person's character, personality and character, is a time of sowing seeds, laying stakes and laying foundations, so that they have the strength and ability to walk through life in the future.⁶

The legal process for children involved in criminal acts is regulated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System in Indonesia. The juvenile criminal justice system in Indonesia has undergone significant reforms, particularly with the enactment of Law No. 11/2012, which emphasizes restorative justice and diversion mechanisms over punitive

² Boedi Harsono., *Sistem Hukum Pidana dan Penanggulangan Kejahatan di Indonesia*, Bogor, Ghalia Indonesia, 2007

³ Shi-Qiu Meng., Abuse of pharmaceutical drugs and its prevention, *Journal of Forensic Medicine*, Vol.37, no. 6, 2021. Meijler, Michael M., Masayuki Matsushita, Peter Wirsching, and Kim D. Janda., Development of immunopharmacotherapy against drugs of abuse, *Current Drug Discovery Technologies*, Vol.1, no.1, 2004, page. 77-89. Danielle M. Dick, Carol Prescott, and Matt McGue., *The genetics of substance use and substance use disorder*, Handbook of behavior genetics, 2009, page. 433-453.

⁴ Rahmat Pannyiwi, Andi Agustang Andi Agustang, Tahir Kasnawi, Ahmad Yani, and Sadli Syam., Social network for drug circulation in Sidenreng Rappang Regency, Indonesia, *Systematic Reviews in Pharmacy*, Vol.11, no. 9, 2020, page. 575-577. Restiana Pasaribu., Fight Narcotics with Community Strengthening: Crime Control Management by Community Policing, *Journal of Indonesian Legal Studies*, Vol.3, no. 02, 2018. Kulsudjarit, Kongpetch., Drug problem in southeast and southwest Asia, *Annals of the New York Academy of Sciences*, Vol.1025, no. 1, 2004, page. 446-457.

⁵ Sulaiman., *Hukum dan Hukum Pidana*, Bandung, Alumni, 2005.

⁶ Gultom Maidin., *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*, Bandung, Refika Aditama 2009.

measures. The 2012 law mandates that imprisonment should be a last resort, focusing instead on rehabilitation and reintegration.⁷ Diversion mechanisms aim to resolve cases outside of court to prevent the deprivation of liberty and instill responsibility in children. However, the practical application of these mechanisms is inconsistent and often inadequate. The current legal culture remains positivistic, often ignoring progressive legal principles prioritizing social and moral outcomes. Judges frequently do not adopt a progressive approach, which hinders the effective implementation of restorative justice.⁸ The main principles are the protection, guidance, and rehabilitation of children, with a focus on non-punitive approaches. Criminal punishment for children emphasizes guidance and education to facilitate their reintegration into society. Based on the research background provided, the researcher can narrow down the focus to the following questions:

1. What is the criminal responsibility of children acting as intermediaries in the sale and purchase of narcotics?
2. How does Law No. 11 of 2012 regarding the Juvenile Criminal Justice System apply to children as intermediaries in narcotics transactions?

This research helps to improve our understanding of the laws related to children involved in narcotics crimes, especially when they act as intermediaries. By looking closely at Law No. 11 of 2012, which focuses on the Juvenile Criminal Justice System in Indonesia, the study emphasizes the importance of rehabilitation, protection, and guidance for young offenders instead of punishment. The findings highlight the challenges of applying these laws effectively, especially since children are often exploited in drug trafficking. Additionally, the research provides recommendations for better law enforcement practices and stronger rehabilitation programs. This is important for policymakers, legal professionals, and social workers as it can help protect vulnerable children while still holding them accountable in a way that considers their age and development.

B. RESEARCH METHODS

This research looks at the legal process for children involved in narcotics crimes, especially when they act as intermediaries in drug sales and purchases. It focuses on Law Number 11 of 2012, which pertains to the Juvenile Criminal Justice System in Indonesia. This law emphasizes protecting, guiding, and rehabilitating children rather than punishing them. The study

⁷ Sharyn Graham Davies and Jazz Robson., Juvenile (in) justice: children in conflict with the law in Indonesia, *Asia-Pacific Journal on Human Rights and the Law*, Vol.17, no. 1, 2016, page. 119-147. Faiz Rahman., Contextualizing Restorative Justice Through Diversion Mechanism: A Study of Indonesia Juvenile Justice System, *Indonesia Law Review*, Vol.9, no. 3, 2021, page. 3. Dina Imam Supaat., Restorative Justice for Juvenile Drugs Use in Indonesian Court: A Criminological Approach, *Lex Publica*, Vol.9, no. 1, 2022, page. 94-110.

⁸ Lafri Prasetyono., The Problem of Diversion in Children Perpetrators of Traffic Violations in Indonesia, *Jambura Law Review*, Vol.4, no. 1, 2022, page. 38-51. Hasnah Aziz, Imam Rahmaddani, and Kuntadi Kuntadi., Child Perpetrators of Drug Crimes: Legal Protections and Effectiveness in Indonesian Juvenile Justice, *Lex Publica*, Vol.9, no. 2, 2022, page. 102-117. Rafika Nur, Handar Subhandi Bakhtiar, Nurul Miqat, Darmawati Darmawati, and Mustawa Mustawa., Model of Punishment: Juvenile Justice Systems, *Jambura Law Review*, Vol.3, 2021, page. 35-56.

seeks to answer two main questions: What is the criminal responsibility of children acting as intermediaries in narcotics transactions, and how does Law No. 11 of 2012 apply to these situations?. The laws and regulations observed are Law No. 11 of 2012 Concerning the Juvenile Criminal Justice System, Law No. 4 of 1979 Concerning Child Welfare, Law No. 3 of 1997 Concerning the Juvenile Court, 1945 Constitution, Penal Code, Law No. 23 of 2002 Concerning Child Protection, Law No. 22 of 1997 Concerning Narcotics, Law No. 35 of 2009 Concerning Narcotics, Presidential Decree No. 36 of 1990 on the Ratification of the Convention on the Rights of the Child.

To carry out this research, a qualitative method was used, specifically a normative legal approach. This approach involves mastering the law for a particular problem and understanding how to implement or apply legal regulations. It includes research on legal systematics, the level of legal synchronization, and comparative legal research. This method involves studying the relevant laws and regulations, assessing how well they work together, and comparing them with other legal systems. The data analysis identifies the challenges in applying these laws, especially since children are often exploited in drug trafficking. The findings show that although the law aims for rehabilitation, there are still significant issues in making it work effectively.

C. RESULTS AND DISCUSSION

1. Juvenile Justice System and Child Responsibility in Narcotics Crimes

Children represent a significant potential for the future of any country. However, they can also become involved in criminal activities, particularly in the context of narcotics. Narcotics, which are substances derived from synthetic, non-synthetic, and semi-synthetic plants, can cause dependence and impair consciousness.⁹ Engaging with children who may be involved in such activities poses challenges due to their vulnerability to various desires and aspirations. As they navigate their developmental stages, children require special care and protection, which includes comprehensive legal safeguards both before and after birth. Unfortunately, children often lack the ability to defend themselves against forms of violence and discrimination that can lead to physical, mental, and social harm.¹⁰ Given the increasing variety of children's delinquency, driven by societal and technological changes, special handling and preventive measures are essential.

To understand the implications of child involvement in criminal

⁹ Muhammad Yunus, Ina Helianny and Edy Supriyanto., *Perlindungan Hukum Bagi Anak Berhadapan Dengan Hukum Terhadap Tindak Pidana Narkotika Anak Sebagai Perantara Peredaran Narkotika (Studi Kasus Putusan Pengadilan Negeri Jakarta Utara Nomor 10/Pid. Sus. Anak/2022)*, *Yure Humano*, Vol.7, no. 1, 2023, page. 59-76.

¹⁰ Thesar Yudi Prasetya, and Didik Endro Purwoleksono., *Reformulation of Age Limit for Criminal Liability Child Narcotics Dealer*, *Yuridika*, Vol.38, no. 2, 2023. Aayushi Goel and Aqueeda Khan., *Role of juvenile system in India*, *BILD law journal*, Vol.7, no. 1, 2022, page. 298-303. Nikmah Rosidah, and Heni Siswanto., *Strategies for Committing Narcotics Abuse by Children Through Community Policing*, *Journal of Law and Sustainable Development*, Vol.11, no. 3, 2023, page. 487-487.

activities, the Child Responsibility Theory becomes crucial. Child Responsibility Theory explores how children understand and assume responsibility within various contexts, particularly in the home and society, including in criminal activities. In legal and ethical considerations, the youth justice system demands responsibility from both children and parents, often through mechanisms like parenting orders and fines.¹¹ This theory highlights that child development is a continuous process of learning and growth, acknowledging that children possess varying levels of physical, emotional, and cognitive maturity. This awareness underscores that children may not be fully responsible for their actions in the same way that adults are. Furthermore, perspectives on child responsibility can differ significantly across cultures and societies, influenced by local customs, religious beliefs, and cultural values. The Child Responsibility Theory asserts that children have inherent limitations in decision-making, and their responsibilities should be understood within the context of their developmental stage.

The Juvenile Justice System is designed to address the unique circumstances of children in conflict with the law. Defined by Article 1 (1) of Law Number 11 of 2012, this system encompasses the entire process of resolving juvenile cases, from the initial investigation to guidance after serving a sentence. This law replaced the earlier Law Number 3 of 1997 concerning the Juvenile Court, which did not adequately protect the interests of child offenders, witnesses, or victims. While the Child Protection Law focuses primarily on protecting children as victims, it often fails to differentiate adequately between child perpetrators and adult offenders. As such, the Juvenile Justice System prioritizes diversion and rehabilitation to serve the best interests of children and promote their welfare, ensuring that the legal framework acknowledges their potential for growth and change.

2. Criminal Liability for Children as Intermediaries in Narcotic Trade

The main legal basis governing the criminal liability of children in Indonesia is Law No. 11 of 2012 concerning the juvenile criminal justice system. This law is specifically designed to handle criminal cases involving children with a different approach from the general criminal justice system. The juvenile criminal justice system law prioritizes the principles of child protection, rehabilitation, and avoidance of retributive punishment. In this law, the juvenile justice process must pay attention to the best interests of the child, and all forms of action against children must be based on their protection and welfare.¹²

In addition to national law, the legal basis for criminal responsibility

¹¹ Elizabeth Such and Robert Walker., Being responsible and responsible beings: Children's understanding of responsibility, *Children & society*, Vol.18, no. 3, 2004, page. 231-242. Håvard Bjerke., Children as 'differently equal' responsible beings: Norwegian children's views of responsibility, *Childhood*, Vol.18, no. 1, 2011, page. 67-80. Kathryn Hollingsworth., Responsibility and rights: Children and their parents in the youth justice system, *International Journal of Law, Policy and the Family*, Vol.21, no. 2, 2007, page. 190-219.

¹² Nawawi Arief Barda., *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*, Jakarta, Kencana, 2010.

of children also refers to various international legal instruments that have been ratified by Indonesia. One important instrument is the Convention on the Rights of the Child adopted by the UN in 1989 and ratified by Indonesia through Presidential Decree No. 36 of 1990. This convention regulates the basic rights of children, including the right to receive fair legal protection and humane treatment. The principles of the Convention on the Rights of the Child, such as non-discrimination, the best interests of the child, the right to life and development, and respect for the views of children, are important references in the juvenile criminal justice system in Indonesia. Children's human rights are part of human rights that receive protection and legal guarantees, both international law and national law.¹³

Children involved in criminal activity often experience psychological trauma due to arrest, detention, and the trial process. This trauma can lead to anxiety disorders, depression, and other behavioral problems. Children may feel afraid, ashamed, and worthless, which can affect their mental health in the long term.¹⁴ Based on Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, every child involved in a criminal case, including as a drug intermediary, must be processed in a manner that takes into account their best interests. These protection measures include legal assistance, psychological assistance, and non-traumatic treatment. For example, children caught in a drug case will be placed in a detention room separate from adults and receive treatment that is appropriate to their age and needs.

Criminal sanctions that can be imposed on children include fostering in a special child development institution, social work, skills training, and rehabilitation. Fostering in special child development institution is a form of sanction in which children are placed in a special institution that provides education, training, and rehabilitation programs. Sanctions against children involved as intermediaries in the sale and purchase of narcotics must also pay attention to the principles of child protection and restorative justice. Based on the theory of child protection, sanctions must focus on the best interests of the child and prioritize a rehabilitative approach. This can include drug rehabilitation programs, counseling services, and intensive supervision to help children recover and return to society properly, and avoid severe criminal sanctions that can damage the child's future.¹⁵

In addition to coaching, community service is an alternative sanction that can be imposed on children. Community service involves activities that are beneficial to the community and are designed to help children understand the impact of their actions and make positive contributions to the community. Children who undergo community service will be supervised by authorities to ensure that they carry out their duties

¹³ Ina Helianny., *Perlindungan Hukum Terhadap Anak Yang Berkonflik Dengan Hukum*, Jakarta, Kencana, 2022.

¹⁴ Ina Helianny, and Edy Santoso., *Kajian Model Pembinaan Narapidana Kasus Narkotika di Lembaga Pemasyarakatan*, Jakarta, Kencana, 2021.

¹⁵ Ina Helianny., Peran Hakim Dalam Penjatuhan Pidana Badan Terhadap Anak yang Berkonflik Dengan Hukum, *Sol Justisio*, Vol.1, no. 1, 2019, Page. 42-49.

properly and gain constructive experience. This form of community service also serves as a means to educate children about social responsibility and the importance of participating in positive activities. Moreover, community policing focuses on non-penal efforts to combat narcotics abuse by children. This involves changing the legal culture, increasing public legal awareness, and involving all community components in preventive measures. The strategy includes development, monitoring, supervision, and law enforcement activities that are pre-emptive, preventive, and repressive in a humane manner.¹⁶

Rehabilitation is a very important sanction for children involved in drug cases. Rehabilitation can be medical and social rehabilitation, depending on the child's needs. Medical rehabilitation focuses on the child's physical and psychological recovery from drug addiction, using appropriate therapy methods. Meanwhile, social rehabilitation aims to restore the child's social function, help them develop healthy social skills, and prepare them for reintegration into their families and communities. These rehabilitation programs usually involve support from medical personnel, psychologists, and social workers.¹⁷

In addition to the above sanctions, other measures that may be taken include ordering children to attend counseling or therapy programs, either individually or in groups. Counseling aims to help children understand the reasons behind their behavior and develop strategies to avoid situations that may lead them to engage in criminal activity in the future. Counseling also provides emotional and psychological support that is essential for a child's recovery. In some cases, the court may also order an active role from parents or guardians in these counseling programs, to ensure that the child receives the necessary support from his or her immediate environment.¹⁸

Restorative justice theory emphasizes the restoration of all parties affected by the crime, be it the victim, the perpetrator, or the community. In this context, sanctions can involve mediation and reconciliation between the child, the family, and the affected parties to find a solution that restores all parties. In addition, children can be given social work tasks that benefit the community, which also serve as learning and social responsibility for

¹⁶ Nikmah Rosidah, and Heni Siswanto., Strategies for Committing Narcotics Abuse by Children Through Community Policing, *Journal of Law and Sustainable Development*, Vol.11, no. 3, 2023, page. e487-e487. Andrew J. Lewis, Natalie-Mai Holmes, Brittany Watkins, and Donna Mathers., Children impacted by parental substance abuse: An evaluation of the supporting kids and their environment program, *Journal of child and family studies*, Vol.24, 2015, Page. 2398-2406.

¹⁷ Mohsen Roshanpajouh, Roksana Mirkazemi, Mahdieh Maleki Moghaddam, Mohammad Saravani, Maasoumeh Rahat Dahmardeh, Hassan Asadi, and Majid Rezazadeh., Children addiction treatment and rehabilitation residential centers in Iran: report of a pilot study, *Journal of Substance Use*, Vol.25, no. 2, 2020, page. 201-204. Farnaz Jelodarzadeh, Mehran Hakimzadeh, and Farkhodeh Jamshidi., Epidemiologic study of children hospitalized with addictive substance intoxication, *Pediatrics Polska-Polish Journal of Paediatrics*, Vol.96, no. 2, 2021, page. 89-93.

¹⁸ Riza Sarasvita, Haryanto Haryanto, Siti Isfandari, Raharni Raharni, Yoseph Jody, Debby Hernawati, Anzany Tania Dwi Putri Baringbing, Fitri Isnaini, and Linda Octarina., Thematic group activities: accommodating the individual needs of clients undergoing therapeutic community approach in Indonesia, *Therapeutic Communities: The International Journal of Therapeutic Communities*, Vol.44, no. 2, 2023, page. 49-58.

the child. In addition, the theory of juvenile crime combines elements of child protection and basic principles of criminal law, which suggests a special approach in the juvenile justice system. This approach includes diversification, namely directing cases from the criminal justice path to out-of-court settlements that are more educational and preventive. Thus, the legal process does not only focus on punishment, but also on fostering and educating children so that they do not repeat the same mistakes in the future. In this case, if handling through mediation and social work is deemed inadequate, the child can be placed in a special foster institution designed for the rehabilitation and self-development of the child. In this institution, the child will receive the education, skills, and guidance needed to return to society as a responsible individual. This approach not only protects the child, but also provides a second chance for the child to improve themselves and live a better life.

3. Law No. 11 of 2012 regarding Juvenile Justice for children as narcotics intermediaries

The effectiveness of the implementation of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System is highly dependent on how the various provisions therein are implemented by law enforcement officers, related institutions, and the community. One indicator of the effectiveness of this law is the implementation of the diversion mechanism, which aims to resolve children's cases outside the courts in order to avoid the stigma and negative impacts of the formal justice process. In many cases, diversion has succeeded in reducing the number of children who have to go through the court process and serve prison sentences. Diversion allows children to be responsible for their actions through a mediation process involving victims, families, and related parties, resulting in a more humane and restorative solution.¹⁹

The imposition of educational and rehabilitative sanctions is also an important part of the juvenile criminal justice system law, but its effectiveness is often hampered by limited resources and infrastructure. Special Child Development Institutions and rehabilitation centers often lack adequate facilities, expertise, and programs to effectively carry out child development and rehabilitation. As a result, many children do not receive the development they need to return to society as better individuals. Other obstacles include the lack of coordination between government and non-government agencies in providing rehabilitation and reintegration services for children.

Implementation of Law on children to improve the effectiveness of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, various coordinated and sustainable efforts are needed from various

¹⁹ Lafri Prasetyono., The Problem of Diversion in Children Perpetrators of Traffic Violations in Indonesia, *Jambura Law Review*, Vol.4, no. 1, 2022, page. 38-51. Wikan Sinatrio Aji., The Implementation of Diversion and Restorative Justice in the Juvenile Criminal Justice System in Indonesi, *Journal of Indonesian Legal Studies*, Vol.4, no. 1, 2019, page. 73-88. I. Wayan Putu Sucana Aryana., The Reformulation of Restitution Concept of Juvenile Cases (A Comparative Study with Philippines and Thailand., *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, Vol.7, no. 1, 2020, page. 400-420.

parties, including the government, law enforcement officers, community institutions, and communities. One of the main steps is to improve the capacity and understanding of law enforcement officers regarding the principles of child protection and the restorative approach. Comprehensive training and education must be provided to police, prosecutors, judges, and officers of foster institutions to ensure that they have the skills needed to handle child cases sensitively and in accordance with the provisions of the juvenile criminal justice system law. In addition, strengthening training modules on diversion and restorative justice is essential to ensure consistent implementation at all levels of the judiciary.

Increasing the effectiveness of the juvenile criminal justice system law also requires active participation from the community and non-governmental organizations. The community needs to be educated about the importance of restorative and rehabilitative approaches, and how they can contribute to supporting children in conflict with the law. Socialization programs and public campaigns can help change the negative stigma against children involved in criminal acts and encourage better social acceptance. Non-governmental organizations can also play a role in providing assistance, mediation, and psychosocial support services for children and their families during and after the court process.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System regulates the implementation of educational and rehabilitative measures as part of efforts to handle children in conflict with the law. This implementation is based on the principle that children who commit crimes must be treated differently from adults, with a focus on rehabilitation and education to prevent repeat crimes.²⁰ The juvenile criminal justice system law emphasizes the importance of diversifying the approach to punishment, with an emphasis on the recovery and reintegration of children into society.

Rehabilitative measures focus on restoring the psychological and social conditions of children, helping them overcome problems that may underlie their criminal behavior. Article 83 of the juvenile criminal justice system law stipulates that children who are undergoing criminal sanctions must receive rehabilitation services that include psychological counseling, behavioral therapy, and social support.²¹ The Special Child Development Institution must provide facilities and experts who can provide these rehabilitation services. The rehabilitation program aims to help children develop positive attitudes and behaviors, strengthen their relationships with their families, and prepare them for reintegration into society.

Criminal liability for children involved as intermediaries in drug trafficking must be based on the principles of child protection and restorative justice. This approach emphasizes the rehabilitation and recovery of children, avoiding severe criminal sanctions that can damage

²⁰ Rahmawati., *Efektivitas Implementasi Undang-Undang Perlindungan Anak dalam Kasus Penyalahgunaan Narkotika*, Tesis, Universitas Gadjah Mada, 2019.

²¹ Ari Wibowo and Yana Kusnadi Srijadi., Politik Hukum Perlindungan Anak di Indonesia Dalam Kerangka Negara Hukum, *Wacana Paramarta: Jurnal Ilmu Hukum*, Vol.22, no. 1, 2023, page. 15-24.

their future. Rehabilitation programs, counseling services, and useful social work are some forms of sanctions that can be applied to ensure that children receive appropriate guidance and are able to return to society properly. In addition, the theory of child criminal law emphasizes the importance of resolving cases outside the criminal justice system through diversified mechanisms, such as mediation and reconciliation. This allows children to learn from their mistakes and improve themselves without having to go through a legal process that can leave a negative stigma. Therefore, this approach not only protects children but also contributes to efforts to prevent future crimes, creating a balance between individual recovery and community security.

There needs to be an improvement in the implementation of diversion and rehabilitation programs regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. The government and related institutions must ensure that every child involved as an intermediary in the sale and purchase of narcotics actually gets access to these programs. In addition, better synergy is needed between various agencies, including the police, prosecutors, courts, and child protection institutions, to ensure that the handling of cases of children as drug intermediaries is in accordance with the principles of restorative justice mandated by Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. Ongoing education and training for law enforcement officers on child-friendly and child-rights-based approaches are essential to reduce practices that are detrimental to children during the judicial process. Socialization regarding children's rights and judicial procedures regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System also needs to be improved so that the community and families understand the importance of protecting and supporting children in conflict with the law, as well as encouraging their active role in the process of rehabilitation and social reintegration of children.

D. CONCLUSION

Law No. 11 of 2012 concerning the Juvenile Criminal Justice System places a primary focus on protecting children's rights and a restorative approach in handling children in conflict with the law. In the case of children who act as intermediaries for drug trafficking, this law prioritizes diversion, rehabilitation, and social reintegration efforts rather than imposing heavy criminal sentences. In addition, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System also emphasizes the importance of a fair and proportional justice approach according to the age, maturity level, and individual conditions of the child. In handling children involved as drug intermediaries, this law ensures that the judicial process takes into account the best interests of the child, including fulfilling the child's rights to receive legal assistance, protection from exploitation, and access to education and rehabilitation. Thus, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System seeks to create a justice system that not only enforces the law, but also protects and restores children as a valuable part of society.

In dealing with criminal liability for children involved as intermediaries

in drug trafficking, it is recommended to prioritize a rehabilitative approach rather than a punitive one. Rehabilitation programs, counseling services, and education specifically designed for children can help them recover and avoid repeating criminal acts in the future. The use of diversion mechanisms that allow for out-of-court settlements, such as mediation and social work, should be expanded to ensure that the legal process does not leave long-term negative impacts on children. In addition, strong support from families, schools, and communities is needed to ensure the success of children's rehabilitation and reintegration. The government and related institutions must work together to provide adequate resources and facilities for these rehabilitation programs.

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