

Role and Responsibilities of the Police in Investigating Narcotics Crimes Committed by Children

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Abstract. *The purpose of this research is to know and analyze the role and responsibilities of the police in investigating narcotics crimes committed by children. To identify and analyze the obstacles faced by police investigators in handling narcotics crimes committed by children and their solutions. The method used by the researcher is normative legal approach. The specifications in this study include analytical descriptive. The sources and types of data in this study are secondary data obtained from literature studies. The data is analyzed qualitatively. Based on the results of the research that the Role and Responsibility of the Police in Investigating Narcotics Crimes Committed by Children is carried out based on statutory provisions, to eradicate social ills, namely narcotics problems. The role of the police is a unity in carrying out the role of maintaining public security and order, enforcing the law, and providing protection, care and service responsibilities to the community in order to maintain security. Obstacles that occur in external factors are the developing modus operandi of the perpetrators, using social media and fear and indifference of the community. Other factors that are obstacles are the means and facilities in law enforcement that are less supportive and complete. The absence of community involvement in the eradication of drugs, the materialistic culture of certain members, and the transition to western culture that is not in harmony with the nation's culture are these factors. The quality and inadequate quality of the tools for urine testing for children who use narcotics. The solution is pre-emptive efforts (guidance), preventive efforts (prevention), repressive efforts (action), rehabilitation efforts.*

Keywords: *Police; Role; Responsibility.*

1. Introduction

Indonesia is a country based on law, namely a country in which there are various aspects of regulations that are mandatory and have strict sanctions if violated. All aspects of life in the territory of the Unitary State of the Republic of Indonesia (NKRI) are all regulated and must be based on applicable laws and statutory products in order to ensure the creation of justice and prosperity for all Indonesian people. Here law enforcers are required to resolve problems so that the objectives of the law consisting of legal certainty, justice and benefits can be achieved. Not only criminal acts committed by adults, but also those committed by teenagers, especially minors.

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 Criminal Procedure Law) which are currently in effect. This is because the basic rules of the Criminal 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 articles in both laws and regulations do not replace / revise the entire Criminal Code or Criminal Procedure Code.¹

Criminal law in Indonesia is divided into two parts, namely criminal law in the Criminal Code (KUHP) and Criminal Law outside the KUHP or commonly known as Special Criminal Law. Usually criminal law known in the KUHP is called criminal law only, while that which is spread outside the KUHP is called Special Criminal Law.²One of the criminal laws outside the Criminal Code or special criminal law is Narcotics Crimes.

Children are a mandate and gift from God Almighty, in whom inherent dignity and honor as a whole human being who is also a shoot, potential, and young generation who continues the ideals of the nation's struggle, has a strategic role and has special characteristics and traits that guarantee the continued existence of the nation and state in the future. Children are the future generation candidates who will replace the older generation in continuing the wheels of the nation's life. They are the ones who determine the welfare of the nation in the future.³Therefore, children and the younger generation need to be guided well so that they do not go down the wrong path in socializing and are able to prepare for their future lives.

¹Moch. 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, March 2020 ISSN : 2614-560X State Court, Unissula

²Rodliyah and Salim HS, 2017, Special Criminal Law and Elements of Criminal Sanctions, Raja Grafindo Persada, Depok, p. 1

³Gatot Supramono, 2007, Juvenile Court Procedure, Djambatan, Jakarta, p.1

In everyday social interactions, relationships occur between one person and another which can result in events or incidents that can move legal regulations.⁴One form of such incident among children today is drug abuse, this is supported by advances in the field of information technology which is increasingly rapid, so this will have a direct or indirect effect on the development of the level of drug circulation among children.

Determination of drug abuse as a crime begins with the placement of drug and psychotropic drug abuse as a crime in the law, which is commonly referred to as criminalization. The crime of drug abuse is criminalized through legal instruments that regulate narcotics, namely Law Number 35 of 2009 concerning the Crime of Drug Abuse. This law explicitly requires several acts that can be categorized as a crime of drug abuse. Several articles in the law on narcotics that are criminalized are used as legal provisions regarding prohibited acts and accompanied by criminal threats for anyone who violates the prohibition.⁵

Narcotics are very necessary for medical treatment and health services, but if misused or used not in accordance with medical standards, especially if accompanied by illegal drug trafficking, it will cause very detrimental effects on individuals or society, especially the younger generation such as children. Therefore, the problem of drug abuse must be addressed considering the negative impacts that will be caused not only for users but also have a negative impact on families, society, nation and state.

Based on the problems above, the objectives of this research are as follows: To find out and analyze the role and responsibilities of the police in investigating narcotics crimes committed by children. to identify and analyze the obstacles faced by police investigators in handling narcotics crimes committed by children and their solutions.

2. Research methods

The method used by the researcher is normative legal approach. The specifications in this study include analytical descriptive. The sources and types of data in this study are secondary data obtained from literature studies. The data is analyzed qualitatively..

3. Results and Discussion

3.1. Role and Responsibilities of the Police in Investigating Narcotics Crimes Committed by Children

A child is essentially a gift from God Almighty, in which there is a valuable dignity and worth as a human being and also as an adult. Children are physically and psychologically different from adults. Although they have minds to think,

⁴Chainur Arrasjid, 2000, Basics of legal science, Sinar Grafika, Jakarta, p. 134

⁵Hera Saputra, Munsyarif Abdul Chalim, 2018, Implementation of the Criminal System Against Perpetrators of Drug Abuse Crimes (Case Study at the Central Java Regional Police) Jurnal Daulat Hukum Vol. 1. No. 1 Unissula

children's reasoning power is generally more unstable than adults. Children rarely think about the negative impacts of doing something. In general, it is easy for children to be influenced by life in their surroundings. Without realizing it, children easily enter a bad environment. In a bad environment, children can follow the behavior of the people in the environment and eventually fall into crime or criminal acts.⁶

Drug abuse in Indonesia has reached a very worrying level, facts on the ground show that starting from children, teenagers, adults, officials, state apparatus, law enforcers, and others, criminal news is published in the mass media, both print and electronic media about drug abuse. The victims are widespread in all levels of society, from students, artists, housewives, traders, public transportation drivers, street children, officials and so on. Drugs can easily be mixed by yourself which is difficult to detect, even illegal drug factories have been found in Indonesia.

Law enforcement is expected to be able to act as a deterrent against the spread of narcotics or narcotics trafficking, but in reality, the more intensive law enforcement is carried out, the more the circulation of narcotics trafficking increases.

Narcotics or narcotics crimes based on Law Number 35 of 2009 concerning narcotics, provide quite severe criminal sanctions, in addition to being subject to corporal punishment and also being subject to a fine, but in reality the perpetrators of criminal sanctions do not have an impact or deterrent effect on the perpetrators.

Law enforcers must have broad insight into various fields of legal science and have academic intelligence. To anticipate various legal problems that occur today. This is very important for law enforcers to do, because there is no science that is developing at this time that is not related to legal science.

Henderson's opinion is that "a law enforcer who does not master knowledge of economics, law, and sociology will tend to become an enemy of society." Therefore, it is very wrong if someone says that if you graduate with a law degree, you have enough capital to become a professional in the legal field.⁷

In addition, they must follow non-formal education, because in that way it is expected that the professionalism of law enforcement can be improved. According to Magnis Suseno, what is meant by professional is work that is done as a main thing to earn a living and multiply a special diversion".⁸Meanwhile, according to the Supreme Court of the Republic of Indonesia, professionalism is a

⁶ Wahyu Ismail, Jawade Hafidz and Denny Suwondo, 2022, The Process of Investigation on Child Criminal Theft Committed Under Diversion, *Law Development Journal* Volume 4 Issue 2. p. 273 <http://jurnal.unissula.ac.id/index.php/ldj/article/download/21419/7126>

⁷ Achmad Ali, 1998, Exploring Empirical Studies on Law, Yasri Watanpone, Jakarta. p. 152

⁸ Frans Magnis Suseno, 1991, Political Ethics: Basic Moral Principles of Modern State, Gramedia, Jakarta, p. 21

requirement needed to hold a certain job and those who carry it out require knowledge, skills, insight and attitudes that support it so that the work of the profession can be carried out properly according to plan. Thus it can be understood that professionalism is a personal quality that must be possessed by someone in carrying out a certain job in carrying out the work assigned to him.

The police in carrying out their duties can be distinguished between preventive and repressive duties. Preventive duties require the presence and existence of the police in the midst of community life, intended as a preventive effort. The presence and existence of the police are considered to contain a preventive effect that has the power to prevent members of society from committing criminal acts. Repressive duties are carried out by conducting investigations into crimes and violations according to the provisions of the Criminal Code and Special Criminal Acts regulated outside the Criminal Code.⁹

The role of the police in policing is identified as a living legal role, because through their actions, the purpose of the law is to protect and create a safe environment for the community. Philosophical legal questions can be asked of the police, but because of the nature of their work, there are many situations in which the police must interact with the community, with the risk of being the center of attention in their service. In the context of police duties such as arrests, summonses, searches, and others, general provisions that give authority to government officials, including the freedom of the police to act in accordance with administrative discretion, are referred to as "administrative discretion" or "au pouvoir discretionnaire." However, in carrying out their actions, the police are obliged to respect human rights.¹⁰

The Role and Responsibilities of the Police in Investigating Narcotics Crimes Committed by Children are carried out based on statutory provisions, to eradicate social ills, namely narcotics problems. The role of the police is a unity in carrying out the role of maintaining public security and order, enforcing the law, and providing protection, care and service responsibilities to the community in order to maintain security. In the Criminal Procedure Code Number 8 of 1981 concerning Criminal Procedure Law, it has been regulated in the implementation of legal arrangements, which regulate the role of investigators in narcotics crimes committed by children starting from investigators, the summons process, arrests, searches, confiscations, examinations, massacres, and releases, detainees and investigator supervisors.

⁹ M. Yahya Harahap, 2002, Discussion of Problems and Application of Criminal Procedure Code; Investigation and Prosecution, Sinar Grafika, Jakarta, p. 90

¹⁰ Hairi, PJ 2012. Principles and Standards of Human Rights in Securing Demonstrations. Rule of Law: Building Law for Justice and Welfare, 3(1), 115–132

3.2. Obstacles for Police Investigators in Handling Narcotics Crimes Committed by Children and Their Solutions.

Children are a national asset because as part of the young generation, children will play a very strategic role as successors (determinants of success) of a nation. In addition, children are also the successors of the ideals of the nation's struggle. This strategic role has been recognized by the international community to give birth to a convention that essentially emphasizes the position of children as human beings who must receive protection for the rights they have.

The presence of various legal instruments in handling children in conflict with the law in Indonesia such as Law Number 3 of 1997 concerning Juvenile Courts and Law Number 23 of 2002 concerning Child Protection, does not seem to be enough to bring significant changes to the fate of children in conflict with the law. Likewise, legal officers starting from the Police, Prosecutors, Judges and Correctional Institutions have not provided maximum protection for children who are perpetrators of criminal acts (children in conflict with the law).

Seeing the dynamics of the law in Law Number 5 of 1997 concerning Psychotropics with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, this has become a separate problem for law enforcers in determining the steps to handle psychotropic crimes committed by the child. So that violations of criminal acts of distribution or abuse of psychotropics committed by this child will be able to put the country in a very serious problem.¹¹

It is often heard that children who commit crimes are treated badly, even in some cases have been treated worse when compared to adults in the same situation. The majority of these children admitted to having experienced violence while at the police station. The most common forms of violence are physical violence in the form of slaps and kicks, but there are also cases of violence that are also sexual harassment such as violence directed at the genitals or child suspects being stripped naked. In addition to violence committed in the context of compiling the Investigation Report (BAP), where violence is part of an effort to obtain a confession, another form of violence that occurs is the confiscation of money owned by the child.

One of the crimes that is currently of concern to the Indonesian people is narcotics crime. This narcotics crime is in the form of abuse and distribution of narcotics. This is because the dangers of narcotics are considered by some parties to be a serious problem. Moreover, in Indonesia, the dangers of narcotics are no longer ordinary dangers, but are an extraordinary disaster for the nation's children. Narcotics do not just destroy or kill a group of people, they can even destroy a generation of the Indonesian nation.

¹¹ Rendy Surya Aditama, Umar Ma'ruf, Munsharif Abdul Chalim, 2018, Criminal Law Policy Against Children as Perpetrators of Psychotropic Crimes at the Magelang Police Resort, Jurnal Daulat Hukum, Vol. 1. No. 1, p. 119, <http://jurnal.unissula.ac.id/index.php/RH/article/view/2625/1974>

Currently, drug crimes are not only committed by adults, but children are also involved in these crimes. The definition of children in question is those aged between 8 and 18 years.

Law enforcement officers in this case the police are formal institutions that children who commit crimes first go through when they come into contact with the criminal justice system, where with the authority of the police they can be determined whether they are released or processed further. The police are also the spearhead of the law enforcement process, which in essence means that the role of the police is very important in the law enforcement process. The police are also the first law enforcement officers who must act when a violation of the law occurs by implementing various laws and regulations regarding events that occur in society. Thus, the police are not only required to enforce the law but also to uphold justice, which in essence does not mean implementing the law positively or in black and white, but rather how positive law does not violate the sense of justice in society. Therefore, in carrying out their duties, especially in handling cases of narcotics crimes by children, the police must act appropriately so that the crimes committed by children do not occur repeatedly.

Obstacles faced by police investigators in handling narcotics crimes committed by children are

1. Facilities and Infrastructure

Inadequate and incomplete law enforcement facilities and infrastructure. Rapid technological developments are also utilized by drug abuse syndicates through communication facilities such as mobile phones that facilitate communication between drug dealers and buyers so that long meetings between drug dealers and buyers are not required. Before making a transaction, drug dealers and buyers contact each other via smartphone to determine the time and location of the transaction. Unfortunately, sophisticated facilities and infrastructure in dismantling the operations of the perpetrators do not allow for the illicit trafficking of narcotics using modern technology.

2. Society and Environment

Community participation and control in several areas in Indramayu Regency are still very low due to a lack of concern for their own environment even though drug abuse is clearly visible. This is because there is an assumption that the police will wash their hands of it and not provide security protection for the reporter. In addition, there is a fear that witnesses will be used as a threat by drug dealers in the future.

3. you and Quality

The poor quality of some police officers who are tasked with carrying out special operations against drug abusers is one of the obstacles in eradicating drug abuse. The operation in question is a urine test on people suspected of using drugs during a drug raid.

In the process of arrestThe suspect does not have a permit from the relevant authorized agency to offer for sale, sell, buy, receive and act as an intermediary in the sale and purchase of Class I narcotics, namely marijuana.

The solution to overcome obstacles faced by police investigators in handling narcotics crimes committed by children is

1. pre-emptive efforts (coaching) are coaching programs aimed at people who have not used narcotics, or have not even known narcotics. The term preemptive is as community coaching or indirect prevention, namely coaching that aims to make people become law abiding citizens, meaning people who obey the law.
2. Preventive efforts (prevention) which means eliminating or closing the opportunity to commit crimes, these efforts are strategic efforts and are medium and long term action plans, but must be seen as urgent actions to be implemented immediately.
3. Repressive efforts (action) are efforts made to eradicate the abuse of various types of narcotics, especially narcotics, by holding repressive programs which are stages of action against people who have abused narcotics.
4. Rehabilitation efforts include rehabilitating children who are addicted to using narcotics.

4. Conclusion

Based on the results of the research and discussion above, it can be concluded that the following things are the Role and Responsibilities of the Police in Investigating Narcotics Crimes Committed by Children are carried out based on statutory provisions, to eradicate social diseases, namely narcotics problems. The role of the police is a unity in carrying out the role of maintaining public security and order, enforcing the law, and providing responsibility for protection, protection and service to the community in order to maintain security. Obstacles that occur in external factors are the developing modus operandi of the perpetrators, using social media and fear and indifference of the community. Other factors that are obstacles are the means and facilities in law enforcement that are less supportive and complete. The absence of community involvement in the eradication of drugs, the materialistic culture of certain members, and the transition to western culture that is not in harmony with the nation's culture are these factors..The quality and inadequate quality of the tools for urine testing for children who use narcotics. The solution ispre-emptive efforts (guidance), preventive efforts (prevention), repressive efforts (action), rehabilitation efforts.

Based on the conclusions from the research results above, there are several things that can be input, including the need for cooperation from all elements of society to assist the police in carrying out their role related to securing the community, which in this case is specifically dealing with the use of narcotics by children.

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