

Prevention of the Crime of Using Narcotics by Children as a Form of Opened System

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Abstract: This study aimed to find a model for the prevention of the use of narcotics by children as a form of the opened system. This needs to be done because seeing the number of users and dealers carried out by children. It is very concerned if children continuously carry out these actions. The research method used is a type of normative juridical research with a statute and conceptual approach. The technique of collecting data is through a library study by tracing secondary data. This study found that there are still many legal problems experienced by children, including criminal cases of narcotics use by children in Kuningan Regency and Padang City. This behavior requires prevention that does not harm the child's future. This prevention can be implemented through the criminal justice system as an open system, where the settlement requires community involvement. Its implementation will consider the existing layers, including; society, political economy, education, technology, and the criminal justice system's subsystems.

Keywords: Prevention, Crime, Narcotics, Children, Opened System.

INTRODUCTION

Indonesia is one of the developing countries, where Indonesia is currently entering the era of globalization. An era where there is a merger or unification between countries where there is an exchange of world views, thoughts, knowledge, products, and various other cultural aspects. However, behind the progress that has been made in this era of globalization, many negative things have also been obtained. One of the factors for the negative impact in this era of globalization is the abuse of narcotics, making it very easy for narcotics to enter various regions in Indonesia and various social strata of society.

Soedjono Dirdjosisworo (1990) stated that narcotics, or what is termed a drug, is a substance that has unique characteristics. Narcotics is defined as a kind of substance with specific characteristics for people who use it by entering the body. The effect is the emergence of delusions, stimulation of enthusiasm, hallucinations, and anesthesia to relieve pain.

At this time, narcotics have penetrated every circle. Even the abuse of narcotics committed by children has often occurred to reach a level that is unsettling to the community. Based on data from the National Narcotics Agency (BNN), narcotics abuse cases among teenagers are increasing. Where there is an increase

of 24 to 28 percent of adolescents who use narcotics. The number of drug abuse among students in 2018 (from 13 provincial capitals in Indonesia) reached 2.29 million people. One group of people prone to be exposed to drug abuse is those in the 15-35 age range or millennial generation.

The abuse of narcotics by children is currently a concern of many people and continues to be discussed and published. The problem of narcotics abuse has become a concern of various groups. Almost all elements remind the people of Indonesia always to protect and pay attention to their children's behavior towards the rampant trafficking of narcotics, which can damage the future of children. The problem of narcotics abuse in Indonesia is currently being felt in an alarming situation. As an archipelagic country with a strategic location, both from an economic, social and political perspective in the international world, Indonesia has participated in tackling drug abuse crimes, namely bypassing Law Number 35 of 2009 concerning Narcotics (Mardani, 2009).

The involvement of children in narcotics crimes who become users and dealers is a conspiracy series to carry out the circulation of narcotics illegally. However, in the capacity of the category of children who are users/dealers, this is a matter of great concern where the child has faced the law and is classified as has committed a narcotics crime.

However, the ability of children who are still limited and not as perfect as adults must be considered by law

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enforcement officials in implementing punishment for child narcotics offenders, the issuance of Law Number 11 of 2012 concerning the Criminal Justice System for Children as a substitute for Law Number 3 the Year 1997 on Juvenile Court will provide the application of punishment that is more fostering and protects against children of perpetrators of crime. Therefore, children's protection is essential, considering that children are the nation's next generation. For this reason, legislation is needed that protects children from various criminal acts, namely Law Number 35 of 2014 concerning Amendments to Law Number. 23 of 2002 concerning Child Protection. The purpose of this law itself is to protect children's rights from all kinds of criminal acts (Hidayat & Anam, 2018).

Even various legal instruments, both national and international, indicate that the prevention of narcotics abuse by children through the use of criminal law must be avoided if it sacrifices the child's interests. Law enforcement against children becomes meaningless if it turns out that the negative impact it causes is more significant and more dangerous. This affirmation is necessary, considering that overcoming narcotics abuse by children through criminal law has the potential for children's suffering, both physically and mentally. Therefore it is necessary to think about alternative policies. According to the United Nations standard minimum rules for administering juvenile justice (Beijing rules), against child crimes perpetrators as far as possible must be avoided from the court process (Hapsari & Soponyono, 2016).

Based on the explanation above, it is necessary to take a countermeasure by law enforcers and the community so that children do not commit narcotics crimes. The prevention of these crimes is carried out by using the juvenile justice system as the opened system, where the objectives are influenced by the community environment and areas of human life, which involve other sub-systems.

Several studies have examined similar titles, including; First, a study entitled child protection in particular guidance institutions for children in the perspective of the individual child development model explains that one of the treatments in The Juvenile Correction is care based on children. Such treatment is called an individual treatment model. Types of individual treatment models are religious and counseling models (Cahyaningtyas, 2016). Second, the research entitled restorative justice in settlement of cases of children who face the law in the juvenile

criminal justice system explains that the model of case resolution outside the judicial process is a method that is expected to be carried out to protect the psychology of a child facing the law in the criminal justice system (Laksana, 2017). Third, this research entitled law enforcement of child criminal acts as perpetrators in the juvenile justice system (a case study at the Tegal Resosr Police) explains that the Tegal Police seeks to overcome obstacles that occur both external and internal with various solutions aimed at smoothing a balanced implementation. Between law enforcement and child protection is a reference for success for the Tegal Police in handling cases of children as perpetrators of criminal acts (Purnomo, Gunarto, & *et al.*, 2018).

Moreover, the fourth research entitled juridical analysis of determining the position of the perpetrator's witness as a justice collaborator in the crime of narcotics in the Siantar district court (study decision No.231/Pid.Sus/2015/PN) explains that this case encourages the need for a judicial review of legal considerations in deciding narcotics offenders. As a legal collaborator at Pematang Siantar District Court. It is necessary to study whether the decision stating that narcotics offenders are collaborators of justice is by the objectives of the verdict (Nainggolan, Kalo, & *et al.*, 2017).

LITERATUR REVIEW

1. Definition of the Criminal Justice System

The Criminal Justice System (SPP) comes from the words "system" and "criminal justice." Understanding the "system" can be defined as a series of interrelated elements to achieve specific goals. The judicial system as nearly identical to the law enforcement system because the judicial process is essentially a process of enforcing the law. So, in essence, it is identical with the "judicial power system", because "judicial power" is a "power/authority to enforce the law". If it is focused on the field of criminal law, it can be said that the "Criminal Justice System" (known as SPP or Criminal Justice System / CJS) is essentially a "criminal law enforcement system" (SPHP) (Arief).

The judicial system is seen as integral, as a unit of various sub-systems (components) consisting of the components of "legal substance", "legal structure", and "legal culture". As a law enforcement system, the judicial/law enforcement process is closely related to the three components, namely legal norms or legislation (substantive or normative component), law

enforcement institutions or structures or apparatus (structural or institutional components and procedural mechanisms or administration), and legal cultural values (cultural component).

In Muladi view (1995), the notion of a system must be seen in context, both as a physical system in the sense of a set of elements that work in an integrated manner to achieve a goal and as an abstract system in the sense of ideas which are an orderly arrangement that is interdependent with each other.

2. Models in the Criminal Justice System

Herbert L Parcker in Michael Barama (2016) "The limits of the criminal auction" suggests two models, namely what is called the Crime Control Model (CCM) and the Due process model (DPM). The following is an explanation of the two models: (1) Crime Control Model (CCM), the Crime Control Model (CCM) is based on the statement that criminal behavior should be prosecuted and that the criminal justice process is a positive guarantee for public order. To achieve this very high goal, the CCM states that the primary concern must be efficiency. This efficiency is above all. This efficiency includes speed and accuracy and administrative efficiency in processing criminals. Any work must be done quickly and must be completed immediately. Therefore, the process should not be disturbed by a series of ceremonial ceremonies and have the least possible resistance from other parties because it only hinders the case's completion. Parcker stated that the CCM's doctrine is what is known as the Presumption of Guilt (presumption of guilt) and; (2) Due process model (DPM), this model is a reaction to the CCM, which essentially emphasizes individuals' rights by trying to impose restrictions on the authority of the authorities; in other words, it can be said that the criminal process must be supervised or controlled by human rights and not only emphasize maximum efficiency. Just like in the CCM but case resolution procedures. This limitation on government power reflects the ideology or ideals of DPM, which contains what is called authoritarian values or the meaning of arbitrary ideals.

3. The Criminal Justice System as an Opened System

The criminal justice system as a system is an open system in the sense of a system that, in its efforts to achieve its goals, is influenced by the community environment and areas of human life, resulting in the criminal justice system in its implementation having

contact with the environment at levels: society, political economy, education, and technology, as well as subsystems of the criminal justice system (Dewi & Firganefi, 2013).

Mardjono Reksodipoetra in Heri Tahir (2010) explained that the criminal justice system is: "a system a society to tackle crime is overcoming efforts to control crime so that it falls within the limits of community tolerance. This system is considered successful if most of the reports and complaints of the public who are victims of crimes can be resolved by bringing the perpetrators of crimes to court and found guilty and convicted".

4. Factors Affecting the Operation of the Criminal Justice System

According to Soerjono Soekanto (2010), the factors that influence law enforcement are: (1) the legal factor itself; (2) law enforcement officials, namely the parties who form or implement laws; (3) means or facilities that support law enforcement; (4) society is the environment in which the law applies or is applied and; (5) Culture, namely as a result of work, creativity, and taste based on the human initiative in social life

In the criminal justice system process, at least three essential components interact and influence each other between one component and another. The components in question are law (statutory regulations), law enforcement agencies (law enforcement agencies), and public legal awareness. The three components of law enforcement are inseparable from the legal system's three components: the legal substance, legal structure, and legal culture (Waskito, 2018).

5. Approaches in the Criminal Justice System

In the criminal justice system, there are three forms of approach, namely (Jr, 1982) : (1) normative approach, viewing the four law enforcement officials (police, prosecutors, courts, and correctional institutions) as implementing institutions for the prevailing laws and regulations so that these four officials are an inseparable part of the law enforcement system; (2) administrative approach, viewing the four law enforcement officials as a management organization with a working mechanism, both horizontal and vertical relationships prevail in the organization. The system used is an organizational system and; (3) social approach, given the four law enforcement officials as an inseparable part of a social system so that society as a whole is responsible for the four law

enforcement officers' success or failure in carrying out their duties. The system used is a social system

METHODS

This study using a normative juridical research type. The definition of normative juridical is a type of research that emphasizes more on library research, where the materials used will be obtained from laws, literature, mass media, which are related to writing materials. The data obtained from the literature, the author, will also describe the results of this study. After obtaining the data using juridical normative, the writer describes in words in the research entitled prevention of narcotics use by children as a form of the opened system (Riyanto, 2016).

The analytical method used refers to the law, existing regulations, looking at the existing legal principles and concepts of child crime, explaining the regulation of child criminal acts, and tracing the approaches to children through restorative justice. Normative juridical research is needed because it is necessary to make an inventory of positive law, the discovery of the principles and basic philosophy (dogma or doctrine) of positive law; and in-concreto legal findings that are feasible to be applied to resolve a particular legal case (Noho, 2019).

RESULTS AND DISCUSSION

Legal Issues and Causes of the Crime of Using Narcotics by Children

Various legal problems are experienced by children, one of which is children's involvement in committing narcotics crimes. This involvement creates concern for the community. There are several cases related to children's involvement in narcotics crimes that have been decided by the court, along with the reasons why children commit narcotics crimes.

1. Narcotics Use Crimes by Children in Kuningan Regency

a. Legal Trouble

The public prosecutor deemed the child's act of committing abuse of narcotics class I for himself. During the search on Thursday, May 26, 2016, the police found the child at the scene, and during the search, four clear plastic *shabu-shabu* packages were found under the mat of the coffee shop in front of the OSG (Open Space Gallery).

Based on the child's statement that he has used a type of narcotics *shabu-shabu* 3 (three) times done at home with his biological father. After examining by the Criminalistics Laboratory, it was concluded that the evidence was in the form of 4 (four) plastic clip wraps containing 1 (one) plastic clip containing white crystals with a net weight of 0.1891 grams with the evidence item number 0834/2016 / PF s / d 0837/2016 / PF in the form of white crystals, and it indeed contains Methamphetamine listed in Group I.

Based on the legal facts, the Kuningan District Court judged that the child's actions were proven and conclusively guilty of committing the crime of narcotics abuse class I and sentencing the child to the crime because of that with the punishment of development at the Parmadi Putra social institution (PSSP) Galih Pakuan Parung Bogor during 1 (one) year.

b. The Cause of Committing the Narcotics Crime

That the child's actions were carried out due to the parents' lack of attention, the child's parents have divorced, and the biological father who has been taking care of the child also often uses drugs with his friends and uses drugs in front of his child. Meanwhile, his mother has remarried and lives in Indramayu.

2. The Crime of Using Narcotics by Children in the City of Padang

a. Legal Issues

The public prosecutor considers that the actions of children using Shabu-type Narcotics have violated Law No. 35 of 2009 concerning Narcotics and the Criminal Code in conjunction with RI Law No.11 of 2012 concerning the Criminal Justice System for children, among the primary, subsidiary and more subsidiary demands that what is granted is more subsidized.

In the more subsidiary demands, it was explained that the child and his friend were found by two witnesses entering the toilet, the two witnesses thought they were committing nasty, but after 10 (ten) minutes later, the child's friend came out of the toilet and how long after that the child also came out of the toilet, at that time the witness said to the child and his friend that they had committed a disgraceful act or the homo partner, at that time the child and his friend admitted that they had just finished using the Shabu-type Narcotics together in the toilet.

After hearing this, the two witnesses then examined all the clothes. While examining the clothes belonging

to the child and his friend, evidence was found in the form of 1 (one) Pyrex glass along with a pacifier, 1 (one) Bong from the triple leg Cap solution, 1 (one) Mencis, 1 (one) Needle, 8 (eight) Pipettes, and 1 (one) former Shabu package, then the two witnesses immediately called the East Padang Police, and a few moments later a member of the East Padang Police came to the location the incident, suddenly the child and his friend along with the evidence found were immediately taken to the East Padang Police for further legal proceedings.

The urine examination was then carried out on children with positive results found Metham Phetamine (Shabu) and AMP (Ecstasy) in the children's urine, as stated in the Certificate of Urine Examination Results on behalf of Children No: SKHP / 224 / V / 2015 / RS. Bhayangkara dated May 15, 2015, from the Bhayangkara Padang Hospital signed by dr. Dinda Yusditira.

Acts of Children as regulated and punishable by criminal sanctions in Article 127 paragraph (1) letter an of the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics Jo Article 55 paragraph (1) 1st of the Criminal Code Jo RI Law No.11 of 2012 concerning the Juvenile Criminal Justice System.

Based on the above information, the judges' panel tried to declare the child not legally proven and convincingly guilty of committing a criminal act as indicted by Primair and Subsidaire of the Public Prosecutor, therefore releasing the child from the primary and subsidiary charges. Declare that the above child is legally and convincingly proven guilty of committing the act of "Narcotics Abuse Category I for oneself collectively" as the indictment is more subsidized by the public prosecutor and sentenced the child to imprisonment for 1 (one) month and 15 (fifteen) day.

b. The Cause of Committing the Narcotics Crime

Actions are motivated by association. At first, the children were invited to play billiards at M-Brio. The child's friend told the child that he wanted to consume Shabu-type Narcotics, then the child said that his friend had Shabu-type Narcotics and could be bought from him, then the child immediately contacted him via cell phone, about 5 (five) minutes later came to Bilyar in M-Brio where the child and his friends are located. They were told to follow their friend who had the methamphetamine; about half an hour later, P came and immediately handed over 1 (one) small package of

Shabu-type Narcotics, after which the child and his friend used the Shabu-type Narcotics in the toilet.

Prevention of the Crime of Using Narcotics by Children as a Form of Opened System

The criminal justice system (SPP) as an opened system is an open system that aims to achieve the goal of being influenced by the community environment and areas of human life, which results in the criminal justice system in its implementation having contact with the environment at levels: society, political economy, education, and technology and the subsystems of the criminal justice system.

In terms of preventing the use of narcotics by children, it can be from legal procedures and SPP as an open system. Because the various causes of narcotics crime by children do not stand alone, it is greatly influenced by their environment.

The model that has been carried out is to use a dual-process model (DPM) based on the Consumption of Innocence as the basis for the value of the judicial system by DPM, and it is demanded that there be a formal process of investigation of a case by finding facts objectively where the case of a suspect or defendant is heard openly. Before the trial and the evaluation of the public prosecutor's accusation will only be carried out after the defendant has had the full opportunity to present facts that refute or reject the accusation to him. So what is essential is evidence in court with demands how the end of a process in a case is not so crucial in DPM.

However, this model does not make children aware. This model needs to be evaluated to develop narcotics prevention in children. The approach in dealing with children who use narcotics cannot be a normative approach where it is sufficient to hope for law enforcement (police, prosecutors, courts, and prisons). There needs to be a shift in the approach, namely with a social approach in which the community's social system as a whole must also be responsible for dealing with problems that exist around the environment.

The limitations of the penal or normative approach in efforts to combat crime as stated above must be followed by a non-penal approach, which can be prevented without using criminal law (prevention without punishment) and efforts to influence people's views on crime and punishment through the mass media (Suryani, 2018).

Crime prevention policies through non-penal channels are more of a preventive measure for the occurrence of a crime. Therefore, the main objective is to address the factors conducive to crime that focus on social problems or conditions that can directly or indirectly cause or promote crime. Thus, these non-penal efforts have a strategic position seen from the crime prevention policy and play a vital role that must be intensified and made useful.

In fact, in the context of juvenile justice, it has a philosophy of prevention, namely the presence of Law Number 3 of 1997 concerning Juvenile Courts and replaced by Law 11 of 2012 concerning the juvenile justice system. The juvenile criminal justice system's philosophy prioritizes the protection and rehabilitation of children (emphasized the rehabilitation of youthful offenders) as a person who still has several limitations compared to adults. Children need protection from the state and society in the long term. For children who have already become perpetrators of criminal acts, a criminal justice system strategy is needed that seeks to minimize intervention in the criminal justice system.

The above philosophy then emerges as a way of settlement outside the court. This diversion aims (Sepud, 2016): (1) Achieve peace between victim and child; (2) Resolving children's cases outside the court; (3) Prevent children from being deprived of liberty; Encourage the community to participate; and (4) Instilling a sense of responsibility to children. This process requires that: (1) The interests of the victim; (2) Child welfare and responsibility; (3) Avoidance of negative stigma; (4) Avoidance of retaliation; (5) Community harmony; and (6) Compliance, decency, and public order.

The aim of diversion above gives an illustration that every case related to children is still attempted to be carried out outside the court and requires community participation. Therefore, this also applies to children who use narcotics. Prevention efforts must also be made to keep the child in the corridor.

Clause 104 and Clause 105 of Law Number 35 of 2009 concerning Narcotics explain that the community has the amplest opportunity to participate in helping to prevent and eradicate the abuse and illicit trafficking of Narcotics and Narcotics Precursors and the Community has the right and responsibility in efforts to prevent and eradicate Narcotics abuse and illicit trafficking and Narcotics Precursors.

Therefore, if you use Talcott Parson's cybernetics theory, children's prevention of narcotics use can be seen from the sub-system linkages. Talcott Parsons' Cybernetics Theory, In this theory, the social system is a synergy between various social sub-systems that experience interdependence and linkages. That the child's behavior is not biological but must be viewed as structured behavior, this behavior must be placed within the framework of a comprehensive social system divided into sub-systems (Azhari, 2016).

Based on the explanation above, it can also be interpreted that when law enforcement against the use of narcotics by children does not function properly as a means of integration, social life will experience disruption or disintegration, although to varying degrees. This disturbed state will, in turn, return to equilibrium when the law can perform its optimal function (Surbakti, 2006). Because all the sub-systems, namely the economic, political, social, legal, and cultural sub-systems in preventing narcotics crimes by children affect each other, if one does not function, the child will forever be claimed as part of the narcotics crime, which must also be treated. the same as the others.

CONCLUSION

The legal problem of the criminal act of using narcotics by children is currently very complex. If you look at the two cases above, there are two reasons why children use narcotics. First, the child's actions are motivated by parents' lack of attention and are in a family in a broken home position. Second, actions are motivated by social environments that require children to be like their environment. Prevention of narcotics by children can be done through the judicial system as an open system. This system can prevent narcotics crimes such as those committed by children in Kuningan Regency and Padang City. Through an open system in the future, the children who solve it will be more interested in community interaction. Its implementation will consider the existing layers; society, political economy, education, technology, and the criminal justice system's subsystems. These layers determine what form of sanction is best implemented by a child who commits an antics crime. In the future, a criminal justice system with an open system needs to be implemented by law enforcers, police, prosecutors, and judges in the use of narcotics by children, and the community must also support this for the future of children.

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