

Law Application To Children As Narcotics Abuse Persons

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Abstract — Typical psychological characteristics of adolescents are factors that facilitate substance abuse. However, for this to happen there are other factors that play an important role, namely the environmental factors of the substance user. These environmental factors have an influence on adolescents and trigger the emergence of motivation to abuse substances. In other words, the emergence of substance abuse problems is triggered by the interaction between environmental influences and the psychological condition of adolescents. The approach used in this study is a normative juridical approach. Normative Juridical Research Method is legal research that uses secondary data sources. As a legal (juridical) research with the object of juvenile law principles, the approach used is a juridical approach, namely formal juridical and empirical juridical approaches. Legal protection for children in the judicial process is carried out starting from the level of investigation, investigation, prosecution, examination at court hearings up to the implementation of the court decision. During the judicial process, the rights of the child must be protected by applicable law and therefore it must be carried out consistently by the parties involved in solving the problem of the naughty child.

Keywords — Application Of The Law, Children, Narcotic Administrators

I. INTRODUCTION

Children have a very important role in the life of society and the state, because of their position as a replacement generation, children have the potential to play an active role in preserving the life of a noble nation, the foundations of which have been laid by previous generations, in order to realize the goal of forming a government that is protect his people.

A child is any person under the age of 18, unless under the law applicable to children, maturity has been obtained beforehand (Article 1 of the Convention on the Rights of the Child). Child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb (Article 1 point 1 Law No. 23 of 2002) (Abdussalam, 2012).

Article 45 of the Criminal Code states: "If a minor is prosecuted for committing a crime when he is not yet 16 (sixteen) years old (Moeljatno, 2001)." Therefore, as an implementation of the continuation of the ideals of the nation, children have obligations starting from heavy responsibility for the realization of the national goals of the Republic of Indonesia.

One can imagine how much responsibility is expected of children in the future, as citizens who are aware of their rights and obligations in social and state life. Thus, this important position absolutely deserves proper protection so that it can grow and develop properly and naturally too. Therefore, in order to realize the hopes of the previous generations, which are also the noble hopes of the nation and state, all efforts to protect children must be carried out to guarantee rights and obligations so that they can grow and develop, become smart and healthy children who have noble character, are devoted to their parents, have faith in God Almighty and are capable and willing to continue the noble ideals of the nation based on Pancasila . With this reasonable growth and development, it can provide its devotion to the homeland and the nation in the future.

Typical psychological characteristics of adolescents are factors that facilitate substance abuse. However, for this to happen there are other factors that play an important role, namely the environmental factors of the substance user. These environmental factors have an influence on adolescents and trigger the emergence of motivation to abuse substances. In other words, the emergence of substance abuse problems is triggered by the interaction between environmental influences and the psychological condition of adolescents.

In prevention efforts, the actions taken can be directed at two process goals. The first is directed at efforts to prevent adolescents from bad environments and directed to an environment that is more helpful for the process of developing the soul of adolescents. The second effort is to assist adolescents in developing themselves properly and achieving the expected goals (a process of assisting the adolescent, apart from: the influence of the social environment outside of the home and school).

So teenagers are actually under 3 (three) equally strong influences, namely school (teacher), social environment and home (parents and family); and there are 2 processes, namely avoiding the bad external environment, and the process within the teenager to be independent and find his identity. There are several factors that cause a teenager involved in drug abuse, including:

1. Stress factor. Children can get depressed if they get a lot of pressure. Sometimes parents don't care about the desire to do what a child likes. Especially if parents are too busy with work and personal affairs. This situation makes children run away using drugs to seek temporary peace.

2. Social friends. The desire of a child who is always curious and trying new things coupled with a social environment that is already using drugs usually makes them fall too.

Often parents do not realize that their child is involved in drug abuse. They usually only realize if the child has an overdose. As a parent, prevention efforts can still be carried out, one of which is by recognizing early drug abuse in children.

The following are the physical characteristics and the impact if someone is exposed to drugs:

- a. Red eye. This is the most common physical characteristic for all types of drug use.
- b. Body odor. Usually the wearer sweats and has a distinctive or pungent body odor. Those who wear putaw usually rarely bathe and the clothes they wear are the same. In addition, hair looks more oily and easy to fall out.
- c. Slow and shallow breathing. This causes the wearer to take a quick breath like after exercising.

In addition to physical characteristics, there are also behaviors that indicate someone is starting to use drugs, including:

- a) Sleep activity is disturbed. Drug users usually often sleep or laze around all day or vice versa.
- b) Changes in eating and drinking behavior. They can be someone who doesn't like to eat or overeat.
- c) Become an emotional and sensitive person. Drug users are more easily irritated. Small mistakes from other people are considered as big problems that interfere with their interests.
- d) Chaos way of thinking. For those who regularly use illegal drugs, usually the way of thinking is chaotic and difficult to concentrate.
- e) Change of peers. Their social environment will change drastically
- f) The need for money increases. The drug user usually starts harassing the family to provide some money to pay for something.

If a child is already caught up in drug abuse, you should contact people who are experts in the field of drug control efforts such as doctors, counselors and drug practitioners. In addition, detoxification treatment to stop drug addiction must be carried out so that substances that harm the body can be gradually cleared.

Even so, the adage that prevention is better than cure is very appropriate to prevent children from getting involved in drug abuse. The participation of parents at home is expected to be the main foundation for forming a child's personality. Parents must provide knowledge and dangers of drug use as early as possible to their children. So that without being banned or given threats, they will realize the dangers that will occur in their lives both now and in the future.

That in dealing with narcotics abuse in a comprehensive manner it is necessary to have togetherness, integration and linkages between one institution and another in order to achieve optimal results. Integration here also applies to all functions within Polri's internal environment, with related government agencies and with other community groups. Thus it is necessary to have a common perception, vision and mission so that there can be a division of tasks, roles and functions according to each capacity and authority. Coordination and integration between government agencies can be driven by BNN while community groups such as religious leaders, community leaders, NGOs and other community groups can act as partners.

The problem of children involved in drug abuse is increasing day by day. Now, we cannot deny that it is very important to take preventive measures (prevention) of drug abuse in children as early as possible. We should not be late or wait to anticipate drug abuse in children. Moreover, depending on the child's school. Don't let your child use drugs before we act. Because, once the child has fallen, it is very difficult for the child to get out of the vicious circle of drugs. Preventing it is easier than treating. Moreover, the problem of drug abuse, is not a trivial problem. Therefore, to overcome the vulnerability of juvenile delinquency and drug abuse, it is absolutely necessary to have drug refusal skills in children. To develop drug refusal skills is not simple, but requires the total development of the child's personality and is closely related to the child's life skills.

Problems in the field that make us panic, if children have problems in developing their behavior. Like a child likes to fight, argue and be hostile to his friends. The child's emotions are unstable. Just because of a trivial matter, his emotions immediately exploded. Moreover, children have problems with self-confidence. Sometimes children are easily moody and disappointed. Children always complain in their association, because they feel left out. He doesn't have the courage to develop his association with friends who have abilities above children. Children do not have the courage to communicate with others.

Of course, we cannot deny that children who experience behavioral development disorders, lack self-confidence, do not have problem-solving skills or social skills, certainly hinder the development of mature personality patterns in children. Immature children's personality patterns are certainly very vulnerable to juvenile delinquency and involvement in drug abuse.

Given the importance of drug refusal skills in children as self-defense and self-control of children against the effects of juvenile delinquency and drug abuse. This refusal skill is also a source of energy (strength) for the child to be able to actualize himself as a whole, so the child needs our help. The role of parents is very vital in developing children's drug refusal skills because parents are the most influential and have the closest relationship with children. For this reason, we must help children overcome their difficulties, weaknesses and obstacles in developing mature personality patterns and drug refusal skills in children.

II. METHOD

In scientific writing a method is work to be able to understand the object that is the target of science. While research is a means used by humans to strengthen, foster, and develop knowledge (Soerjono Soekanto, 1984).

Approach Method;

The approach used in this study is a normative juridical approach. Normative Juridical Research Method is legal research that uses secondary data sources. As a legal (juridical) research with the object of juvenile law principles, the approach used is a juridical approach, namely formal juridical and empirical juridical approaches. The focus of the formal juridical approach is on the material content of the juvenile criminal law rules studied. Meanwhile, the emphasis of the empirical juridical approach is on facts.

Methods of Data Collection;

The data studied is secondary data, namely library data. This library data includes primary legal materials, secondary legal materials and tertiary legal materials. To obtain the necessary data, the data collection technique used is library research. The library research was conducted to obtain secondary data originating from primary legal materials, secondary legal materials and tertiary legal materials.

III. RESULT AND DISCUSSION

Application of the Law to Children as Narcotics Abusers

In its development, the problem of the threat of drug terror in Indonesia is really very frightening and terrible, people now easily see the threat of drug terror against the younger generation is very visible. It is proven that drug cases involving children are recorded to be quite high. And it is even more worrying that for a long time drug trafficking is no longer concentrated in cities, but has become the consumption of young people in remote villages (Bambang Abimanyu, 2017). Their network is very neat and organized. Even from the confessions of a number of suspects arrested, they generally did not know each other. This is the broken link in the drug syndicate chain that must be dismantled to its roots.

Efforts to overcome narcotics abuse require the role of the community, public awareness of tackling narcotics abuse is still lacking, the impact of narcotics abuse can damage the future of the younger generation as the next generation of the nation (Makmuri Muchlas, 2001).

Efforts to overcome narcotics abuse require the role of parents as role models, the role of educators to always know the figures of their students in depth, the role of the community who always have a sense of responsibility to play an active role and seek to help prevent narcotics abuse in the community.

Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic. These substances cause a decrease or change in consciousness, eliminate feeling, reduce to eliminate pain, and can cause dependence (addictive). Even though narcotics are very useful and necessary for treatment and health services, if they are misused or used not in accordance with health standards, it will have an adverse impact on the body of the user (Edy Karsono, 2004).

Systematic efforts have also been made by the government in combating the illicit traffic of Narcotics by making various kinds of regulations and improving the Narcotics Law from time to time. The aim is to anticipate the development of new modes and prevent current narcotics crimes.

Children who are in conflict with the law will be closely related to the legal rules that govern them, where at first the current rules in force in Indonesia cannot be separated from international instruments (International Conventions), which are related to the fulfillment of children's own rights. After the ratification of the Convention on the Rights of the Child by the Government of Indonesia by issuing Presidential Decree Number 36 of 1990, legally it creates an obligation for Indonesia (participating country) to implement these children's rights by absorbing them into national law, which in this case is stated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and Law No. 23 of 2002 concerning Child Protection.

The main objective of the juvenile justice system is to emphasize the realization of children's welfare and ensure that reactions or actions against juvenile offenders are always carried out proportionally, taking into

account the perpetrators and the types of actions committed. The proportional principle aims to limit the use of punitive sanctions with the aim of revenge.

Children who are temporarily detained must receive treatment according to their dignity as children, as stipulated in the Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System, and be placed separately from adults and in a separate institution or separate section from institutions that are also used for adults. While in detention, they continue to receive care, protection and all assistance of a personal nature, according to their gender and personality.

The application of punishment to children often creates debate, because in this case it has very broad consequences both regarding behavior and stigma in society and also within the child, but with the issuance of Law no. 11 of 2012 concerning the juvenile criminal justice system which has been in force since 30 July 2014, the application of punishment is more fostering and protecting children, compared to Law no. 3 of 1997 concerning juvenile justice which is no longer relevant because it is not in accordance with the times.

UU no. 11 of 2012 concerning the juvenile criminal justice system adopts a double track system. What is meant by a double track system is a two track system where in addition to regulating criminal sanctions it also regulates actions. Through the implementation of a two-track system, the sanctions imposed will better reflect justice, both for perpetrators, victims and society. So according to the author's opinion, through a two-track system, judges can determine the appropriate imposition of sanctions on children and should be held accountable by children in conflict with the law.

In general, the imposition of criminal sanctions on lawbreakers is often regarded as the goal of criminal law. Therefore, if the violator has been brought before the court and then given a criminal sanction, then the legal case is considered to have ended. Such a view has positioned justice in criminal law and the enforcement of criminal law is criminal sanctions as threatened in the articles that were violated.

The punishment that is commonly applied under the Criminal Code does not educate children to be better, but worsens conditions and can increase the level of crime against children. 11 of 2012 concerning the juvenile criminal justice system is a basis for imposing sanctions on children who commit criminal acts. Basically, a child who commits a narcotics crime as a perpetrator of narcotics illicit traffic, namely a child who becomes a courier to carry out a process of illicit narcotics, is still charged with the articles as stipulated in the criminal provisions stipulated in the narcotics law but does not overrule the special provisions stipulated in Law No. . 11 of 2012 concerning the juvenile justice system.

a. Types of sentences that can be imposed by the Judge:

Law No. 11 of 2012 does not follow the provisions of criminal sanctions contained in article 10 of the Criminal Code but makes sanctions separately.

b. The article that applies to children who become drug couriers.

In the laws and regulations in force in Indonesia, narcotics crimes are classified as special crimes because they are not mentioned in the Criminal Code, the arrangements are also special in nature as regulated in Law no. 35 of 2009 concerning narcotics. The following are the articles that apply to children who qualify as narcotics couriers, namely:

Article 114 Law no. 35 of 2009 concerning Narcotics.

- (1) Everyone who without rights or against the law offers to sell, sell, buy, receive, become an intermediary in buying and selling, exchanging, or handing over Narcotics Category I, shall be punished with imprisonment for life or imprisonment for a minimum 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).
- (2) In the case of the act of offering to sell, sell, buy, become an intermediary in buying and selling, exchanging, delivering, or receiving Narcotics Group I as referred to in paragraph (1) which in the form of plants weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks or in the form of non-plants weighing 5 (five) grams, the offender shall be punished with death penalty, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).

Article 115

1. Anyone who without rights or against the law brings, sends, transports, or transits Narcotics Group I, 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).
2. In the case of the act of bringing, sending, transporting, or transiting Narcotics Group I as referred to in paragraph (1) in the form of plants weighing more than 1 (one) kilogram or exceeding 5 (five) tree trunks weighing more than 5 (five) grams, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).

Article 119.

- (1) Everyone who without rights or against the law offers to sell, sell, buy, receive, become an intermediary in buying and selling, exchanging, or handing over Narcotics Category II, 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).
- (2) In the event that the act of offering to sell, sell, buy, receive, become an intermediary in buying and selling, exchanging, or handing over Narcotics Group II as referred to in paragraph (1) weighs more than 5 (five) grams, the offender shall be punished with death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).

Factors Affecting Children Involved in Drug Abuse.

The existence of narcotics in everyday life has two antagonistic sides which must be addressed wisely and sensibly, the need for treatment forces the government to regulate the availability of narcotics to meet the needs of hospitals, pharmacies and drugstores, as well as for science as research material. Irregular supply of drugs will lead to distribution and use of illegal drugs which will have a very bad impact on users.

One of the causal factors is the difficulty of tackling illicit drug trafficking and drug abuse, in addition to many other factors. The problem of Narcotics, Psychotropics and other Addictive Substances is a national and international issue that we need to address together immediately.

In Indonesia, the development of drug abuse and illicit trafficking has reached a very alarming level, and there is not a single area/region that is free from drug abuse, in fact the victims have reached all walks of life.

The eradication of narcotics crimes is the efforts made by law enforcers in eradicating criminal acts of narcotics abuse, as well as the juridical consequences of violations of Law Number 35 of 2009 concerning Narcotics. The eradication of narcotics crimes is connected with social facts. Pound places great emphasis on effective work and for that he attaches great importance to the operation of law in society. Therefore Pound distinguishes the notion of law in hook's on the one hand and law in action on the other. This distinction can be applied to all fields of law. This teaching highlights the problem of whether the law that is applied is in accordance with patterns of behavior.

This teaching can be expanded again to include issues of court decisions and their implementation as well as between the content of a regulation and its real effect (Otje Salman, 1989). Roescoe Pound argues that law is a process that takes form in the formation of statutory regulations and decisions of judges. Pound put forward his idea of law as a means of directing and fostering society. The function of law as a means of social engineering (Social Engineering) is one of the pound's ideas which is known as law as a tool of social engineering.

Legal ideals according to Donald Black are legal rules that are formulated in laws or judge decisions (law in books). By paying attention to the Principle of Effectiveness and Hans Kelsen, legal reality means that people should behave or behave in accordance with legal rules or in other words legal reality is law in action.

Basically law has a relationship with the soul of a nation, this is in accordance with the opinion of the School of History, in this world there are various kinds of nations in which each nation has a Volkgeist soul of the people. This soul varies both according to time and local laws.

Acceptance of the existence of this civilized soul can be seen in the culture of different nations. This expression can also be seen in laws which are of course different in every time and place. The law is very dependent on or originates from the soul of the people and what becomes the content of the law is determined by human interaction from time to time. Thus the Law always develops in accordance with the development of society which is determined by the association of human life.

Increasing control and supervision as an effort to prevent and eradicate the crime of abuse and distribution of narcotics is very necessary because narcotics crimes are generally not carried out by individuals independently, but are carried out jointly and even by syndicates that are organized in a steady, neat and highly confidential manner. In addition, transnational Narcotics crimes are carried out using sophisticated technology and modus operandi, including safeguarding the proceeds of Narcotics crimes. The development of the quality of narcotics crime has become a very serious threat to human life (Hadiman, 1999).

The crime of narcotics abuse seems to be increasingly rampant, especially in big cities which are places where the narcotics epidemic has spread which seems unstoppable. Narcotics abuse is no longer a fashion (prestige) but the motivation has been used as a place of escape. Recently, narcotics abuse has not only become a problem in big cities but has begun to spread to villages. So far, those who abuse narcotics come from families who are considered capable.

Children are the young generation who will continue the nation's ideals and are human resources for national development. Children in the general meaning receive good attention in the fields of science, religion, law, and sociology which make the understanding of children more actual in the social environment.

The position of children in the legal environment as legal subjects is determined from the legal system for children as a group of people who are in legal status and classified as disabled or underage. The intention is not

able because of the position of reason and physical growth that is developing in the child concerned. Placing children as legal subjects born from the process of socializing various values into criminal law events and contractual relations that are within the scope of civil law becomes an inseparable link. Children are potential human resources in the future.

M. Taufik Makarao et al in his book stated that in general the factors that cause a person to abuse drugs can be divided into internal factors and external factors. Internal factors are factors that come from within oneself, while external factors are factors that come from outside themselves (Taufik Makarao, Suhasril and Zakky, 2005).

There are several types of drugs and drug classes that are often used by drug users, including:

1. Depressants. For example morphine, heroin and putaw. This type of drug substance can suppress the central nervous system so that the user will feel calm for a moment or fall asleep and become unconscious.
2. Stimulants. Examples include caffeine, cocaine, amphetamines, methamphetamine and ecstasy. This type of drug works quickly to stimulate bodily functions and increase high arousal.
3. Hallucinogens. For example marijuana, cannabis and LSD (lysergic acid diethylamide). This type of drug can change perception or cause hallucinations. The wearer will experience an extraordinary calm followed by a high imagination that can lead to abnormal behavior.

In addition there are several factors that cause a teenager involved in drug abuse, including:

- a. stress factor. Children can get depressed if they get a lot of pressure. Sometimes parents don't care about the desire to do what a child likes. Especially if parents are too busy with work and personal affairs. This situation makes children run away using drugs to seek temporary peace.
- b. Social friend. The desire of a child who is always curious and trying new things coupled with a social environment that is already using drugs usually makes them fall too.

Often parents do not realize that their child is involved in drug abuse. They usually only realize if the child has an overdose. As a parent, prevention efforts can still be carried out, one of which is by recognizing early drug abuse in children.

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- a) Sleep activity is disturbed. Drug users usually sleep or laze around most of the day or
- b) Changes in eating and drinking behavior. They can be someone who doesn't like to eat or overeat.
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Even so, the adage that prevention is better than cure is very appropriate to prevent children from getting involved in drug abuse. The participation of parents at home is expected to be the main foundation for forming a child's personality. Parents must provide knowledge and dangers of drug use as early as possible to their children. So that without being banned or threatened, they will be aware of the dangers that will occur in their lives both now and in the future.

Given how extraordinary the danger that will be caused by Narcotics and how quickly it spreads to the younger generation to consume Narcotics, concrete efforts are needed to overcome them, these efforts include the following:

- 1) Increasing faith and piety through religious and religious education in society.
- 2) Increasing the role of the family through the realization of a sakinah family.
- 3) Instilling values from an early age that Narcotics are Haram.
- 4) Increasing the role of parents in preventing Narcotics.

Efforts to overcome crime through criminal law (law) are essentially an integral part of efforts to protect society (social defense). Social policy can be interpreted as a rational effort to achieve community welfare while

at the same time covering community protection. So in the sense of "social politics" includes "social welfare politics" and "social defense politics" (Hamdan, 1997).

Broadly speaking, these countermeasures can be carried out in two ways, namely penal and non-penal. In terms of using penal means, it is none other than using criminal law as its main means, both material criminal law, formal criminal law and the implementation of criminal punishment through the Criminal Justice System to achieve certain goals. The goal in the short term is to resocialize (re-socialize) perpetrators of criminal acts, in the medium term it is to prevent crime and in the long term it is the ultimate goal to achieve social welfare.

IV. CONCLUSION

In dealing with and handling the juvenile justice process involved in narcotics crimes, the first thing that should not be forgotten is to see his position as a child with all his special characteristics and characteristics, thus the orientation is based on the concept of protection of children in the process of handling so that this will be based on the concept of child welfare and the interests of the child. Handling children in the legal process requires a special approach, service, treatment, care and protection for children in an effort to provide legal protection for children who are in conflict with the law. Legal protection for children in the judicial process is carried out starting from the level of investigation, investigation, prosecution, examination at court hearings up to the implementation of the court decision. During the judicial process, the rights of the child must be protected by applicable law and therefore it must be carried out consistently by the parties involved in solving the problem of the naughty child.

Factors Affecting Children Involved in Drug Abuse. Several factors cause a teenager to be involved in drug abuse, including:

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