

## **Environmental Law Enforcement Against Drug Abuse Against Children**

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### **Abstract**

*Children are the hope of the nation. As the next generation, continuous guidance and protection are needed for the sake of survival, growth and physical, mental, social development as well as protection from all possibilities that will endanger them (children) and in the future. Narcotics and other illegal drugs are one of the triggers for the destruction of children. Children are often the target of drug dealers, because children are still unstable, easily influenced so that they have the potential to be trapped in the abuse of illegal drugs such as narcotics. Children as drug abusers are only victims. So it is not appropriate for the state to give punishment by considering child abusers the same as adult criminals (dealers) who are real. In the juvenile criminal justice system in Indonesia, children as drug abusers still undergo the trial process. The trial process is to hold children accountable. Even though they are undergoing the trial process, children should still receive protection. The consideration of child drug abusers getting protection, because it is believed that child drug abuse does not entirely come from the child, but rather from the influence of the surrounding environment. Rehabilitation is a process of recovering someone from drug use disorders, this recovery is short-term or long-term. The goal is to restore the individual's function in society. Victims of drug abuse in society lately tend to increase not only in groups of people who are able, but have also spread to the less able community both in cities and villages.*

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## **1. INTRODUCTION**

Children are the hope of the nation. As the next generation, continuous guidance and protection are needed for the sake of survival, growth and physical, mental, social development as well as protection from all possibilities that will endanger them (children) and in the future. Narcotics and other illegal drugs are one of the triggers for the destruction of children. Children are often the target of drug dealers, because children are still unstable, easily influenced so that they have the potential to be trapped in the abuse of illegal drugs such as narcotics. Children as drug abusers are only victims. So it is not appropriate for the state to give punishment by considering the same between child abusers and adult criminals (dealers) who are actually.

As victims, children as drug abusers must receive protection. Child protection is an effort made to create conditions so that every child can exercise their rights and obligations for the development and growth of children naturally, both physically, mentally, and socially. In the child criminal justice system in Indonesia, children as drug abusers still undergo the trial process. The trial process is to hold children accountable. Even though they are undergoing the trial process, children should still receive protection. The

consideration for children who abuse drugs to receive protection is because it is believed that children's abuse of drugs does not entirely come from the child, but rather from the influence of the surrounding environment.

Behavioral deviations or illegal acts committed by children are caused by factors outside the child. These external factors include the family environment, community environment, and educational environment where the child is located. This environment greatly contributes to the development of children's values and behavior. If the environment is bad, it can certainly have a negative influence on the child's values and behavior, so that there is the potential for behavioral deviations or illegal acts.

Drugs often referred to as narcotics are addictive substances that are very dangerous for the human body, if consumed continuously in excess will cause people to become addicted and can endanger a person's health. Basically, narcotics are used for health purposes, the development of science and technology. However, it is also found that narcotics are widely abused by people, especially teenagers. Currently, narcotics are needed for treatment, so drugs are needed for scientific research, these patients require continuous production of narcotics. The problem of narcotics has become a serious and concerning problem in recent years. The victims of abuse are increasing to the limits of social and gender. Its spread to rural areas is no longer only in urban areas, this is increasingly causing the country to suffer losses and cultural values are damaged and ultimately the country's resilience becomes weak.

Rehabilitation is a process of recovering a person from a disorder. drug use, this recovery is both short-term and long-term. The goal is to restore the function of the individual in society. Victims of drug abuse in society have recently tended to increase not only in groups only capable people, but it has spread to underprivileged communities both in cities and in rural areas village. Drug abuse and illegal drugs among the younger generation are increasing, with the increasing incidence of such incidents can endanger the survival of the nation, because youth are the generation that expected to be the successor of the nation. Day by day it is getting more fragile eaten away by addictive substances that destroy nerves which result in the inability to think clearly. As a result, the nation's strong and intelligent generation of hope will only be a memory. The target of this drug distribution is young people such as children who are still underage.

Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate, optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination. Deviations in unlawful behavior committed by children are caused by various factors including the negative impact of the development of globalization, changes in lifestyle that bring fundamental social changes in people's lives. So that it will greatly affect children's values and behavior.

## 2. RESEARCH METHODS

The research method used is Normative Juridical in order to provide useful results. This normative juridical method is collaborated with literacy that is equated with the problems studied, and prioritizes its analysis by using applicable laws and regulations as an important basis in analyzing legal problems. Secondary data sources, such as books, articles, and legal journals. This study aims to understand the relevant legal context and interpret existing provisions.

The type of approach used in this research is the Conceptual Approach through a doctrinal perspective and the Legislative Approach, namely analyzing laws and regulations that have a correlation and legal relationship to the problem being studied. Data Collection Method the author uses a literature study related to the object and cites references including

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Legislation, Journals, Books, Articles and the Internet. The Data Analysis Method used is a qualitative analysis based on legislation, expert views, legal concepts and theories and an understanding of the results of the analysis itself.

### **3. RESEARCH RESULTS AND DISCUSSION (12 Pt)**

#### **3.1.Optimization Environmental Law Enforcement Against Drug Abuse Against Children.**

The definition of a child is important for the enforcement of juvenile criminal law because it is related to the formulation of the age of a child who is considered capable of being held responsible for a crime. Indonesia as a country of law has laws and regulations that regulate the age limit of a child. The settlement of cases for children has a difference because of the rights that children have. To maintain special rights and uphold criminal regulations, the Indonesian government has formed a legal policy to protect and try juvenile criminal cases. Law No. 11 of 2012 concerning the Juvenile Criminal Justice System is a policy that uses the concept of restorative justice in which the settlement of criminal cases involves the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing restoration to the original state, and not retaliation. So it is mandatory for children to receive diversion or non-litigation in their cases. In relation to the handling of children who are addicted/abusers of narcotics, by law children can be given diversion, because basically the punishment stated in Article 127 paragraph (1) of the Narcotics Law is less than 7 years in prison, and Article 127 paragraph (2) states that judges who decide on narcotics abuse cases must pay attention to Articles 54, 55 and 103 which require them to undergo medical rehabilitation and social rehabilitation.

In the context of Satjipto Rahardjo's progressive law, law is for humans, not humans for law. If law is for humans, then the ways taken to make humans happy need to be developed as part of human efforts to seek justice including in resolving criminal cases through non-litigation channels. If humans are for law, then what happens is an effort to make humans objects in the criminal justice process, human actions will be matched with existing laws.

The problem of narcotics is a problem that is very difficult to eliminate. In addition, the problem of narcotics is also an extraordinary crime or *Extraordinary Crimes*. In its development, narcotics cases have increased from year to year in this country. Even the current narcotics problem is no longer hidden, but has been openly carried out by users and dealers in carrying out their actions. Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce to eliminate pain, and can cause dependence, which are divided into groups as attached in Law 35 of 2009 Article 1 paragraph (1).

Drug rehabilitation itself consists of 2 types, namely medical rehabilitation and social rehabilitation. The definition of medical rehabilitation itself is explained in Article 1 point 16 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics which states that: "Medical rehabilitation is a process of integrated treatment activities to free addicts from drug dependence". Social rehabilitation is also regulated in the same Law in Article 1 point which states that: "Social rehabilitation is a process of integrated recovery activities, both physical, mental and social, so that former drug addicts can return to carrying out social functions in community life". In its development, the purpose of punishment is not only for deterrent effects and retaliation but must also be beneficial for victims and perpetrators. Therefore, rehabilitation for addicts and victims of drug abuse is here to provide them with the opportunity to

recover and be able to return to society as before using narcotics. In the rehabilitation center, an addict or victim of drug abuse who is usually referred to as a resident must undergo several stages until they are completely cured and return to society. The stages that must be followed are as follows:

1. *Intake Process*. At this stage, the resident will be examined first, both psychological examination, physical examination and supporting examination. In addition, the resident will also conduct an initial interview and in the end a referral is issued for the resident to undergo the rehabilitation process. This process only takes 1 day.
2. *Detoxification*. This stage is a follow-up to the Intake process stage. Here the resident will follow a detoxification process to cleanse the effects of addictive substances with several methods such as *asymptomatic Pharmacotherapy And Ultra Rapid Opioid Detoxification (UROD)*. This detoxification process is carried out for 2 weeks.
3. *Entry (Orientasi/Induction)*. At this stage, the resident will be explained and adapted to the environment and various rules in the rehabilitation center. This stage is carried out for 2 weeks as well.
4. *Primary Stage*. At this stage there are 3 processes that must be undergone by the resident, namely: *younger member, middle peer, And older member*. In the process of *younger member*, there are four points that will be obtained by residents such as instilling the value of discipline in residents, self-recognition and fellow group members, introduction to the concept and learning of healthy lifestyles, and giving roles and tasks in group ties to foster a sense of responsibility in oneself. This process will last for two months. After undergoing the process *younger members* then the resident will proceed to the next stage, namely the process *middle peer*. In this process, residents will strengthen self-discipline, increase self-confidence in group members and the ability to communicate with fellow group members, strengthen healthy lifestyles, provide roles and tasks in group ties, foster a sense of shared responsibility (*Teamwork Building*), and strengthening self-control. Residents will undergo this process for one month.
5. The final process in the stage *Primary Stage* is *Older Member*. In this process, residents will strengthen self-discipline as a necessity, not as an imposition, introduction of junior residents, strengthening healthy lifestyles as part of their personality, strengthening cooperation in groups and internal social life of the rehabilitation center as the initial stage of community life, and giving roles and tasks in the implementation of certain operations of the rehabilitation center and coaching to junior residents. Residents will undergo this process for one month.
6. *Re-Entry Stage*. This stage is also divided into three parts, namely stage "A", stage "B", and stage "C". In stage "A" residents will take an aptitude and interest test, *workshop* or *outbound* to prepare mentally and confidently, and training in planning. This stage will be carried out for one week. The next stage is stage "B", at this stage the emphasis is on the implementation of the activity plan that has been prepared in the previous stage and will be accompanied by a counselor or social worker.

Rehabilitation is one way to save drug users from addiction. Because the definition of rehabilitation is an effort to restore addicts from drug addiction and live a normal, healthy life physically and mentally so that they can adjust and improve their skills, knowledge, intelligence, and relationships in the environment or with their families, which is called resocialization. Article 54 of Law Number 35 of 2009 concerning Narcotics states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation.

### 3.2.Obstacles That Occur in the Rehabilitation Process for Children as Drug Abusers

Criminal law enforcement is the concrete application of criminal law by law enforcement officers, in other words, criminal law enforcement is the implementation of criminal regulations. Thus, law enforcement is a system that involves the harmonization of values with rules and real human behavior. These rules then become guidelines or benchmarks for behavior or actions that are considered appropriate or should be. The behavior or attitude of action aims to create, maintain, and preserve peace. The essence and meaning of law enforcement lies in the activity of harmonizing the relationship of values outlined in solid rules and embodying attitudes as a series of final stage value descriptions to create, maintain, and preserve peace in social life.

According to Lawrence M. Friedman, the legal system consists of three components, namely:

- a. Structural structure includes the container or form of the system, the order of formal legal institutions, the relationship between these institutions, and their rights and obligations. The structural component shows a pattern concerning how the law is implemented according to its formal provisions and is also considered by law enforcement officers who work in a process that is implemented.
- b. Substantial, substance includes the contents of legal norms along with their formulation and procedures to enforce them that apply to law enforcers and justice seekers. Substantial components are the result of the legal system, the substance of the law as regulations used by legal actors when carrying out legal acts and relationships.
- c. Cultural, legal culture basically includes the values that underlie applicable law which are abstract conceptions of what is considered good and what is considered bad. Cultural components are attitudes and values that are held by the public. Legal culture is the totality of factors that determine how the legal system obtains a suitable and acceptable place within the framework of the culture of society.

Basically, effectiveness is the level of success in achieving goals. Effectiveness is a measurement in the sense of achieving previously determined targets or goals. In legal sociology, law has a function as a *tool of social control* namely an effort to create a balanced condition in society, which aims to create a harmonious state between stability and change in society. In addition, the law also has another function, namely as a *tool of social engineering* which means as a means of renewal in society.

Law can play a role in changing the mindset of society from traditional mindset to rational or modern mindset. The effectiveness of law is a process that aims to make the law effective. When we want to know the extent of the effectiveness of the law, then we must first be able to measure the extent to which the law is obeyed by most of the targets of its obedience, we will say that the legal rule in question is effective. However, even if it is said that the rules that are obeyed are effective, we can still question the degree of effectiveness because whether or not someone obeys a legal rule depends on their interests.

The settlement of cases for children has a difference because of the rights that children have. To maintain the privileges and uphold criminal regulations, the Indonesian government has formed a legal policy to protect and try criminal cases of children. Law No. 11 of 2012 concerning the Juvenile Criminal Justice System is a policy that uses the concept of restorative justice in which the settlement of criminal cases involves the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair settlement by emphasizing restoration to the original state, and not retaliation. So it is mandatory for children to get diversion or non-litigation in

their cases. In relation to the handling of children who are addicted to/abusers of narcotics, by law children can be diverted, because basically the punishment stated in Article 127 paragraph (1) of the Narcotics Law is less than 7 years in prison, and Article 127 paragraph (2) states that judges who decide on narcotics abuse cases must pay attention to Articles 54, 55 and 103, which state that narcotics addicts must undergo medical rehabilitation and social rehabilitation.

The obstacles that exist in the National Narcotics Agency of Banyumas Regency, limited human resources and the social rehabilitation room at the National Narcotics Agency of Banyumas Regency are included in medical rehabilitation even though at the National Narcotics Agency of Banyumas Regency there is only outpatient social rehabilitation. This rehabilitation science is not obtained in college, even specialist doctors are not necessarily able to carry out rehabilitation, this rehabilitation science can be obtained from psychiatrists and not all psychiatrists know the science of social rehabilitation.

The success indicators of this social rehabilitation cannot be ascertained, even the National Narcotics Agency itself is actually having difficulties. The National Narcotics Agency of Banyumas Regency knows the success of this outpatient social rehabilitation only when the addict or drug abuser does not come back to the National Narcotics Agency of Banyumas Regency but there are also 3 possibilities that have recovered and are no longer dependent on narcotics, still using but not coming back to the National Narcotics Agency of Banyumas Regency or died so that the success of this outpatient social rehabilitation program cannot be ascertained. There are 2 types of rehabilitation, namely intensive rehabilitation and regular rehabilitation, intensive rehabilitation is carried out 8 meetings for 2 months while regular rehabilitation is carried out 4 meetings for 1 month, each meeting is held once a week.

The steps taken by the Banyumas Regency National Narcotics Agency to reduce circulation and reduce abuse in a manner in accordance with P4GN. This rehabilitation is actually the last step that can be taken and the first step taken is prevention such as socialization of narcotics to the community and also students not to use narcotics, if this socialization is carried out, the community and students can also understand what the dangerous impacts of narcotics use are. The rehabilitation program at the Banyumas Regency National Narcotics Agency has been around since 2019, there is no limit to the number of rehabilitations but the target in 1 year is 22 people.

Facilities and Facilities Factors Limited facilities and facilities are inhibiting factors in conducting investigations such as lack of personnel in the field, minimal allocation of funds in the implementation of prevention, especially in counseling efforts, socialization and other efforts that support the implementation of efforts to overcome drug abuse in particular. Obstacles to investigators' abilities in the investigation process Rapid progress in various fields, especially in terms of increasingly widespread and organized drug crimes, investigators are required to be more professional in conducting investigations that are increasingly difficult to detect, prevent and resolve in a short time. Even in conducting investigations into victims of drug abuse, many obstacles are found whether the perpetrators of drug abuse are victims of drug abuse because they must prove the origin of the victim's drug abuse. Where the lack of special education obtained by investigators. Obstacles to investigators' abilities in the investigation process, namely the lack of special education obtained by investigators in handling drug case investigations. And the lack of human resources of law enforcement officers can be seen from the low level of knowledge about eradicating narcotics crimes and the lack of knowledge in exposing perpetrators who have used increasingly sophisticated methods.

#### 4. CONCLUSION

The Actions of Drug Abuse Victims Themselves. One of the obstacles faced which can arise from the victims of drug abuse themselves because it often happens that victims of drug abuse rebel or do unexpected things such as running away when the examination and rehabilitation treatment process is about to be carried out. Inadequate facilities and infrastructure for carrying out rehabilitation. In providing rehabilitation to our drug abuse victims. In relation to the handling of children who become drug abusers, it often happens that victims of drug abuse rebel or do unexpected things such as running away when the examination and rehabilitation treatment process is about to be carried out.

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