

Law Enforcement of Narcotics and Prohibited Drugs Among Youth that Impact on State Security and Sovereignty

Sri Mulyani Putri Jayanti¹, Yusuf Saefudin²

^{1,2}Universitas Muhammadiyah Purwokerto

ARTICLE INFO

Article history:

DOI:

[10.30595/pssh.v14i.1082](https://doi.org/10.30595/pssh.v14i.1082)

Submitted:

June 08, 2023

Accepted:

September 29, 2023

Published:

November 16, 2023

Keywords:

Drug Abuse, Teenagers,
Security and State
Sovereignty

ABSTRACT

Cases of narcotics and drug abuse in Indonesia are increasingly worrying, this can be seen from the increasing number of narcotics use among the next generation of the nation, especially "teenagers". The rise of drug abuse cases among teenagers is certainly caused by several supporting factors, including high curiosity or trends and a friendship environment where someone considers new and challenging things to do, making children in adolescence easily fall into drug use. Drugs are dangerous substances that affect a person's psychiatric condition or psychology and cause addiction, which has the potential to become an obstacle to national development that threatens the security and sovereignty of the state. The problems faced are *How is Law Enforcement Against Narcotics Crimes in Indonesia According to Law Number 35 of 2009 concerning Narcotics, and How is the Protection of Drug Abusing Children Viewed from the Aspects of Victimology*. This writing examines secondary data in the form of secondary legal materials by understanding the law as a set of positive rules or norms in the legislative system that regulates human life (library research). Based on the results of the research, it is known that law enforcement against narcotics crimes according to the Narcotics Law is subject to imprisonment, fines, life imprisonment and other sanctions, protection for children who abuse drugs in terms of victimology aspects, namely rehabilitation because the child is on the one hand the perpetrator and the other side is the victim

This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).



Corresponding Author:

Sri Mulyani Putri Jayanti

Faculty of Law, Universitas Muhammadiyah Purwokerto

Jl. KH. Ahmad Dahlan, Kembaran, Banyumas, Jawa Tengah 53182, Indonesia

Email: srimulyani.hofik@gmail.com

I. INTRODUCTION

Drugs stands for narcotics, psychotropic substances, and addictive substances. 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 taste, reduce to eliminate pain, and cause dependence. This definition is contained in Law Number 22 of 1997.

1. Narcotics itself is divided into three groups as follows:

Class I: very high addictive power and is only used for research. Examples are marijuana, heroin, cocaine, and morphine.

Class II: high addictive power, can be used for limited treatment. For example, petidine and benzetidine.

Class III: mildly addictive and useful for treatment. For example, codeine

2. Psychotropic substances:

Psychotropic is a material, either natural or synthetic, that has an effect on the central nervous system that causes changes in behavior. This psychotropic is divided into four groups

Class I: psychotropic substances that are only used in research and not for treatment because the risk of dependence is very high. An example is ecstasy.

Class II: psychotropic drugs used for limited therapy and research. The risk of dependence is very high. For example, amphetamines.

Class III: psychotropic drugs used for therapy and research. The risk of dependence is moderate. An example is phenobarbital.

Class IV: psychotropic drugs that are widely used for treatment because of their low risk of dependence. An example is diazepam.

3. Addictive substances:

Addictive substances are materials or substances that have a psychoactive effect, but are not included in narcotics and psychotropic substances. For example, alcoholic beverages, cigarettes, and others. Narcotics according to Article 1 paragraph (1) of Law Number 35 Year 2009 (Narcotics Law), are substances or drugs derived from plants or non-plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence.

The number of drug users in Indonesia increases every year. Drug victims are no longer predominantly people with money or artists, but have touched almost all levels of society. School-age children between 14-18 years old are prone to tasting drugs. Adolescence is a period prone to influence on drugs and fall into the wrong association. Supporting factors, including high curiosity or trends and a friendship environment where someone considers new and challenging things to do make children in adolescence easily fall into drug use. Adolescence itself means the transition period from child to adult, during this period there are various kinds of changes that are quite meaningful both physically, biologically, mentally and emotionally and psychosocially.¹

Threats to national integration are attempts to conceptually change policies through criminal and political actions. The risk can come from outside or inside the country. The form of threat is in the form of military threats and non-military threats. A non-military threat is a threat that does not use weapons. However, if left unchecked, this can damage and attack state sovereignty, territorial integrity, and the safety of the entire nation. The characteristics of non-military threats are not in the form of attacks or physical threats such as military threats, because they have dimensions in the political, social, cultural, economic, Information Technology (IT), and national safety fields.²

Drugs are a real threat to the Indonesian nation. This is because drugs can cause the "last generation" and can direct the view of the country to a failed state. Therefore, drugs are categorized as a non-military threat because drug abuse and distribution carried out by illicit individuals can damage the nation's next generation, especially the nation's youth. This can later become an attack on national resilience, especially in the social, cultural and economic fields. The impact of drug abuse on the country and other communities is that later the Indonesian nation will lose the nation's successors, have a nation's successors who are not qualified, increase criminal cases, and even the Indonesian nation can be destroyed.³

Previous research

1. Researcher Name: Acep Saifullah Ibnu Khaldun (2013). Research Title: Drugs in the Perspective of Islamic Law and Positive Law. Problem Statement : 1. Drugs in Lega Perspective Positive 2. Drugs in the Perspective of Positive Law Islam
2. Researcher Name: Anisa Putri Alifah, Gilza Azzahra Lukman (2021). Research Title: Drug Cases In Indonesia And Prevention Efforts Among Teenagers. Problem Statement : 1. The Phenomenon of Drug Addiction and The Development of Views on , 2. Efforts to Curb the Increase in Drug Use

II. RESEARCH PROBLEMS

Based on the description above, the following questions arise:

1. How is law enforcement against drug crimes in Indonesia according to Law Number 35 Year 2009 about Narcotics?
2. How is the protection of children drug abuse in terms of victimologist?

¹ Nurlita Amelia Cahyani, 2021, Ancaman Non-Militer Pengedaran dan Penyalahgunaan Narkoba

² Andi Aco Agus, "Integrasi Nasional sebagai salah satu parameter Persatuan dan Kesatuan Bangsa Negara Republik Indonesia" *Jurnal Hukum*, hlm 20

³ BNN, Bahaya Narkoba Bagi Generasi Bangsa, 28 September 2021

III. RESEARCH METHODS

A. Research Type

The research that the author will use in this research is a type of normative juridical research or using normative legal research methods.⁴ Normative juridical research is a type of legal research that uses research materials in the form of theories, and arguments. Normative juridical research is a type of legal research that uses research materials in the form of theories, concepts, principles, and arguments. concepts, legal principles, and legal regulations concerning research problems or in other words normative juridical research. Literature research or in other words normative juridical research is research that uses sources of library materials or secondary data.⁵ In this study, the authors took research materials In this research, the author takes research materials related to narcotics crimes.

b. Research Specification

Statute Approach. This research is carried out by examining all Legislation that has a relationship with the subject matter of this research and examines all laws and regulations the subject matter of this research as well as examining all laws that are related to the legal issues that are the focus of this research. Laws that have relevance to the legal issues that are the focus of the research.

c. Data Collection Method

This research uses legal material collection techniques library reserach method. The library research method is one way of collecting data using literature that is considered have a relationship with the focus of this research. Books, journals, documents, and research results are sources of secondary legal in the collection of legal materials

d. Research Data Sources

Research materials that will be used in conducting research in this study are primary legal materials.

1. Primary legal materials consist of:

- a. Law Number 35 Year 2009 on Narcotics
- b. Criminal Code (KUHP)
- c. Law No. 11years 2012 on the Criminal Justice System
- d. Presidential Regulation No. 83 Year 2007

2. Secondary Legal Materials

Secondary legal materials have the meaning of legal materials legal materials that have a relationship with primary legal materials and can be used to help analyze and understand primary legal materials. Which includes secondary legal materials. Secondary legal materials are as follows:

- a. Legal journals
- b. Textbooks that contain a legal problem such as theses, theses, and law dissertations
- c. Documents related to the research

IV. RESULT AND DISCUSSION

A. Law Enforcement against Narcotics Crimes in Indonesia according to Law Number 35 of 2009 concerning Narcotics

The impact of narcotics abuse cannot be taken lightly, because it is the same as corruption where both threaten the progress of the nation and state security. Narcotics cases are still a trend or still dominant among several other cases of crime or offense and even then only cases that are revealed or recorded. It is no longer a secret that many Narcotics cases were resolved "peacefully" so that these cases were not recorded (dark numbers).

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 lead to dependence. It can be said that, on the one hand, narcotics are drugs or materials that are useful in the fields of medicine, health services, and scientific development, but on the other hand, they can cause dependence which is very detrimental if used without strict and thorough control and supervision. In this case, when viewed from a juridical aspect, the existence of narcotics is legal.

The Narcotics Law only prohibits the use of narcotics not in accordance with the provisions of the law. Such a situation at the empirical level causes narcotics to be often misused not for the benefit of medicine and science, but instead for a promising and rapidly developing business arena, in which this activity has an impact on physical and psychological damage to all levels of society. In terms of age, narcotics are not only enjoyed by

⁴ Zulfadli Barus, "Analisis Filosofis Tentang Peta Konseptual Penelitian Hukum Normatif Dan Penelitian Hukum Sosiologis," *Jurnal Dinamika Hukum* (2013): 318.

⁵ Soerjono Soekanto dan Sri Mahmudji. 2003. "Penelitian Hukum Normatif Suatu Tinjauan Singkat". Jakarta: Raja Grafindo Persada. hlm. 13.

the old age group, but also by the middle-aged and adolescent groups. The spread of narcotics is no longer limited to big cities, but has entered small towns and penetrated into districts and even villages.⁶

According to psychiatrist Graham Blaine, the causes of drug abuse are as follows:⁷

1. To prove courage in carrying out dangerous and risky actions
2. To challenge an authority over parents, teachers, the law or regulatory authorities
3. To facilitate distribution and sexual acts
4. To escape from loneliness and want to gain emotional experiences
5. To try to find the meaning of life
6. To fill the void and fill the feeling of boredom, due to lack of activity
7. To relieve frustration and anxiety caused by insurmountable problems and dead ends, especially for those with disharmonious personalities
8. To follow the will of friends and to foster solidarity with friends; and
9. Out of curiosity and just for kicks.

The causes of illegal drug use by teenagers can be grouped into three desires, namely:⁸

1. Those who want to experience (the experience seekers) who want to gain new experiences and sensations from the effects of drug use
2. Those who intend to stay away or avoid the reality of life (the oblivion seekers), namely those who consider the drugged state as the most beautiful and most comfortable escape
3. Those who want to change their personality (personality change), namely those who think that using drugs can change their personality, such as becoming less rigid in relationships.

Users and addicts should be placed as victims or patients who must be rehabilitated, and dealers who are the target of police operations. Logically, arresting users will help catch dealers, and then users with certain categories can be sentenced to rehabilitation as mandated in the Supreme Court Circular Letter (SEMA) Number 7 of 2009 concerning Placement of Drug Users in Therapy and Rehabilitation Institutions. Meanwhile, perpetrators of human trafficking are given strict criminal sanctions, and if they meet the requirements, they can even be sentenced to death. It can be said that on the one hand there is an extraordinary spirit in the eradication of Narcotics and Narcotics Precursors in the Narcotics Law, but on the other hand this is also reflected in the spirit to protect drug abuse both as addicts and as victims of narcotics.

formulation of criminal sanctions in the Narcotics Law Narcotics Law can be categorized as follows:

1. In a single form (imprisonment or fine only)
2. In alternative form (choice between fine or imprisonment)
3. In cumulative form (imprisonment and fine)
4. In form combination/mixed (imprisonment and/or fine).

a. Types of Sanctions and Forms of Witnesses for Narcotics Dealers Based on Law Number 35 Year 2009

No	Article	Type of sanction	Form of sanction
1	111-112	Imprisonment and fines	(1) Imprisonment for a maximum of sing 4 (four) years and a maximum of 12 (twelve) years longest 12 (twelve) years and hun and a fine of at least at least Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp.8.000.000.000.000,00 (eight billion rupiah). (2) Life imprisonment or imprisonment a minimum of 5 (five) years and a maximum of 20 hun and maximum 20 (twenty) years (twenty) years and a fine of at least Rp.800,000,000.00 (eight hundred million rupiah) and a fine of at least Rp.800,000,000.00 (eight hundred million rupiah). hundred million rupiah) and maximum fine as referred to in paragraph (1) plus 1/3 (one three)

⁶ Hari Sasangka, *Narkotika dan Psikotropika Dalam Hukum Pidana* (Bandung: Mandar Maju, 2011)

⁷ Ibid

⁸ Soedjono Dirdjosisworo, *Pathologi Sosial* (Bandung: Alumni, 2013), hlm. 70-71.

No	Article	Type of sanction	Form of sanction
2	113-116	Imprisonment and Fines	(1) Imprisonment of at least 5 (five) years and a maximum of maximum 15 (fifteen) years and a fine of at least at least Rp.1.000.000.000,00 (one billion rupiah) and a maximum of Rp.10.000.000.000.000,00 (ten billion rupiah). (2) Death penalty, or life imprisonment or imprisonment of not more than a minimum of 5 (five) years and a maximum of 20 (twenty) years and maximum fine as in referred to in paragraph (1) shall be increased by increased by 1/3 (one third)
3	115	Life imprisonment or imprisonment and fine	(1) Imprisonment of at most sing- 4 (four) years and a maximum of 12 (twelve) years longest 12 (twelve) years and hun and a fine of at least at least Rp. 800.000.000,00 (eight hundred million rupiah) and a maximum of Rp.8.000.000.000.000 (eight billion rupiah). (2) Life imprisonment or imprisonment the shortest imprisonment of 5 (five) years and at most maximum imprisonment of 20 (twenty) years and maximum fine as mum fine as referred to in paragraph (1) in paragraph (1) shall be increased by 1/3 (one third)

b. Types of Sanctions and Forms of Narcotics User Witnesses Based on Law Number 35 Year 2009

No	Article	Type of sanction	Form of sanction
1	116	Death penalty, life imprisonment or imprisonment and fine	(1) Imprisonment of at least 5 (five) years and a maximum of maximum 15 (fifteen) years and a fine of at least at least Rp.1.000.000.000,00 (one billion rupiah) and a maximum of Rp.10.000.000.000.000,00 (ten billion rupiah). (2) Death penalty, or life imprisonment or imprisonment of not more than shortest imprisonment of 5 (five) years and a maximum of 20 (twenty) years and maximum fine as referred to in paragraph (1) plus 1/3 (one three)
2	121	Death penalty, life imprisonment or imprisonment and fine	(1) The maximum imprisonment is 4 (four) years and a maximum of 12 (twelve) years longest 12 (twelve) years and a maximum hun and a fine of at least at least Rp.800.000.000,00 (eight hundred million rupiah) and a maximum of Rp.8.000.000.000.000,00 (eight billion rupiah). (2) Death penalty, life imprisonment life imprisonment, or imprisonment of imprisonment of not less than 5 (five) years and a maximum of 20 (twenty) years and

No	Article	Type of sanction	Form of sanction
			maximum fine as referred to in paragraph (1) plus 1/3 (one three)
3	126	Penalty imprisonment and fines	(1) Imprisonment of at least 3 (three) years and a maximum of maximum 10 (tenteen) years hun and a fine of at least at least Rp.600.000.000,00 (six hundred million rupiah) (2) Imprisonment of at least 5 (five) years and at most maximum 15 (fifteen) years and a fine of at least at least Rp.1,000,000,000.00 (one billion rupiah) and maximum fine as referred to in paragraph (1) plus 1/3 (one-three)
4	134	Penalty imprisonment and fines	(1) Maximum light imprisonment maximum 6 (six) months or a maximum fine of Rp. 2,000,000.00 (two million rupiah) (2) Confinement punishment for a maximum of 3 (three) months or a maximum fine of Rp. 1,000,000.00 (one million rupiah)

Article 10 of the Criminal Code (KUHP) determines the types of punishment namely:

1. Main punishment which consists of death penalty, imprisonment, confinement, and fine and
2. Additional punishment which consists of deprivation of certain rights, forfeiture of certain goods, and announcement of certain goods, and announcement of the judge's decision.

In line with the provisions of Article 10 of the Criminal Code, there are 4 (four) types of punishment in the Narcotics Law namely, death penalty, imprisonment, fines, and confinement. For this reason, as long as not otherwise specified in the Narcotics Law then the rules of punishment follow the provisions criminalization in accordance with the Criminal Code. Conversely if it is determined separately in the Narcotics Law, then the rules of punishment in accordance with the Narcotics Law. For example, the provisions of Article 148 which reads:⁹

"if a fine is imposed as stipulated in this law this law cannot be paid and perpetrators of narcotics offenses and narcotics precursor criminal offense, the perpetrator shall be sentenced to imprisonment for a maximum of 2 (two) years as a substitute for fines that cannot be paid"

The punishment rules in Article 148 is different from the Criminal Code, where the substitute punishment for fines that are not paid in the KUHP is confinement and not imprisonment. With the meaning that as long as it is regulated separately by the Narcotics Law the provisions of punishment shall apply for example deprivation of certain goods (Article 101). This is because the provisions regarding the revocation of certain rights or announcement of the judge's decision are part of the part of the rules of punishment in the Narcotics Law.

In Article 127 of the Narcotics Law which states:

1. Every abuser:
 - a. Narcotics Group I for oneself shall be punished with a maximum imprisonment of 15 (fifteen) years
 - b. Narcotics Group II for oneself shall be punished with a maximum imprisonment of 12 (twelve) years
 - c. Narcotics Group III for one self shall be punished with a maximum imprisonment of 10 (ten) years.
2. In deciding the case as referred to in paragraph referred to in paragraph (1), the judge must pay attention to the provisions as referred to in Article 116.
3. In the event that the Misuser as referred to in paragraph (1) can be proven or proven to be a victim of Narcotics abuse, the misuser must undergo medical rehabilitation and social rehabilitation

Barda Nawawi expressed the still the importance of using penal means in order to tackle crime, namely :

⁹ A.R. Sujono dan Bony Daniel, "Komentor dan pembahasan Undang-Undang No. 35 Tahun 2009" (Bandung: Alumni, 2012), hlm. 214

1. Criminal sanctions are very necessary, we cannot live, now or in the we cannot live, now or in the future without punishment
2. Criminal sanctions are the best tool or the best tool or means available, which we have to deal with crimes crimes or grave dangers as well as to threats of harm; b. Criminal sanctions are the best available danger
3. Criminal sanctions were once the main/best guarantor and at the same time the main threat of human freedom. It is a guarantor when used sparingly, carefully and humanely, it is a threat when used carelessly and by force.

It can be concluded from the description above that the position of drug users as perpetrators and as victims is very difficult to distinguish. However, this cannot be equated and the countermeasures must also be differentiated. Drug users who were initially guaranteed rehabilitation, based on Article 127 mentioned above can be threatened with punishment. In criminal law, it is known that "there is no crime without victims", so it can be said that they become victims because of crimes that they themselves commit.

BNN, police, prosecutors, judges and other other law enforcers as well as components of society have the responsibility to overcome and prevention of drug abuse abuse of narcotics. This is the mandate of laws and regulations, including in this case the Narcotics Law based on Presidential Regulation No. 83 Year 2007.

c. Measures to prevent narkotica

1. Primary Prevention

Prevention aimed at individuals, groups or the wider community who have not been exposed to cases of drug abuse drug abuse. Prevention is provided by providing information and education including alternative activities so that they avoid drug abuse and strengthen their and strengthen their ability to resist.

2. Secondary Prevention

Prevention aimed at individuals, groups or communities who are vulnerable to or more indicating the presence of drug abuse cases, drug abuse. This prevention is carried out through education, counseling, and training to get them to stop, then do positive activities and keep them keep prioritizing health.

3. Tertiary Prevention

Prevention aimed at those who have already become users or who have suffered from dependence. Prevention can be done through medical services, rehabilitation, and keeping them prevent relapse and withdrawal.¹⁰

d. The Impact of Drugs in Human Life

Medically speaking, people can withstand eating for 5 to 7 days, but to not drink (consume) drugs, people can only withstand up to 3 days.

According to Dr. H.M. Rusli Ngatimin, from his interrogation experience, patients will be very tormented and feel tremendous fatigue after tripping as a result of consuming drugs. It is rare to hear of people dying from drunkenness, but but getting killed is very common. Therefore, using alcohol or For this reason, using alcohol or so-called drugs is clearly very detrimental.¹¹

It must be recognized that liquor or narcotics and drugs have uses. It must be recognized that liquor or narcotics and drugs have their uses. From the point of view of medical science, it is mentioned, that the properties of antetamines as psychotropic drugs make people very happy, and feel prioritized. In people who are very timid though, when consuming or using narcotics and drugs consume or use narcotics and drugs will eliminate fear and have a level of self-confidence. eliminate fear and have an excessive level of self-confidence. However, when compared between the benefits and the mudharat, the mudharat is much greater, mudharat is much greater, and can cause various kinds of problems, such as crime and health problems.

The impact that arises from the consequences of consuming narcotics and drugs, namely when the addict drugs, namely when the addict has run out of money and he wants to consume drugs (sakaw), then the addict has to pay for the drugs. to consume drugs (sakaw), then he will steal (whether it belongs to his parents or other people). or someone else's). And the result is also on health, which will decrease the body's resistance to disease, resulting in a very high sense of fear (paranoia). fear (paranoia), and the worst result is contracting various diseases, including AIDS and other physical illnesses.

¹⁰ Yusuf Apandi, *Katakan Tidak Pada Narkotika* (Bandung: Simbiosis Rekatama Mebia, 2012), hlm. 22

¹¹ Rusli Ngatimin, "Hidup Sehat Tanpa Miras dan Ekstasi", *Makalah*, (Ujung Pandang, Fakultas Syari'ah IAIN Alauddin, 1996), h. 6.

B. Protection of Children Drug Abuse in View of Viktimology Aspects

Age restrictions for children who commit criminal offense or dealing with the law is based on Law Number 11 year 2012 on the Juvenile Criminal Justice System namely in Article 1 number 4 where it is stated that children who are victims of criminal acts hereinafter referred to as Child Victims are a child who is not yet 18 (eighteen) years old who experienced physical, mental, and/or economic loss caused by by a criminal offense. A child is a person in a juvenile case who has reached the age of 8 (eight) years but has not 18 (eighteen) years old and Child is a person in the case of a child who has reached the age of 8 (eight) years but has not 18 (eighteen) years old and as never been married. Children are very need to be protected from various forms of crime that can affect the development of physical, mental, and spiritual development. Therefore, there is a need for regulations that can protect children from various forms of crime.

Problems that arise when talking about the law, namely the occurrence of crimes and offenses are inseparable from perpetrators, acts, punishments and victims. At the problem of perpetrators, criminal law is more likely to discuss the nature of the perpetrator's guilt criminal offense, whether he can be subjected to criminal responsibility or not, and whether or not there are justification or excuse reasons for the perpetrator. Then on the issue of conduct, more emphasis is placed on whether the act is against the law or not (criminal act). Furthermore, the problem of punishment will focus more on the stelsel of criminal law. Finally, the issue of victims, This is often forgotten in criminal matters criminal matters, even though the victim is the party that should be considered. When talking about victims of crime, our perspective cannot be separated from victimology. Through victimology, we can identify various aspects aspects related to victims, namely the factors that cause the emergence of crime, how a person can become a victim, efforts to reduce the occurrence of crime victims, rights and obligations rights and obligations of crime victims.¹²

The study of victims is studied by the study of victims is studied with a separate science, namely Victimology and in victimology there are various studies about victims, including the role of victims in a criminal offense especially Narcotics. Von Hentig, as quoted by Bambang Waluyo assumes that the role of the victim in causing crime.¹³

1. The commission of the crime was willed by the victim to occur;
2. The loss caused by the criminal act may be used by the victim to obtain a greater benefit
3. The adverse effect on the victim may be a result of cooperation between the perpetrator and the victim
4. The harm caused by the crime would not have occurred in the absence of provocation of the victim

Meanwhile, Arif Gosita defines victims in various dimensions, among others:

1. Victims due to human actions, victims due to human actions can lead to criminal acts for example: victims of narcotics crimes, victims of rape, victims of political crimes, and those that are not (civil actions), for example victims in the administrative field
2. Victims outside of human actions, victims due to outside human actions such as natural disasters and so forth

Frank R. Prassel states that the victim is a forgotten figure in the study of crime studies. Victims of drug crimes, victims of violence, robbery, theft and other acts have been ignored by police, courts, and academics who only concentrate on studying criminals".

In terms of child victims, the protection provided by the government to children in an emergency situation is special protection as stipulated in Article 59 Law Number 35 years 2014 concerning Amendment to Law Number 23 Year 2002 concerning Child Protection which reads:

1. The Government, Regional Governments, and other state institutions are obliged and responsible for providing Special Protection to Children.
2. Special Protection to Children as referred to in paragraph (1) is given to:
 - a. Children in emergency situations
 - b. Children who are in conflict with the law
 - c. Children from minority groups and isolated groups
 - d. Children who are exploited economically and/or sexually exploited
 - e. Children who are victims of abuse of abuse of narcotics, alcohol, psychotropic substances, and other substances. other addictions
 - f. Children who are victims of pornography
 - g. Children with HIV/AIDS

¹² Dikdik M. Arief Mansur & Elisatri Gultom, *Cyber Law*, hlm 33

¹³ Bambang Waluyo, *Viktimologi Perlindungan Hukum Terhadap Korban Kejahatan* (Jakarta: Sinar Grafika, 2013), hlm 9

- h. Child victims of abduction, sale, and/or trafficking
- i. Child victims of physical and/or psychological violence
- j. Child victims of sexual crimes
- k. Child victims of terrorism networks
- l. Children with disabilities
- m. Child victims of mistreatment and neglect
- n. Children with deviant social behavior and
- o. Children who are victims of stigmatization of labeling related to the condition of his/her parents.

Article 59A of Law Number 35 Year 2014 on the Amendment to Law Number 23 of 2002 concerning Child Protection Child reads:

Special Protection for Children as referred to in referred to in Article 59 paragraph (1) is carried out through efforts:

- a. Rapid handling, including treatment and/or rehabilitation physical, psychological, and social rehabilitation, as well as the prevention of disease and other health disorders other health disorders
- b. psychosocial assistance during treatment until recovery
- c. provision of social assistance for children who from poor families; and
- d. provision of protection and assistance in every process of process.

So it can be concluded that even though children who abuse drugs commit the crime of narcotics and drugs, the child must still be protected and rehabilitation carried out by BNN.

V. CONCLUSION

From the discussion that has been described above, conclusions can be drawn, namely:

1. Formulation of criminal sanctions in the Narcotics Law can be grouped as follows the following:

- a. In a single form (imprisonment or fine only)
- b. In alternative form (choice between fine or imprisonment);
- c. In cumulative form (imprisonment and fine)
- d. In a combination/mixed form (imprisonment and/or fine).

This is contained in the provisions of Article 111, Article 112, Article 113, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120 Article 126, Article 134 and Article 127 of the Narcotics Law Narcotics Law. Narcotics. while Law Enforcement Officers who enforce the law against the crime of Narcotics and drugs are BNN based on Presidential Regulation Number 83 Year 2007 on the National Narcotics Agency National Narcotics Agency, Provincial Narcotics Agency, and Regency/City Narcotics Agency. Besides law enforcers who also enforce the the law, namely the police, prosecutors, and Judges.

2. According to victimology, children who are victims of drug abuse are classified to self victimizing victims, namely those who are victimized because of the crime they committed by themselves so that on the one hand, on the one hand, the child is the perpetrator of on the one hand, the child is the perpetrator of the narcotics crime regulated in Law Number 39 of 2009 on Narcotics, but on the other hand he on the other hand, he/she is also a victim of his/her own criminal offense. crime that he himself committed.

REFERENCES

- Raharjo, Agus *Cybercrime: Pemahaman dan upaya pencegahan kejahatan berteknologi*, Bandung: Citra Aditya Bakti, 2002
- Soerjono Soekanto dan Sri Mahmudji. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada. hlm. 13.
- Hari Sasangka, *Narkotika dan Psikotropika Dalam Hukum Pidana* (Bandung: Mandar Maju, 2011)
- Soedjono Dirdjosisworo, *Pathologi Sosial* (Bandung: Alumni, 2013), hlm. 70-71.
- Yusuf Apandi, *Katakan Tidak Pada Narkotika* (Bandung: Simbiosis Rekatama Mebia, 2012), hlm. 22
- Dikdik M. Arief Mansur & Elisatri Gultom, *Cyber Law.*, hlm 33
- Bambang Waluyo, *Viktimologi Perlindungan Hukum Terhadap Korban Kejahatan* (Jakarta: Sinar Grafika, 2013), hlm 9

-
- Yusuf Saefudin, Agus Raharjo, Budiyo, "Urgency of Integrated Assessment on Drugs Crime (a Study in Purbalingga Regency)", *Jurnal Dinamika Hukum* 17, No. 1 (2017): 40-52
- Zulfadli Barus, "Analisis Filosofis Tentang Peta Konseptual Penelitian Hukum Normatif Dan Penelitian Hukum Sosiologis," *Jurnal Dinamika Hukum* (2013): 318.
- Andi Aco Agus,"Integrasi Nasional sebagai salah satu parameter Persatuan dan Kesatuan Bangsa Negara Republik Indonesia" *Jurnal Hukum*, hlm 20
- A.R. Sujono dan Bony Daniel, "*Komentar dan pembahasan Undang-Undang No. 35 Tahun 2009*" (Bandung: Alumni, 2012), hlm. 214
- Rusli Ngatimin, "*Hidup Sehat Tanpa Miras dan Ekstasi*", Makalah, (Ujung Pandang, Fakultas Syari'ah IAIN Alauddin, 1996), h. 6.
- Diana Kusumasari, Penyalahgunaan Narkotika dan Prekursor Narkotika, dikutip dari laman: <https://www.hukumonline.com/klinik/detail/ulasan/lt4dc0cc5c25228/penyalahgunaan-narkotika-dan-prekursor-narkotika/> ; diakses pada 20 Januari 2020
- Nurlita Amelia Cahyani, 2021, Ancaman Non-Militer Pengedaran dan Penyalahgunaan Narkoba, dikutip dari laman: <https://www.kompasiana.com/nurilitaamaliacahyani7091/61c6a33417e4ac64200faf12/ancaman-non-militer-pengedaran-dan-penyalahgunaan-narkoba> : diakses pada 4 Juni 2023
- BNN, Bahaya Narkoba Bagi Generasi Bangsa, dikutip dari laman: <https://kepri.bnn.go.id/bahaya-narkoba-bagi-generasi-bangsa/>