

Legal Protection against Children of Criminal Acts of Narcotics Abuse Is Sent In Prison (Case Study Decision Number 12/Pid.Sus.anak/2017/PN Dps)

Warsifah¹, Zulkarnain Arif²

^{1,2}IBLAM College of Law

warsifah@iblam.ac.id

Abstract

The phenomenon of juvenile delinquency in Indonesia is increasing, especially in terms of narcotics abuse which is an extraordinary crime, so that it is threatened with a fairly heavy crime. But on the other hand, perpetrators who are still children have the right to the principle of the best interests of children. So it can be said that the imposition of imprisonment on children does not provide a sense of protection to children, besides that children are victims of narcotics abuse as stipulated in Article 67 of Law no. 35 of 2014 concerning Child Protection. The problems in this study are (1) what is the judge's consideration in imposing a prison sentence on children who are perpetrators of narcotics crimes in Decision Number 12/Pid.Sus.Anak/2017/PN.Dps? seta (2) How is the provision of criminal sanctions in prison for children who are perpetrators of criminal acts of narcotics abuse according to the principles of juvenile criminal justice in Decision Number 12/Pid.Sus.Anak/2017/PN.Dps? This research is a normative juridical research so that what is studied are legal principles and legal rules that are still valid but are also supported by empirical data so that what is studied is data originating from the literature and court decisions. In imposing a prison sentence on a child who is a narcotics criminal in Decision Number 12/Pid.Sus.Anak/2017/PN.Dps, the judge is of the view that a child who is a drug abuser for himself is also a perpetrator of a crime/crime, so he must also still sentenced, therefore the judge's consideration in making a decision only affects the length of imprisonment, not a reason that affects the type of sanction given. Where the perpetrators who are still at the age of children are only used as mitigating things in terms of the length of imprisonment. Based on this, it can be seen that the child perpetrators of narcotics abusers in this case are still treated as mere criminals, regardless of the child as a victim. (2) The provision of imprisonment for children who are perpetrators of criminal acts of narcotics abuse according to the principle of juvenile criminal justice in Decision Number 12/Pid.Sus.Anak/2017/PN.Dps is deemed inappropriate, because the type of narcotic crime is included in a crime without victims. (crime without victim) which means that children as perpetrators here are victims, so that the imposition of criminal sanctions on children as narcotics abusers can have a negative impact on children in society such as dehumanization and stigmatization.

Keywords

Legal protection; child perpetrators; narcotics abuse; prison



I. Introduction

The phenomenon of juvenile delinquency, or juvenile delinquency (which is often also referred to as juvenile delinquency) in Indonesia has recently shown very worrying symptoms. One of the crimes committed by minors is drug abuse among adolescents is increasing. Where there is an increase of 24 to 28 percent of adolescents who use narcotics. The World Drugs Reports 2018 published by the United Nations Office on Drugs and Crime (UNODC), states that as many as 275 million people in the world or 5.6% of the world's population (aged 15-64 years) have used drugs. Meanwhile in Indonesia, BNN as the focal point in the field of Prevention and Eradication of Drug Abuse and Illicit Trafficking (P4GN) pocketed the drug abuse rate in 2017 as many as 3,376,115 people in the age range of 10-59 years. Meanwhile, the number of drug abuse among students in 2018 (from 13 provincial capitals in Indonesia) reached 2.29 million people.

These facts show that child delinquency is not a mere disturbance to public safety and order, but is also a danger that can threaten the future of a nation's society. Children are part of the younger generation as one of the human resources, are potentials and successors to the ideals of the nation's struggle. In addition, children as part of the family are the fruit of the heart, successor and hope of the family. Children as the next generation of the nation need to get supervision and guidance so that they do not fall into serious delinquency or unlawful acts.

One example of law enforcement against narcotics crimes committed by children is what happened in Indonesia Denpasar City, where a child on the day Thursday (06 April 2017) using shabu-shabu and has known shabu-shabu since the last 1 (one) year. So that the child was tried by the Denpasar District Court and the judge sentenced him to prison, on the grounds that the child was guilty of committing a criminal act of Narcotics Abusing Group I for himself as regulated in Article 127 Paragraph (1) letter a U.U.R.I. No. 35 of 2009 concerning Narcotics and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

One form of violation against children is the existence of bad treatment of children who commit criminal acts. Whereas the rights of children as perpetrators of criminal acts also need to get serious attention from various parties concerned. Because children who commit crimes are also entitled to protection from all forms of discrimination in law. The right to guarantee the prohibition of child torture and inhumane punishments, the right to the procedural law of juvenile justice, the right to obtain legal assistance both inside and outside the court and so on.

Bismar Siregarsaid that the issue of legal protection for children is one side of the approach to protecting Indonesian children, where the problem can not only be approached juridically but also requires a broader approach, namely economic, social and cultural. Crime committed by children is a serious problem faced by every country.

In the settlement of criminal acts, there needs to be a difference between the behavior of adults and the behavior of children, judging from the position of a child legally not yet burdened with obligations compared to adults, as long as a person is still called a child, during that time he is not held accountable, if problems arise with children, how their rights are sought protected by law.

Seeing the complexity of overcoming narcotics abuse by children through the application of criminal sanctions, it is worth paying attention to the negative impact it causes, which will become a guarantor for the protection of children's basic rights, if the

policy orientation is aimed at protecting the interests of children. On the other hand, it will become a complicated social problem, if the policy ends up giving birth to a downturn in children.

II. Research Method

The research method used in this paper is a normative legal method, namely research that includes research on legal principles and legal systematics, legal history, and comparative law regarding the role of judges in making decisions against children who are perpetrators of criminal acts of narcotics abuse. The nature of the research in this thesis is analytical descriptive, that is, a study that is intended to provide data that is as accurate as possible about humans, circumstances or other symptoms. This research is intended to explain and provide an overview of the role of judges in making decisions against children who are perpetrators of criminal acts of narcotics abuse.

III. Result and Discussion

3.1 Criminal Acts of Narcotics Abuse Perpetrated by Children in Pada Denpasar District Court Decision Number 12/Pid.Sus.Anak/2017/PN.Dps

Child Perpetrators, hereinafter referred to as Children, on Thursday April 06, 2017 at approximately 13.45 WITA or at least at another time in April 2017 or at least still in 2017, located on the side of Jalan Jayagiri XIX Plot V, Dangin Puri Village Kelod, Kec. East Denpasar Denpasar City or at least in other places that are still included in the jurisdiction of the Denpasar District Court, without right or against the law offering for sale, selling, buying, receiving, intermediary in buying and selling, exchanging, or delivering Narcotics Category I with a net weight of 0.05 (zero point zero five) grams.

Starting from public information that there was a child who often used narcotics shabu-shabu-sabhu-shabu, then witness Cok Putra Sutrisna and a team from the Denpasar Police on Thursday, April 6, 2017 at around 13.45 WITA conducted an investigation and then followed up. When the child crossed the roadside Jayagiri XIX Plot V, the child was arrested and then a search was carried out on the child.

The goods in the form of methamphetamine were obtained from witness I Putu Arinata (the prosecution was carried out in another document), by buying it for Rp. 300,000, - (three hundred thousand rupiah) in denominations of Rp. 50.000,- (fifty thousand rupiahs) as many as 6 (six) pieces, by going directly to the house of witness I Putu Arinata on Jalan Ratna Gang II No. 7 East Denpasar, Denpasar City, where when the child finished buying the methamphetamine, the child was about to go home and when he passed Jalan Jayagiri, the child was arrested by officers from the Denpasar Police.

The purpose of the child buying the methamphetamine is for his own use, where the child has known shabu-shabu since the last 1 (one) year. The evidence in the form of: 1 (one) plastic clip containing crystal clear crystal methamphetamine with a net weight of 0.05 grams belongs to the Child and the Child does not have permission from the competent authorities to purchase the narcotics of the methamphetamine type.

Referring to the indictments and demands of the Public Prosecutor as described above, the Judges of the District Court decided as follows:

- a. Declaring that the child perpetrator has been legally and convincingly proven guilty of committing a criminal act of Narcotics Abusing Group I for himself.
- b. Imposing a crime against a child, therefore, with imprisonment.

- c. Determine that the period of detention that has been served by the child is deducted entirely from the sentence imposed.
- d. To stipulate that the child remains in custody at the Karangasem Children's Special Guidance Institute.
- e. To stipulate that evidence in the form of 1 (one) plastic clip containing crystal clear crystal methamphetamine weighing 0.37 gross or 0.05 gram nett is seized for destruction.
- f. Burdening the child to pay court fees of IDR 2,000 (two thousand rupiah).

3.2 Analysis of Judges' Considerations in Making Decisions against Children Perpetrators of Narcotics Crimes

As described above, it is known that children on day Thursday date 06 April 2017 approximately o'clock 13.45 WITA, located in edge road Jayagiri XIX lot V, village Dangin Castle Kelod, district. Denpasar East City Denpasar, by without right or oppose law have, keep, dominate, or provide Narcotics group I no plant with heavy clean as big as 0.05 (zero coma zero five) grams, destination Child have sabhu-shabu the is for used alone, where Child know Sabhu-shabu-sabhu-shabu since 1 (one) year final. Based on Thing the so child put on trial in court Country Denpasar and Judge state Child has proven by legitimate and convincing guilty do act criminal blasphemmer To use Narcotics group I for self alone so that Judge drop criminal to Child with criminal prison, Thing the refers to on provision chapter 127 Paragraph (1) letter a UU.RI. No. 35 Year 2009 about Narcotics and law Number 11 Year 2012 About System Justice Criminal Child.

Although on basic abuse narcotics is crime outside normal which threaten continuity life something nation, so that threatened with criminal which enough heavy. However in side other, defendant which still status as child entitled on principle interest best for child.

In decision number 12/Pid.Sus.anak/2017/PN.Dps as has Writer describe in on in sentencing convict narcotics child covers defendant which still categorized as as child sentenced law criminal prison by Judge, although already description Assessment (evaluation) risk and need child need education, construction, mentoring, attention and love Dear from family, Thing the will help repair self child, so that child no repeat do act criminal again. Based on recommendation Assessment the could concluded that Child moment this still in lower age (aged 17 year 1 month) is abuser narcotics in the form of Methamphetamine (sabhu) for self alone by situational, no experience dependency, as well as no indicated as dealer, so for that already should child the conducted effort rehabilitation. However in case this judge give penalty criminal prison to child, by check it out could known that child in Thing this no get protection law from action which has did.

Treatment as destination sentencing put forward by Genre positive. Genre this ground understand determination which state that person no have will free in do something deed because influenced by character personal, factors environment nor its society. With thereby crime is manifestation from state soul a abnormal. By because that si perpetrator crime no could to blame on his deed and no could worn criminal, but must given maintenance (treatment) for reconciliation perpetrator.

As known that Constitution No. 35 Year 2009 about Narcotics adhere to base Double track system mean speak about idea base about system penalty which Becomes base policy and use penalty in law criminal. In Thing this, system two track about penalty in law criminal. Although in literature which there is no once found affirmation explicit question idea base Double track system However seen from background behind appearance could concluded that idea base Double track system the is equality Among penalty criminal and penalty action. Idea equality this could searchable past development which occur in system

penalty law criminal from Genre classic to Genre modern neo classic. According to Barda Nawawi Wise as consequence from idea individualization criminal, so system sentencing in law criminal modern on turn oriented on perpetrator and deeds. Type penalty which applied no only covers penalty criminal, but also penalty action. Confession about equality among penalty criminal and penalty action here is the truth basic or idea base from draft double track system.

According to firm Prasetyo and Abdul Halim Baratullah, both of them sourced from idea base which different. Penalty criminal sourced on idea base why held sentencing. Whereas penalty action leave from idea base for what held sentencing. With say other, penalty criminal actually character reactive to something deed whereas penalty action character anticipatory to perpetrator deed the.

Based on Thing the, so Writer look at that use double track system in formulation penalty to child perpetrator act criminal abuse narcotics is Very appropriate, because based on review victimology that user/addict narcotics is victim as perpetrator, although victim from act crime/crime which did alone. By because that, so child as perpetrator act criminal user narcotics which also as victim deserve for get protection. However, because user/addict narcotics also as perpetrator something act crime/crime so he also must permanent punished, by because Thing here so said that double track system in formulation penalty to act criminal abuse narcotics is Very appropriate.

In Thing enforcement law to addict narcotics which also looked at as victim loaded in provision chapter 47 paragraph (1) letter a and b law Narcotics as something form protection to victim something crime, sounds as following:

Judge which check case addict narcotics could:

- a. Deciding for instruct which concerned undergo treatment and/or maintenance, if addict narcotics the proven guilty do act criminal narcotics;
- b. time undergo treatment and/or maintenance for addict narcotics as set in paragraph (1) letter a, taken into account as time undergo punishment.

Like has outlined in on that law Narcotics adhere to Double track system in formulation penalty to act criminal abuse narcotics, said is policy judge in drop in drop penalty through the verdict in handle case addict narcotics (in Thing give penalty action) because could seen from existence say "could" on editor provision chapter 47 (1) is freedom judge deciding is will apply provision the or no. About provision maintenance treatment and/or maintenance addict narcotics the, set in law narcotics, chapter 48, 49, 50, and 51.

In Thing this although judge Court Country Denpasar give penalty criminal prison to child as perpetrator act criminal abuse narcotics, However judge permanent consider impact negative on physical, psychic nor social child, so in Thing this Child which still aged young which still long time front, if in undergo punishment permanent is at in Institution society where residents various variety background behind life nor type the crime which where Child everyday get along together with they, so with refers to on provision chapter 85 paragraph (1) Constitution Number 11 Year 2012 About System Justice Criminal Child so Judge set so that child undergo the crime in Institution Correctional Child in Amlapura with hope Child given construction, mentoring as well as supervision which intensive so that child no easy affected to invitation person other which no good.

Considerations Judge in drop decision just influence to long criminal prison which dropped to child perpetrator abuse narcotics, not yet is reason which influence to type penalty which given. Where the culprit which still in age children only used as things which lighten up in Thing long criminal prison, age child the no made as ingredient

consideration for review chapter 49 law about Protection Child, which state that government and institution country other obliged and responsible answer for give protection special to child in situation emergency, child which face to face with law, child from group minority, and isolated, child exploited by economy and/or sexual, child which traded, child which Becomes victim abuse narcotics, alcohol, psychotropic, and substance addictive other (Drugs), child victim kidnapping, sale and trading, child victim violence good physical and/or mentally, child which bear disabled, and child which Becomes victim abuse narcotics given protection special effort rehabilitation against him.

In cases which occur, type criminal which dropped single that is only in form criminal prison, because existence a number of consideration judge, for no give penalty action. With thereby means child para addict narcotics in case the still treated as perpetrator criminal mere, without looking at child as victim from act criminal abuse narcotics.

Role victimology in give base thinking about how must treat perpetrator child abuser narcotics as victim that is with existence Double track system in formulation penalty to act criminal abuse narcotics, so as to create legal protection for children who are perpetrators of criminal acts of narcotics abuse. However, in the Denpasar District Court Decision Number 12/Pid.Sus.Anak/2017/PN.Dps which imposes criminal sanctions in prison without imposing action sanctions on children, they have not been able to provide legal protection for children who are perpetrators of narcotics abusers.

3.3 Analysis Provision of Imprisonment Sanctions for Children Perpetrators of Narcotics Abuse According to the Principles of Juvenile Criminal Justice In Decision Number 12/PID.SUS.ANAK/2017/PN.DPS

Potency child do act criminal or could said fall in in act criminal very big. Thing that caused because have characteristics and condition soul which unique where need briefing which correct if child want to Becomes correct whereas if briefing bad child will Becomes naughty even Becomes wicked. In Explanation Constitution No. 11 Year 2012 About System Justice Criminal Child paragraph second mentioned there "child many with act criminal narcotics".

Child often time in act criminal narcotics Becomes addict/user and courier narcotics. For example, a which already addicted narcotics which caused because less attention from person old so that get along with people more old from him and using narcotics, so that child the feel curious for consume narcotics because influenced by association, which long too long child the Becomes addict narcotics. Possibility the often occur in practice child involved as perpetrator act criminal abuse narcotics.

Wrong one example case to act criminal narcotics which conducted by child that is abuse narcotics which conducted by child on day Thursday date 06 April 2017 approximately o'clock 13.45 WITA, located in edge road Jayagiri XIX lot V, village Daging Castle Kelod, district. Denpasar East City Denpasar, by without right or oppose law have, keep, dominate, or provide Narcotics group I no plant with heavy clean as big as 0.05 (zero coma zero five) grams, destination Child have methamphetamine the is for used alone, where Child know Shabu-shabu-shabu-shabu since 1 (one) year final. Based on Thing the so child put on trial in court Country Denpasar and Judge state Child has proven by legitimate and convincing guilty do act criminal blasphemer To use Narcotics group I for self alone so that Judge drop criminal to Child with criminal prison, Thing the refers to on provision chapter 127 Paragraph (1) letter a U.U.R.I. No. 35 Year 2009 about Narcotics and law Number 11 Year 2012 About System Justice Criminal Child.

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Based on Thing the so could known that gift penalty criminal prison by Judge no give flavor protection to child, Besides that children stay child with the drawbacks which could said as victim abuse narcotics, Thing the in line with provision chapter 67 law No. 35 year 2014 about Protection Child which on the main thing is child as victim abuse narcotics given penalty in the form of rehabilitation.

Besides that based on chapter 60 paragraph (3) Constitution Number 11 Year 2012 about System Justice Criminal Child, Judge Child before drop decision to Perpetrator Child must consider Results Study society (Litmas), although thereby so Judge in drop decision to Perpetrator, no absolute must bound with conclusion and suggestion which loaded in in report Advisor society, because Judge lean on principle freedom and principle independence Judge. However in Thing this not enough notice Thing the, so that child as perpetrator act criminal abuse narcotics no get protection law.

Based on description the so could known that gift penalty criminal for child Perpetrator must based on truth, Justice and well-being dropping Criminal or action is something action which must take responsibility and beneficial for child perpetrator. Judge must consider circumstances, situation House, state environment and report mentor society.

See complexity countermeasures abuse narcotics which conducted by child through application penalty criminal, so deserve Becomes attention wish impact negative which caused, which will Becomes guarantor to protection rights base child, if orientation policy addressed for protect interest child. Otherwise, will Becomes problem social which complicated, if policy that finally precisely give birth to slump on child.

Child as abuser narcotics which meant in in study this, that is child which has aged 12 (two mercy) year, but not yet aged 18 (eight mercy) year, which suspected use narcotics without right or oppose law. So that which meant child as abuser narcotics, is child which suspected do act criminal narcotics. Even though suspected do act criminal narcotics, However child stay child with all deficiency and limitations they. By because that, protection to child as abuser narcotics is Thing which urgent.

As known that protection law to child which face to face with law or often called with child naughty (child as perpetrator act criminal) that is as set in Constitution Number. 11 Year 2012 about System Justice Criminal Child and Constitution Number. 35 Year 2014 about Protection Child. That's the case also with child protection law to child as perpetrator act criminal abuse narcotics, form the protection the law that is protection law preventive in the form of application principle restorative justice, diversion, and Ultimate Remedies.

Besides that based on chapter 69 paragraph (1) and (2) Constitution Number 11 Year 2012 about System Justice Criminal Child, to Perpetrator Child which has proven do act criminal only could dropped criminal or charged action, child which not yet aged 14 year only could charged action. With thereby decision judge the has fulfil mandate Constitution No. 11 year 2012 about System Justice Criminal Child.

As it is known that justice law aim for reach order public which peace and fair. Order general Becomes order law because contain Justice, so that supported by public as subject law, could confirmed that function main from law on finally is for realize Justice. Protection child related close with Justice, because in Justice criminal child, flavor Justice Para enforcer law which handle case child which face to face with law influence his actions. If Justice connected with protection child, so in Justice reflected protection child which good or protection child which good reflect Justice which implementation is rights child?

Could known that principle Justice in gift penalty for perpetrator act criminal abuse narcotics which conducted by child on case Justice Decision Court Country Denpasar Number 12/Pid.Sus.anak/2017/PN Dps not yet reflect Justice public because Perpetrator proper children on generally. So that decision Judge which give penalty criminal prison to child with criminal prison no reflect interest which best for child so that Becomes child which more good.

In chapter 2 Constitution Number 11 Year 2012 about System Justice Criminal Child, there is principles which need noticed in Thing protection law to child which conflicted with law, Among other:

- a. Protection
- b. Justice
- c. Non-discrimination
- d. Interest which best for child
- e. appreciation to opinion child
- f. Continuation life and grow flower
- g. coaching and mentoring Child
- h. Proportional
- i. Deprivation independence and sentencing as effort final
- j. Avoidance revenge

If seen from dropping penalty from Decision Court Country Denpasar Number 12/Pid.Sus.anak/2017/PN Dps, of course already appropriate and in accordance if seen from chapter 69 paragraph (1) Constitution Number 11 Year 2012 about System Justice Criminal Child which allow dropping penalty criminal only to child which has aged 14 year, but Thing this clear contrary with chapter 64 paragraph (2) letter e Constitution RI Number 35 year 2014 about Change On Constitution Number 23 Year 2002 About Protection Child that is Protection special for child which face to face with law implemented through liberation from torture, judgment, or treatment other which cruel, no human as well as demeaning dignity and degree, as well as chapter 64 paragraph (2) letter g that is avoidance from arrest, detention or prison, except as effort final and in time which Very short. Punishment prison to child perpetrator act criminal abuse narcotics very heavy for lived by child, and will impact on growth and development in his age.

Although child which mentioned in decision the by legitimate said violate law, child the must get protection law in accordance with provision which set in law SPPA and law Protection Child, remember that actually child the only victim. In law SPPA known term diversion, which is diversion from process solution case in Justice to process solution in outside court.

review on chapter 9 paragraph (2) law SPPA, mentioned that implementation diversion in Justice criminal child must always strived, remember in chapter the state that diversion permanent could applied on act criminal without victim, where act criminal narcotics is crime without victim (crime without victim), so child as perpetrator here, also at a time Becomes victim. Related Thing this, diversion only could conducted by investigator together perpetrator and/or his family, mentor society, as well as could involve figure public for together look for solution which fair with emphasize recovery return on state beginning and no revenge or which more known with term approach restorative justice (Justice restorative).

Agreement diversion which listed in chapter 11 law SPPA could shaped submission return to person parent/guardian, rehabilitation medical and psychosocial, as well as follow education or training in institution education or LPKS (Institution maintenance Well-being Social) Very long 3 (three) month. Solution in outside process Justice the expected capable give flavor Justice to child which face to face with law and with prioritize interest which best for child dropping penalty criminal to child deserve noticed, remember child is subject law which character very special which different with subject law person mature on generally which need treatment which special also. It means, if application penalty on person which already mature considered no effective as means countermeasures crime by because various impact negative which caused, so application penalty to child precisely will cause impact negative which far more wide according to Made Sadhi astuti, application penalty specifically criminal plunder independence to child will cause various impact which negative as following:

- a. Child Becomes more expert about crime
- b. Child given stamp wicked by public which called stigma
- c. Public refuse presence ex prisoners child
- d. time front child Becomes gloomy.

As for in application criminal prison to child have influence which negative to construction child in public, among other:

- a. dehumanization

Dehumanization is process exile which conducted by public to ex prisoners (child). Thing this could occur in various form, for example attitude cynical, attitude rejection presence ex prisoners child, mockery, and all behavior which could put child in alienation.

- b. Stigmatization

Stigmatization on basic is gift label or stamp wicked to they which once experience application criminal specifically criminal plunder independence dropping criminal in the form of criminal prison to child, not the only one method or solution which could conducted if addressed as effort preventive or prevention for repair child so that Becomes man which more good future and no repeat again his crime. Still there is method other like Rehabilitation Social which conducted in LPKS (Institution maintenance Well-being Social) for child, agency or institution which handle protection child or institution well-being social child, and in environment family/family replacement. Rehabilitation social is process activity recovery by integrated, good physical, mental nor social, so that child could return doing function social in life in public. Rehabilitation social far more beneficial for time front child.

However when child as perpetrator act criminal abuse narcotics already put on trial in advance court by judge, and declared guilty as well as given penalty criminal in the form of criminal prison like which occur in Decision Court Country Denpasar Number 12/Pid.Sus.anak/2017/PN.dps, so form protection the law that is protection law repressive.

According to Philipus M. Hadjon protection law which repressive aim for complete dispute. Handling protection law by Court General and Court Administration in Indonesia including category protection law this. Principle protection law to action government focus and sourced from draft about confession and protection to rights basic man because according to history from West, birth concepts about confession and protection to rights basic man directed to restrictions and laying obligation public and government. Principle second which underlying protection law to act government is principle country law. linked with confession and protection to rights basic man, confession and protection to rights basic man get the place main and could linked with destination from country law.

Based on description the so could known that protection law to child as perpetrator act criminal abuse narcotics which sentenced criminal prison that is protection law repressive. In Thing this child as perpetrator act criminal abuse narcotics which has sentenced criminal prison by judge court country entitled for submit appeal in accordance with provision chapter 67 KUHAP.

To child perpetrator act criminal abuse narcotics which has given penalty criminal prison or prosecutor general, KUHAP give right to they for submit effort appeal to decision court level first except to decision free pure/vrijpraak (free from all indictment), free no pure/onslag van alle rechtvervolging or free from all demands law which concerning problem not enough specifically application law and decision court in event fast (decision act criminal light and case violation traffic).

Besides that to decision criminal which given on level final by court other Besides than Court great (like Court Country and Court Tall), child as perpetrator act criminal abuse narcotics which has sentenced criminal prison or prosecutor general could submit request inspection cassation to Court great except to decision free pure/vrijpraak.

Next as which set in chapter 253 KUHAP inspection in level cassation conducted by Court great on request para party as meant in chapter 244 and chapter 248 KUHAP To use determine is correct something regulation law no applied or applied no as should; is correct method judge no implemented according to provision Constitution; and is correct court has beyond limit his authority. Based on Thing the so in level cassation to party which submit effort law, KUHAP oblige existence memory cassation in his application, and with reason which outlined in memory the Court great accept, check and cut off case which submitted and with alone without memory cassation application the Becomes fall.

IV. Conclusion

1. The judge's consideration in imposing a prison sentence on a child who is a narcotics criminal in Decision Number 12/Pid.Sus.Anak/2017/PN.Dps is the judge's view that the child perpetrator narcotics abuse for oneself as well as a perpetrator of a crime/crime then he must also be punished, therefore The judge's consideration in making the decision only affects the length of imprisonment, it is not a reason that affects the type of sanctions given. Where the perpetrators who are still at the age of children are only used as mitigating things in terms of the length of imprisonment. Based on this, it can be seen that the child perpetrators of narcotics abusers in this case are still treated as mere criminals, regardless of the child as a victim.
2. Provision of criminal sanctions in prison for children who are perpetrators of criminal acts of narcotics abuse according to the principles of juvenile criminal justice Decision Number 12/Pid.Sus.Anak/2017/PN.Dps is deemed inappropriate, because the type of narcotic crime is included in a crime without victim, which means that the child as the perpetrator here is a victim, so that the provision of criminal sanctions is imprisonment

to children as narcotics abusers can have a negative impact on children in society such as dehumanization and stigmatization.

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