

Legal Implications of Drug Abuse by Minors on National Resilience in South Sulawesi

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Abstract: Drug abuse by minors is a multidimensional problem that significantly impacts national resilience. This study aims to examine the legal and strategic implications of child involvement in drug abuse, with a geographic focus on South Sulawesi Province. This study highlights the effectiveness of law enforcement, the implementation of rehabilitation policies, and the social challenges faced in fostering the younger generation as the foundation of national resilience. Using a juridical-normative and sociological approach, this study analyzes the applicable legal framework, specifically Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and Law No. 35 of 2009 concerning Narcotics, as well as the dynamics of their implementation at the local level. The study's findings indicate that drug abuse in South Sulawesi is concentrated among productive-age males in urban areas with secondary education and involvement in the informal sector, with children in this vulnerable environment. Although the legal framework formally positions children as victims entitled to diversion, rehabilitation, and exceptional protection, law enforcement practices are still dominated by repressive approaches, limited use of restorative justice, and weak inter-agency coordination. Structural constraints, including budget constraints, inadequate facilities, overlapping authority with the police, information leaks, and strong social stigma, significantly hamper the effectiveness of rehabilitation and social reintegration of child victims of drug abuse. From a national resilience perspective, these weaknesses could create an alienated and unproductive generation. This article emphasizes that an integrated penal and non-penal strategy centered on the best interests of children and community-based prevention is a crucial prerequisite for strengthening national resilience in the face of the threat of narcotics.

Keywords: Drug Abuse; Legal Implications; Minors; National Resilience.

Introduction

Illicit drug trafficking is a transnational phenomenon that threatens security, public health, and social welfare in various countries, including Indonesia, because it is closely linked to transnational organized crime, corruption, violence, and political and economic instability.¹ Several studies of the global burden of disease also show that drug abuse and dependence contribute significantly to morbidity and mortality, posing a serious threat to public health and socioeconomic development.² Its existence not only weakens the legal system and governance but also erodes national resilience through moral degradation and reduced productivity of society, especially the younger generation, who have been empirically proven to be vulnerable to risky behavior and

¹ Matthew S Jenner, "International Drug Trafficking: A Global Problem with a Domestic Solution," *Indiana Journal of Global Legal Studies* 18, no. 2 (2011): 901–16, <https://doi.org/10.2979/indjglolegstu.18.2.901>.

² Shuyan Zhang et al., "Global Burden of Drug Use Disorders by Region and Country, 1990–2021," *Frontiers in Public Health* 12 (2024): 1470809, <https://doi.org/10.3389/fpubh.2024.1470809>.

involvement in drug abuse.³ This phenomenon is no longer just a local-scale crime. Still, it has evolved into a form of transnational organised crime that causes public unrest and poses a serious threat to national and international stability.⁴ On a broader scale, this situation poses a significant threat to national resilience, as it compromises the quality of human resources and social stability.⁵ The illicit trafficking of narcotics has developed into a disturbing transnational threat, not only impacting social stability but also eroding national resilience, as is currently being faced by Indonesia.⁶ This phenomenon has transcended national and geographic boundaries, making it a global issue that demands a comprehensive, collaborative, and integrated response among countries.⁷ More than just a local crime, the illegal trafficking of narcotics has developed into a form of transnational organised crime, involving cross-country networks with increasingly complex *modus operandi*.⁸ This condition has severe impacts that disrupt security and stability and threaten global society's welfare.

Republic of Indonesia Law Number 35 of 2009 concerning Narcotics stipulates that anyone who abuses narcotics can be subject to severe criminal sanctions, especially if their actions are related to the illegal distribution of drugs.⁹ However, in practice, it is not uncommon for children who are victims of narcotics networks, whether as couriers, users due to environmental influences, or as parties exploited by adults, to be positioned as perpetrators of criminal acts and subject to criminal penalties like adults.

This situation is exacerbated by the tendency to criminalise child drug abusers, even though the provisions of Article 54 and Article 55 of Law Number 35 of 2009 concerning Narcotics explicitly stipulate that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. However, in practice, children caught possessing or using narcotics are often immediately named as suspects and subject to severe criminal provisions, even being treated the same as adult drug dealers or perpetrators.¹⁰ This indicates a shift in law enforcement's focus from a rehabilitative to a repressive approach. This situation raises serious issues, both in terms of substantive justice and the protection of children's human rights. Children who abuse drugs should not be viewed solely as lawbreakers, but also as victims of weak family supervision, unhealthy social environments, and the failure of the state system to provide protection.¹¹ Drug abuse has a variety of significant, destructive impacts on individual health, social dynamics, socio-economic development, and global peace and security stability. This phenomenon not only disrupts users'

³ Lee Thung Sen et al., "Insights Into Adolescents' Substance Use in a Low-Middle-Income Country During the COVID-19 Pandemic," *Frontiers in Psychiatry* 12 (2021): 739698, <https://doi.org/10.3389/fpsy.2021.739698>.

⁴ Vanessa Mathilde Harum and Nurul Syarifah, "Upaya Pemerintah Indonesia Dalam Menangani Kejahatan Narkotika Sebagai Kejahatan Transnasional," *Wajah Hukum* 7, no. 2 (2023): 331.

⁵ Fauzan Hidayat, "Urgensi Kebijakan Rekrutmen Aparatur Sipil Negara Dalam Komponen Cadangan," *Jurnal Kebijakan Pemerintahan* 5, no. 1 (2022): 29–38.

⁶ Rudi Hartono and Bakharuddin Bakharuddin, "Keamanan Maritim Untuk Memerangi Peredaran Gelap Narkotika Lintas Negara Melalui Jalur Laut Di Indonesia," *Jurnal Impresi Indonesia* 2, no. 8 (2023): 809–20.

⁷ Cahyo Pamungkas, "Global Village Dan Globalisasi Dalam Konteks Ke-Indonesiaan," *Jurnal Global & Strategis* 9, no. 2 (2017): 245, <https://doi.org/10.20473/jgs.9.2.2015.245-261>.

⁸ Rezky Ramadhan, Muh Chaerul Anwar, and Muhammad Sajidin, "Upaya ASEAN Dalam Menangani Kejahatan Transnasional Perdagangan Narkotika, Perdagangan Manusia Dan Terorisme Di Kawasan Asia Tenggara," *Indonesian Journal of Peace and Security Studies (IJPSS)* 5, no. 1 (2023): 12–33, <https://doi.org/10.29303/ijpss.v5i1.120>.

⁹ Muhamad Satria Khoirullah and Rugun Romaida Hutabarat, "Kebijakan Penanggulangan Narkotika Oleh Badan Narkotika Nasional Ditinjau Dari Undang-Undang Narkotika" 9, no. 4 (2025): 897–910.

¹⁰ Widodo Ramadhana et al., "Legal Review of Rehabilitation Rights for Victims of Drug Abuse (Review of Law Number 35 of 2009)," *Sibatik Journal* | Volume 4, no. 3 (2025): 151–60.

¹¹ Rohman Hakim, "Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Oleh Anak Dalam Perspektif Undang-Undang Nomor 35 Tahun 2009," *Jurnal Preferensi Hukum* 4, no. 2 (2023): 280.

physiological and psychological functions but also contributes to social disintegration, increases countries' economic burden, and creates global insecurity.¹² This condition also has the potential to encourage other crimes, such as theft, sexual violence, and even murder.

Drug abuse among children and adolescents is a complex and multidimensional legal and social problem.¹³ This phenomenon not only threatens the future of the younger generation but also poses a significant challenge to maintaining national resilience, particularly in the areas of human resources, social resilience, and ideological resilience. The Head of the National Narcotics Agency (BNN) of the Republic of Indonesia, in commemoration of International Anti-Narcotics Day (HANI) 2024, announced that, based on global data, the number of drug users has increased to 296 million, up 12 million from the previous year. This figure represents approximately 5.8% of the total world population aged 15-64. This indicates that drug abuse is a serious problem worldwide.¹⁴ Drug abuse has now also spread to school-age children. Data from the National Narcotics Agency (BNN) Rehabilitation Centre recorded 164 cases of drug abuse in the 12-18 age group in 2021. The highest number of cases was recorded at the Baddoka Rehabilitation Centre in Makassar, South Sulawesi, with 50; the Tanah Merah Rehabilitation Centre in East Kalimantan, with 41; and the Lido Rehabilitation Centre in West Java, with 35. Meanwhile, in 2020, the number of cases in the same age range reached 280.¹⁵ These data show a worrying trend regarding the involvement of school-age children in drug abuse, which has profound implications for human resource development and national resilience.

Research on transnational crime, particularly the distribution and abuse of narcotics in Indonesia, has been conducted extensively by various academics, legal practitioners, and related institutions, both in the context of law enforcement and rehabilitation, and in relation to their impact on social stability and national resilience. Further details are presented systematically in Table 1 to clarify the structure of the analysis.

Table 1. Previous Research Related To The Distribution and Abuse Of Narcotics in Indonesia

Author	Research Title	Institution	year	Key Findings
M. Rofi Wicaksono <i>et al.</i> ,	Effectiveness of Law Enforcement on Criminal Acts of Drug Abuse Against Children in Pinrang Regency. ¹⁶	Universitas Muslim Indonesia	2025	Law enforcement is not yet effective, as the implementation of Article 127 of Law 35/2009 and Article 71 of Law 11/2012 is not yet optimal, due to constraining factors such as the legal structure and limited awareness.
Ibnu Majah	Law Enforcement of Drug Abuse by Children at the Cilegon Police. ¹⁷	Universitas Islam Sultan Agung	2024	The police have adopted the principle of restorative justice, but special rehabilitation facilities for children and supporting

¹² Ramadhan, Anwar, and Sajidin, "Upaya ASEAN Dalam Menangani Kejahatan Transnasional Perdagangan Narkoba, Perdagangan Manusia Dan Terorisme Di Kawasan Asia Tenggara."

¹⁶ M. Rofi Wicaksono, Syahrudin Nawati, and Nasrullah Arsyad, "Efektivitas Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak Di Kabupaten Pinrang," *Journal of Lex Theory (JLT)* 3, no. 35 (2022): 164-80.

¹⁷ Ibnu Majah, "Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak Dibawah Umur Di Polres Cilegon", Universitas Islam Sultan Agung Semarang, 2024.

				human resources are still limited.
Amin Uadi	The Role of the Banyumas Regency National Narcotics Agency in Preventing and Overcoming Narcotics Crimes by Children (Research Study at the Banyumas Regency National Narcotics Agency). ¹⁸	Universitas Jenderal Soedirman	2024	Preventive and repressive approaches, but no personnel or facilities focused on children; structural constraints.
Namora Lubis & Balqis Nurmauli Damanik	Implementation of Drug Abuse and Illicit Trafficking Prevention and Eradication Policies in the Community: A Qualitative Study. ¹⁹	Universitas Sumatera Utara	2024	The National Narcotics Agency (BNN)'s role in Langkat is quite effective; however, funding constraints, low participation, and a shortage of personnel hinder its effectiveness. Integrated efforts are needed to prevent drug abuse.
Yudhistira Mahendra	Law Enforcement against Child Narcotics Abuse Perpetrators at the Jambi City National Narcotics Agency (BNN). ²⁰	Universitas Jambi	2025	Implementation based on Law 35/2009 and Law 11/2012; obstacles from organized crime and low public awareness.

Several previous studies have contributed to understanding transnational crime in Indonesia, including those that highlight patterns of transnational crime in the waters of Sulawesi.²¹ However, research on transnational crime at sea in Indonesia is generally general and encompasses various forms of crime, so it has not explicitly focused on narcotics crimes. On the other hand, studies on the illicit trafficking of transnational narcotics in Indonesia's border regions tend to focus more on land borders. In contrast, aspects of trafficking via maritime routes are neglected.²² This condition reflects the absence of studies that examine in depth the illicit trade in narcotics via sea routes, particularly in Indonesian waters.

¹⁵ Widha Utami Putri et al., "Indonesia Drugs Report," 2021.

¹⁶ M. Rofi Wicaksono, Syahrudin Nawir, and Nasrullah Arsyad, "Efektivitas Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak Di Kabupaten Pinrang," *Journal of Lex Theory (JLT)* 3, no. 35 (2022): 164-80.

¹⁷ Ibnu Majah, "Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak Dibawah Umur Di Polres Cilegon", Universitas Islam Sultan Agung Semarang, 2024.

¹⁸ Amin Uadi, "Peranan Badan Narkotika Nasional Dalam Pencegahan Dan Penanggulangan Tindak Pidana Narkotika Yang Dilakukan Oleh Anak (Studi Penelitian Di BNN Kabupaten Banyumas)", Universitas Jenderal Soedirman, 2024.

¹⁹ Namora Lubis, & Balqis, and Nurmauli Damanik, "Implementasi Kebijakan Pencegahan Pemberantasan Penyalahgunaan Dan Peredaran Gelap Narkotika Di Masyarakat : Studi Kualitatif Implementation of Prevention Policies to Eradicate the Abuse and Illicit Trafficking of Narcotics in Society: Qualitative Study," *Jurnal Kebidanan, Keperawatan Dan Kesehatan (J-BIKES)* 4, no. 2 (2024): 74-81.

²⁰ Yudhistira Mahendra, "Penegakan Hukum Terhadap Pelaku Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak (Studi Di Badan Narkotika Nasional Kota Jambi)", Universitas Jambi, 2024.

²¹ Gia Ayu Fita, Riady Ibnu Khaldun, and Deri Fatra, "Patterns of Transnational Crime in The Border of Sulawesi Sea - Sulu Sea and Threats to Indonesia's Maritime," *Resolusi: Jurnal Sosial Politik* 5, no. 2 (2022): 133-42.

²² A D Firdaus, "Transnational Crime of Narcotics Smuggling at the Entikong Border of Indonesia and Malaysia in the Perspective of International Treaties," no. January (2020): 0-18.

Although the various studies mentioned above have provided essential insights into drug abuse, most remain partial and focus on law enforcement or the role of specific institutions without explicitly addressing the issue. These studies generally fail to comprehensively link the legal implications of drug abuse by children to the holistic dimensions of national resilience, including human resources, social issues, and ideological issues. Furthermore, limitations in geographic scope and interdisciplinary approaches underscore the need for more comprehensive and in-depth research to understand the strategic impact of this phenomenon on the nation's stability and future.

This research aims to comprehensively examine the legal and strategic implications of the involvement of minors in drug abuse and its impact on aspects of national resilience. The study focuses on South Sulawesi as a case study, given the high prevalence of drug abuse among children and adolescents in the region. Using a normative and sociological approach, this research analyzes the effectiveness of applicable regulations, the implementation of rehabilitation policies, and the social challenges faced in developing the young generation as a strategic national asset.

This article is expected to have three contributions and innovations. First, this study positions drug use by children not only as a criminal law and child protection issue, but also as a factor influencing national resilience through the degradation of human resource quality and social cohesion. Second, this article combines normative studies of legislation with empirical data in South Sulawesi Province, thereby demonstrating the gap between the normative design of child protection and the practice of law enforcement and rehabilitation policies in the field. Third, this study offers recommendations for an integrated treatment model based on restorative justice and a non-penal approach, explicitly aimed at strengthening national resilience, which has not been the primary focus of previous research.

Method

This study uses a juridical-normative and sociological approach to understand both the legal aspects governing drug abuse by minors and the social realities surrounding it in the South Sulawesi region. The juridical-normative approach is used by examining relevant positive legal instruments, including Law Number 35 of 2009 concerning Narcotics, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and various implementing regulations that support their implementation. The analysis is conducted on legal norms governing child protection and drug prevention policies, including the principles of restorative justice in the context of children as perpetrators and victims.²³

Meanwhile, a sociological approach is employed to describe and analyze the implementation of the law in the field, as well as the community's and related institutions' responses to this phenomenon. Data collection techniques include literature reviews, document analyses, and semi-structured interviews with key informants, such as law enforcement officers, National Narcotics Agency (BNN) officers, rehabilitation workers, community leaders, and parents or children involved in drug-related cases.²⁴ The collected data were analyzed qualitatively, following the interactive

²³ Faris Hasan Aziz, Ayyesha Salsabila, and Uut Rahayuningsih, "Analisis Efektivitas Upaya Rehabilitasi Terhadap Anak Sebagai Pecandu Narkoba: Pendekatan Medis Dan Psikososial," *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 2, no. April (2025).

²⁴ Agustin Rizky Ade, Wijaya Andika, and Nugraha Satriya, "Kajian Hukum Terhadap Penyalahgunaan Narkotika Oleh Anak Di Bawah Umur Dalam Sistem Peradilan Pidana Anak."

stages of data reduction, data presentation, and conclusion drawing. Quantitative data from the National Narcotics Agency (BNNP) were processed descriptively to illustrate the distribution and trends of child drug protection cases. Furthermore, these empirical findings were linked to the applicable positive legal framework and the concept of national resilience, resulting in a comprehensive picture of the legal implications of child drug use on national resilience, as well as the weaknesses and needs for improvement in Indonesia's child protection system.

Result and Discussion

Legal Dimensions of Drug Abuse by Minors

In relation to drug abuse by minors and the juvenile criminal justice system, several national legal instruments serve as the legal basis or guidelines for its implementation, namely:

1. Law Number 35 of 2009 concerning Narcotics.
2. Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection.
3. Law No. 39 of 1999 concerning Human Rights.
4. Law No. 11 of 2012 concerning the Juvenile Justice System.
5. Law No. 4 of 1979 concerning Child Welfare.
6. Law No. 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia.
7. Law No. 12 of 1995 concerning Corrections.
8. Law No. 2 of 2002 concerning the Police.
9. Law No. 31 of 2014 concerning Protection of Witnesses and Victims.
10. Government Regulation No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years of Age.
11. Supreme Court Regulation No. 4 of 2014 concerning Guidelines for Diversion.
12. Presidential Regulation 175 of 2014 concerning Integrated Education and Training for Law Enforcement Officers related to SPPA.
13. Regulation of the Minister of Social Affairs concerning the Rehabilitation of Children in Trouble with the Law (ABH).
14. Regulation of the Attorney General concerning Guidelines for the Implementation of Diversion.

However, Indonesia currently faces challenges in law enforcement due to the increasingly sophisticated nature of transnational crime. According to National Police Chief Regulation No. 7 of 2009 on the Public Order and Security Disturbance Reporting System, transnational crime refers to organized crime involving more than two countries. It has serious consequences for a nation's administration, geopolitics, socio-cultural affairs, and economy, and is also a global concern. The concept of transnational crime originates from international terrorism and encompasses all crimes that cross international borders. The term emerged in the 1990s during the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.²⁵ Regulations regarding children involved in narcotics crimes are within a complex legal framework, because they must pay attention to the relationship between criminal law and child protection law.²⁶ Children engaged in

²⁵ J.R. Wagley, "Transnational Organized Crime: Principal Threats and US Responses," *Strategy*, 2006.

²⁶ Sri Rahayu Amri and Sari Ratna Dewi, *Perlindungan Hukum Bagi Anak Pelaku Tindak Pidana Penyalahgunaan Narkotika*, 2024.

narcotics cases can be positioned as perpetrators, victims, or witnesses.²⁷ Determining the legal status of children in cases like this is crucial because it has direct implications for the legal approach that will be used, whether through repressive channels or restorative justice mechanisms.

As perpetrators, children involved in drug abuse are often prosecuted through the criminal justice system, particularly when proven guilty of possessing, distributing, or using narcotics without authorization. These actions can be prosecuted under Article 127 paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics, which states that anyone who abuses narcotics for personal use is subject to criminal sanctions. However, law enforcement for children is inseparable from the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes the importance of a restorative approach and the use of diversion to protect children's rights. Therefore, punishment for children as perpetrators of narcotics crimes must be implemented proportionally, while prioritizing the principle of the child's best interests.

In some cases involving drug abuse, children are victims of illicit drug trafficking practices. Syndicates or adults often exploit children as intermediaries, couriers, or even force them to use illegal substances.²⁸ Within this framework, an approach that views children as victims becomes more relevant, given the elements of exploitation and the limited legal understanding children possess. Law Number 35 of 2014 concerning Child Protection explicitly provides a legal basis for protecting children from drug abuse and positions them as subjects requiring rehabilitation and recovery, not criminalization. This approach also aligns with the principle of non-criminalization of child drug users, as adopted in several state policies that prioritize a public health approach in addressing drug issues.

In addition to being perpetrators or victims, children can also act as witnesses in drug crimes, for example, when they witness or have information about incidents of drug abuse or distribution by others. In this capacity, the fulfillment of children's rights as witnesses must be comprehensively guaranteed at every stage of the judicial process, from investigation to trial. Provisions regarding the protection of child witnesses are set out in Law Number 11 of 2012 concerning the Child Criminal Justice System and the Criminal Procedure Code (KUHAP), which provides that children have the right to be accompanied by community counselors, legal advisors, and parents or guardians.²⁹ This protection is crucial to prevent adverse psychological impacts and ensure that the legal process does not become a means of re-victimization for children involved as witnesses.

In handling children involved in drug abuse, the Indonesian legal system faces a dilemma between two different approaches: a repressive approach through criminal mechanisms and a more humane, recovery-oriented rehabilitative approach. The tension between these two approaches reflects the tug-of-war between law enforcement and public order, as well as the state's obligation

²⁷ Nur Kemala Putri et al., "Pengaruh Teori Rehabilitasi Terhadap Kebijakan Pemidanaan Di Indonesia: Tinjauan Pustaka," *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 2 (2024): 210-24.

²⁸ Nur Fadillah, "Sanksi Pidana Bagi Pelaku Anak Sebagai Perantara Jual Beli Narkotika Perspektif Jarimah (Studi Putusan Nomor 5/Pid.Sus-Anak/2022/PN Pin)" (IAIN Pare-Pare, 2024).

²⁹ Galih Dwi Anggara, I. Asmarudin, and T. V Widyastuti, "Pengaturan Perlindungan Hukum Bagi Anak Sebagai Pelaku Tindak Pidana Dalam Instrumen Hukum Internasional," in *PT Nasya Expanding Management (Penerbit NEM): Pekalongan* (PT Nasya Expanding Management (Penerbit NEM), 2023).

to provide exceptional protection for children to prevent long-term adverse impacts of the criminal justice process.³⁰

The conventional repressive approach views children as legal subjects who must be held accountable for their actions, and therefore subject to criminal sanctions such as imprisonment or fines based on provisions of narcotics law. This approach aims to deter and prevent the recurrence of criminal acts. However, the rigid application of this approach without considering the child's psychological condition and developmental needs has the potential to lead to detrimental consequences, such as disrupted education, loss of access to rehabilitation, and prolonged social stigmatization, which can ultimately damage the child's future.³¹

The rehabilitative approach in handling children who abuse narcotics is based on the view that children are victims of social and environmental conditions that are not supportive, so they need protection, care, and recovery.³² This approach is restorative and humanistic, grounded in the principle of the best interests of the child, as set out in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and in the Convention on the Rights of the Child, which Indonesia has ratified.³³ Through rehabilitation, children are not only kept away from drug networks but also assisted in their recovery from addiction and provided with psychosocial support to facilitate effective social reintegration.

This dual approach between punishment and rehabilitation is reflected in national regulations, particularly Article 54 of Law Number 35 of 2009 concerning Narcotics, which opens up opportunities for perpetrators of drug abuse, including children, to undergo medical and social rehabilitation.³⁴ However, in practice, a gap remains between law enforcement, which tends to emphasize criminal sanctions, and rehabilitation institutions, which prioritize recovery and rehabilitation. This mismatch creates a gap in the implementation of the juvenile criminal justice system, where children often have to go through lengthy legal processes and lack adequate access to rehabilitation services.

Therefore, a balanced integration of repressive and rehabilitative approaches is needed through optimizing diversion mechanisms, so that cases of child drug abusers can be resolved outside the formal judicial process. Such an approach not only protects children from legal stigma but also ensures a sustainable recovery process and the protection of children's rights. To achieve this, synergy is needed between law enforcement officials, health institutions, and social agencies, supported by a firm national policy that supports the best interests of children.

³⁰ Agustin Rizky Ade, Wijaya Andika, and Nugraha Satriya, "Kajian Hukum Terhadap Penyalahgunaan Narkotika Oleh Anak Di Bawah Umur Dalam Sistem Peradilan Pidana Anak."

³¹ Agustin Rizky Ade, Wijaya Andika, and Nugraha Satriya "Kajian Hukum terhadap Penyalahgunaan Narkotika oleh Anak di Bawah Umur dalam Sistem Peradilan Pidana Anak," *INNOVATIVE: Journal Of Social Science Research*, 5 no 3 (2025): 2420-2436.

³² Lushiana Primasari, "Rehabilitasi Anak Penyalah Guna Narkotika: Sebuah Upaya Penerapan Keadilaan Restoratif," *Recidive: Jurnal Hukum Pidana Dan Penanggulangan Kejahatan* 13, no. 3 (2024): 339-47, <https://doi.org/10.20961/recidive.v13i3.96434>.

³³ Inez Indira Putri and Gelar Ali Ahmad, "Penerapan Restorative Justice Dalam Rangka Penyelesaian Perkara Penyalahgunaan Narkotika Di POLRES Mojokerto Kota," *Novum: Jurnal Hukum*, no. 8 (2021): 219-28.

³⁴ Octavina Putri Rodhi et al., "Harmonisasi Peraturan Restorative Justice Terkait Tindak Pidana Narkotika Pada Anak," *Halu Oleo Law Review* 8, no. 1 (2024): 49-61.

Legal Protection Efforts Against Drug Abuse for Minors

Children's freedoms and human rights are integral to the legal protection the state is obligated to provide to ensure the fulfillment of children's basic needs, including a sense of security and peace. This protection includes legal guarantees for children facing legal proceedings, under which the state is obliged to adopt a protective approach to ensure that children's rights are respected and protected throughout the legal process.³⁵

The Republic of Indonesia's commitment to providing legal protection for children is reflected in the enactment of the Law on Child Protection. The creation and revision of this regulation demonstrate the state's special attention to protecting children as vulnerable legal subjects. This protection not only covers children in general but also specifically applies to children who are victims of drug abuse and other addictive substances. The Child Protection Law emphasizes the importance of a protective and rehabilitative approach in handling cases involving children who use drugs, while upholding the principle of the child's best interests.³⁶

Certain limitations within the Child Protection Law define child protection. While efforts are made to protect children involved in drug crimes and rape, there are still gaps in the standards, which do not clearly define the requirements for children and the protections provided by the Basic Agrarian Law for children involved in drug cases. Therefore, in every drug case involving children, diversion is prioritized by applicable laws on the juvenile justice system.³⁷

The juvenile criminal justice system comprises the entire judicial subsystem that adjudicates cases involving minors. Every decision rendered in a juvenile case is rendered within the judicial system. All government activities involving children must take into account the child's interests and welfare. Regarding adolescents, the criminal process is particularly threatening once a child has passed the juvenile stage, as it can damage their mental health. To mitigate these health problems and their impacts, the government has issued a policy on the Juvenile Criminal Justice System (SPPA) Law, which regulates a process called diversion. Resolving juvenile cases outside of court is commonly referred to as diversion. This distinction reflects a commitment to protecting children's human rights. Therefore, it is crucial to reorient the approach to legal protection for children involved in drug abuse through the legal framework stipulated in the Juvenile Criminal Justice System Law (UU SPPA).³⁸

Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) initially defined a child as an individual aged at least 8 years and under 18 years (Article 1 Number 4 of the UUPA). However, in Constitutional Court Decision Number 1/PUU VIII/2010, the phrase "around 8 years" was declared conditionally unconstitutional, and the minimum age threshold for criminal responsibility was set at 12 years.³⁹ Thus, currently, legally, a child committing a crime must be at least 12 years old and under 18, and unmarried. This change also aligns with international principles advocating for child safety and the avoidance of premature

³⁵ Arief, B. N, Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana. *Bandung: Citra Aditya Bakti* (1998).

³⁶ Rumlul Fata and Petrus Werembian, "Perlindungan Hukum Terhadap Anak Yang Melakukan Tindak Pidana," *JHP17 (Jurnal Hasil Penelitian)* 6, no. 2 (2022): 23-27.

³⁷ Amri and Dewi, *Perlindungan Hukum Bagi Anak Pelaku Tindak Pidana Penyalahgunaan Narkotika*, CV Widina Media Utama, 2024.

³⁸ Warsiman Warsiman, Jarnawi Hadi Saputra, and Anjani Siphahutar, "Penerapan Hukum Terhadap Anak Sebagai Pelaku Penyalahgunaan Narkotika," *Jurnal Normatif* 3, no. 2 (2023): 310-20.

³⁹ Mahkamah Konstitusi, "Putusan Mahkamah Konstitusi Nomor 1/PUU-VIII/2010" (2010).

criminalization, as recommended in General Comment No. 10 of the UN Committee on the Rights of the Child and the Beijing Rules.⁴⁰ The primary objective is to protect children's rights based on the constitution and the principle of legality, which states that children who are not yet mentally ready should not undergo formal criminal proceedings. Law No. 11/2012 and the practice of restorative justice through diversion emphasize the recovery-and-social-reintegration approach as the primary principle in handling children in conflict with the law. This higher legal definition reflects the state's commitment to ensuring that judicial procedures do not victimize children, but rather facilitate their full rights to grow and be protected.

The Juvenile Criminal Justice System (SPPA) is a legal and procedural framework for handling children in conflict with the law, prioritizing the principles of restorative justice, protection, and restoration. This approach is more humane and protective, aligning with internationally recognized principles of child protection. In the context of drug crimes, the implementation of the SPPA is crucial, given that children are a vulnerable group who require different psychological, social, and legal treatment than adult perpetrators. This approach focuses not only on the criminal aspect but also emphasizes rehabilitation, social reintegration, and prevention so that children do not re-enter the criminal justice system.⁴¹

The theory of legal protection emphasizes that children, as a vulnerable group, are entitled to receive comprehensive legal protection from the state. However, coordination problems, limited resources, and cultural barriers still hinder its implementation.⁴² This protection aims to ensure that children can live, grow, and develop in accordance with their inherent dignity and human rights. Implementation of child protection encompasses preventive, rehabilitative, and empowerment measures, requiring a systematic, collaborative approach across institutions.⁴³ Child development is dynamic, influenced by social, emotional, and cognitive conditions from childhood onward. According to Freud, disruptions in the early stages of psychosexual development can have long-term effects on psychological health in adulthood.⁴⁴

Growth and development during childhood are crucial factors in determining an individual's future quality of life. Growth refers to quantitative increases in physical size, such as height, weight, and the number and size of cells or body tissues. Meanwhile, child development reflects the gradual and continuous qualitative maturation of biological, psychological, and social functions. This development is individual, active, and unique to each child. Therefore, when children are involved in drug abuse, the state must provide legal protection that is not merely repressive but also takes into account the holistic aspects of child growth and development.⁴⁵

⁴⁰ Yose Desman and Ahmad Redi, "Reform of the Juvenile Justice System Regarding the Age Limit for Criminal Responsibility," *JOURNAL SYNTAX IDEA* 6, no. 12 (2024): 6711-23.

⁴¹ Muhammad Fakhri Budiaulia and Suparji Ahmad, "Pelaksanaan Diversi Terhadap Anak Yang Berhadapan Dengan Hukum (Studi Putusan No. 6/Pid.Sus.Anak/2019/PN Sdr)," *Jurnal Ilmu Sosial Dan Pendidikan* 5, no. 2 (2024): 312-23.

⁴² Perta Wida Subastian and Emy Rosnawati, "Legal Protections for Disabled Child Victims of Sexual Violence in Sidoarjo, Indonesia," *Academia Open* 8, no. 1 (2023): 1-10.

⁴³ Sri Rahayu et al., "Legal Protection for Children in Cases of Online Sexual Abuse: A Comparative Study," *Jambe Law Journal* 5, no. 1 (2022): 81-122.

⁴⁴ Luh Putu Gita Dharmaningtyas, "Perlindungan Hukum Terhadap Anak Korban Penyalahgunaan Narkotika," *Jatiswara* 34, no. 1 (2020): 51-61.

⁴⁵ Candra Wahyuni, *Panduan Lengkap Tumbuh Kembang Anak Usia 0-5 Tahun* (STRADA PRESS, 2018).

Legal protection efforts for children involved in drug abuse can be realized through various mechanisms stipulated in the juvenile criminal justice system. First, the selection process for investigators in juvenile cases must meet specific qualifications that are sensitive to the child's psychological condition and special needs. Second, during the trial process, the child must be accompanied by a legal advisor, a community counselor, and a parent or guardian to protect the child's procedural rights. Third, the child's identity must be strictly confidential to protect their mental health and safety from potential social stigma. Fourth, during the sentencing stage, judges must consider the principle of restorative justice and ensure that every decision taken truly prioritizes the child's best interests. In principle, handling cases involving children, including narcotics cases, must be carried out with an approach that upholds the child's protection, rehabilitation, and social reintegration.⁴⁶

Rehabilitation is a form of treatment for drug addicts aimed at freeing them from their dependence on narcotics. Rehabilitation is part of the social assistance provided to drug abusers. In our law, specifically Law Number 35 of 2009 concerning Narcotics, there are two types of rehabilitation: medical rehabilitation and social rehabilitation.⁴⁷ The integrated treatment process to free people with an addiction from drug dependence is called medical rehabilitation, while social rehabilitation is the process of restoring the mental and physical health of former addicts so they can function fully in society, or social reintegration. Rehabilitation treatment follows established rehabilitation procedures, including those based on the theory of therapy and rehabilitation in criminal law.⁴⁸

The idea that treatment should be the goal of punishment stems from the positivist school of thought, which emphasizes that criminal sanctions should focus on the perpetrator, rather than solely on the act. In this view, punishment is not understood as retribution but as a means of providing treatment and rehabilitation to perpetrators of criminal acts. This approach is based on the assumption that perpetrators of crimes are considered disturbed or "sick" individuals, thus requiring therapeutic intervention, not simply repressive punishment. In the context of drug abuse, treatment theory directs the punishment process to provide treatment aimed at restoring the perpetrator's condition. Furthermore, the rehabilitation stage is implemented as a comprehensive recovery process for the perpetrator, replacing the purely punitive approach to punishment.⁴⁹

Based on the previous description, the state holds a constitutional responsibility to guarantee legal protection for children involved in drug abuse, as regulated in Law Number 35 of 2014 concerning Child Protection. This protection encompasses ensuring children's rights to live, grow, develop, and participate optimally, in accordance with their human dignity and worth, as well as to be free from violence and discrimination. One concrete form of this protection is the provision of rehabilitation services, considering that children who abuse drugs are generally in the position of

⁴⁶ M, Mulyadi. *Criminal Policy: Pendekatan Integral Penal Policy Dan Non Penal Policy Dalam Penanggulangan Kejahatan Kekerasan*. Medan: *Pustaka Bangsa Perss*, 2008.

⁴⁷ Dina Novitasari, "Rehabilitasi Terhadap Terhadap Anak Korban Penyalahgunaan Narkoba," *Jurnal Hukum Khaira Ummah* 12, no. 4 (2017): 917-26.

⁴⁸ Vera Tomaz, Diana Moreira, and Olga Souza Cruz, "Criminal Reactions to Drug-Using Offenders: A Systematic Review of the Effect of Treatment and/or Punishment on Reduction of Drug Use and/or Criminal Recidivism," *Frontiers in Psychiatry* 14, no. 2 (2023).

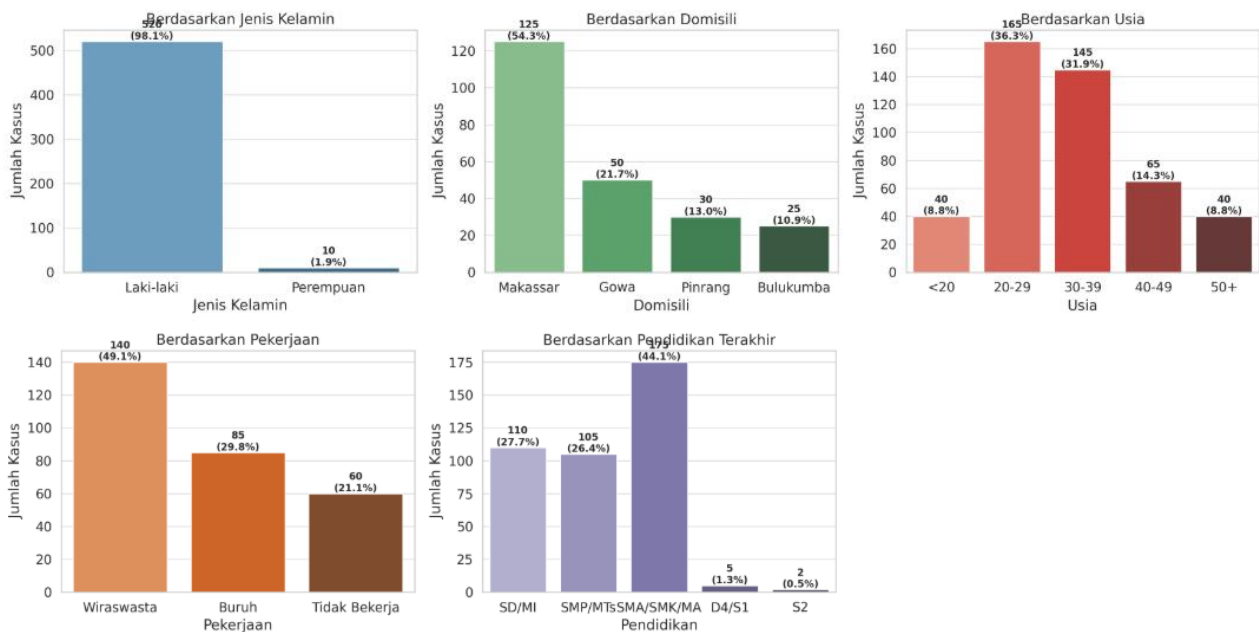
⁴⁹ Vera Tomaz, Diana Moreira, and Olga Souza Cruz, "Criminal Reactions to Drug-Using Offenders: A Systematic Review of the Effect of Treatment and/or Punishment on Reduction of Drug Use and/or Criminal Recidivism," *Frontiers in Psychiatry* 14, no. 2 (2023).

victims, as emphasized in Article 1 (4) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Within this framework, children are positioned as part of the chain of victims in the network of distribution and illicit trafficking of narcotics. Rehabilitation is a crucial component in the process of recovering children from addiction, considering the complexity of the dynamics of addiction and the significant challenges faced in such recovery efforts.

Data on the Distribution and Law Enforcement Efforts to Combat Narcotics in South Sulawesi

Drug abuse in South Sulawesi in 2024 demonstrated a complex distribution pattern involving various socio-demographic dimensions. Data collected by the National Narcotics Agency (BNNP) indicate that the highest prevalence occurs among productive-age men, with cases predominantly found in urban areas, such as Makassar City.⁵⁰ Furthermore, the significant involvement of self-employed groups and individuals with secondary education backgrounds demonstrates that drug abuse is not limited to one segment of society, but spreads across social and educational classes. These findings underscore the urgency of an intersectoral approach to evidence-based prevention and rehabilitation strategies.

Figure 1. Distribution of Narcotics Cases in South Sulawesi



Source: BNNP South Sulawesi

Data on drug abuse in South Sulawesi in 2024 showed a significant trend among males, those of productive age (20–39 years old), those with secondary education (high school/vocational high school), and those working in the informal sector, such as self-employed and laborers, with the highest concentration in Makassar City. This finding reflects that drug abuse is influenced not only by individual factors but also by socioeconomic and regional conditions. Therefore, future drug prevention policies are expected to focus not only on legal aspects but also on strengthening

⁵⁰ Nabila Ramadhani Arsyad, "Kasus Narkotika Melonjak Sepanjang 2024, BNNP Sulawesi Selatan Terus Upayakan Perluasan Jangkauan Layanan Rehabilitasi Dan TAT" (Sulawesi Selatan, 2024).

community-based preventive approaches, education, and economic empowerment, especially for vulnerable groups.

The drug eradication strategy in South Sulawesi will be less than optimal if law enforcement focuses solely on users. In the context of progressive legal policies, users and people with an addiction should be positioned as individuals in need of medical and psychosocial assistance, not simply as perpetrators of criminal acts. Conversely, repressive efforts must be directed firmly at drug dealers, who are the leading actors in the distribution of illicit substances. This framework aligns with the provisions of Supreme Court Circular Letter (SEMA) Number 7 of 2009, which recommends placing drug addicts in rehabilitation institutions, rather than correctional facilities. Meanwhile, those involved in illicit trafficking can be subject to severe criminal sanctions, including the death penalty, if found guilty of organized crime. This approach represents a balance between protecting victims of drug abuse and taking firm action against key perpetrators, as stipulated in Law Number 35 of 2009 concerning Narcotics.⁵¹

The South Sulawesi National Narcotics Agency (BNNP)'s efforts to combat drug trafficking and abuse are strategically urgent, given that the primary target group for drug trafficking tends to be teenagers, particularly school and college students. This situation raises serious concerns for the future of the younger generation as a national asset. In carrying out its eradication duties, the South Sulawesi BNNP implements a technology-based intelligence function spread across various regions of the province. This function is implemented through multiple programs, including mapping drug trafficking networks, conducting interdiction operations at airports (Airport Interdiction) and seaports (Seaport Interdiction), and early detection of communities vulnerable to drug abuse and trafficking. These various efforts are an integral part of a comprehensive strategy to break the chain of drug distribution and build community resilience against the threat of drugs.⁵²

1. Mapping drug trafficking networks is one of the strategic functions of the Intelligence Section within the Eradication Division of the South Sulawesi National Narcotics Agency (BNNP). This activity aims to identify areas vulnerable to drug abuse and map the entry and exit routes for illegal drug distribution. Through this mapping, the BNNP can identify vulnerable points that serve as transit hubs and final destinations in the trafficking network, whether by sea, land, or air. The information obtained from this mapping process serves as the basis for formulating more targeted prevention and enforcement strategies, as well as increasing the effectiveness of cross-regional surveillance.
2. The Airport Interdiction Operation is an integral part of the implementation of the intelligence function in the Eradication Division of the South Sulawesi National Narcotics Agency (BNNP), which focuses on surveillance in the airport environment. This activity includes monitoring the international waiting area and inspections in the cargo warehouse at Sultan Hasanuddin International Airport, Makassar. Additionally, urine tests were conducted on pilots, co-pilots, and cabin crew from various airlines, including Garuda Indonesia, Lion Air, AirAsia, Batik Air, Merpati, and Wings Air. The results of the implementation during a specific period showed that no positive indications of narcotics

⁵¹ Hakim, " Penegakan hukum tindak pidana penyalahgunaan narkotika oleh anak dalam perspektif undang-undang nomor 35 tahun 2009" *Jurnal Preferensi Hukum* 4, no. 2 (2023): 280.

⁵² Aswan Afandi, Hambali Thalib, and Abdul Agis, "Efektivitas Penanggulangan Peredaran & Penyalahgunaan Narkotika Oleh Badan Nasional Narkotika Sulawesi Selatan," *Journal of Lex Philosophy (JLP)* 1, no. 1 (2020): 99-121.

were found among the flight personnel examined. The implementation of this operation aims to prevent and detect early potential involvement of flight crew in narcotics abuse, as well as ensure the safety and security of air transportation as a whole.

3. Operation Seaport Interdiction is part of the implementation of the intelligence function in the Eradication Division of the South Sulawesi National Narcotics Agency (BNNP), which focuses on monitoring shipping activities as potential routes for narcotics smuggling. This operation involves monitoring commercial vessels, cargo vessels, and small fishing boats suspected of involvement in narcotics trafficking, particularly in the Soekarno-Hatta Port area and the Paotere Fishing Port in Makassar City. Additionally, monitoring is conducted on the flow of incoming containers from within and outside the country, as well as the movement of people at several major ports in the South Sulawesi region. To strengthen synergy, the South Sulawesi BNNP has established a strategic partnership with PT PELNI to conduct early detection of indications of narcotics smuggling by sea. This collaboration involves the exchange of intelligence information, joint monitoring, and the implementation of joint operations to strengthen the surveillance system against potential illicit narcotics trafficking at sea.
4. Operations in vulnerable communities are an integral part of the intelligence function of the South Sulawesi National Narcotics Agency's (BNNP) Eradication Division. These operations focus on intensive monitoring in areas indicated as having a high level of vulnerability to drug abuse and illicit trafficking. Monitoring locations include public places such as terminals, streets, hotels, boarding houses, nightclubs, and correctional institutions. In addition, surveillance is also conducted in densely populated or slum areas and sub-districts with a high prevalence of drug cases. These activities are carried out twice a month as part of early detection and prevention efforts to break the drug distribution chain in the community. This vulnerability-based area approach is expected to identify distribution patterns and critical points that require further intervention.

Based on the various efforts to combat drug trafficking and abuse at the South Sulawesi National Narcotics Agency (BNNP), as outlined above, it can be concluded that a multi-sectoral approach integrating intelligence, transportation surveillance, and community-based interventions is the primary strategy for breaking the chain of illicit drug trafficking. The implementation of programs such as network mapping, Airport and Seaport Interdiction, and environmental monitoring of vulnerable communities demonstrates that the South Sulawesi BNNP is not merely reactive to cases but also prioritizes a preventative approach and early detection. The effectiveness of this strategy depends heavily on inter-agency synergy, information technology support, and active community participation in creating a drug-free environment. In the future, strengthening institutional capacity, improving the accuracy of intelligence data, and collaborating with the education and youth sectors will be crucial to enhancing social resilience in the face of drug threats.

Although the South Sulawesi National Narcotics Agency (BNNP) has implemented various strategies to combat drug trafficking and abuse, their implementation at the operational level still faces several obstacles that impact the effectiveness of interventions. Internally, prominent issues include a limited number of personnel disproportionate to the size of the working area and the complexity of the drug trafficking network, as well as information leaks before operations, indicating weak control and confidentiality systems. Meanwhile, externally, limited supporting

facilities and infrastructure, as well as inadequate budget allocation, also hinder the optimization of institutional performance. This situation indicates that combating drug trafficking and abuse requires a more comprehensive and sustainable approach. Therefore, an integration of a penal approach through firm law enforcement and a non-penal approach encompassing community-based prevention, education, and ongoing rehabilitation is necessary. This hybrid approach is not only crucial for increasing the institutional effectiveness of the South Sulawesi National Narcotics Agency (BNNP) but also for building social resilience to the threat of narcotics in a systemic, long-term manner.

Efforts to combat drug trafficking and abuse by the South Sulawesi National Narcotics Agency (BNN) still face significant obstacles, particularly related to limited operational costs. This limitation is exacerbated by overlapping authority with the police, which also has limited personnel numbers and capabilities. Given that drug crimes are complex and organized, their handling requires a more intensive investigative approach than general crimes. Law enforcement in this context not only targets users but also aims to uncover drug distribution networks on a national and transnational scale. Therefore, adequate budgetary support is needed to enable the South Sulawesi National Narcotics Agency (BNNP) to increase its effectiveness and strengthen its capacity for sustainable drug eradication in the future.

Social Stigmatization of Child Victims of Drug Abuse and Its Implications for Social Reintegration

The implementation of legal protection for children involved in drug crimes in Indonesia still faces several complex and multidimensional challenges. One major obstacle is the strong social stigma attached to children involved in drug cases. The societal view, which often portrays them as lawbreakers unworthy of a second chance, can become a barrier to rehabilitation and social reintegration. As a result, these children usually experience marginalization, both socially and psychologically, which in turn hinders their recovery process. Furthermore, the lack of understanding and perspective on child protection among law enforcement officials also poses a challenge.⁵³ In practice, many officials still treat children as criminals on a par with adults, without considering their vulnerability as children who require special treatment. However, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) explicitly states that children in conflict with the law must be processed in a system different from the adult criminal justice system. Article 1, paragraph (2) of the UU SPPA emphasizes that the juvenile criminal justice system aims to guarantee the protection and fulfillment of children's rights at every stage of the legal process. However, the implementation of this norm is often suboptimal, resulting in children's rights being frequently neglected in law enforcement practices.

Limited rehabilitation facilities also pose a significant challenge. Many children involved in drug crimes do not have adequate access to appropriate rehabilitation programs. This is due to a lack of funding and resources allocated to child rehabilitation programs.⁵⁴ According to Article 7 of the SPPA Law, children in conflict with the law have the right to rehabilitation and reintegration.

⁵³ Uut Rahayuningsih et al., "Analisis Strategi Dan Tantangan Perlindungan Hukum Bagi Anak," *Jurnal Sosial Dan Humaniora (ASH)* 02, no. 02 (2025): 15–20.

⁵⁴ Dimas Presa Oktavian Pambudi, "Tantangan Penegakan Hukum Dalam Kasus Penyalahgunaan Narkotika Di Kalangan Anak" (ekolah Tinggi Ilmu Hukum IBLAM., 2023).

However, current facilities are often inadequate to meet the needs of these children. Injustice can also arise from differing interpretations of the law. For example, Article 54 of Law Number 35 of 2009 concerning Narcotics states that children involved in drug abuse must receive rehabilitation, but its implementation is often inconsistent. This creates ambiguity about how children should be treated within the legal context. This creates confusion among law enforcement agencies and can result in unfair treatment of children.

The lack of collaboration between law enforcement agencies and rehabilitation institutions also hinders the effectiveness of legal protection. Often, these agencies operate independently without proper coordination, which prevents children in need from receiving comprehensive services. Article 8 of the SPPA Law emphasizes the importance of inter-agency collaboration in handling children in conflict with the law; however, in practice, this remains a significant challenge. Overall, challenges in implementing legal protection for child drug offenders include social stigma, a lack of understanding among law enforcement, limited rehabilitation facilities, differing interpretations of the law, and a lack of collaboration between institutions. Protecting children's rights and providing them with opportunities for rehabilitation and social reintegration requires a joint effort from the government, the community, and relevant institutions to address these issues.⁵⁵

Conclusion

This research reveals that drug abuse by minors is a multidimensional issue that impacts not only the legal aspects but also has serious implications for national resilience, particularly in the human resources, social, and ideological dimensions. Although regulatory frameworks such as Law Number 35 of 2009 concerning Narcotics and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System have established mechanisms for protecting children, their implementation at the local level still exhibits various weaknesses, including the dominance of repressive approaches, limited access to rehabilitation, and weak coordination between relevant institutions.

In the context of law enforcement, children involved in drug abuse are often positioned as perpetrators of crimes rather than as victims of exploitation and social vulnerability. This contradicts the principle of the best interests of the child and hinders the rehabilitation and social reintegration process, both of which should be priorities. An approach that places too much emphasis on punishment has the potential to have long-term impacts in the form of stigmatization, marginalization, and an increased risk of recriminalization. From a national resilience perspective, the failure to provide protection and rehabilitation for child victims of drug abuse contributes to the weakening of the quality of the younger generation, a strategic national asset. Therefore, it is necessary to strengthen the juvenile criminal justice system with a focus on restorative justice, increase the capacity of rehabilitation services, and integrate cross-sectoral policies that address the problem holistically. In the long term, strategies to combat drug abuse among children must be positioned as an integral part of national development policies that focus on protecting children's rights and strengthening national resilience.

⁵⁵ Hikmah Putri Amalia, Naida Andhita Pasa, and Salsabila Nur Sahara D, "Problematika Penegakan Hukum Terhadap Tindak Pidana Narkotika Di Indonesia," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 3 (2024): 279-96.

Referencess

- Afandi, Aswan, Hambali Thalib, and Abdul Agis. "Efektivitas Penanggulangan Peredaran & Penyalahgunaan Narkotika Oleh Badan Nasional Narkotika Sulawesi Selatan." *Journal of Lex Philosophy (JLP)* 1, no. 1 (2020): 99–121. <https://doi.org/10.52103/jlp.v1i1.29>.
- Agustin Rizky Ade, Wijaya Andika, and Nugraha Satriya. "Kajian Hukum Terhadap Penyalahgunaan Narkotika Oleh Anak Di Bawah Umur Dalam Sistem Peradilan Pidana Anak." *INNOVATIVE: Journal of Social Science Research* 5, no. 3 (2025): 2420–36. <https://j-innovative.org/index.php/Innovative>.
- Amalia, Hikmah Putri, Naida Andhita Pasa, and Salsabila Nur Sahara D. "Problematisa Penegakan Hukum Terhadap Tindak Pidana Narkotika Di Indonesia." *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 3 (2024): 279–96. <https://doi.org/10.15642/mal.v5i3.367>.
- Amri, Sri Rahayu, and Sari Ratna Dewi. *Perlindungan Hukum Bagi Anak Pelaku Tindak Pidana Penyalahgunaan Narkotika*, 2024. <https://repository.penerbitwidina.com/>.
- Anggara, Galih Dwi, I. Asmarudin, and T. V. Widyastuti. "Pengaturan Perlindungan Hukum Bagi Anak Sebagai Pelaku Tindak Pidana Dalam Instrumen Hukum Internasional." In *PT Nasya Expanding Management (Penerbit NEM): Pekalongan*. PT Nasya Expanding Management (Penerbit NEM), 2023.
- Arsyad, Nabila Ramadhani. "Kasus Narkotika Melonjak Sepanjang 2024, BNNP Sulawesi Selatan Terus Upayakan Perluasan Jangkauan Layanan Rehabilitasi Dan TAT." Sulawesi Selatan, 2024.
- Aziz, Faris Hasan, Ayyesha Salsabila, and Ut Rahayuningsih. "Analisis Efektivitas Upaya Rehabilitasi Terhadap Anak Sebagai Pecandu Narkoba: Pendekatan Medis Dan Psikosisial." *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 2, no. April (2025). <https://doi.org/10.62383/amandemen.v2i2.865>.
- Budiaulia, Muhammad Fakhri, and Suparji Ahmad. "Pelaksanaan Diversi Terhadap Anak Yang Berhadapan Dengan Hukum (Studi Putusan No. 6/Pid.Sus.Anak/2019/PN Sdr)." *Jurnal Ilmu Sosial Dan Pendidikan* 5, no. 2 (2024): 312–23.
- Candra Wahyuni. *Panduan Lengkap Tumbuh Kembang Anak Usia 0-5 Tahun*. STRADA PRESS, 2018.
- Desman, Yose, and Ahmad Redi. "Reform of the Juvenile Justice System Regarding the Age Limit for Criminal Responsibility." *JOURNAL SYNTAX IDEA* 6, no. 12 (2024): 6711–23. <http://dx.doi.org/10.46799/syntax-idea.v6i12.11289>.
- Dharmaningtyas, Luh Putu Gita. "Perlindungan Hukum Terhadap Anak Korban Penyalahguna Narkotika." *Jatiswara* 34, no. 1 (2020): 51–61. <https://doi.org/10.29303/jatiswara.v34i1.222>.
- Dina Novitasari. "Rehabilitasi Terhadap Terhadap Anak Korban Penyalahgunaan Narkoba." *Jurnal Hukum Khaira Ummah* 12, no. 4 (2017): 917–26. <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/jhku/article/view/2567>.
- Fadillah, Nur. "Sanksi Pidana Bagi Pelaku Anak Sebagai Perantara Jual Beli Narkotika Perspektif Jarimah (Studi Putusan Nomor 5/Pid.Sus-Anak/2022/PN Pin)." IAIN Pare-Pare, 2024. <https://repository.iainpare.ac.id/id/eprint/8378>.
- Fata, Rumhul, and Petrus Werembian. "Perlindungan Hukum Terhadap Anak Yang Melakukan Tindak Pidana." *JHP17 (Jurnal Hasil Penelitian)* 6, no. 2 (2022): 23–27. <https://doi.org/10.30996/jhp17.v6i2.6209>.
- Firdaus, A D. "Transnational Crime of Narcotics Smuggling at the Entikong Border of Indonesia and Malaysia in the Perspective of International Treaties," no. January (2020): 0–18. https://www.researchgate.net/profile/Ayi-Firdaus/publication/357647142_Transnational_Crime_of_Narcotics_Smuggling_at_the_Entikong_Border_of_Indonesia_and_Malaysia_in_the_Perspective_of_International_Treaties/links/61d80145b6b5667157cfd929/Transnational-Cr.
- Fita, Gia Ayu, Riady Ibnu Khaldun, and Deri Fatra. "Patterns of Transnational Crime in The Border

- of the Sulawesi Sea - Sulu Sea and Threats to Indonesia's Maritime." *Resolusi: Jurnal Sosial Politik* 5, no. 2 (2022): 133-42. <https://doi.org/10.32699/resolusi.v5i2.3189>.
- Hakim, Rohman. "Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Oleh Anak Dalam Perspektif Undang-Undang Nomor 35 Tahun 2009." *Jurnal Preferensi Hukum* 4, no. 2 (2023): 280.
- Hartono, Rudi, and Bakharuddin Bakharuddin. "Keamanan Maritim Untuk Memerangi Peredaran Gelap Narkotika Lintas Negara Melalui Jalur Laut Di Indonesia." *Jurnal Impresi Indonesia* 2, no. 8 (2023): 809-20. <https://doi.org/10.58344/jii.v2i8.3497>.
- Harum, Vanessa Mathilde, and Nurul Syarifah. "Upaya Pemerintah Indonesia Dalam Menangani Kejahatan Narkotika Sebagai Kejahatan Transnasional." *Wajah Hukum* 7, no. 2 (2023): 331. <https://doi.org/10.33087/wjh.v7i2.1245>.
- Hidayat, Fauzan. "Urgensi Kebijakan Rekrutmen Aparatur Sipil Negara Dalam Komponen Cadangan." *Jurnal Kebijakan Pemerintahan* 5, no. 1 (2022): 29-38. <https://doi.org/10.33701/jkp.v5i1.2217>.
- Jenner, Matthew S. "International Drug Trafficking: A Global Problem with a Domestic Solution." *Indiana Journal of Global Legal Studies* 18, no. 2 (2011): 901-16. <https://doi.org/10.2979/indjglolegstu.18.2.901>.
- Khoirullah, Muhamad Satria, and Rugun Romaida Hutabarat. "Kebijakan Penanggulangan Narkotika Oleh Badan Narkotika Nasional Ditinjau Dari Undang-Undang Narkotika" 9, no. 4 (2025): 897-910. <https://news.detik.com/berita/d-3567290/polling-58-masyarakat-puas-kinerja-kpk>.
- Lubis, Namora, & Balqis, and Nurmauli Damanik. "Implementasi Kebijakan Pencegahan Pemberantasan Penyalahgunaan Dan Peredaran Gelap Narkotika Di Masyarakat: Studi Kualitatif Implementation of Prevention Policies to Eradicate the Abuse and Illicit Trafficking of Narcotics in Society: Qualitative Study." *Jurnal Kebidanan, Keperawatan Dan Kesehatan (J-BIKES)* 4, no. 2 (2024): 74-81. <https://doi.org/10.51849/j-bikes.v>.
- Mahkamah Konstitusi. Putusan Mahkamah Konstitusi Nomor 1/PUU-VIII/2010 (2010). https://www.mkri.id/public/content/persidangan/risalah/risalah_sidang_Perkara_Nomor.1.PUU-VIII.2010,7_April_2010.pdf.
- Majah, Ibnu. "Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak Dibawah Umur Di Polres Cilegon." Universitas Islam Sultan Agung Semarang, 2024. <http://repository.unissula.ac.id/id/eprint/38057>.
- Pambudi, Dimas Presa Oktavian. "Tantangan Penegakan Hukum Dalam Kasus Penyalahgunaan Narkotika Di Kalangan Anak." *ekolah Tinggi Ilmu Hukum IBLAM*, 2023. <http://digilib.iblam.ac.id/id/eprint/1241>.
- Pamungkas, Cahyo. "Global Village Dan Globalisasi Dalam Konteks Ke-Indonesiaan." *Jurnal Global & Strategis* 9, no. 2 (2017): 245. <https://doi.org/10.20473/jgs.9.2.2015.245-261>.
- Primasari, Lushiana. "Rehabilitasi Anak Penyalah Guna Narkotika: Sebuah Upaya Penerapan Keadilaan Restoratif." *Recidive: Jurnal Hukum Pidana Dan Penanggulangan Kejahatan* 13, no. 3 (2024): 339-47. <https://doi.org/10.20961/recidive.v13i3.96434>.
- Putri, Inez Indira, and Gelar Ali Ahmad. "Penerapan Restorative Justice Dalam Rangka Penyelesaian Perkara Penyalahgunaan Narkotika Di POLRES Mojokerto Kota." *Novum: Jurnal Hukum*, no. 8 (2021): 219-28.
- Putri, Nur Kemala, Alfa Salam, Ardian Ramadhan, Mulitalia Mulitalia, and Masykuri Anasti. "Pengaruh Teori Rehabilitasi Terhadap Kebijakan Pemidanaan Di Indonesia: Tinjauan Pustaka." *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 2 (2024): 210-24. <https://doi.org/10.71153/jimmi.v1i2.135>.
- Putri, Widha Utami, Welly Pinuri, Budy Santoso, and Adhy Prastya. "Indonesia Drugs Report," 2021. <https://ppid.bnn.go.id/>.

- Rahayu, Sri, Monalisa, Yulia Monita, and Melyana Sugiharto. "Legal Protection for Children in Cases of Online Sexual Abuse: A Comparative Study." *Jambe Law Journal* 5, no. 1 (2022): 81-122. <https://doi.org/10.22437/jlj.5.1.81-122>.
- Rahayuningsih, Uut, Ni Komang Putri Piantari, Rika Halimatun Sadiah, and Normalia Sari. "Analisis Strategi Dan Tantangan Perlindungan Hukum Bagi Anak." *Jurnal Sosial Dan Humaniora (ASH)* 02, no. 02 (2025): 15-20. <https://www.almufi.com/index.php/ASH/article/view/427>.
- Ramadhan, Rezky, Muh Chaerul Anwar, and Muhammad Sajidin. "Upaya ASEAN Dalam Menangani Kejahatan Transnasional Perdagangan Narkoba, Perdagangan Manusia Dan Terorisme Di Kawasan Asia Tenggara." *Indonesian Journal of Peace and Security Studies (IJPSS)* 5, no. 1 (2023): 12-33. <https://doi.org/10.29303/ijpss.v5i1.120>.
- Ramadhana, Widodo, Reza Farhansyah, Dinda Khairunnisa Nasution, and Mathew Christofel Sinaga. "Legal Review of Rehabilitation Rights for Victims of Drug Abuse (Review of Law Number 35 of 2009)." *Sibatik Journal | Volume 4*, no. 3 (2025): 151-60. <https://publish.ojs-indonesia.com/index.php/SIBATIK>.
- Rodhi, Octavina Putri, Fajar Rachmad Dwi Miarsa, Ahmad Heru Romadhon, Anisa Izzah Afandi, and Irma Nafa Nabila. "Harmonisasi Peraturan Restorative Justice Terkait Tindak Pidana Narkotika Pada Anak." *Halu Oleo Law Review* 8, no. 1 (2024): 49-61. <https://doi.org/10.33561/holrev.v8i1.106>.
- Sen, Lee Thung, Kristiana Siste, Enjeline Hanafi, Belinda Julivia Murtani, Hans Christian, Albert Prabowo Limawan, Adrian, and Levina Putri Siswidiani. "Insights Into Adolescents' Substance Use in a Low-Middle-Income Country During the COVID-19 Pandemic." *Frontiers in Psychiatry* 12 (2021): 739698. <https://doi.org/10.3389/fpsy.2021.739698>.
- Srifauzi, Aulia, Nurul Azhimi, and M. Ikrar Mahendra Lubis. "Security Dilemma: Indonesia Dalam Menghadapi Tantangan Kawasan Segitiga Emas (The Golden Triangle) Di Asean." *Journal PIR: Power in International Relations* 7, no. 1 (2022): 31. <https://doi.org/10.22303/pir.7.1.2022.31-45>.
- Subastian, Perta Wida, and Emy Rosnawati. "Legal Protections for Disabled Child Victims of Sexual Violence in Sidoarjo, Indonesia." *Academia Open* 8, no. 1 (2023): 1-10. <https://doi.org/10.21070/acopen.8.2023.6198>.
- Tomaz, Vera, Diana Moreira, and Olga Souza Cruz. "Criminal Reactions to Drug-Using Offenders: A Systematic Review of the Effect of Treatment and/or Punishment on Reduction of Drug Use and/or Criminal Recidivism." *Frontiers in Psychiatry* 14, no. February (2023). <https://doi.org/10.3389/fpsy.2023.935755>.
- Uadi, Amin. "Peranan Badan Narkotika Nasional Dalam Pencegahan Dan Penanggulangan Tindak Pidana Narkotika Yang Dilakukan Oleh Anak (Studi Penelitian Di BNN Kabupaten Banyumas)." Universitas Jenderal Soedirman, 2024. <http://repository.unsoed.ac.id/id/eprint/29636>.
- Wagley, J.R. "Transnational Organized Crime: Principal Threats and US Responses." *Strategy*, 2006. <http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA458271>.
- Warsiman, Warsiman, Jarnawi Hadi Saputra, and Anjani Sipahutar. "Penerapan Hukum Terhadap Anak Sebagai Pelaku Penyalahgunaan Narkotika." *Jurnal Normatif* 3, no. 2 (2023): 310-20. <https://doi.org/10.54123/jn.v3i2.316>.
- Wicaksono, M. Rofi, Syahrudin Nawati, and Nasrullah Arsyad. "Efektivitas Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Anak Di Kabupaten Pinrang." *Journal of Lex Theory (JLT)* 3, no. 35 (2022): 164-80. <https://mail.pasca-umi.ac.id/index.php/jlt/article/view/1502>.
- Yudhistira Mahendra. . ". Penegakan Hukum Terhadap Pelaku Penyalahgunaan Narkotika Yang

Dilakukan Oleh Anak (Studi Di Badan Narkotika Nasional Kota Jambi).” Universitas Jambi, 2024. <https://repository.unja.ac.id/id/eprint/74299>.

Yuliana Saputri, Rivanny, Nurfi Laili, Program Studi Psikologi, and Fakultas Psikologi dan Ilmu Pendidikan. “Pengaruh Intervensi Ketahanan Keluarga Anti Narkoba Terhadap Peningkatan Kondisi Mental Emosional Pada Remaja the Effect of Anti-Drug Family Resilience Intervention on Improving Mental Emotional Conditions in Adolescents” 8, no. 1 (2025): 1-32.

Zhang, Shuyan, Xiaoying Qi, Yingying Wang, and Keyuan Fang. “Global Burden of Drug Use Disorders by Region and Country, 1990–2021.” *Frontiers in Public Health* 12 (2024): 1470809. <https://doi.org/10.3389/fpubh.2024.1470809>.