

Juridical Analysis of Regulatory Policies and Judges' Legal Considerations in Juvenile Criminal Justice (Study of Slawi District Court Decision Number 1/Pid.Sus-Anak/2022/PN Slw)

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Abstract. *Regulations relating to Narcotics in Indonesia are regulated in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, however, this Law does not provide exceptions for child perpetrators, so judges in deciding cases against children in conflict with the law are obliged to refer to the Law. Number 11 of 2012 concerning the Juvenile Criminal Justice System, the decision that can be handed down by a judge regarding criminal acts committed by children is by imposing a crime or action on the child concerned. This research aims to examine and analyze: (1) Regulatory policies in criminal law towards children as narcotics abusers, (2) Judges' considerations in decisions regarding narcotics abuse committed by children. The approach method used in this research is sociological juridical. The specifications of this research are analytical descriptive. The data sources used are primary data and secondary data. Based on the results of the research and discussion, it can be concluded: (1) Narcotics crimes in Indonesia are regulated in Law Number 35 of 2009 concerning Narcotics where in this law also regulates Narcotics crimes committed by children, so the provisions of the Law are not allowed to be overridden. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. (2) Case Decision Number 1/Pid.Sus-Anak/2022/PN Slw, the judge's consideration in making the decision must adhere strictly to the provisions of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System which is the spearhead of judges both in examining case files, trials, and making decisions on children in conflict with the law, and judges in deciding cases must consider the demands of the Public Prosecutor, BAPAS recommendations, the defense of legal advisors and also parents' opinions regarding things that are beneficial for children.*

Keywords: *Criminal; Justice; Juvenile; Narcotics.*

1. Introduction

Indonesia is a country that upholds human rights, including children's rights, which is characterized by the guarantee of protection and fulfillment of children's rights in the 1945 Constitution of the Republic of Indonesia and several statutory provisions, both national and international.¹ The Government's concrete form of providing protection to everyone, especially children, is as regulated in Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, namely "Everyone has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law" and Article 28B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, namely "Every child has the right to survival, growth and development and the right to protection from violence and discrimination".²

Regulations related to Narcotics in Indonesia are regulated in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics. This law regulates criminal penalties for narcotics users as stated in Article 127, narcotics users can be sentenced to prison for a minimum of 4 years to 20 years, while Law Number 11 of 2012 concerning the Juvenile Criminal Justice System regulates children who are in conflict with the law that For children who are threatened with imprisonment, the threat is reduced by ½ of the basic criminal threat intended for adults.³

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the decision that can be handed down by a judge regarding criminal acts of narcotics abuse committed by children is by imposing a crime or action on the child concerned. The judge's consideration plays a very important role in providing decisions against child perpetrators in criminal acts of narcotics abuse. The judge in his decision must remain based on the consideration that giving the decision is the best decision for the interests of the child himself, whereas the provisions of Law Number 35 of 2009 concerning Narcotics do not provide exceptions for child perpetrators, but the judge before making a decision must consider the social conditions regarding the facts of the child perpetrator, therefore the judge must be absolutely sure that the decision to be taken is the most appropriate and fair.⁴

The chronology of the case is: On XXX day, XXX day at around XXX WIB, the child invited witness 4 to meet Br. XXX (DPO) and before heading to Hotel XXX they stopped at the truck base in XXX Village, XXX Regency then the child called Br.

¹ Ari Yudistira and Widayati, The Investigation Process of Prospective Children in Criminal Action, Jurnal Daulat Hukum: Volume 4 Issue 1, March 2021, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/13695/5374>.

² Indonesian People's Consultative Assembly, 2005, Op.Cit, p. 130.

³ Article 81 Paragraph (2) Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

⁴ Sri Widowati Wiratmo Soekito, 1983, Children and Women in Law, LP3ES, Jakarta, p. 16.

XXX used an INFINIX HOT brand cellphone to meet at Hotel XXX to consume methamphetamine, after meeting Br. XXX (DPO) booked XXX's hotel room. That before consuming shabu, the child first bought aqua mineral water and two blue and green straws at the stall across the road in front of the XXX hotel, then the child, witness 4 and Br. XXX (DPO) entered XXX's hotel room. Bro. XXX (DPO) made a bong made from a plastic aqua mineral water bottle with 2 (two) pieces of blue and green plastic straws attached and took a white glass pipette and attached it to a plastic straw that was attached to the aqua mineral water bottle after that's bro. XXX borrowed a lighter belonging to witness 4, then Br. XXX (DPO) took 1 (one) package of shabu which was wrapped in a clear white plastic clip and poured some of the shabu into a glass pipette that was installed in a shabu dispenser or bong, then Br. XXX (DPO) burned the glass pipette containing methamphetamine using a yellow gas lighter, then Br. XXX (DPO) first inhaled 5 (five) times, then the child inhaled 4 (four) times, after which the remaining crystal methamphetamine wrapped in a clear white clip was stored. Whereas in this case the Public Prosecutor charged the child with an alternative form of indictment, namely the first indictment of Article 112 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics or secondly Article 127 Paragraph (1) letter a of Law Number 35 of 2009 concerning Narcotics. The judge's basic considerations in deciding this case include:

1. That the child was arrested some time after consuming methamphetamine together with Brother XXX (DPO)
2. When a search was carried out on the child's body, from the right front pocket of the brown trousers that the child was wearing, 1 (one) package of methamphetamine wrapped in a clear white plastic clip with brown insulating material was found and 1 (one) bong made from a mineral water bottle. Aqua with 2 (two) pieces of green and blue plastic straws attached, a white glass pipette and 1 (one) yellow gas lighter attached.
3. Whereas based on the child's confession, the child admitted that he had consumed shabu together with Brother XXX (DPO) in the hotel room using part of 1 (one) package of shabu and some of the shabu was isolated in brown color.
4. That based on the results of the child's urine examination based on a certificate from the XXX Police Health Clinic Number Set/479/V/2022/DOKKES dated 9 May 2022 which was signed by doctor HAPPY ADE PERMANASARI with the results of the lab examination being positive for Amphetamine and Methamphetamine.

From the above case the judge decided that the child was legally and convincingly proven guilty of committing the crime of abusing class I narcotics for himself as in the second alternative indictment of the public prosecutor and the

child was sentenced to imprisonment for 1 (one) year and 2 (two) months in the Development Institution Special Children (LPKA) XXX, District XXX, Province XXX.

DecisionNumber 1/Pid.Sus-Anak/2022/PN Slwwhere the case involved a child perpetrator with the consideration that the judge's age was approaching adulthood and this influenced the decision of the Panel of Judges in the course of juvenile criminal justice. This case became one of the materials for analysis in this research.

2. Research Methods

The approach method used in this research is sociological juridical. The specifications of this research are analytical descriptive. The data sources used are primary data and secondary data. Data collection techniques are literature study and field study. The data analysis method is qualitative analysis.

3. Results and Discussion

3.1. Policy of Regulations in Criminal Law Against Children as Narcotics Abusers

Children are the next generation to come. Children must be educated well because children are immature individuals physically, mentally and socially. Because of their vulnerable, dependent and developing conditions, children compared to adults are more at risk of exploitation, violence and neglect.⁵

Children need to be protected from the negative impacts of rapid development, the flow of globalization in the fields of communication and information, advances in science and technology, as well as changes in the styles and ways of life of some parents which have brought about fundamental social changes in people's lives which have a big impact on values. and child behavior. Deviant behavior or unlawful acts committed by children, among other things, are caused by factors outside the child.⁶The consequences of the provisions of Article 28B of the 1945 Constitution of the Republic of Indonesia need to be followed up by creating government policies aimed at protecting children.

Article 1 Paragraph (3) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, states: "Children in Conflict with the Law, hereinafter referred to as Children, are children who are 12 (twelve) years old, but not yet 18 (eighteen)) year of the alleged crime".

⁵ M. Farid, Tim, 2003, Understanding the Convention on the Rights of the Child, Harapan Prima, Jakarta, p. 46.

⁶ Makarao, M. Taufik, 2014, Child Protection Law and Elimination of Domestic Violence, Rineka Cipta, Jakarta, p. 62.

It should be noted that the determination of the age limit for children in relation to criminal responsibility who can be brought before the court is 12 (twelve) years to 18 (eighteen) years in accordance with the Constitutional Court decision no. 1/PUUVIII/201/021 and as specified in Law no. 11 of 2012 concerning the Juvenile Criminal Justice System. Article 69 Paragraph (2) also confirms that "children who are not yet 14 (fourteen) years old can only be subject to action".

From the age limit categories that have been determined by law, it is emphasized that children who distribute narcotics and are proven to have violated Law 35 of 2009 concerning narcotics, are still in the age category of 12 (twelve) years to 13 (thirteen) years old, the judge can only impose action sanctions on the child in accordance with Article 82 of Law no. 11 of 2012.

The application of punishment to children often causes debate, Law no. 11 of 2012 concerning the Juvenile Criminal Justice System adopts a double track system. What is meant by a double track system is a two-track system where apart from regulating criminal sanctions it also regulates actions. By implementing a two-track system, the sanctions imposed will better reflect justice, both for the perpetrator, the victim and the community.⁷

This form of punishment in the form of action can be determined by the judge from the perspective of protecting children's rights, where the judge sees that children can change, correct their mistakes and become better in the future. Law Number 35 of 2009 concerning Narcotics has given birth to a legal reform, where in the provisions of this law there is decriminalization of perpetrators of narcotics abuse. Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation.

Law Number 35 of 2009 concerning Narcotics has provided different treatment for children who abuse narcotics, before this law came into effect there was no difference in treatment between drug dealers, dealers and producers. On the one hand, narcotics users or addicts are perpetrators of criminal acts, but on the other hand they are victims.

Circular Letter of the Supreme Court of the Republic of Indonesia Number 6 of 1987 explains that judges are required to conduct an in-depth study of child defendants regarding 3 (three) matters, namely regarding the elements of the criminal act, regarding environmental influences, and the mental state of the child which is the background to the criminal act.⁸This means that judges in

⁷Nashriana, 2013, *Criminal Law Protection for Children in Indonesia*, Rajawali Pers, Jakarta, p. 56.

⁸ Circular Letter of the Supreme Court of the Republic of Indonesia (SEMA RI) Number 6 of 1987 concerning Rules for Children's Trials.

making decisions in children's cases do not fail to consider the three elements above, including environmental influences.

Based on Article 56 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, it is stated that "after the judge opens the trial and declares the trial closed to the public, the child is called in along with parents or guardians, advocates or other legal aid providers, and community counselors. " The principle of examining a child defendant before a court hearing requires the public prosecutor to present the child defendant during the examination. Of course, the presence of parents at the child's trial is closely related to the summons made by the public prosecutor. If the parents are still unwilling to attend without a clear reason, the judge should give a warning to the public prosecutor to present the parents at the trial.⁹

The judge's decision is obliged to consider the community research report from the community advisor, if not fulfilled it will result in the decision being null and void (*van rechtswege nietig* or null and void).¹⁰

a. Consideration Judges in Decisions on Narcotics Abuse Committed by Children

In cases of narcotics abuse involving children as narcotics users, the author appointed to study and analyze the form of juvenile criminal justice methods implemented in the case of Decision Number 1/Pid.Sus-Anak/2022/PN Slw, the flow of the proceedings is as follows:

1. Case Position

That it started on XXXXX day XXXXX at around XXXX WIT. The child invited witness 4 to meet Br. XXX (DPO) and before heading to Hotel XXX they both stopped at the XXXX Regency truck base then using 1 (one) INFINIX HOT brand cellphone, the child called Br. XXX (DPO) to meet at Hotel XXXX XXXX Regency to consume or use methamphetamine, after they met then Br. XXXX (DPO) booked hotel room XXXX.

That before consuming or using methamphetamine, the Child first bought aqua mineral water and two blue and green straws at the stall across the road in front of Hotel XXXX after the Child entered the hotel room with Witness 4 and Mr. XXXX (DPO) then Br. XXXX (DPO) made a bong or shabu suction device made from a plastic bottle of Aqua mineral water attached to 2 (two) pieces of green

⁹M. Yahya Harahap, 2010, Discussion of Problems and Application of the Criminal Procedure Code, Sinar Graphics, Jakarta, p. 116.

¹⁰Article 60 Paragraph (4) Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

and blue plastic straws and Mr. XXXX (DPO) took a white glass pipette that had previously been placed on the bed and attached it to a plastic straw that was attached to the aqua mineral water bottle. After that, Mr. XXXX (DPO) borrowed a yellow gas lighter belonging to witness 4 and then Mr. XXXX (DPO) took 1 (one) package of crystal methamphetamine which was wrapped in a clear white plastic clip and then wrapped in brown isolative material previously by Mr. XXX (DPO) was placed on the table in the hotel room and some of the shabu was poured into a glass pipette that was attached to a shabu suction device or hana and using a yellow gas lighter above Mr. XXXX (DPO) burned a glass pipette filled with crystal methamphetamine then Br. XXXX (DPO) first sucked 5 (five) times, then the child took turns sucking 4 (four) times, after that the remaining shabu was in the form of 1 (one) packet of shabu wrapped in a clear white plastic clip.

Whereas a urine test was carried out on the defendant and based on a Drug Test Results Certificate from the XXXX Police Health Clinic Number XXXXXX dated XXXX signed by Dr. HAPPY ADE PERMANASARI as the examining doctor at the XXXX Police Health Clinic who carried out an examination of the CHILD, with the results of the Lab examination being that the CHILD was positive for Amphetamine (AMP) and Methamphetamine (MET).

That the defendant's actions in abusing Class I narcotics for himself had nothing to do with scientific institutions or educational institutions or public health services, and also without permission from the authorized officials.¹¹

2. Proving Evidence

Based on the Minutes of Criminalistics Laboratory Examination Number: 1150/NNF/2022 dated 10 May 2022 which was signed by BOWO NURCAHYO, and DANI APRIASTUTI, SUTARTO, STSSI., M.Biotech, IBNU A.Md.Farm., SE respectively as examiners At the Republic of Indonesia Police Forensic Laboratory, Central Java Region, they have examined the following evidence:

1. BB-2375/2022/NNF is in the form of 1 (one) pack of brown duct-taped plastic clips containing powder with a net weight of 0.28188 grams of crystalline powder, with a POSITIVE METAMFETAMININE examination result.
2. BB-2376/2022/NNF in the form of 1 (one) suction device (bong) with a POSITIVE METAMFETAMININE examination result.

With the conclusion that BB-2375/2022/NNF is in the form of crystal powder and BB- 2376/2022/NNF is in the form of 1 (one) suction device (bong) containing METAMFETAMINA registered in Group I (one) serial number 61 of the

¹¹ Decision Number 1/Pid.Sus-Anak/2022/PN Slw

attachment to Law of the Republic of Indonesia No. . 35 of 2009 concerning Narcotics.

Based on the results of the urine test based on the Certificate from the XXXX Police Health Clinic Number XXXXXX dated XXXX signed by Dr. HAPPY ADE PERMANASARI as the examining doctor at the XXXX Police Health Clinic who carried out an examination of the CHILD, with the results of the Lab examination being that the CHILD was positive for Amphetamine (AMP) and Methamphetamine (MET).

Children's actions are regulated and punishable by crime in Article 127 Paragraph (1) letter a UURI Number 35 of 2009 concerning Narcotics.¹²

3. Public Prosecutor's Demands

Declare that the child has been legally and convincingly proven guilty of committing the crime of "class I narcotics abuser for himself" as regulated and punishable by crime in Article 127 Paragraph (1) letter a of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics as the second alternative indictment in the indictment. Sentencing children to imprisonment for 1 (one) year and 6 (six) months. at the Special Child Development Institution (LPKA) XXXX.¹³

4. Recommendations for the Pekalongan Correctional Center (BAPAS).

That based on consideration of the Community Research Report on children, the Community Counselor makes recommendations which in essence are:

1. So that children can be sentenced to imprisonment at the Special Child Development Institution (LPKA) XXXX, with the following considerations:
 - So that child clients can realize their mistakes so that they do not repeat violations of the law again
 - So that child clients can continue their education to a higher level
 - So that recovery interventions for recovery from narcotics and alcohol abuse as well as recovery of child clients' anti-social attitudes can run optimally
2. So that child clients are given job training as a substitute for criminal fines as intended in Article 71 Paragraph (3) of Law no. 11 of 2012 concerning the

¹²Decision Number 1/Pid.Sus-Anak/2022/PN Slw

¹³ Decision Number 1/Pid.Sus-Anak/2022/PN Slw

Juvenile Criminal Justice System, with places of implementation in institutions outside LPKA Class I XXXX

3. If the judge has a different opinion, the child's client should be sentenced to the fairest possible punishment.¹⁴

5. Consideration of the Panel of Judges

At the trial, testimony was heard from XXXXX as the mother of the CHILD and XXXXX as the uncle of the CHILD, which basically explained as follows:

1) That the CHILD'S parents are willing if the CHILD is punished as a responsibility for their actions;

2) That the CHILD'S parents request the lightest possible punishment for the CHILD;¹⁵

Considering that because the CHILD has stated that he understands the contents of the Indictment Letter, confirms its contents and/or does not deny what he is accused of and the CHILD's identity is suitable and in accordance with the Indictment Letter, it is proven that what is meant by the element "Every Person" is a CHILD so that this does not happen. error in persona, thus the element "Every Person" has been fulfilled.¹⁶

Considering, that based on the legal facts at trial, it is known that the CHILD was arrested on XXXXX day XXXXX at around XXXX WIT in a room at Hotel XXXX in Maribaya Village, Kramat District, XXXX Regency.

Considering, that when a body search was carried out on the child, from the right front pocket of the brown trousers that the CHILD was wearing, 1 (one) package of crystal methamphetamine was found which was wrapped in a clear white plastic clip which was then isolated in brown, 1 (one) bong (suction device) made from an Aqua mineral water bottle with 2 (two) green and blue plastic straws attached and a white glass pipette attached to it on the table in the XXXX Hotel room, 1 (one) yellow gas lighter on the table in the XXXX Hotel room and found 1 (one) unit of Infinix Hot brand cellphone in light blue Imei 1: XXXXXXXX Imei 2: XXXXXXXX Simcard 1: XXXXXXXX on the bed in the hotel room.

¹⁴Decision Number 1/Pid.Sus-Anak/2022/PN Slw

¹⁵Decision Number 1/Pid.Sus-Anak/2022/PN Slw

¹⁶ Decision Number 1/Pid.Sus-Anak/2022/PN Slw

Considering, that based on CHILD'S confession, CHILD admitted to having consumed or used methamphetamine together with brother XXXX (DPO) in the XXXX Hotel room using part of 1 (one) package of narcotics type shabu.

Considering, that the evidence in the form of 1 (one) package of methamphetamine wrapped in clear white plastic clips with brown insulating material came from Brother XXXX (DPO). Starting on XXXXX day XXXXX at around XXXX WIB, CHILD invited witness 4 to meet XXXX's brother (DPO) to consume or use methamphetamine and book XXXX's hotel room.

Considering, that based on the Minutes of Criminalistics Laboratory Examination Number: XXXXX dated XXXXX which was signed by BOWO NURCAHYO, S.Si., M.Biotech, IBNU SUTARTO, ST and DANI APRIASTUTI, A.Md.Farm., SE respectively as examiners At the Republic of Indonesia Police Forensic Laboratory, Central Java Region, they have examined the evidence with the conclusion that BB-2375/2022/NNF is in the form of crystal powder and BB-2376/2022/NNF is in the form of 1 (one) suction device (bong) containing METAMFETAMINES registered in Group 1 (one) serial number 61 attachment to Law of the Republic of Indonesia no. 35 of 2009 concerning Narcotics.

Considering, that further based on the description of the facts above and also connected with documentary evidence in the form of the results of a CHILD's urine examination based on a Certificate from the XXXX Police Health Clinic Number XXXXXXXX dated XXXX signed by Dr. HAPPY ADE PERMANASARI as the examining doctor at the XXXX Police Health Clinic who carried out an examination of the CHILD, with the results of the Lab examination being Amphetamine (AMP) POSITIVE and Methamphetamine (MET) POSITIVE.

Considering, that in reality the CHILD himself consumed methamphetamine without permission from the authorities and also not for medical purposes or the development of science and technology.

Considering, that in this way the element of "Class I Narcotics Abuse for Yourself", has also been fulfilled in the CHILD'S actions.

Considering, that after considering the Community Research Result Report and the request from the CHILD'S Legal Advisor, the Judge is of the opinion that it is more appropriate for the CHILD to be sentenced to imprisonment in the form of imprisonment with the consideration that if the CHILD is sentenced to imprisonment at the Special Child Development Institution (LPKA) then the CHILD can still continue his school.

Considering that, based on the elements of Article 127 Paragraph (1) letter a of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics having

been fulfilled, the CHILD must be declared to have been legally and convincingly proven guilty of committing the crime of "Class I Narcotics Abuser for Himself." as in the Public Prosecutor's Second Alternative Indictment.

To impose a crime on a child, it is necessary to first consider the aggravating and mitigating circumstances of the child.

1) aggravating circumstances;

- The child has already been punished;
- The child is still under parole supervision;
- Children's actions do not support government programs in eradicating narcotics;

2) Extenuating circumstances

- The child admits and regrets his actions and promises not to repeat his actions again;
- Children still have a long future;¹⁷

6. Announcement of Decision

Pay attention to Article 127 Paragraph (1) letter a of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 8 of 1981 concerning Criminal Procedure Law and statutory regulations. other invitees concerned were tried:

1) Declare that the CHILD has been legally and convincingly proven guilty of committing the crime of "Misusing Category I Narcotics for Himself";

2) Sentencing CHILDREN therefore to imprisonment for 1 (one) year and 2 (two) months at the Special Child Development Institution (LPKA) XXXX, XXXX Regency, Central Java Province.¹⁸

Based on the results of interviews with sources, namely SD and MRA, a judge at the Bintuhan District Court explained that based on the study of the criminal justice process in case Number 1/Pid.Sus-Anak/2022/PN Slw above, the judge's

¹⁷ Decision Number 1/Pid.Sus-Anak/2022/PN Slw

¹⁸ Decision Number 1/Pid.Sus-Anak/2022/PN Slw

consideration in deciding on a child's crime was based on steadfast with the provisions of Law no. 11 of 2012 concerning the Juvenile Criminal Justice System, because Law no. 11 of 2012 concerning the Criminal Justice System Children are the spearhead of judges both in examining case files, trials, examining trial proceedings and making decisions. Apart from that, the judge before making a decision must consider the sociological side of the child by looking at the child's good character looking at his family background, what the child's behavior is like because the child's tendency to lie can be seen, then the report from the BAPAS community counselor must also be considered by the judge because there the judge can see the interview with the child and if the child's parents are present at the trial the judge must ask the child's parents whether the child's parents are still capable of educating the child because basically the child's decision must embody the principle of the child's best interests.¹⁹

Advice from the Community Counselor conveyed in his Research Report suggested that the child be sentenced to imprisonment, but the judge who examines and adjudicates the case of the a quo CHILD considers it appropriate if the child is sentenced to imprisonment to be placed in a Special Child Development Institution (LPKA), then the Judge in The a quo case stipulates that the CHILD be placed in the Special Child Development Institution (LPKA) XXXX, XXXX Regency, Central Java Province.²⁰

4. Conclusion

Narcotics crimes in Indonesia are regulated in Law Number 35 of 2009 concerning Narcotics where in this Law also regulates Narcotics Crimes committed by children, so the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System cannot be overridden because Children can be subject to criminal sanctions or actions involved in Narcotics Crimes in accordance with the principle of the double track system. Case Decision Number 1/Pid.Sus-Anak/2022/PN Slw, the judge's consideration in making the decision must adhere strictly to the provisions of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System due to Law no. 11 of 2012 concerning the Juvenile Criminal Justice System which is the spearhead of judges both in examining case files, trials, examinations in court proceedings, and making decisions on children in conflict with the law, and judges in deciding cases must consider the demands of the Public Prosecutor, BAPAS recommendations, defense of legal advisors and also parents' opinions regarding matters that are beneficial to the child, seen from the child's actions.

5. References

¹⁹ Interview with SD and MRA, Judges at the Bintuhan District Court, 14 July 2023 at 13.00 WIB.

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Regulations:

- The 1945 Constitution of the Republic of Indonesia
- Law Number 1 of 1946 concerning the Criminal Code
- Law Number 1 of 2023 concerning the Criminal Code
- Law Number 8 of 1981 concerning Criminal Procedure Law
- Law Number 35 of 2009 concerning Narcotics
- Law Number 48 of 2009 concerning Judicial Power
- Law Number 11 of 2012 concerning the Juvenile Criminal Justice System
- Circular Letter of the Supreme Court of the Republic of Indonesia (SEMA RI) Number 6 of 1987 concerning Rules for Children's Trials

Decision:

- Slawi District Court Decision Number 1/Pid.Sus-Anak/2022/PN Slw.