Juridical Review of Court Decision Number 13/Pid.Sus-Anak/2017/PT.Pbr for Criminal Sanctions Against Children who Store and Control Methamphetamine-Type Narcotics

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Abstract
The aim of this study is to analyze and understand the criminal responsibility and safeguarding mechanisms for minors engaged in drug possession and control, as demonstrated by Court Decision Number: 13/Pid.Sus-Anak/2017/PT.Pbr. Normative juridical research methodology is applied, analyzing the interactions between relevant analyses and the relevant laws. The following is the formulation of the research problems: 1) How does the law govern the criminal penalties meted out to minors who use or possess drugs like Methamphetamine-type narcotics? and 2) According to Court Decision Number: 13/Pid.Sus-Anak/2017/PT.Pbr, what are the criminal penalties for kids who own and handle drugs like Methamphetamine-type narcotics? This research concludes, in the framework of the law, that isolating children when there are no other options has detrimental effects, including an ineffective rehabilitation process later on, particularly when the juvenile system and sanction system are applied to the children. The Juvenile Criminal Justice System (SPPA) and its implications, which call for the engagement of law enforcement in the resolution of juvenile cases, require special attention. The five pillars of sincere attempts to shield kids from drug abuse include providing legal protection and supervision for kids.

Keywords: child convict, storing control, narcotics

INTRODUCTION
Drug usage is at an alarming peak right now, with serious domestic and global issues. Transit marketing regions are involved. (Source: Hadiman (2009) The misuse of drugs combined with the propensity and boundaries of adult social groups is a serious worry. (Food and Drug Control Directorate General, 2004)

Narcotics are substances or medications that are synthetic, derived from plants or non-plants, that cause unconsciousness and dependence. Narcotics do, on the one hand, have scientific advantages. However, it also results in tightly controlled links. Yamin (2012) Nearly all of them share the primary wish for kids to give it a try. Sanctions are, in reality, almost daily, from the perspective of the age, the next generation, and the electronic media. (Nadeak, 2006)

Young people are the ones who abuse drugs. Children’s age makes them an ideal target for the most vulnerable regions because of their natural curiosity and need to explore new things, which may lead to an increase in their number of convictions. (Anonymous, 2005)

Legal actions taken against juvenile drug abuse are conducted under unique legal guidelines that are not applied to adult drug usage. The implementation of criminal law policies, particularly the imposition of penalty on Children Against the Law (ABH), is one factor in establishing what behavior is forbidden by law and regulation. According to his book, Marjan Miharja stated that children are essential to human survival and the viability of a nation and state because they will be able to oversee the sustainability of those entities.
As such, every child should be given every opportunity to develop as best they can in terms of their physical, mental, and social development and their rights should be upheld without discrimination. (Miharja, 2019)

It is impossible to separate children's engagement in the drug world from the supervision of adults closest to them, who provide for their education and decent living standards. Parents hope that drugs won't be a factor in this child's school supervision. The foundation of both the state and the country is the availability of religious education, which is widespread starting with the younger population. (Willy, 2005) It is a known truth that a large number of children and teenagers consume drugs, and it is even feasible that a child will grow up to become a dealer. (Willy, 2005)

The study "Juridical Review of Court Decision Number : 13/PID.SUS-ANAK/2017/PT.PBR FOR CRIMINAL SANCTIONS AGAINST CHILDREN WHO STORE AND CONTROL METHAMPHETAMINE-TYPE NARCOTICS" aims to perform a comprehensive legal review of Court Decision Number : 13/Pid.Sus-Anak/2017/PT.Pbr concerning the criminal sanctions imposed on minors who are involved in the possession and storage of drugs of the methamphetamine type. The purpose of this study is to comprehend and evaluate the case's legal features, including the relevant statutes and their applicability to juvenile criminal law. Furthermore, by identifying the legal concerns that emerge in these kinds of cases, the study can also shed light on how the law will be applied in similar situations in the future.

Problem Statement

According to the problem formulation description: 1) What legal framework governs the criminal penalties for minors who possess and handle drugs similar to methamphetamine? 2) In what ways are juvenile offenders subject to criminal penalties for possessing and managing drugs of the methamphetamine type, as outlined in Court Decision Number: 13/Pid.Sus-Anak/2017/PT.Pbr

RESEARCH METHODS

The study methodology employed is normative juridical, which examines how laws are implemented while taking legal theory and related legal implementation practices into account. This research includes analyzers of real-world legal issues as well as the study of descriptive analysis—that is, the description of things that turn into issues and are employed in legal analysis with positive law. The state of the item in question, the goal, and the conclusion of the proficiency with drugs of the methamphetamine kind. (Soerjono, 2010)

DISCUSSION AND ANALYSIS

Overview of the extensive drug trafficking involving children

The current situation, which is concerning and involves both domestic and international issues, is not just a matter of transportation but also marketing for Indonesia. (Source: Hadiman (2009) The usage of drugs in Indonesia is a serious issue, including all levels and contexts. (Food and Drug Control Directorate General, 2004)

All of them recall this while also urging Indonesians, especially the younger generation, to abstain from drug use. Since a sense of curiosity starts to grow, the sanctions are actually with print or electronic media, with circulation, with age, and with future generations. (Nadeak, 2006)

Young people are the ones who abuse drugs. The age of the child becomes an easy point of comparison and the most susceptible to drug addiction; children and the formation of the need to know, as well as the potential for an increase in drug-related crimes among users. (Unidentified, 2005)
What is the law governing criminal sanctions against children who store and control Methamphetamine-type narcotics?

These penalties are frequently applied illegally with the premise that they serve a legitimate purpose. As a result, the offender applied for a trial even though the conviction had already been overturned. Next, the position of justice is mentioned, and the article's law that was broken is enforced. Andi (2006)

The Criminal Code is typically used as the basis for punishment, together with appropriate teaching, the gravity of the case, and an increase in crimes against children. By carrying out actions that should not be carried out, including distributing drugs, the application of child crime with regulations that control outside the Criminal Code regulates sanctions on children, which are essential to a kid. Hidayat, Bunadi (2014)

The requirements pertaining to criminal punishments defined in Criminal Code Section 10 do not apply to Law Number 11 of 2012. The following lists the many forms of financial penalties that judges may impose on persons who commit crimes that differ from those specified in Law Number 11 of 2012, specifically: (Law Number 11, 2012)

Principal Crime of Children:
1. Punishment by commemorating
2. Conditional conditions
   a. Punishment outside the institution
   b. His service from the community
   c. Legal protection of children who become couriers
   d. Supervision
3. Job training
4. Fostering institutions
5. Prison (Soedjono, 2008)

Criminal sanctions against children who store and control Methamphetamine-type narcotics as in Court Decision Number: 13 / PID. SUS-ANAK/2017/PT. PBR

a. Prosecuting Attorney’s Charges

First : According to Regulation Article 114 Paragraph 1 of Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics, HARDI MANSYAH PUTRA Als HARDI Bin Abdullah Haris's acts Jo Article 132 paragraph (1) of Law No. 35 of 2009 of the Republic of Indonesia pertaining to Narcotics Jo The Law No. 11 of 2012 of the Republic of Indonesia pertaining to the Juvenile Criminal Justice System.

Second : The deeds of HARDI MANSYAH PUTRA Als HARDI Bin ABDULLAH HARIIS which have been regulated in its regulations by deciding:
1. By stating that if a child has been proven guilty with validity, convinced by punishment or malicious, rights contrary to the law, violates Article 112 of Law No. 35 of 2009 Juncto Law No. 11 of 2012 concerning the Juvenile Criminal Justice System.
2. By imposing a sentence on the child, with imprisonment for four years reduced by the period of arrest. Remain detained with a fine of eight hundred million rupiah or if not paid in exchange for a two-month detention period.

b. Tembilahan District Court Decision Number 5/PID. SUS-ANAK/2017/PN.Tbh

A certified copy of the judgment with:
1. Declaration if the minor, whose validity has been established, is found to have committed a crime. Conspiracy, illegally obtaining, holding, storing, and obtaining Class I Narcotics.
2. Juvenile imprisonment with a fine of eight hundred million rupiah, if it cannot be replaced by two months’ imprisonment.
3. Designation, in the event that the fine is not paid, by substituting the required two-month labor period;
4. Determination, so that children carry out their punishments with the supervisory board with guidance from Tembilahan on behalf of Sutrisno.
c. Legal Considerations of Pekanbaru High Court Judges

The legal considerations of the Pekanbaru High Court judges before handing down the verdict include:

1. Consideration, if an appeal is requested from the attorney general with the submission of deadlines and procedures for fulfilling the requirements of the law;
2. Consideration if the attorney general with the memory of appeal, with the filing of objections, the reasons:
   - The judge's decision with a sentence of one year and three months, a fine of eight hundred million rupiah, is not in harmony with the purpose of determining the existence of the Narcotics Law; (Law No. 35, 2009)
   - The actual Judge's decision with preventive, corrective and educational purposes;
3. Considering, that the High Court by reading, reference file by memory of the appeal of the public prosecutor, legal consideration of the Judge of first instance by deciding careful and also correct considerations;
4. Considering if the objection of the public prosecutor is with the memory of the appeal, the High Court, does not agree with the statement of legal considerations based on evidence, evidence and the acquisition of the trial with facts adapted to the criminal procedure law, because the memory is rejected;
5. Consideration, on the basis of this, the high court is related to the Judge with a ruling contrary to law, with validity and guilt being charged. The solution, with consideration of the fulfillment of consideration by transferring the termination of the appellate level;
6. Weigh it with the description of the consideration with Number 5 / PID. SUS ANAK/2017/PN.Tbh dated March 31, 2017 must be maintained and strengthened;
7. Consideration, because the child who has a conflict is legal with the statement of proof of guilt, with the imposition and payment of both levels;
8. In that instance, keep in mind Article 112 of the Narcotics Law and the Criminal Procedure Law.

d. Pekanbaru High Court Decision Number 13/PID. SUS-ANAK/2017/PT. PBR
1. Acceptance of appeals from the public prosecutor;
2. Strengthening the Court Decision with the appeal;
3. With the order of the child who has a conflict to continue detention;

e. Author's Analysis

Juvenile criminal justice should, in principle, uphold justice while also promoting the best interests of children without compromising societal values. The primary goal while dealing with a criminal alone is to execute the law. On the other hand, in the juvenile justice article's reference to the child's future protection. Next comes the adjudicating, proportionate, non-discriminatory, protecting, and reciprocal principles. Regulation of children using distinct articles: 1) Age limit, with conflicts of laws referred to as children who have had the age of twelve to eighteen years; 2) The scope of the problem with limitations, trial hearings, authority of case hearings, non-criminal issues.

Juvenile court hearings with the authority to examine juvenile cases 3) special resolution of juvenile cases from public prosecutors and juvenile judges; 4) Its role, community guidance, SPPA LAW recognition of the role and guidance of social volunteers; 5) Circumstances in family examinations, juvenile courts and family circumstances; 6) It is required that no trial or trial with another adult may be tried; 7) The examination with the juvenile court, closed with the pronouncement of Article 153 paragraph 3 of the Code of Criminal Procedure and Article 54 of the SPPA LAW; 8) Examination by a Single Judge, examination of juvenile court cases. 9) Brief time of incarceration, with reference to the Code of Criminal Procedure; accompanied by the possibility of seven years in prison with proof. This is done by providing children with insufficient restraint; 10) Punish more lightly, with provisions and reviews of
child protection aspects; determine whether HARDI MANSYAH PUTRA, also known as HARDI bin ABDULLAH HARIS, should be punished even if it has been proven to be in violation of the law, criminal validity, evil consensus, possession of storage, possession of Class I Narcotics, and so on; and impose punishment with the requirement that children receive instructions in Tembilahan specifically. The decision of the Tembilahan District Court has been strengthened by the decision of the Pekanbaru High court.

CONCLUSIONS

Criminal liability to the punishment of children is faced with the law as far as possible from the child, in other ways, falling in the face of the law, especially drug abusers as far as possible avoided from the child if there is no other way, will have a negative impact on the SPPA system. Where, it becomes the main way to proceed at the judicial stage of another version, with the conviction of another crime. This regulation is specifically regarding the system and the enactment of the SPPA Law is especially with the principle of lex specialis derogat legi generalis.

Legal protection for children who abuse drugs has been regulated from Law No. 35 of 2014, including the determination of technical protection for children, from drug abuse and others. It is intended from this regulation that the government and State institutions, are obliged to take responsibility, care for and rehabilitate, efforts to protect the law for children. The existence of protection for children also has regulations from Law No. 31 of 2014 concerning the Protection of Witnesses and Victims.

Law enforcement is needed in solving children's cases, properly understanding the principles of law, laws and regulations with relevance to solving children's cases, to obtaining qualified court decisions.

The need for supervision, by applying the rules of the law enacted, by increasing effectiveness, with the side of the Child Protection Commission, with victims of drug abuse. There are five pillars of children's business, especially from parents, family or closest people in protection from drug abuse.

BIBLIOGRAPHY