

## **The Causes of Children Committing Narcotics Crimes in North Sumatra**

by

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### **Abstract**

The delinquent drug abuse in Indonesia is concerning. This is due to several things among others, because Indonesia is located in a position between three continents and considering the development of science and technology, the influence of globalization, advanced transportation flows and the shift in materialistic values with the dynamics of the target of illicit opinion. Indonesian people and even the world community, in general, are currently faced with a tormenting situation due to the rampant illegal use of various types of narcotics. This concern is further sharpened due to the proliferating illicit trafficking of narcotics which has spread to all levels of society, among the younger generation, including children. A criminal act is an endeavor that is barred by a prohibition law that is accompanied by threats<sup>2</sup> in the form of certain crimes, for anyone who violates the prohibition. It can also be said that a criminal act is an act for which it is outlawed by a legal rule to be subject to criminal punishment, provided that at that time it is remembered that the prohibition is aimed at an act.<sup>3</sup> The criminal threat is aimed at a person who commits a crime. This study also aims to examine the model of eradicating the dangers of narcotics, especially for children. Therefore, the method that will be used in this research is the normative juridical method.

**Keywords:** Crime, Narcotics, Children, North Sumatra, etc.

### **Introduction:**

A number of new materials in Law Number 35 of 2009 concerning narcotics indicate that there are efforts to provide psychological effects to the community so as not to fall into narcotics

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<sup>2</sup> sanctions

<sup>3</sup> i.e. a situation or event caused by the power of a person

crimes, a more severe, minimum and maximum criminal threat has been determined considering the level of danger posed by abuse. And the illicit trafficking of narcotics is a serious threat to national security.

The President has issued Presidential Decree number 17 of 2002 concerning the National Narcotics Agency (BNN) which at the same time no longer applies Presidential Decree number 116 of 1999 concerning the National Narcotics Coordinating Board (BKNN) in ensuring the effectiveness of the implementation of control and supervision as well as prevention and eradication of abuse and drug trafficking. Presidential Decree number 116 of 1999 concerning the National Narcotics Coordinating Board (BKNN) was deemed no longer appropriate to the needs and developments of the situation.

The National Narcotics Agency which was established based on the Decree of the President of the Republic of Indonesia Number 17 of 2002 has the task of assisting the President in:

- i. Coordinating relevant government agencies in the formulation of policies and their implementation in the field of availability, prevention and eradication of narcotics abuse and illicit trafficking.
- ii. Implementing prevention and eradication of narcotics abuse and illicit trafficking, by establishing task forces consisting of elements of relevant government agencies in accordance with their respective duties, functions and authorities.

In order to create cooperation in preventing and eradicating narcotics abuse and illicit trafficking between the Central Government and Regional Governments, the Provincial National Narcotics Agency (BNNP) and the Regency/City National Narcotics Agency (BNNK) have also been established. The Provincial National Narcotics Agency is determined by the Governor, while the Regency/City National Narcotics Agency is determined by the Regent/Mayor. The enactment of Law Number 35 of 2009 concerning Narcotics is essentially a legal reform, the aspects reformed in Law Number 5 of 1997 are:

- i. The reality of the gradation due to the variation of groups in narcotics with different threats of punishment from the weightiest group 1 followed by groups II and III (not averaged), something that deserves to be praised is precisely in the weighting of imprisonment there is a minimum legal provision, at least. This is a new thing in the rules of criminal law.
- ii. The provisions on weighting are not only based on classification, but also on the reality that narcotics abuse is mostly carried out by groups through consensus/conspiracy, so if the abuse of several people with a conspiracy is severed, the legal sanctions will be increased.
- iii. Likewise, the prevention and eradication of drugs are carried out if the perpetrators of drug abuse are organized. This shows that narcotics abuse has syndicates that are well organized in their operations.
- iv. Likewise, if a corporation is involved, the fine will be increased, but the criminal liability of the corporation is not yet clear, whether the director may be subject to imprisonment. This may have to go through jurisprudence.

The development of the level of criminal acts of drug abuse is very worrying. In the past, drug trafficking and addicts only revolved around urban areas, at the moment there is not a single

sub-district, or even a village in this Republic that is free from the abuse and illicit trafficking of drugs. Even the *pesantren*<sup>4</sup> is not free from the target. In the past, drug trafficking and addicts only revolved around teenagers and established families, now their distribution has penetrated all corners of socio-economic strata and community groups from poor families to conglomerates, from rural to urban areas, from young people to the elderly.

## Literature Review:

### Definition of Narcotics:

Literally, narcotics as expressed by Wison Nadaek formulate as follows: Narcotics comes from the Greek, from the word *Narke*, which means frozen, paralyzed, and stupid (Wison, 1983). According to medical pharmacology, namely “Narcotics are drugs that can eliminate (especially) pain originating from the visceral area and can cause stupor<sup>5</sup> and addiction (Widjaya, 1985).

A narcotic is a kind of substance when used<sup>6</sup> will have an effect on the body of the user. The influence is in the form of calming, stimulating, and causing delusions<sup>7</sup> (Soedjono, 2007). Meanwhile, according to Elijah Adams, the definition of narcotics is as follows, “Narcotics are: consisting of synthetic and semi-synthetic substances, the well-known is heroin made from unused morphine, but it appears a lot in illicit trades, as well as the well-known term *dihydro morphine* (Wison, 1983). In addition to the definition given by experts, there is also a definition of narcotics in the law.

Article 1 of Law Number 35 of 2009 states that narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of pain, reduce to eliminate horror and can cause dependency. Narcotics Precursors are substances or starting materials or chemicals that can be used in the manufacture of Narcotics (Asya, 2009).

In everyday life, narcotics and psychotropic tend to be equated, people are more familiar with these substances as drugs<sup>8</sup> or narcotics, drugs according to the manufacturing process are divided into three groups, namely:

- i. *Alamai*, is a type of substance/drug that is taken directly from nature, without any fermentation process, for example cannabis, cocaine and others.
- ii. Semi-synthesis, the type of substance/drug that is processed in such a way through a fermentation process, for example, morphine, heroin, codeine, crack and others.
- iii. Synthesis is a drug substance that began to be developed since the 1930s for medical and research purposes used as a pain reliever (analgesic) and a cough suppressant (antitusk) such as amphetamine, dexamphetamine, pethadin, meperidine, methadone, dipopanone, and others. Synthetic substances/drugs are also used by doctors for therapy for drug addicts.

### Definition of Crime:

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<sup>4</sup> Islamic boarding school

<sup>5</sup> (still conscious but still has to be bluffed)

<sup>6</sup> (inserted in the body)

<sup>7</sup> (hallucinations)

<sup>8</sup> (narcotics and illegal drugs/psychotropic)

A criminal act is an act that is barred by a prohibition law that is accompanied by threats<sup>9</sup> in the form of certain crimes, for anyone who violates the prohibition (Moeljatno, 1983). It can also be said that a criminal act is an act for which it is prohibited by a legal rule to be subject to criminal punishment (i.e. a situation or event caused by the power of a person), while the criminal threat is aimed at a person who commits a crime/ caused it to happen.

Emong Sapardjaja (2002) mentioned that “Criminal act is a human act that fulfills the formulation of the offense, is against the law and the perpetrator is guilty of committing the act. Adji (2002) stated, “A criminal act is the act of a person who is threatened with a crime, the act is against the law, there is an error and the perpetrator can be held accountable for his actions.

Thus it can be understood that a criminal act is an act that is prohibited or reproached by the community and is carried out by a guilty person who can be subject to criminal sanctions. The element of error or responsibility is part of the definition of a crime (Halim, 1986).

### **Research Specifications and Approach Methods:**

- i. **Research Specification:** The research specification is descriptive because it only describes the object that is the main problem in the implementation of this research. Therefore, we will try to describe the Model of Eradication of Narcotics Hazards in Children in North Sumatra.
- ii. **Approach Method:** The approach method in the implementation of this research uses a normative juridical approach and the normative juridical approach is used by looking at library materials such as laws, literature on models of eradicating the dangers of narcotics in children in North Sumatra.

### **Data Collection and Analysis Method:**

- i. **Types and Sources of Data:** The type of data/legal materials in this research is by using legal materials/secondary data, where the secondary data in this study is sourced from primary legal materials, namely binding legal materials in the form of statutory regulations, besides that secondary and tertiary legal materials are also used. In addition, primary data related to the theme of this study were also used.
- ii. **Data Collection Techniques:** Data collection techniques are as follows:
  - a. Library Research, in this case, the author reads some literature in the form of scientific books, legislation and other documentation such as magazines, newspapers and other sources related to compensation for victims of traffic crimes.
  - b. Field Research: It is by holding an interview at the North Sumatra National Narcotics Agency (BNN North Sumatra).

### **Data Analysis:**

Analysis of the data in this paper used qualitative data, namely a clear data analysis and described in the form of sentences.

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<sup>9</sup> sanctions

## Result Analysis and Discussion of Causes of Children Committing Narcotics Crime:

**External Factors:** Externally causing children to commit crimes such as;

- i. **The influence of the environment:** The feeling of loyal friends is very strong for the younger generation. If they don't get a positive channel, that positive trait can be dangerous and become negative. If his friend uses narcotics and psychotropic substances, the individual will also use them. If a friend is scolded by their parents or hostile to society, the user will defend and sympathize, causing the child to follow suit. At first, only one person smoked, and then all of them became smokers. After everyone had smoked, one person started using marijuana, and at that juncture, the others followed and became a gang of marijuana users. After all, use marijuana, one person takes ecstasy, and at that point, all of them follow, and so on. It can also be mounted to the usage of *shabu* and finally to users of *putaw* or other types.
- ii. **Family Factor:** The Family factor is an important thing in the occurrence of early use of illegal drugs. Families have an important role in early development and protect from early drug use. If there is a conflict in the family where the problem is too difficult to solve, causing depression, this can trigger a person to use drugs in order to feel calm and away from the problems experienced;
- iii. **Economic Factor:** Economic factors are the root of the problem of every crime. Someone will do things that violate the law if their needs are not met, including even police officers. The high needs of life force the police to seek additional income through various means, including abusing their authority for things they should fight, such as accepting bribes, protecting drug dealers and even participating in the use and distribution of drugs, and they do this only to meet the needs of themselves and their families. .

**Internal Factors:** Internal factors as factors that come from within the perpetrator himself, such factors as;

- i. **Age factor:** Most narcotics and psychotropic abuse begins or occurs during adolescence, because adolescence, which is undergoing rapid biological, psychological and social changes, is an individual who is vulnerable to abusing narcotics and psychotropic substances. Children or adolescents with certain characteristics have a greater risk of being abusers. These characteristics include:
  - a. Great curiosity;
  - b. Tend to rebel and reject authority;
  - c. Tend to have other mental disorders<sup>10</sup> such as depression, anxiety, psychotic, dissocial personality;
  - d. Behavior that deviates from the applicable rules or norms;
  - e. Lack of self-confidence/low self-confidence, low self-esteem and have a negative self-image;
  - f. Easily disappointed, tend to be aggressive and destructive;

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<sup>10</sup> co-morbidities

- g. Easily depressed, shy, quiet;
  - h. Easily feel bored;
  - i. The desire to have fun;
  - j. The desire to follow fashion, because it is considered a symbol of strength and modern life;
  - k. The desire to be accepted in the association;
  - l. Blurred self-identity, so that they feel less “manly”;
  - m. Not mentally prepared to face social pressure so it is difficult to make a decision to reject the offer of drugs firmly;
  - n. Low communication skills;
  - o. Running away from something such as boredom, failure, disappointment, inadequacy, loneliness and bitterness of life, etc.;
  - p. Dropout;
  - q. Lack of living the faith or belief.
- ii. **Educational Factor:** Many of them drop out of school, so their understanding of the dangers of drugs is not well known. They also never get socialization about the dangers of drugs both at school and in the community. Low education results in less grasping power and in the end women have limited knowledge.
- iii. **Psychological Factor:** According to Partodiharjo (2010), individually there are several factors that influence a person to abuse narcotics and psychotropic substances. This reason is an intention that comes from oneself or the narcotics and psychotropic users, namely as follows:
- a. Feelings of disappointment, frustration, upset feeling annoyed, disappointed, or frustrated usually occur because of the failure of the younger generation, young executives, husband or wife. The use of narcotics and psychotropic substances in this group aims to temporarily forget disappointment, annoyance and frustration. The chaotic condition of society has given birth to many disappointments, annoyances, and even frustrations. Narcotics and psychotropic can forget about it for a moment, but not to solve the real problem only.
  - b. Want to be free from pain or dizziness. Patients with chronic serious illnesses that do not go away, such as liver cancer, burns, stab wounds, hemorrhoids, lung cancer, migraines, gout, calcification, and others, always feel excruciating pain because of his illness. The pain often cannot be relieved by ordinary painkillers<sup>11</sup> so the sufferer tries narcotics or psychotropic. Narcotics and psychotropic can relieve the pain, but do not cure the disease. Unfortunately, the user in question actually gets a new problem, namely dependence with all its complications which actually becomes more dangerous.
  - c. Want to enjoy a sense of joy, appear lively, energetic, and drive away feelings of sadness and laziness executives and celebrities usually have a trendy lifestyle. They feel compelled to always look better. By consuming

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<sup>11</sup> analgesic

narcotics or psychotropic, they can appear primed and confident because they have lost their sense of shame, even though this is not the case. The great feeling mentioned above should be achieved through diligent exercise, regular life, improving one's physical, mental, intellectual and moral qualities. Not taking shortcuts by appearing as if they were primed through manipulation or deception through consuming these narcotics or psychotropic substances. His false appearance or deception will gradually be revealed, so that over time his true identity will also be discovered. Fear of experiencing pain (*sakaw*). Users of these types of narcotics or psychotropic who have become permanent users<sup>12</sup> will experience pain (*sakaw*) if they do not use them. For fear of experiencing suffering, the wearer continues to wear it so that he becomes a loyal user.<sup>13</sup> Many of these loyal users of narcotics and psychotropic are people who feel "forced" to use them because if they don't use them, they will experience withdrawal. Most drug and psychotropic abuse begins or is present in adolescence,

### Conclusion:

Based on the descriptions above, the conclusions in this research are that:

- i. Article 1 of Law Number 35 of 2009 states that narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of pain, reduce to eliminate dismay and can cause dependency. Narcotics Precursors are substances or starting materials or chemicals that can be used in the manufacture of Narcotics. Efforts to overcome criminal acts or what is commonly known as criminal politics can cover a fairly broad scope, namely the application of criminal law, prevention without crime and influencing public views on welfare and crime through the mass media. In this case, it can be understood that efforts to achieve prosperity through the aspect of coping can be broadly divided into two channels, namely: through the "penal"<sup>14</sup> and "non-penal."<sup>15</sup> Efforts to overcome crime through the "penal" route are more focused on the "repressive" nature<sup>16</sup> after the crime has occurred. While the "non-penal" path focuses more on the nature of "preventive"<sup>17</sup> before the crime occurs. It is said to be a rough difference because repressive measures are essentially laws can be seen as preventive measures in a broad sense.
- ii. The reasons why a child/adolescent can commit a drug crime can be seen from various factors including the following:
  - a. **External factors:** As for external factors, such as environmental factors, meaning that it is the environment that makes the child interested in committing narcotics crimes.

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<sup>12</sup> compacts

<sup>13</sup> junkies

<sup>14</sup> criminal law

<sup>15</sup> not/outside criminal law

<sup>16</sup> suppression/ eradication/ suppression

<sup>17</sup> prevention/ deterrence/ control

- b. **Internal factors:** In addition to external factors, internal factors will also support the child to commit narcotics crimes, which include internal factors such as age, educational actors, psychological factors, and others.

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