

Policy on the Implementation of Diversion in the Crime of Narcotics Abuse by Children

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Abstract. Kid security is a work to safeguard youngsters with the goal that youngsters can do their freedoms and commitments in a fair and compassionate way. The embodiment is coaching, mentoring, mentoring, inclusion, supervision, prevention, and educative guarantee arrangements that educate constructive, physical, and social integrative aspects of children. Children are those who are immature and become adults due to regulations (mental, physical, and social immature). Regulation Number 11 of 2012 concerning the Adolescent Law enforcement Framework changed the view that discipline ought to be the final hotel for kids who struggle with the law, and the way to deal with discipline has additionally changed. This Regulation on the Adolescent Law enforcement Framework advances a model of retributive equity discipline. The model of retributive equity discipline is reclamation to its unique condition and discipline if all else fails with the goal that different strategies are focused on external the court. One of them is utilizing redirection, in particular the exchange of settlement of kid cases from processes in law enforcement to outside law enforcement. Redirection is the most suitable way out so youngsters are not brought to court. Subsequently, the redirection should be the commitment of the police in each dealing with, both at the degree of examination, and arraignment, up to the assessment of cases in court.

Keywords: Policy; Diversion; Narcotics Abuse; Child.

1. Introduction

The utilization of criminal regulation for the purpose of conquering wrongdoing, including beating opiates misuse, is presently under extreme investigation alongside become a subject of long calculated banter. Albeit this applied discussion actually brings about the upsides and downsides of criminal regulation purposes as an instrument of beating wrongdoing. There is a view that the utilization of criminal regulation for the purpose of defeating wrongdoing can't be connected with the comprehension that its utilization should in any case be auxiliary in nature. That is, as long as the utilization of means outside the law enforcement framework is viewed as more compelling, the utilization of law enforcement is stayed away from however much as could be expected. Likewise, if criminal (regulation) is to be utilized as a way to arrive at the total Indonesian person, then a humanistic methodology should likewise be thought of. It is vital not just on the grounds that wrongdoing is basically a helpful issue, yet in addition in light of the fact that the criminal regulation itself contains a component of experiencing that can go after the most significant interests or upsides of human existence.[1] Thusly the utilization of criminal

regulation as a device for defeating wrongdoing can't be connected with its utilization however should be incorporated with instruments/implies outside the law enforcement framework.

Reasonably, wrongdoing counteraction can be done either by utilizing law enforcement (equity) or different means beyond law enforcement (non-equity) maltreatment of opiates by youngsters outside the law enforcement framework. That is, the exchange of cycles from legal cycles to non-legal cycles in defeating opiates maltreatment by youngsters is an endeavor to keep kids from applying criminal regulation and discipline.

Basically, redirection is purposed to keep away from the unsafe effect of criminal discipline on youngsters. Redirection guarantees that youngsters develop and create both truly and intellectually. According to a hypothetical perspective, from the idea of condemning purposes, the significance of moving cycles and legal cycles to non-legal cycles against youngsters who commit opiates misuse will be seen. By and large, the motivation behind discipline basically comprises of endeavors to safeguard society from one perspective and safeguard people (culprits) on the other.[2] The significance of moving legal endlessly cycles to non-legal cycles in managing opiates maltreatment by kids for the two principal parts of the reason for discipline, to be specific the part of local area security and the part of individual assurance can be made sense of as follows:

- a. With this redirection, kids will be saved from the use of criminal regulation which in numerous hypotheses has been hypothesized as one of the criminogenic factors. The adverse consequence of applying criminal regulation, including to youngsters, will bring about belittling and dehumanization which can become criminogenic factors. Subsequently, keeping away from kids and the use of criminal regulation (depenalization) can forestall criminogenic factors, which additionally implies keeping away from youngsters and the chance of them becoming detestable once more (recidivism), hence it likewise implies staying away from society and the chance of becoming focuses of wrongdoing.
- b. With the redirection/move, it will likewise give two benefits to individual youngsters. In the first place, with this exchange, the youngster can in any case speak with his current circumstance, so along these lines, the kid never again needs to do social variation after a wrongdoing has happened. Second, by the exchange, the youngster will sidestep the conceivable adverse consequences of detainment frequently a device for "moving" wrongdoing.

In its turn of events, criminal regulation additionally needs to focus on casualties of wrongdoing. The direction of criminal regulation which tends just to the issue of crooks and culprits (daad-dader strafrecht) has brought forth criminal regulation developments that don't regard casualties. Though in setting, kids as somebody who misuse opiates, can't be viewed as culprits yet should likewise be viewed as casualties who need to lessen their reliance on drugs.

The exchange of the interaction from a legal methodology to a non-legal cycle is likewise extremely pertinent to the way of thinking of discipline that is for the most part taken on, specifically the way of thinking of training (reasoning of treatment). In this manner, the exchange of cycles from legal to non-legal cycles likewise has importance to the reasonable change in the lawbreaker and criminal framework that happens on the planet overall and the origination of retaliation towards the origination of change. [3]

The improvement of opiates guidelines in Indonesia is indistinguishable from the lawful results of different worldwide shows on opiates sanctioned by Indonesia. At the point when the Vietnam war was arriving at its top during the 1970s, in practically all nations on the planet, particularly the US, maltreatment of opiates enormously expanded and the majority of the casualties were small kids.[4]

Criminal guideline systems in overseeing narcotics in Indonesia have been finished for a really long time. Beginning with the request for the Meds Regulation (Verdoovende Middelen Ordonnantie, Stbl.1927No.278 jo. No.536). This Resolution was thusly replaced by Guideline no. 9 of 1976 concerning Narcotics. Hence, this guideline was changed to Guideline no. 22 of 1997 concerning Narcotics until the improvement of Guideline no. 35 of 2009 as the latest update of the law on Sedatives.

Youngster security is a work to safeguard kids so youngsters can do their privileges and commitments in a fair and others conscious way. The embodiment is in the form of coaching, mentoring, mentoring, inclusion, supervision, prevention, and educative guarantee arrangements that educate constructive, physical, and social integrative aspects of children. Children are those who are immature and become adults due to certain regulations (mental, physical, and social immature).[5]

As a work to defend kids in the legal cycle, so the interests and government assistance of youngsters are as yet thought of and can be understood, that's what sudarto said:[6]

"All activities carried out within the framework of juvenile justice, whether it is done by the police, investigators or different authorities, should be founded on one rule: for the government assistance of the youngster, for the premium of the kid. So whether the appointed authority will force a sentence or activity should be founded on what standards is best for the government assistance of the kid being referred to, obviously without decreasing thoughtfulness regarding the interests of society.

Based on this, the interests of the child and the welfare of the child may not be sacrificed for the sake of the interests of the community or national interests, bearing in mind that this will not only lead to other forms of crime or other victims, as stated by Arief Gosita who stated that:[5]

"Obstruction of the 'procurement' of child welfare with the perspective of national interests, a just and spiritually and materially prosperous society, is an aberration that contains criminogenic (causing crime) and victimogenic (causing victims) factors".

Based on the above opinion, delinquent children who are proven to have committed a crime must still receive protection and obtain welfare, even though the delinquent child has been subject to criminal sanctions. So for the sake of the child's interests, an appropriate policy is needed, especially in the framework of imposing criminal sanctions on him.

Through efforts to divert children's behavior that deviates or commits crimes, better solutions can be made, without overlooking the interests and government assistance of youngsters, and fitting moves can be initiated by the necessities and interests of kids. This redirection or redirection strategy is the best arrangement that can be utilized as a recipe in tackling a few cases including youngsters as culprits of criminal demonstrations, particularly in the treatment of kids who misuse opiates. So it will be more proper in deciding the activities (treatment) that should be applied to it.

Guideline Number 11 of 2012 concerning the Juvenile Policing changed the view that discipline should be the last retreat for young people who battle with the law, so the method for managing discipline has in like manner changed. This Regulation on the Adolescent Law enforcement Framework advances a model of retributive equity discipline. The model of retributive equity discipline is reclamation to its unique condition and discipline if all else fails so it is in removing different means from court. One of them is utilizing redirection, specifically the trading of settlement of young person cases from processes in policing processes outside policing. Redirection is the most fitting way out with the objective that youths are not brought to court. Appropriately, this redirection ought to be the responsibility of the police in each managing, both at the level of assessment, and arraignment, up to the appraisal of cases in court.

In Guideline Number 11 of 2012 concerning the Juvenile Policing, it is necessary for each cop, be it the police, analysts, and judges, to grow criminal cases did by kids. It is asserted in Article 7 area 1 of Guideline Number 11 of 2012 concerning the Juvenile Policing which communicates that at the level of assessment, arraignment, and evaluation of young person cases in district courts searching for redirection is mandatory. The assertion of this article shows that any place conceivable crook acts committed by youngsters are tried not to go on at the degree of assessment in court to conviction, yet endeavors are made to reestablish them to their unique condition since they are connected with the condition and mental advancement of kids who are as yet unsteady. Regulation Number 11 of 2012 Concerning the Adolescent Law enforcement Framework gives new jobs and commitments to the police other than the position to direct examinations and examinations in managing criminal demonstrations carried out by kids. The authority is the power to do a redirection in criminal demonstrations carried out by kids and to guarantee that cases don't continue to the degree of arraignment and assessment of cases in court.

The issue in this paper is The way is the Execution of the Redirection Strategy in the Wrongdoing of Opiates Maltreatment by Youngsters?

2. Method and Approach

2.1 Method

The procedure used recorded as a printed copy this applied paper is the expressive logical method, specifically by using data that clearly depicts the issues directly in the field, then, the assessment is finished and subsequently wrapped up to loosen up an issue. Data arrangement through discernment and composing study to get decisive reasoning in the availability of this paper.

In accordance with the test goals to be accomplished, the domain of this exploration is remembered for the circle of subjective examination, a subjective methodology will be utilized. As indicated by Petrus Soerjowinoto et al., a subjective technique is a strategy that underscores the most common way of grasping the scientist the definition of the issue to build a complicated and comprehensive lawful peculiarity.[7]

2.2 Approach

The standardizing juridical methodology is completed against specific regulations and guidelines or composed regulations, which are connected with the Execution of the Redirection Strategy in the Wrongdoing of Opiates Maltreatment by Youngsters.[8] This study portrays the state of the item under study, which centers around guideline and the Execution of the Redirection Strategy on Opiates Maltreatment by Kids practically speaking.

3. Discussion

3.1 Implementation of the Diversion Policy in the Crime of Narcotics Abuse by Children.

Mitigation efforts in the criminal act of narcotics abuse by minors by formulating various laws aimed at eliminating discrimination against youths are realized by designing the formulation and ratification of statutes that are closely related to their interests, criminal

procedures against violence against children are one of the measures to execute the formulation. Criminal strategies or endeavors to battle wrongdoing are basically an indispensable piece of attempts to safeguard society (social guard) and endeavors to accomplish social government assistance. Hence, one might say that a definitive objective or essential objective of criminal strategy is the insurance of society to accomplish public flourishing.

The criminal strategy is basically a vital piece of social strategy, specifically a judicious work to accomplish social government assistance. As a work to manage wrongdoing, the criminal approach can show itself in different structures. In the first place, it is abusive in utilizing correctional means, which is frequently alluded to as the law enforcement framework (law enforcement framework). For this situation, extensively incorporates the course of criminalization. Second, specifically as avoidance without discipline endeavors (without utilizing reformatory means), and thirdly, is the usage of endeavors to generally frame popular assessment on wrongdoing and scattering of regulation through the broad communications.

Associated with crime (violence) against children, the criminal policy here can be intended as a rational effort in overcoming violence against children. Thus, endeavors to overcome violence against children are part to protect children in realizing child welfare. Narcotics abuse by minors due to unlawful acts must always be equipped with enforcement organs which depend on factors that include:

- a. Community expectations, namely whether law enforcement is by community values or not.
- b. The presence of residents' inspiration to report the event of unlawful demonstrations to policing.
- c. The capacity and authority of policing.

Legitimate Assurance Against Opiates Misuse Wrongdoings By Youngsters, need is given to legitimate security for kid casualties, adhering to Regulation Number 11 of 2012 concerning the Adolescent Law enforcement Framework, to be specific:

- a. Protection of Child Victims;
Article 2 of Guideline Number 11 of 2012 concerning the Young adult Policing is under the rule of getting:
 1. protection;
 2. justice;
 3. non-separation;
 4. the wellbeing of the kid;
 5. respect for the assessment of the kid;
 6. survival and advancement of the kid;
 7. avoidance of counter; Meanwhile, legal protection for child perpetrators:

Article 3 of Guideline Number 11 of 2012 concerning the Juvenile Policing with respect to the opportunities of the Youngster, to be explicit:

1. Treated sympathetically by considering the necessities as per their age;
2. Separated from grown-ups;
3. Obtain viable legitimate and other help;
4. Doing sporting exercises;
5. Free from torment, discipline, or other brutal treatment, as well as corrupting the degree and respect;
6. Not condemned to death or life detainment; not captured, kept, or in that frame of mind, if all else fails and in a preliminary that is shut to general society;
7. Not distributed personality;

8. Obtain parental/guardian assistance and people the child trusts;
9. Obtaining social advocacy;
10. Gaining a private life,
11. Acquire availability, particularly for youngsters with incapacities;
12. Obtaining schooling; acquiring wellbeing administrations; And
13. Obtain different freedoms by the arrangements of regulations and guidelines.

One of the legitimate protections against bad behaviors of youngster abuse did by young person guilty parties is the use of strong value, to be explicit the settlement of youngster criminal cases by including offenders, losses, gatherings of offenders/setbacks, and other related social occasions to search for a fair settlement by focusing on recovery commonly. return to the principal state, and not response. Attempts to shield the law against adolescent abuse bad behaviors completed by kid guilty parties integrate redirection. Redirection is the settlement of youngster cases from the policing to processes past policing.

The phases of carrying out redirection in the Adolescent Law enforcement Framework incorporate:

1. Stages of Redirection Execution in the Examination Cycle When agents get reports of criminal demonstrations, the means taken are to direct examinations and examinations. Then, at that point, the agent will contact the Restorative Community (Bapas) to facilitate. The Bapas will set up a local area research report in a joint effort with the town head or local area pioneers and give ideas to examiners to redirection. On the counsel of Bapas, agents will work with redirection.
2. Phases of Redirection Execution in the Arraignment Cycle At the arraignment stage, the public analyst ought to search for redirection no later than 7 days ensuing to getting the case report from the specialist. The redirection cycle will be finished for a constraint of 30 days. In the redirection cycle, considerations will be held among kids and their folks or gatekeepers, casualties and their folks or watchmen, local area advisors, and expert social laborers.
3. Phases of Execution of Redirection in the Preliminary Cycle During the preliminary stage, the top of the court should delegate an adjudicator or board of judges to deal with a youngster's case no later than 3 days in the wake of getting the case record from the public examiner. The adjudicator should look for redirection no later than 7 days in the wake of being selected by the executive of the region court as an adjudicator. Redirection is completed for a limit of 30 days.

Guideline Number 11 of 2012 concerning the Juvenile Policing should bring progress for the protection of youths. As Article 1 of Guideline Number 11 of 2012 states, the juvenile value system is the entire course of settling occurrences of children in battle with the law, starting from the assessment stage to the coaching stage resulting to serving a bad behavior. The adolescent law enforcement framework (Article 2) is carried out in view of the framework: security, equity, non-segregation, regard for youngsters' perspectives, endurance, and improvement of kids, help, and direction of kids, proportionate, hardship of freedom and discipline if all else fails, aversion of counter.

The redirection approach is the soul of Regulation Number 11 of 2012 to empathetically determine youngster regulation cases. The system is to settle criminal cases including guilty parties, setbacks, gatherings of guilty parties/losses, and other related social occasions to commonly search for a fair plan underlining reconstructing to its novel state, and not backlash. Redirection is the trading of settlement of youngster cases from the policing to processes past policing. Or on the other hand one might say that the guideline of redirection underlines settlement out of court, with a family and training approach, no longer with detainment or

discipline. As expressed in Article 6 of Regulation Number 11 of 2012, the reason for the redirection guideline is to accomplish harmony among casualties and youngsters, resolve kid cases outside the court, keep kids from being denied of freedom, energize local area cooperation, and impart a feeling of obligation towards kids.[9]

In examining the idea of redirection, as per Anajar Nawan, understanding the adolescent equity situation from a global basic liberties viewpoint as a comparison is better. The Adolescent Equity Framework is all components of the law enforcement framework that are engaged with the treatment of adolescent wrongdoing cases. In the first place, the police is a proper establishment when an underhanded youngster initial comes into contact with the equity framework, which will likewise decide if the kid will be delivered or further handled. Second, the examiner and parole establishment will likewise decide if the youngster will be delivered or handled by the adolescent court. Third, Adolescent Court is the stage when the kid will be put in decisions, beginning from being delivered to being placed in a discipline foundation.[10]

The redirection approach can be applied to settling instances of kids in struggle with the law. The targets of redirection endeavors are: to keep kids from being confined, to try not to name youngsters as reprobates, to forestall a redundancy of wrongdoings carried out by youngsters, to consider adolescents responsible for their activities, to do essential mediations for casualties and youngsters without going through a conventional interaction, keeping away from youngsters from following the equity framework process, getting kids far from the unsafe impacts and ramifications of the legal cycle. As expressed by Barda Nawawi Arief, redirection can be directed by the police, investigators, courts, and bosses of remedial foundations. The utilization of redirection at all levels is supposed to decrease the adverse consequences of youngsters' association in the legal cycle. Policing find success and run ideally assuming it is indivisible from the three support points that influence one another, to be specific satisfying design, substance, and lawful culture.

4. Conclusion

The redirection approach can be applied to settling cases of adolescents in battle with the law. The objectives of redirection tries are: to hold youths back from being restricted, to make an effort not to name kids as law breakers, to prevent an overt repetitiveness of coerces executed by kids, to think about kids liable for their exercises, to do significant mediations for setbacks and children without going through a legitimate cycle, avoiding kids from following the value structure process, getting young people a long way from the unfriendly effects and implications of the lawful communication.

Guideline Number 11 of 2012 concerning the Juvenile Policing should bring progress for the affirmation of children. As Article 1 of Guideline Number 11 of 2012 states, the juvenile value system is the entire course of settling occurrences of young people in battle with the law, starting from the assessment stage to the training stage directly following serving a bad behavior. The juvenile policing (Article 2) is completed considering the structure: security, value, non-partition, respect for youngsters' perspectives, perseverance, and improvement of young people, help, and bearing of children, proportionate, difficulty of opportunity and discipline as a last resort, avoidance of retaliation.

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