

Diversiion Policy for Child Offenders in the Crime of Methamphetamine Narcotic Abuse

Bayu Sasongko¹, Megawati Barthos², Riswadi³
sasongkobayu06@gmail.com¹, megawati_barthos@borobudur.ac.id², riswadi@borobudur.ac.id³

Universitas Borobudur^{1, 2, 3}

Abstract. Regulation Number 11 of 2012 concerning the Adolescent Law enforcement Framework has changed the view that discipline ought to be the final hotel for kids who struggle with the law, so the way to deal with the field has also changed. This regulation on the Adolescent Law enforcement Framework advances a model of disciplinary equity discipline. The model of vindicatory equity discipline is healing to its unique condition and occupation if all else fails, so different strategies are focused on the outer court. One of them is using redirection, specifically the exchange of settlement of youngster cases from processes in law enforcement to be handled by external law enforcement. The redirection program helps the local area in the early and quick treatment of degenerate behavior. By utilizing a helpful idea, the expected outcomes are a decrease in the number of kids captured, confined, and sentenced to jail, killing of disgrace, and returning youngsters to typical people so they are supposed to be useful later on. Adolescent lawbreakers can understand their mix-ups so they don't rehash their activities, lessening the responsibility of the police, investigators, detainment focuses, courts, and prisons. The idea of a helpful equity approach is essential since it regards and doesn't disregard kids' privileges.

Keywords: Policy; Diversion; Perpetrator; Narcotics Abuse; Methamphetamine.

1. Introduction

The improvement of the present wrongdoing is increasing in the degree of value and amount of misbehavior. Besides, it is related to the issue of progressively troublesome financial necessities, more minor open positions, and gradually cutthroat contests in the capacities and abilities of society, causing the increment of joblessness, which affects patterns and the danger of numerous crook demonstrations of illicit drug use.

The Police capability is the capability of the state government to keep public control and security, policing, assurance, and administration to the local area. The point of the Public Police of the Republic of Indonesia is to acknowledge inward security, which incorporates keeping public control and security, requesting and maintaining the law, the execution of assurance, insurance, and administration to the local area, and the upkeep of general harmony by keeping freedoms every day.[1]

Police activity is any activity or deed by the police given their clout regarding doing government capabilities in keeping public control and security, providing security, insurance, and administration to the local area as well as policing. Police activities position the police as legitimate subjects, importance as drager van de rechten en plichten or allies of privileges and

commitments where the police (as a foundation or capability) complete different activities that are lawful activities (rechtelijkhandelingen) or activities in light of realities/genuine (feitelijkhandelingen).

Legitimate activity is an activity that causes specific lawful results like activities in the system of policing (assessment, detainment, seizure, searches, and others) or activities to control street clients, exhibits, exhibitions, and others, while activities in light of realities/natural means activities that have no importance to the law, like this, don't cause lawful results like holding services, introducing police workplaces or structures, and so forth, which are generally completed by government authorities.[2]

The conveyance of Regulation No. 11 of 2012 concerning the Adolescent Law enforcement Framework affirms the assurance of youngsters in Indonesia. It was this regulation that presented the idea of redirection means to safeguard youngsters in the struggle with the law, kids who are casualties of wrongdoing, and society overall as a redirecting the settlement of kid cases from the law enforcement cycle to processes outside the law enforcement for acknowledging helpful equity. In the interim, helpful equity is the settlement of criminal cases including culprits, casualties, groups of culprits/casualties, and other related gatherings to mutually look for a fair arrangement by underlining rebuilding to its unique state, and not reprisal.

Endeavors to manage wrongdoing with a non-corrective methodology are a type of counteraction in type of counteraction without utilizing criminal regulation by impacting public perspectives on wrongdoing and discipline through the broad communications. The ideas of redirection and supportive equity are elective types of settlement of criminal demonstrations coordinated at casual settlements by including all gatherings associated with the crook acts that happened. The settlement with the ideas of redirection and supportive equity is a type of settlement of criminal demonstrations that has created in a few nations in handling wrongdoing.[3]

Redirection should be sought after at the degree of examination, arraignment, and assessment of youngster cases in area courts. "Should be attempted" infers that youngster regulation masters from agents, examiners, and furthermore judges are expected to put forth attempts so the redirection interaction can be done. The commitment to search redirection is done on the off chance that the wrongdoing carried out is deserving of detainment for under 7 (seven) years and isn't a redundancy of a wrongdoing. As managed in Article 7 of Regulation no. 11 of 2012 concerning the Adolescent Law enforcement Framework (SPPA).

Moves made by the police in taking care of cases perpetrated by kids incorporate redirection, specifically giving position to policing to make wise moves in managing or settling youngster infringement by not making formal strides, including halting or not proceeding/discharge from the law enforcement cycle or return/hand over to the local area and different types of social assistance exercises. The utilization of redirection can be done at all degrees of assessment, in particular from examination, arraignment, and assessment at trials to the execution stage execution of the choice. This application is planned to diminish the adverse consequence of youngsters' association in the legal cycle.[4]

The redirection program helps the local area in the early and fast treatment of degenerate way of behaving. This underlying treatment additionally saves costs which are the weight brought about by the nearby police. Kids as culprits of these wrongdoings will be given guidelines by the police, criminal consultants, equity division authorities, and schools. Then the kid deliberately participates in discussions as well as fitting schooling and social exercises. On the off chance that the individual concerned is effective in this program, the examiner won't arraign the case and won't keep the activity for the situation document.[5]

Cases of Child Offenders Who Abuse Methamphetamine Type Narcotics are Cases with Decision Number 75/PID.SUS/2015/PT PBR with the suspect having the initials S., with evidence in the form of; 1 (one) bong made from a fresh bottle of laser; 2 (two) white pipettes; 1 (one) pieces of light green pipette; 5 (five) fountain pens consisting of 1 red fountain pen; and 1 (one) white plastic bowl. As a result of his actions, suspect S was sentenced to 6 (six) months in prison, and the implementation of the prison sentence was carried out at the Batam Narcotics Rehabilitation Workshop, for treatment through rehabilitation.

The problem in this paper is How is the Diversion Policy Implemented Against Child Offenders in Methamphetamine Narcotic Abuse Crimes?

2. Method and Approach

2.1 Method

The strategy utilized recorded as a hard copy this applied paper is the unmistakable scientific technique, to be specific by utilizing information that obviously depicts the issues straightforwardly in the field, then the examination is done and afterward closed to break a preliminary. Techniques for information assortment through perception and writing study to get critical thinking in the arrangement of this paper.

In line with the research objectives to be achieved, the realm of this research is included in the realm of qualitative research, thus a qualitative approach method will be used. According to Petrus Soerjowinoto et al., a qualitative method is a method that emphasizes the process of understanding researchers on the formulation of problems to construct a complex and holistic legal phenomenon.[6]

2.2 Approach

The normative juridical approach is carried out against certain laws and regulations or written laws, which are related to the Policy on the Implementation of Diversion Against Child Offenders in the Crime of Methylamphetamine Narcotics Abuse.[7] This study describes the condition of the object under study, namely focusing on regulation and on the Policy of Implementing Diversion Against Child Offenders in Methamphetamine Narcotic Abuse Crimes in practice.

3. Discussion

3.1 Chronology of Cases in Decision Number 75/PID.SUS/2015/PT. RB.

That the Pekanbaru High Court has read the Decree of the Head of the Pekanbaru High Court dated 5 May 2015 Number 75/PID.SUS/2015/PT.PBR, regarding the appointment of the Panel of Judges to examine and try this case and on the same date the appointment of a Substitute Registrar by the Registrar/Secretary Pekanbaru High Court. Having read the case files and letters concerned as well as an official copy of the decision of the Tanjungpinang District Court dated 11 March 2015 Number 14/PID.SUS/2015/PN.Tpg; BASED ON THE INDICTMENT of the Public Prosecutor Number Reg. case: PDM-04/TG.PIN/E.4/Ep.2/1/2015, dated 6 January 2015, the Defendant was charged with the following indictment:

That he was Defendant Subiartini together with witness-I Arif Jumana Sar'an alias Arif bin Sar'an Nur and witness-II Sherly Yuni Angre Yani alias Sherly binti Wandu (prosecuted

separately) on Monday, 10-November- 2014 at approximately 20.00 WIB or at least still in 2014, located at Kilometer (km) 20 Kijang, East Bintan District, Bintan Regency, to be precise at the Si Eneng Swimming Pool owned by witness-I or at least somewhere that is still included in the jurisdiction of the Tanjungpinang District Court which has the authority to examine and adjudicate the case, "those who committed, ordered to do and who took part in committing acts of drug abuse class I for themselves", these actions were carried out by the defendants by way of as follows:

That initially at the time described above, at 16.00 WIB to be exact, the Defendant and witness-II contacted witness-I, the aim was to ask about the KPR consumer files and witness-I asked the Defendant and witness-II to come to the Si Eneng Swimming Pool owned by the witness -I whose address is at Kilometer 20 Kijang, East Bintan District, Bintan Regency and finally the Defendant and witness-II came to the place determined by witness-I, after arriving the Defendant and witness-I and witness-II immediately discussed the file KPR consumers, and at that time the Defendant and witness-II saw witness-I while carrying out the activity of assembling tools to use the methamphetamine type narcotics, namely a fresh bottle of laser, two white pipettes, 1 (one) glass pipe, 1 (one) light green pipette pieces, five lighters and 1 (one) white plastic bowl, then witness-I asked the Defendant and witness-II "do you want to try this or not?", then the Defendant and I answered ksi-II "do you want sir", then witness-I immediately burned and smoked methamphetamine-type narcotics then the Defendant's witness also smoked and then witness-II also smoked, and so on the Defendant and witness-I and witness-II used them alternately, until finally at 20.00 WIB the Defendant together with witness-I and witness-II finished using the methamphetamine type of narcotics, and when they were going home the Defendant and witness-I and witness-II were arrested by the police;

That the Defendant did not have permission from the competent authority to use the methamphetamine type of narcotics;

- That the Defendant based on the Minutes of Laboratory Analysis of Narcotics Evidence Number: 7683/NNF/2014 dated 13-November-2014 which was signed by the Head of the Medan Branch Forensic Laboratory, AKBP Dra. Melta Tarigan, M.Sc, concluded that the goods the evidence belonging to Arif Jumana Sar'an are positive for methamphetamine and are listed in group I serial number 61 of the attachment to Law Number 35 of 2009 concerning Narcotics;
- Whereas based on the results of the Urine Drug Screening issued by the Laboratory Installation of Tanjungpinang Hospital Number 31276, dated 11-November-2014 signed by Dr. Mimi Angela J, stated that Defendant Subiartini's urine was positive (+) for containing met/amphetamine (shabu) /ecstasy);

The activities of the Respondent as specified and deserving of discipline in Article 127 section (1) letter an of the Republic of Indonesia Regulation Number 35 of 2009 jo. Article 55 section 1 1 of the Lawbreaker Code;

Considering, that against the Public Prosecutor's indictment above, the Defendant stated that he understood the content and intent, and did not raise any objections (exception);

Considering, that based on the Public Prosecutor's Charge Letter No.Reg. Perk. PDM-04/TG.PIN/E.4/ Ep.2/I/ 2015 dated 4 March 2015 The defendant was charged as follows:

1. Declare that the Litigant has been legitimately and convincingly demonstrated at real fault for carrying out a wrongdoing disregarding Article 127 section (1) of Regulation Number 35 of 2009 concerning Opiates jo. Article 55 passage 1 first of the Lawbreaker Code in the Public Examiner's arraignment;
2. Due to this, Defendant S was given rehabilitation for 10 (ten) months at the Batam Rehabilitation Workshop;

3. Stating evidence:
 - a. 1 bong made from a fresh bottle of laser;
 - b. 2 white pipettes;
 - c. 1 piece of light green pipette;
 - d. 5 fountains, consisting of 1 red flower;
 - e. 1 yellow citron, 3 (three) green citrons; And
 - f. 1 white plastic bowl.

JUDGING

- Receiving appeal requests from the Public Prosecutor;
- Revising the decision of the Tanjungpinang District Court Number: 14 /PID.SUS/2015/PN.Tpg dated 11 March 2015, which the appeal was filed for, regarding the verdict, so that the full order reads as follows:
1. Declare that the defendant Subiartini alias Tini binti Slamet has been legally and convincingly proven guilty of committing the crime of class I abuse of Narcotics jointly for himself;
 2. Sentenced against the Defendant with imprisonment for 6 (six) months;
 3. Ordered the implementation of the prison sentence to be carried out at the Batam Narcotics Rehabilitation Workshop, for treatment through rehabilitation;
 4. Ordering evidence in the form of:
 - a. 1 (one) bong made from a fresh bottle of laser;
 - b. 2 (two) white pipettes;
 - c. 1 (one) glass pipe;
 - d. 1 (one) piece of light green pipette;
 - e. 5 (five) cigars consisting of 1 (one) red citron, 1 (one) yellow citron, 3 (three) green citrons;
 - f. 1 white plastic bowl;
 4. Charged the Defendant to pay court costs at both levels of justice which at the appeal level amounted to Rp. 2,500.- (two thousand five hundred rupiahs);

Thus it was decided in the deliberation of the Panel of Judges of the Pekanbaru High Court in Pekanbaru on Wednesday 24 June 2015 by us H.Erwan Munawar, SH., MH. Chief Judge of the Panel, Sugeng Riyono, SH., MH and Nurbaiti Aritonang, SH., MH respectively -each Member Judge, which decision on: Tuesday 30 June 2015 was pronounced in a hearing open to the public by the Chief Judge of the Panel accompanied by Member Judges, assisted by Diyah Fajar Sari, SH Alternate Registrar at the High Court, however not attended by the Public Prosecutor or the Defendant.

3.2 Policy on the Implementation of Diversion Against Child Offenders in Metlamphetamine-type Narcotic Abuse Crimes.

The use of redirection itself can be done at all degrees of assessment, specifically from the examination, indictment, and assessment at trials to the phase of carrying out a choice. This application is expected to diminish the adverse consequence of youngsters' contribution in the legal cycle. While a crook act is a demonstration that is precluded by a law and order, where the denial is joined by sanctions as specific wrongdoings for any individual who disregards the preclusion and a wrongdoing or a crook act is a demonstration that is disallowed by a law and order.

which disallowance is joined by a danger (endorse) as a specific discipline, for whoever disregards the preclusion. It is additionally said that a crook act is a demonstration that is denied

by a law and order and is deserving of discipline, for however long it is remembered that the disallowance is aimed at the demonstration (for example a circumstance or occasion brought about by an individual's way of behaving), while the criminal danger is aimed at the individual who causes it. that occurrence. be that as it may, the police sought after a strategy of redirection in criminal demonstrations carried out by youngsters, remembering the interests of the actual kid.

In the examination of criminal demonstrations against youngsters in situations where the kid clashes with the law, to be specific the kid as a culprit of methamphetamine-type opiates, which is resolved in view of a Pronouncement of the Top of the Indonesian Public Police or a formally designated by him. In this manner the Overall Specialist can't do examinations concerning youngster cases, besides in specific cases, for example, there is no kid examiner at that spot.[8]

The analytical power moved by the police in dealing with criminal demonstrations perpetrated by youngsters is the underlying system in a court cycle for kids who are associated with criminal matters. This is on the grounds that whether a youngster who is managing the law can be handled in adolescent equity is exceptionally reliant upon the consequences of an examination led by the police by first requesting thought or guidance from a local area instructor. Assuming considered significant, agents may likewise request thought or counsel from schooling specialists, emotional well-being specialists, strict specialists, or other local area authorities. In the mean time, in light of a legitimate concern for the youngster himself, the examination cycle should be kept secret.[9]

The most common way of surveying a wrongdoing perpetrated by a youngster and the case starts with the examiner gathering data in a family climate in completing the examination the specialist should promptly request thought or guidance from the local area advisor inside 1 x 12 hours and on the off chance that essential can request thought or exhortation from training specialists, specialists psychological well-being experts, strict specialists or other social laborers. Then, at that point, the assurance of the personality of the youngster as the culprit of the lawbreaker demonstration of chronic drug use of the methamphetamine type is demonstrated by a birth declaration/birth testament or other substantial endorsements, for example, confirmations, report cards, family cards, and declarations from RT, RW, etc.

The following system is in the event that an arrangement hosts been arrived at between the gatherings, in particular the person in question and the suspect gatherings, for this situation, addressed by the groups of the suspects, then, at that point, the aftereffects of the understanding are endorsed by examiners, social guides, culprits, guardians/gatekeepers, casualties/guardians/watchmen. , local area pioneers, strict pioneers, and instructors however in the event that no understanding is reached, the lawful cycle will proceed and agents will promptly surrender the case records to the public examiner by joining the consequences of the arrangement.

Redirection or redirection is a component that permits kids to be redirected from the social help process, and focused on the grounds that youngsters' contribution in the equity cycle has encountered a course of trashing. The use of this component at all degrees of assessment will significantly diminish the adverse consequence of youngsters' contribution in the legal cycle. Kid examination is a beginning stage that impacts a kid's character, it tends to be great or the other way around, subsequently, having exceptional unit is essential.

police who are trained in serving and dealing with children.[10]

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

1. Stages of Diversion Implementation in the Investigation Process When investigators receive reports of criminal acts, the steps taken are to conduct investigations and investigations. Then the investigator will contact the Correctional Center (Bapas) to coordinate. The Bapas will make a community research report in collaboration with the village head or community leaders and provide suggestions to investigators for diversion. On the advice of Bapas, investigators will facilitate diversion.
2. Stages of Execution of Redirection in the Arraignment Cycle. At the indictment stage, the public examiner should look for redirection no later than 7 days subsequent to getting the case dossier from the agent. The redirection interaction will be completed for a limit of 30 days. In the redirection cycle, consultations will be held among youngsters and their folks or watchmen, casualties and their folks or gatekeepers, local area advocates, and expert social specialists.
3. Stages of Execution of Redirection in the Preliminary Cycle During the preliminary stage, the top of the court should name an appointed authority or board of judges to deal with a kid's case no later than 3 days subsequent to getting the case document from the public examiner. The appointed authority should look for redirection no later than 7 days subsequent to being delegated by the director of the locale court as an adjudicator. Redirection is completed for a limit of 30 days.

The police always consider the benefits of diversion which will have an impact on society starting from the beginning of handling a crime and acting quickly to overcome deviant behavior by children. This underlying treatment likewise saves costs which are the weight caused by the neighborhood police. Kids as culprits of these violations will be given directions by the police, criminal consultants, equity division authorities, and schools. Then, at that point, the youngster willfully participates in conferences or potentially fitting schooling and social exercises. Assuming the individual concerned is effective in this program, the examiner won't arraign the case and won't keep the activity for the situation document.

The standard of redirection is central as a rule for suspecting or acting in instances of kids in struggle with the law. The idea of redirection prompts Regulation Number 11 of 2012 concerning the Adolescent Equity Framework which advances general standards of kid security in view of the standards of youngster assurance contained in the arrangements of Article 2 of Regulation Number 11 of 2012 concerning the Law enforcement Framework Kid.

In light of the standards of kid security, particularly the rule of focusing on the wellbeing of youngsters, a course of settling kid cases outside the criminal system, specifically redirection, is required. On a fundamental level, this approach depends on two elements, in particular the kid is thought of as not to have completely perceived some unacceptable he has done so it is fitting to be given a decrease in discipline, as well as the differentiation between discipline for youngsters and grown-ups and when contrasted with grown-ups, youngsters are accepted to be simpler to cultivate and stirred.

4. Conclusion

Regulation Number 11 of 2012 concerning the Adolescent Law enforcement Framework is supposed to bring progress for the insurance of youngsters. Article 1 of Regulation Number 11 of 2012 states, the adolescent equity framework is the whole course of settling instances of youngsters in struggle with the law, beginning from the examination stage to the coaching stage subsequent to serving a wrongdoing. The adolescent law enforcement framework (Article 2) is executed in view of the framework: security, equity, non-segregation,

regard for kids' perspectives, endurance, and improvement of youngsters, direction and direction of youngsters, proportionate, hardship of freedom and discipline if all else fails, evasion of reprisal.

In Choice Number 75/PID.SUS/PT. BPR, the Board of Judges pronounced that the Respondent had been legitimately and convincingly demonstrated at fault for perpetrating a crook act disregarding Article 127 section (1) of Regulation Number 35 of 2009 concerning Opiates jo. Article 55 passage 1 first of the Crook Code in the incrimination of the Public Examiner, and the Panel of Judges Sanctioned Defendant S for 10 (ten) months of rehabilitation at the Batam Rehabilitation Workshop. This reflects the attitude of justice in the act of Diversion, which is only in the form of a rehabilitation program, and does not refer to the imposition of sanctions in prison. It is because actor S is still classified as a child. In managing kids in struggle with the law (ABH), the idea of a supportive equity approach is essential, since it regards and doesn't disregard youngsters' privileges. Helpful equity basically intends to fix/reestablish (to reestablish) criminal demonstrations carried out by kids with activities that are advantageous to youngsters, casualties, and their current circumstance. The child who does the action criminals are avoided from formal legal processes because they are considered physically and psychologically immature, and have not been able to account for their actions before the law.

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