

IMPLEMENTATION OF THE FULFILLMENT OF THE RIGHTS OF CHILDREN WHO ABUSE DRUGS IN THE NATIONAL NARCOTICS AGENCY OF CIREBON CITY

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Abstract:

The rights of children must be fulfilled even if they are drug abusers, one of which is to get a proper education. In fact, there are still children who abuse drugs who cannot continue their schooling and are even expelled from school. The problem is how the fulfillment of children's rights and obstacles in the Cirebon City National Narcotics Board. The goal is that children who are subject to rehabilitation sanctions also get an education and can complete their schooling. This research uses a juridical-empirical or non-doctrinal approach method, the type of research is qualitative, with primary data sources, secondary and tertiary data, with direct interview techniques to related parties. BNN Cirebon City in terms of fulfilling the rights of child victims of drug users, who are rehabilitation clients, has not been fully maximized. Children's rights still need to be considered when undergoing rehabilitation, one of which is proper education. Children are not considered to undergo formal or informal education, due to the absence of facilities and infrastructure and the participation of related agencies such as the Education and Culture Office. The implementation of the fulfillment of children's rights of drug abusers is less than optimal, due to: lack of support from parents, communities, schools and related agencies, lack of support for facilities or special facilities and infrastructure for children and internal constraints from within drug abusers causing the implementation of the fulfillment of children's rights is often not optimal. Children who abuse drugs should have the right to proper education in accordance with existing laws and regulations. For that. the need for support from various parties, especially the education and culture office.

Keywords: Legal Protection; Children's Rights; Drugs.

I. INTRODUCTION

Children as social beings created by God Almighty and since birth have rights that need to be respected and protected so that children can grow and develop properly and in line with human dignity. Human dignity itself cannot be separated from human rights whose existence must be respected, upheld, and protected by the nation and state.

The Indonesian state itself strongly adheres to the applicable law, therefore all actions must be in accordance with the law. It is known that the law develops with the problems that exist in people's lives, one example is Drug Abuse.

Penyalahgunaan narkoba di Indonesia saat ini cenderung terus bertambah, Persoalan terkait penyalahgunaan narkoba juga tidak hanya disalahgunakan oleh orang dewasa saja, tetapi juga disalahgunakan oleh anak.

Drug abuse in Indonesia today tends to continue to grow. Problems related to drug abuse are also not only abused by adults, but also abused by children.

Children who abuse drugs are included in criminal offenses, also known as children who violate the law or children who are in conflict with the law. Children who violate the law or have problems with the law according to the law must be 12 (twelve) years old, but have not reached 18 (eighteen) years to be suspected of having committed a criminal offense. Of course, children who are in conflict with the law must get protection, especially when it comes to drug abuse, where they are not only the perpetrators of criminal acts but also the victims juga menjadi korban (Victimless crime).

The legal protection provided aims to provide children with a sense of security, not threatened both physically and emotionally (Beni Harmoni Harefa, 2017).

Article 67 of 2014 Law No. 35 on Child Protection stipulates that: "Special protection for child victims of drug abuse must be provided in the functions of supervision, prevention, care and rehabilitation".

Meanwhile, based on the juvenile criminal justice system contained in Law No. 11 of 2012, Restorative Justice must be prioritized.

The reality in its implementation is that children who abuse drugs are still repressed. For example: there were several students of SMA X in Cirebon City in 2015 who became suspects in drug crimes, namely MDY, MZ, AS, FIR, and MBA and were sentenced to prison terms and were not graduated by the school. In addition, every year there are also several students who abuse drugs and are forced to resign by the school.

Cirebon City itself is one of the vulnerable cities in drug trafficking and abuse, where Cirebon is a strategic location for couriers. At the same time, children are exposed to the easy availability of drugs. There have been many cases of student dropouts in Cirebon City.

Fulfillment of the rights of children serving sentences must be The rights of child victims of drug abuse are different from those of adults in accordance with existing regulations. These rights are specifically regulated in the Child Protection Law, but in reality, there are still rights of child victims of drug abuse that are not fulfilled properly. The question is how the implementation of the fulfillment of the rights of children who abuse drugs in the National Narcotics Agency (BNN) Cirebon City.

II. RESEARCH METHOD

The approach method used is juridical-empirical, namely approaching a problem based on applicable regulations and emphasizing facts in the field, This type of research is qualitative (Sugiyono, 2017), namely by describing all the results of the study of data related to the problems studied, The types of data used are primary data, secondary and tertiary data.

III. DISCUSSION

Implementation of the Fulfillment of Children's Rights of Drug Abusers at the National Narcotics Agency (BNN) of Cirebon City

According to Mahrus Ali (Mahrus Ali, 2015), one form of punishment that aims at recovery or treatment is to provide rehabilitation. Rehabilitation is a form of sanctioned action that is spread outside the Criminal Code. For example against narcotics crimes.

According to the Joint theory of punishment (De Verenigings Theory), this theory includes absolute theory (retaliation) and purpose theory (relative). Based on this theory, punishment is based on rewards and the purpose of the punishment. Therefore, there should be

a balance between retribution and the purpose of giving punishment to someone who commits a crime, in order to achieve justice and satisfaction in society. This flow is based on the purpose of retaliation and maintaining public order in an integrated manner (Ninik Suparmi, 2007).

This theory implies that the punishment can provide physical suffering as well as psychology and can also provide punishment for his actions accompanied by an educational thing, the goal is that there will be an improvement in him or her who committed the crime. rewards and the purpose of the punishment. Therefore, there should be a balance between retribution and the purpose of giving punishment to someone who commits a crime, in order to achieve justice and satisfaction in society. This flow is based on the purpose of retaliation and maintaining public order in an integrated manner (Ninik Suparmi, 2007).

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In Cirebon City itself, medical rehabilitation is carried out at the National Narcotics Agency (BNN) precisely at the Pratama Clinic and at social institutions, hospitals, health centers, and so on in collaboration with BNN Cirebon City. Based on the results of research at BNN Kota Cirebon, the development of child clients undergoing rehabilitation and treatment is mostly quite good but needs support from the closest people, especially parents and family. The follow-up action taken by BNN Kota Cirebon is to provide special assistance for children involved in drug crimes and provide action in the form of referrals to hospitals or health centers or other social institutions that can help children grow and develop for their future.

Article 59 paragraph (1) of Law No. 35 of 2014 emphasizes that the Government, Regional Governments, and other State Institutions have obligations and responsibilities in providing special protection to children, and in paragraph (2) namely; "Special Protection to Children as referred to in paragraph (1) is given to; (b) children in conflict with the law".

Education is the demand and desire of everyone, especially for children without discrimination. The state is obliged to implement the fulfillment of the right to education by making efforts and policies to achieve this right. Children as drug abusers who are in the rehabilitation period must still receive education, this is in accordance with Article 7 of the Minister of Social Affairs Regulation No. 26 of 2019 about the Child social rehabilitation program.

In fulfilling children's educational rights at BNN Cirebon City, the implementation of education, especially for formal education, with outpatient rehabilitation, certainly provides flexibility for children to continue carrying out their obligations as students, where BNN provides advocacy to schools where the child attends school and provides understanding to teachers and parents and persuades children to continue their education.

The implementation of undergoing rehabilitation is adjusted to the permission of the school and parents, and must even get assistance from parents or someone who has responsibility for the child. However, if in the advocacy or direction from BNN the school still does not allow the child to continue his education, BNN cannot do more considering that this is absolutely the authority of the school and is no longer the responsibility of BNN as a rehabilitation provider. As for informal education can not be implemented, due to limited facilities and infrastructure, there is also no cooperation with informal education institutions in the city of Cirebon. In addition, there is also no interest from children of abuse.

The implementation of the post-rehabilitation program is an advanced stage in the development of drug abusers who have completed the rehabilitation process. In its implementation, there are post-rehabilitation services developed by the Cirebon City BNN, including Assistance House Services and post-rehabilitation services.

Supervision of drug abusers is aimed at the younger generation, namely children, adolescents, students and students. Abuse is the result of complex individual relationships with various elements, especially with parents, society, the environment of other adolescents or youth. In terms of supervision, the Cirebon City BNN coordinates with the West Java Provincial BNN and the Directorate of Psychotropic and Narcotics Precursors (P2) of the Deputy for Eradication of the Indonesian National Narcotics Agency related to the supervision of the distribution of psychotropic and other hard drugs.

In the implementation of Prevention by BNN Kota Cirebon, prevention is part of Demand Reduction, Prevention programs must increase protective factors and reverse or reduce risk factors (NIDA, 2003), there are several breakthroughs by BNN Kota Cirebon in implementing drug prevention programs, namely in the form of: Bersinar Village (clean drugs) and Community Empowerment Program.

Normatively, legal protection for the fulfillment of children's rights has been regulated by legislation, but in its implementation, of course, there are obstacles and inhibiting factors for the fulfillment of children's rights, including (Widiana Mirianty, 2022):

- 1) Support that is still difficult to obtain from parents, schools and the community because there is a bad stigma against children as drug abusers and drug abusers. The provision of imprisonment sanctions causes children to not get support and tend to be shunned by the community because they are considered carriers of bad influence on other children.
- 2) Facility support or special facilities and infrastructure for children that are still minimal or not optimal in terms of health services and programs during the rehabilitation period.
- 3) Individual or internal factors, which can affect the level of success and implementation of both medical and social rehabilitation programs. The obstacles are in the form of a lack of intention to recover, low motivation to change for the better, and habitual behavior that cannot be repaired or changed.

What is stated above is true. The same obstacles exist at BNN Cirebon City, especially regarding the fulfillment of children's rights in education and supervision after rehabilitation. In fact, the school does not want any of its students to become drug abusers, worried about the impact on others. Supervision after rehabilitation has not been maximally implemented. Facilities have been provided but have not functioned because until now no child who abuses drugs has used them.

In this case there are efforts made by the Cirebon City BNN in the implementation of fulfilling the rights of children who abuse drugs. undergoing a rehabilitation period are as follows: (Widiana Mirianty, Ibid) Advocating to relevant schools, providing understanding and direction to parents and families of children who abuse drugs by conducting counseling in each village, coordinating between agencies related to the fulfillment of children's health and education rights.

IV. CONCLUSION

The implementation of the fulfillment of the rights of children of drug abusers at BNN Cirebon City is basically in accordance with the provisions of the legislation. However, it has not been running optimally or maximally. Some children's rights still need attention because it requires the role of various parties, such as the right to education and post-rehabilitation supervision. Counseling and other special programs from BNN Cirebon City itself are quite good. Obstacles or constraints in the implementation of the fulfillment of the rights of children of drug abusers include: lack of support from parents, communities, schools and related agencies, lack of support facilities or special facilities and infrastructure for children and internal conditions of the drug abusers themselves. BNN Cirebon City should not only conduct advocacy or direction, considering that every year there are cases of children being expelled by

schools. BNN Cirebon City can organize strategies for children's educational rights, especially by creating study classes in rehabilitation institutions so that children can still take part in learning or other talent or interest classes. Special programs for children should be given a distinction so that there is no mistargeting with adult drug abuser programs. The fulfillment of children's rights has actually been pursued by BNN Cirebon City, but there needs to be synergy between related parties, parents, communities, schools and BNN itself. It is hoped that BNN Cirebon City will further clarify the efforts or programs and systematics that can be provided for children involved in drug abuse to be more optimal even though the number of child patients is not large.

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