

LEGAL ACCOUNTABILITY AND INVESTIGATION PROCESS FOR CHILDREN AS PERPETRATORS OF NARCOTICS CRIMES (LANGKAT POLICE STUDY)

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Abstract

This study examines legal issues involving legal liability, criminal investigation, criminal investigation. It employs empirical juridical research and draws on interviews, official examination reports (BAP), statutory regulations, legal literature, official documents. The findings show that the applicable legal framework must be connected to the specific elements and facts of the case. Investigation or implementation also requires consistent documentary records, witness statements, relevant evidence, and procedural safeguards. The study highlights the need for accurate legal reasoning, coherent documentation, institutional coordination, and accountability. These findings support a more consistent application of Indonesian law concerning legal liability, criminal investigation

Keywords: *legal liability; criminal investigation; criminal investigation; narcotics; Langkat Resort Police*

1. Introduction

Therefore, handling narcotics cases involving children requires a different legal approach compared to adult perpetrators, both in the investigation process and in the construction of criminal liability (Hamzah, 2019).

Law Number 35 of 2009 concerning Narcotics stipulates that any person who without rights or against the law possesses, stores, controls, or provides narcotics can be subject to severe criminal sanctions (Indonesia, 2012).

Therefore, the investigation process for children must be carried out while still paying attention to the principles of child protection and applicable legal procedures so as not to violate the rights of children as legal subjects (Wahyudi, 2017).

In this incident, the police managed to secure a child named Brema Purnama Ginting who was suspected of having no rights or against the law in possession and possession of methamphetamine-type narcotics (Langkat Police, 2025).

Based on the results of the initial investigation conducted by the police, the arrest of the child was carried out after the police obtained information from the public about activities allegedly related to narcotics abuse at the location (Langkat Police, 2025).

In the examination process outlined in the Examination Report (BAP), the child in question admitted that the evidence belonged to him and his friend known as JELO (Langkat Police, 2025).

Based on the facts of the investigation, investigators assessed that the child concerned was suspected of having committed a narcotics crime as stipulated in Article 114 paragraph (1) subsidiary to Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics (Langkat Police, 2025).

The act of detention of the child was carried out based on a detention warrant issued by Langkat Police investigators after it was assessed that there was sufficient evidence that the child was suspected of committing narcotics crimes (Langkat Police, 2025).

Based on the court's determination, the confiscation of the evidence was declared legal and could be used as evidence in the investigation process of narcotics cases involving the child (Stabat, 2025).

This research focuses on three issues: legal accountability for children as perpetrators of narcotics crimes in the criminal law system in Indonesia; the investigation process of children who commit narcotics crimes at the Langkat Police Station; The application of legal provisions in the investigation process of children as perpetrators of narcotics crimes at the Langkat Police.

2. Methodology

2.1. Research Methodology

The location of data collection in this study is at the Langkat Police, Jl. Proclamation No. 53, Kwala Bingai, Stabat, Langkat Regency, North Sumatra.

This combination of approaches allows for an analysis that focuses not only on written norms, but also on the implementation and construction of evidence in investigative practice (Sunggono, 2015; Arikunto, 2006).

The interview was conducted to obtain information about the investigation process against children who are facing the law, the mechanism for collecting evidence, and the investigators' legal considerations in implementing the provisions of Law Number 35 of 2009 concerning Narcotics and Law Number 11 of 2012 concerning the Child Criminal Justice System in handling the case.

In addition, primary data was also obtained from official documents in the form of witness Examination Minutes (BAP) and Examination Minutes of child suspects compiled by Langkat Police investigators in narcotics crime cases.

Meanwhile, the secondary data in this study is sourced from legal materials consisting of primary legal materials, secondary legal materials, and tertiary legal materials.

The primary legal materials used in this study include laws and regulations relevant to the Criminal Code (KUHP). Some of the main regulations that this research focuses on are:

Examination Report (BAP) of witnesses in the case of narcotics crimes involving children as perpetrators handled by the Langkat Police.

The secondary legal materials used are obtained from various scientific sources that can support the analysis in this study, such as: Books, Scientific journals, legal doctrine

2.2. Landasan Theoretis

According to Roeslan Saleh, criminal liability is basically a continuation of the existence of objective reproach against a criminal act which is then subjectively forwarded to the perpetrator who is eligible to be convicted (Saleh, 1983).

According to Chairul Huda, criminal liability is a normative mechanism to assess whether a person who commits a criminal act can be sentenced based on the fault of the perpetrator (Huda, 2006).

This principle emphasizes that a crime can only be imposed if it can be proven that there is an error in the sense of criminal law, so that criminal acts and criminal liability must be understood as two interrelated but different things (Moeljatno, 2008).

In this perspective, criminal accountability is the basis for the state's legitimacy to impose criminal penalties on the perpetrators, because without accountability there can be no fair punishment (Prasetyo, 2010).

The assessment is not only based on the external acts, but also on the inner condition of the perpetrator, the relationship between the perpetrator and his actions, and whether or not there is a reason to abolish the punishment (Rusianto, 2016).

Individual criminal liability is liability that is imposed directly on individuals as perpetrators of criminal acts.

Liability based on fault is the most common form of criminal liability, namely a criminal offence imposed because the perpetrator is proven to have committed a criminal act with an element of intentionality or forgetfulness.

Individual liability is a form of accountability that places individuals as the main perpetrators of criminal acts. In this form, the focus of criminal law is directed to the acts and mistakes of individual people.

Liability due to intentionality occurs when the perpetrator consciously wants or knows the consequences of his actions. In this form, the inner element of the perpetrator shows a real will to commit a criminal act.

According to M. Yahya Harahap, the investigation is a follow-up to the investigation to find and collect evidence that with this evidence sheds light on the criminal act that occurred and at the same time finds the suspect (Harahap, 2014).

Therefore, the investigation is not only administrative, but also juridical because it must be carried out according to the procedures of criminal procedure law (Mulyadi, 2007).

Thus, the success of the investigation greatly determines the overall quality of the criminal justice process (Hartono, 2010).

This investigation is carried out on cases of a special nature, such as corruption, narcotics, or child crimes. In practice, this particular treatment often requires certain approaches, expertise, and procedural provisions.

2.3. Legal Arrangements and Key Concepts

Protection of children is a form of state responsibility in ensuring the future of the younger generation (Soekanto, 2014).

In addition, the definition of child is also regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (Indonesia, 2012).

These differences in treatment aim to provide protection for children and prevent the negative impact of the criminal justice process on child development (Mulyadi, 2014).

Therefore, the handling of criminal cases involving children must pay attention to the principle of the best interests of children and prioritize an educative and rehabilitative approach (Atmasasmita, 2014).

Thus, the juvenile criminal justice system emphasizes more on rehabilitation efforts than punishment alone (Indonesia, 2012).

Thus, criminal acts are not only related to acts that are considered detrimental to society, but must also have a clear legal basis in laws and regulations (Prasetyo, 2017).

Therefore, in academic practice and legal practice, the terms criminal and delinquency are often used interchangeably to describe an act that can be punished (Sofyan, 2016).

This definition emphasizes that criminal acts are not only related to unlawful acts, but must also be accompanied by elements of guilt from the perpetrators who commit the act (Pompe, 2010).

This understanding shows that not every act that violates the law can be immediately punished, but must meet the conditions that the perpetrator has the ability to account for his actions according to the law (Simons, 2009).

Thus, an act can be called a criminal act if there is a prohibition regulated in the law and accompanied by a criminal threat for the violator (Moeljatno, 2018).

Thus, the existence of an element of guilt is one of the important requirements in determining whether a person can be held criminally liable or not (Saleh, 2017).

2.4. Parameter Analysis Yuridis

However, the use of narcotics that are not in accordance with the provisions of the law can cause various negative impacts on individuals and society at large (Indonesia, 2009).

Therefore, the state establishes various legal rules that aim to control the circulation and use of narcotics so that they are not misused by irresponsible parties (Sasangka, 2015).

With these arrangements, it is hoped that the circulation of narcotics can be controlled and its negative impact on the community can be minimized (Supramono, 2016).

Each party involved in the network has a different role in the narcotics trafficking process (Dirdjosisworo, 2014).

This condition makes handling narcotics cases more complex because it requires careful investigation and investigation efforts (Sunarso, 2014).

Therefore, law enforcement against narcotics crimes requires cooperation between various law enforcement agencies (Jaya, 2015).

The preventive approach is carried out by increasing public awareness of the dangers of narcotics, while the rehabilitative approach is carried out for narcotics users so that they can return to living a normal life in the community (Nasional, 2019).

Therefore, the investigation process in narcotics cases must be carried out professionally and based on the applicable legal provisions (Mattalatta, 2017).

Therefore, the circulation of narcotics in this group is very closely supervised by the government (Indonesia, 2009).

Therefore, its use can only be done based on a doctor's prescription (Sasangka, 2015).

However, the use of narcotics in this group must still follow the applicable legal provisions (Arief, 2014).

With this classification, the government can carry out more effective supervision of narcotics trafficking (Mulyadi, 2015).

Therefore, narcotics classification has an important role in the criminal law system (Jaya, 2015).

3. Research Results

3.1. Legal Accountability for Children as Perpetrators of Narcotics Crimes in the Criminal Law System in Indonesia

Children who are facing the law in the Juvenile Criminal Justice System Law are children who are 12 years old but not yet 18 years old who are suspected of committing criminal acts (Indonesia, 2012).

Based on the results of an interview with Sihar M.T. Sihotang, S.H. as an investigator of the Langkat Police, children involved in narcotics cases in general cannot always be directly positioned as the main perpetrators (Langkat Police, 2025).

In the case of a child as a perpetrator of a narcotics crime at the Langkat Police, the legal facts obtained from the investigation process are the main basis for determining the legal liability of the child (Huda, 2006).

Muhammad Hanafi, S.H. also explained that children involved in narcotics usually do not stand alone, but are often related to the social environment or the influence of older people (Langkat Police, 2025).

Based on the results of an interview with Sihar M.T. Sihotang, S.H., the factors that cause children to be involved in narcotics crimes in the jurisdiction of the Langkat Police include promiscuity, lack of family supervision, a narcotic-prone environment, and children's curiosity (Langkat Police, 2025).

In the context of the case at the Langkat Police, the legal liability of children as perpetrators of narcotics crimes must be based on the results of an objective investigation (Langkat Police, 2025).

Thus, the legal responsibility of children in narcotics cases has two sides that must be balanced (Wahyudi, 2017).

Based on this description, it can be concluded that legal accountability for children as perpetrators of narcotics crimes in the Indonesian criminal law system is special, proportional, and oriented towards child protection.

3.2. The Investigation Process of Children Who Commit Narcotics Crimes at the Langkat Police Station

The investigation process for children who commit narcotics crimes at the Langkat Police is basically a series of legal actions carried out by investigators to shed light on a criminal event, find the perpetrator, and collect legal evidence (Muhammad, 2007).

Investigations in narcotics cases involving children begin with information, reports, or findings of police officers regarding alleged narcotics abuse (Langkat Police, 2025).

Based on the results of an interview with Sihar M.T. Sihotang, S.H. as an investigator of the Langkat Police, the initial stage carried out when receiving information about alleged narcotics crimes is to check the correctness of the information first (Langkat Police, 2025).

The next stage in the investigation is the preparation of the Examination Minutes. This BAP then becomes the basis for investigators to analyze whether or not the elements of narcotics crimes are fulfilled (Langkat Police, 2025).

After all the information and evidence were collected, the investigator then analyzed the relationship between the child's actions and the elements of the alleged article (Indonesia, 2009).

In the case at the Langkat Police, the detention of the child was carried out based on a detention warrant after investigators assessed that there was sufficient evidence that the child was suspected of committing narcotics crimes (Langkat Police, 2025).

Based on this description, the investigation process for children who commit narcotics crimes at the Langkat Police is carried out through several stages, namely receiving information, initial investigation, arrest or security, confiscation of evidence, examination of children, examination of witnesses, preparation of BAP, examination of evidence, detention if eligible, and preparation of case files.

Thus, the investigation process for children of narcotics offenders at the Langkat Police Station is not only oriented to proving criminal acts, but also to protecting children's rights during legal proceedings (Suyanto, 2013).

Based on this discussion, it can be concluded that the investigation process for children who commit narcotics crimes at the Langkat Police is carried out through an investigation mechanism that refers to the Criminal Code, the Narcotics Law, and the Juvenile Criminal Justice System Law.

3.3. Application of Legal Provisions in the Investigation Process of Children as Perpetrators of Narcotics Crimes at the Langkat Police Station

The application of legal provisions in the investigation process of children as perpetrators of narcotics crimes at the Langkat Police must be understood as the implementation of legal rules that combine several legal regimes at once (Waluyo, 2014).

The application of the law in the investigation of the case of the child of narcotics offenders begins with the obligation of investigators to ensure that the events handled are indeed criminal acts (Prodjohamidjojo, 1983).

In the context of the case at the Langkat Police, the legal provisions applied to children as perpetrators of narcotics crimes refer to Article 114 paragraph (1) subsidiary to Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics (Indonesia, 2009).

Based on the results of an interview with Sihar M.T. Sihotang, S.H. as an investigator of the Langkat Police, the legal basis used by investigators in dealing with children of narcotics offenders is the Narcotics Law, the Criminal Code, and the Law on the Juvenile Criminal Justice System (Langkat Police, 2025).

In the practice of investigation at the Langkat Police, the application of legal provisions can also be seen from the way investigators assess the role of children in narcotics crimes (Makarao, 2003).

The application of legal provisions to children of narcotics offenders in the Langkat Police also shows that there is a relationship between criminal law and social protection (Huraerah, 2012).

In the case at the Langkat Police, the application of legal provisions can be seen from several investigative actions, namely the use of articles in the Narcotics Law, the implementation of confiscation of evidence through court approval, examination of children with attention to assistance, and assessment of the role of children in the case (Langkat Police, 2025).

Thus, the application of legal provisions in the investigation process of children of narcotics criminals at the Langkat Police has basically been directed at two main interests (Mudzakkir, 2008).

Based on this description, it can be concluded that the application of legal provisions in the investigation process of children as perpetrators of narcotics crimes at the Langkat Police was carried out by referring to the Criminal Code of Criminal Procedure, Law Number 35 of 2009 concerning Narcotics, and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

4. Discussion

4.1. Analysis of Legal Responsibility for Children as Perpetrators of Criminal Acts Narcotics in the Criminal Law System in Indonesia

In the context of narcotics crimes, children can indeed be held legally accountable if their actions meet the elements of a criminal act, but the process and form of accountability must still pay attention to the principles of child protection and the best interests of children (Hamzah, 2019).

Thus, children should not be immediately positioned as perpetrators who must be punished repressively, but must be seen as legal subjects who still have great opportunities to be fostered and improved (Moeljatno, 2008).

Therefore, the criminalization of children must be placed as a last resort if coaching and rehabilitation efforts cannot be carried out (Indonesia, 2012).

Therefore, investigators must first determine the role of children in the criminal act before determining the legal construction (Sasangka, 2015).

Restorative justice places the settlement of criminal cases not only on punishment, but also on restoring circumstances, fostering children, and preventing the repetition of criminal acts.

This is in accordance with the character of the juvenile criminal justice system which places the best interests of children as the main basis (Atmasasmita, 2014).

Therefore, law enforcement officials must avoid a perspective that equates children with adult perpetrators (Moeljatno, 2008).

4.2. Analysis of the Investigation Process of Children Who Commit Narcotics Crimes at the Langkat Police Station

In children's cases, this stage must be carried out carefully so that there are no mistakes in determining the position of the child, whether it is only at the scene, as a user, as the owner of goods, or as a party suspected of being involved in narcotics trafficking (Harun, 1991).

Thus, since the beginning of the legal process, the status of children has been an important consideration in investigative actions (Langkat Police, 2025).

In the case at the Langkat Police, the confiscation of evidence then obtained approval from the Stabat District Court through the determination of the confiscation of evidence (Stabat, 2025).

Thus, the investigation process not only aims to prove the existence of evidence, but also to prove the role of children more clearly (Langkat Police, 2025).

In children's cases, investigators must also pay attention to the detention deadline that is different from that of adults (Indonesia, 2012).

The investigation process for children must also pay attention to the possibility of diversion. If they do not meet the requirements, the case will be continued according to the applicable legal procedures (Indonesia, 2012).

Thus, the investigation of children has a more complex character than the investigation of adults (Gultom, 2014).

Therefore, the investigation process needs to be directed not only to prove the fault of the child, but also to open up the possibility of the involvement of other parties who are more responsible in narcotics trafficking (Soetodjo, 2010).

4.3. Analysis of the Application of Legal Provisions in the Investigation Process of Children as Perpetrators of Narcotics Crimes at the Langkat Police Station

Investigators in children's cases cannot only look at the material criminal provisions in the Narcotics Law, but are also obliged to apply procedural provisions in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (Indonesia, 2012).

Muhammad Hanafi, S.H. as an assistant investigator also explained that the application of the law to the child of narcotics perpetrators is carried out by adjusting the alleged article and the status of the child as a special legal subject (Langkat Police, 2025).

This step shows that confiscation is carried out based on applicable legal procedures, so that the evidence obtained has legal force in the case proof process (Stabat, 2025).

Therefore, the investigation process must be directed to obtain legal truth while maintaining the development of children so that they do not fall further into the criminal environment (Saraswati, 2015).

In cases that use Article 114 paragraph (1) as a subsidiary of Article 112 paragraph (1) of the Narcotics Law, the application of diversion is not simple because the article has a severe criminal threat (Indonesia, 2009).

The application of restorative justice in the investigation of child drug offenders does not necessarily mean that cases must be stopped or resolved out of court.

Thus, the application of the law must be based on the results of an objective examination (Sujono, 2011).

Therefore, investigators must be able to apply the law proportionately so that law enforcement does not turn into actions that are detrimental to the best interests of children (Mertokusumo, 2008).

5. Conclusion

Legal accountability for children as perpetrators of narcotics crimes in the criminal law system in Indonesia is special because children cannot be treated the same as adult perpetrators.

Children can still be held criminally responsible if they are proven to meet the elements of narcotics crimes, such as possessing, storing, possessing, or engaging in narcotics abuse. However, the accountability must still take into account the age of the child, the level of offense, the role of the child in the case, psychological conditions, and the principle of child protection as stipulated in the Law on the Juvenile Criminal Justice System. Thus, legal accountability for children is not solely aimed at punishing, but also fostering, protecting, and preventing children from re-committing criminal acts.

The investigation process of children who commit narcotics crimes at the Langkat Police is carried out through the stages of receiving information, initial investigation, arrest or security, confiscation of evidence, examination of children, examination of witnesses, preparation of Examination Minutes, examination of evidence, detention if eligible, and preparation of case files. Based on the results of interviews with investigators, the investigation process of children was carried out more carefully compared to adult perpetrators, especially by paying attention to the child's age, the presence of parents or companions, the child's psychological condition, and the child's rights during the examination. Therefore, the investigation at the Langkat Police is not only directed to prove narcotics crimes, but also to pay attention to the principle of protection of children who are in conflict with the law.

The application of legal provisions in the investigation process of children as perpetrators of narcotics crimes at the Langkat Police is carried out by referring to the Criminal Code, Law Number 35 of 2009 concerning Narcotics, and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. These provisions are applied in investigative actions such as arrest, confiscation of evidence, examination of children, assistance, detention, and the application of suspected articles. In practice, investigators continue to apply the law to narcotics crimes, but their implementation is adjusted to the status of children as legal subjects who must be protected. Thus, the application of the law in the Langkat Police seeks to balance the interests of law enforcement against narcotics and the protection of children's rights.

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