

Law Enforcement Against Children Who Are Narcotics Traffickers Based on the Influence of the Family Environment Linked to Article 55 Paragraph (1) of the Criminal Code Concerning Inclusion

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Abstract. Drug crimes remain a major problem, and their existence is still being combated. The main issue in this research is the weak application of Article 55 paragraph (1) of the Criminal Code in cases involving children involved in drug trafficking due to family influence. Adult perpetrators who exploit children often evade prosecution. The purpose of this research is to analyze the forms of law enforcement against child drug traffickers influenced by family ties, explain the reasons for the non-implementation of Article 55 paragraph (1) of the Criminal Code in cases involving children and their parents, and identify obstacles faced by law enforcement officials in Riau Province. This research can be classified as sociological juridical research. The study's results concluded that: First, law enforcement against child drug traffickers based on family influence still does not reflect the principles of restorative justice and child protection as specified in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Second, the reason Article 55 Paragraph (1) of the Criminal Code concerning involvement is not implemented in cases involving children and their parents in drug trafficking is because law enforcement emphasizes the application of Article 132 Paragraph (1) of the Narcotics Law as *lex specialis*. Third, obstacles faced by law enforcement officials in enforcing the crime of complexity under Article 55 Paragraph (1) of the Criminal Code concerning complicity in Riau include a lack of coordination between investigators and prosecutors, as well as minimal support from the legal system for children as victims of exploitation.

Keywords: Law enforcement, Children involved in narcotics, Family environment, Complicity, Article 55 of the Criminal Code

INTRODUCTION

Narcotics remain a crime that is unresolved in Indonesia, and efforts to combat their presence are ongoing (Kadarudin, Thamrin, & Liao, 2018). The National Narcotics Agency (BNN) stated that it is investigating various types of narcotics crimes (Sirait, Gunawan, Satyawan, Nugroho, & Sufiarina, 2023). According to BNN data, there were 1,184 narcotics cases and 1,483 suspects in Indonesia in 2021. In 2022, these numbers increased to 1,350 cases, with 1,748 suspects and 12.4 tons of evidence. From January to July 2023, there were 1,125 narcotics cases, with a total of 1,625 suspects. Additionally, from September 2023 to May 2024, the number of suspects reached 28,382. Given this large number of narcotics-related cases, the government expects cooperation and active participation from all corners of the country in eradicating narcotics crime (Luong, 2024; Paul, 2021).

Narcotics are synthetic or semi-synthetic substances or drugs derived from plants or non-plants, which cause loss or alteration of consciousness, reduce or eliminate pain sensation, and can lead to addiction (Samsul et al., 2025). Drug users span all levels of society, from students and college students to artists, housewives, traders, public transportation drivers, street children, and workers (Bah, 2018; JEMAL, 2022). Narcotics are easily accessible and readily produced, and even illegal drug factories are common in Indonesia (Sulastiana, 2024).

Drug abuse among minors is no longer taboo, especially when the child's environment

encourages such behavior (da Silva, Pereira, & Pinto, 2021). Various factors contribute to drug abuse among minors, including a lack of parental supervision due to workloads, heightened curiosity, increasingly sophisticated technological developments, family problems (broken homes), the environment, peer influence, and many other factors.

The current rampant distribution and abuse of narcotics pose one of the greatest threats to children, endangering the next generation of the Indonesian nation (Putrirezhy, 2024). Drug distribution is accelerating, making prevention and eradication difficult (Leask & Dillon, 2016). Delivery is typically via parcel services, transported by land, air, or sea. Drug transactions often involve minors as couriers or intermediaries (Aldridge & Askew, 2017). Riau Province is known as a religious region steeped in Islamic values and Malay culture, which upholds morals and customs (Uri, Riadi, Suprpto, & Rajuna, 2025). However, drug trafficking and abuse remain prevalent in the region (Dolliver, Ericson, & Love, 2018). This is evident in the data on drug crimes in Riau Province, as shown in the table below.

**Table 1. Narcotics Crime Case Data from 2021 to March 2025
in the jurisdiction of the Riau Regional Police**

No.	Year	Number of Cases	Number of Suspects
1.	2021	1,596	2,338
2.	2022	1,869	2,768
3.	2023	1,914	2,773
4.	2024	2,276	3,341
5.	2025	860	1,320
Amount		8,515	12,540

Data Source: Riau Regional Police

Therefore, one of the ways that law enforcement officers can eradicate narcotics crimes down to the roots is by enforcing the law against children involved in narcotics crimes through the juvenile criminal justice system (Sistem Peradilan Pidana Anak or SPPA). This is based on the fact that narcotics dealers deliberately tend to direct their business to target children as users or as narcotics couriers, because in general, these children are still very easily influenced (Sviatschi, 2022).

Children in Conflict with the Law are children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts (Marwandana, Muchtar, & Azisa, 2022). According to Article 1 paragraph 3 of Law No. 11 of 2012, "Children in Conflict with the Law, hereinafter referred to as Children, are children who are 12 (twelve) years old, but under 18 (eighteen) years old who are suspected of committing a crime".

A particularly interesting case study in this research concerns children who fall into the drug trade due to family factors (Nabukenya, 2019). In this case, the child is exploited by adults in the family to distribute narcotics. One such case occurred in Tanjung Sawit Village, Tapung District, Kampar Regency (Saputra, Hilman, & Lestari, 2025). An 18-year-old youth with the initials (AA) was arrested by the Tapung Police, Kampar Police, on Tuesday afternoon (1/3/2022). Meanwhile, his father, WS, fled. Surveillance revealed that the perpetrator was at his home in Tanjung Sawit Village, Tapung District, Kampar Regency. Together with local village officials, the police raided the perpetrator's home (Huey & Ricciardelli, 2017). The perpetrator was arrested without resistance, and a search revealed a box containing one medium package and seven small packages of methamphetamine, a pyrex glass, a bong, and Rp.

150,000 in cash from sales. The perpetrator admitted that he obtained the illicit goods from WS, his own father, to be delivered to buyers and to collect the proceeds (De Sanctis, 2017). The perpetrator was charged with Article 114 paragraph 1 in conjunction with Article 112 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics, with a minimum prison sentence of five years.

The number of cases of children involved in narcotics trafficking in the jurisdiction of the Bangkinang District Court and the Pekanbaru District Court can be seen in the table below.

Table 2. Data on Child Drug Traffickers from 2021 to 2025 in the jurisdiction of the Bangkinang District Court

No.	Year	Number of Cases
1.	2021	4
2.	2022	5
3.	2023	4
4.	2024	4
5.	2025	2
Amount		19

Data Source: Bangkinang District Court

Table 3. Data on Child Drug Traffickers from 2021 to 2025 in the jurisdiction of the Pekanbaru District Court

No.	Year	Number of Cases
1.	2021	6
2.	2022	4
3.	2023	4
4.	2024	4
5.	2025	2
Amount		20

Data Source: Pekanbaru District Court

The author provides examples of court decisions against children involved in narcotics trafficking based on the influence of the family environment in Riau, which can be accessed through the Directorate of Decisions of the Republic of Indonesia, including:

- Decision Number 13/Pid.Sus-Anak/2021/PN Bkn.
- Bangkinang District Court Decision Number 9/ Pid.Sus.A /2021/PN.Bkn.
- Decision Number 4/Pid.Sus-Anak/2025/PN Pbr.
- Pekanbaru District Court Decision Number 26/Pid.Sus-Anak/2023/PN Pbr.

Normatively, according to Indonesian criminal law, law enforcement officers should not only prosecute children as direct perpetrators, but also explore the role of the surrounding environment, including the family, as a causal factor in children's involvement.

So as a child who can be tried, then due to family environmental factors he is influenced and enters the dark world of narcotics, in practice only the child is processed but the parents who order it are not processed and when it is processed the parents should receive a heavier sentence as stated in Article 133 of the Narcotics Law, so there is no reason not to apply Article 55 paragraph (1) of the Criminal Code to parents who order their children to distribute narcotics.

So, from the problems that the author tried to describe above, the author is interested in researching this problem further and conducting research which is presented in the form of a thesis with the title "Law Enforcement against Children Who Are Narcotics Traffickers Based on the Influence of the Family Environment Linked to Article 55 Paragraph (1) of the Criminal Code concerning Complicity"

MATERIALS AND METHODS

This research is a sociological or empirical legal study, namely a study of the application of law and research on the identification of unwritten law. Because in this writing, the author conducted direct research at the location or place being studied, in order to provide a complete and clear picture of the problem being investigated. Meanwhile, viewed from its nature, the research is descriptive, namely a study intended to provide data as accurately as possible about humans, conditions, or other phenomena, explaining only the condition of the object of the problem without intending to draw general conclusions.

RESULTS AND DISCUSSION

A. Law Enforcement against Children Who Are Narcotics Traffickers Based on the Influence of the Family Environment Linked to Article 55 Paragraph (1) of the Criminal Code concerning Involvement

Concrete law enforcement is the application of positive law in practice as it should be obeyed. Therefore, providing justice in a case means deciding the law in concreto to uphold and guarantee compliance with material law using procedural methods established by formal law.

The implementation of juvenile law enforcement differs from traditional criminal justice. It begins with the investigation stage, conducted by juvenile investigators, followed by juvenile prosecutors, and then by juvenile judges. In its implementation, the juvenile justice system prioritizes restorative justice, namely resolving a criminal case by involving the perpetrator, victim, the perpetrator's or victim's family, and other relevant parties, working together to find a resolution through efforts to restore the child to their original state.

As a child who can be tried and then distributes narcotics, the child can be charged under Article 114 of Law No. 35 of 2009 concerning Narcotics in conjunction with Article 81 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the penalty is 1/2 (half) of the maximum penalty for adults.

Types of Punishment for Child Drug Dealers. Punishment is divided into two categories:

- a. Principal Crime (Article 71 of the SPPA Law)
 1. Criminal warning
 2. Criminal with conditions:
 - a. Coaching outside the institution
 - b. Community service
 - c. Supervision
 3. Unconditional sentence:
 - a. Prison (with a reduction of 1/2 of the adult sentence)
 - b. For example: If the penalty for an adult is 12 years, then a child can only be sentenced to a maximum of 6 years in prison.

b. Action (Article 82 of the SPPA Law).

Judges can also impose non-criminal measures, such as:

1. Return to parents/guardians
2. Submission to the State
3. Hospital care
4. Rehabilitation
5. Formal/non-formal education
6. Job training

Crimes are not limited to adults; children can also commit them due to various factors, such as the child's environment. The definition of a child is crucial for enforcing juvenile criminal law because it determines the age at which a child is considered capable of being held accountable for a crime. Indonesia, as a country governed by law, has laws and regulations governing the age limit for children.

A child, as referred to in Article 1 of Law Number 35 of 2014 concerning Perlindungan Anak (Child Protection), is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb. Meanwhile, in the Kitab Undang-Undang Hukum Pidana (KUHP or Criminal Code), there is no detailed explanation regarding the issue of the limits of a child. Only according to KUHP Article 45 and Article 72 paragraph (1), the law explains that the age limit for a person who is not an adult is before the age of 16 years.

The problem of drug abuse has become a national and international issue that is constantly discussed. Drug abuse can cause physical, mental, emotional, and behavioral damage in society. Even more concerning is the involvement of children in drug trafficking cases, which is quite worrying and threatens the future of children. This is in line with what was expressed by Mrs. Aulia Fhatma Widhola, SH, MH, as Judge of the Bangkinang District Court who stated that, "I see that the trend of child involvement in drug trafficking cases is quite worrying. From year to year, the number of child cases that we handle tends to increase, especially with the modus operandi of children being used as couriers or intermediaries in drug networks, either by their peers or their own family members."

Sample case :

Bangkinang District Court Decision Number 13/Pid.Sus-Anak/2021/PN Bkn, Bangkinang District Court Decision Number 9/Pid.Sus-Anak/2021/PN Bkn, Pekanbaru District Court Decision Number 4/Pid.Sus-Anak/2025/PN Pbr and Pekanbaru District Court Decision Number 26/Pid.Sus-Anak/2023/PN Pbr, show that even though the child named the Adult in the Family who ordered him, there was no effort by the authorities to ensnare the Adult in the Family.

Analysis of Bangkinang District Court Decision Number 13/Pid.Sus-Anak/2021/PN Bkn if linked in depth to two major theories in legal science, namely the Law Enforcement Theory (Lawrence M. Friedman) and the Legal Purpose Theory (Gustav Radbruch):

1) Lawrence M. Friedman's Theory of Law Enforcement

Lawrence M. Friedman said there are 3 key elements in law enforcement, namely:

- a. Legal Structure: Law enforcement institutions and apparatus.
- b. Legal Substance (legal substance): Legal norms.

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- c. Legal Culture: The attitudes and values of society and law enforcement towards the law.

Analysis and Relationship:

a. Legal Structure:

1. In this decision, the legal structure works formally, namely the police arrest the child, the prosecutor charges, the judge decides, and the child is sentenced to prison in LPKA.
2. However, the structure failed to carry out its strategic function to pursue the main perpetrator, namely Herman Saputra (DPO) who ordered the child.

Criticism based on this theory:

Effective law enforcement must not only prosecute direct perpetrators but also address the key actors responsible for child involvement. The legal structure is repressive toward children but passive toward adult perpetrators, which undermines the legitimacy of law enforcement.

b. Legal Substance:

1. The legal substance in Law No. 11 of 2012 (SPPA) prioritizes diversion, restorative justice, and imprisonment as a last resort.
2. The judge still imposed a prison sentence without mentioning an in-depth exploration of non-prison alternatives.

Criticism based on this theory:

Progressive legal substance is not being utilized to its full potential. Its application in practice remains overly formalistic and does not fully accommodate the spirit of child protection.

c. Legal Culture:

1. The legal culture of judicial actors (police, prosecutors, judges) in this case reflects a retributive, not a rehabilitative, culture.
2. The culture of society and law enforcement that tends to punish children who commit drugs, without differentiating between children who are victims of exploitation, strengthens the conservative culture of law enforcement.

Criticism based on this theory:

A legal culture that is less sensitive to the position of children as victims and less supportive of a restorative justice approach weakens the effectiveness of the legal system as a whole.

2) Gustav Radbruch's Theory of the Purpose of Law

Gustav Radbruch proposed three fundamental values of law:

- a. Justice (gerechtigkeit)
- b. Legal certainty (rechtssicherheit)
- c. Expediency (zweckmäßigkeit)

Analysis and Relationship:

a. Justice:

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1. Sentencing a child to a prison sentence who was entrusted with crystal methamphetamine by his older brother does not reflect substantive justice, because the main perpetrator (his older brother) has not been arrested.
2. Children should be positioned as victims of exploitation, not the main perpetrators.

Criticism based on this theory:

This decision violates the sense of justice because it does not prosecute the adults who gave the order and only punishes children who are in a subordinate position.

b. Legal certainty:

Legal certainty was indeed fulfilled: the child was proven guilty and sentenced according to the article imposed (Article 112 of the Narcotics Law).

However:

Legal certainty that only emphasizes procedural aspects, without considering social justice and power relations, becomes a law that is “cold and stony” (recht ist nicht alles).

c. Benefits:

Imprisonment for children risks causing long-term effects in the form of stigmatization, educational disruption, and the formation of a criminal identity.

Criticism based on this theory:

The verdict offers no real benefit to the child's future. Conversely, sentencing a child to imprisonment without reintegration or rehabilitation programs increases the likelihood of recidivism.

B. Reasons Why Article 55 Paragraph (1) of the Criminal Code Concerning Involvement is Not Implemented in Cases of Involvement of Children with Parents in Narcotics Distribution

Court decisions are a crucial milestone in reflecting justice, including decisions on criminal and sentencing matters, said Bambang Waluyo. Both sentencing and judgment occur through the judicial process. The process required by law is essentially swift, simple, and inexpensive. Furthermore, the principles of freedom, honesty, impartiality, and fairness are emphasized. However, this is not always easy to achieve due to numerous factors.

Article 55 paragraph (1) of the Criminal Code should allow for the prosecution of those who order, participate in, or encourage a criminal act. However, in Indonesian legal practice, this article is often not implemented optimally in narcotics distribution cases involving children as perpetrators and parents as the ordering parties.

The principle of *lex specialis derogat legi generali* is a legal principle which states that special regulations override general regulations if both regulate the same thing. In the context of narcotics crimes, this principle is often used to prioritize the application of the provisions in Law Number 35 of 2009 concerning Narcotics (Narcotics Law) compared to the general provisions in the Criminal Code (KUHP). One of the articles in the Narcotics Law which is often used as a basis is Article 132 paragraph (1), which regulates criminal conspiracy and attempts in narcotics crimes. This article is considered to cover forms of participation or involvement, including the act of ordering children to distribute narcotics, so that law enforcement officers tend to no longer use Article 55 paragraph (1) of the

Criminal Code which regulates participation in criminal acts in general.

"In applying the law to adults who order children to distribute narcotics, the principle of *lex specialis derogat legi generali* is applied, prioritizing Article 132 of the Narcotics Law so that Article 55 paragraph (1) of the Criminal Code is no longer used."

Thus, the rigid use of the principle of *lex specialis derogat legi generali* in this context can actually weaken the effectiveness of comprehensive and fair law enforcement. An integrative approach is needed between the Narcotics Law as *lex specialis* and the Criminal Code as *lex generalis*, particularly in the construction of complicity, so that the main perpetrators and those who order child exploitation do not escape criminal responsibility. This approach will also fill the normative gap that has not yet been fully addressed by the Narcotics Law, particularly in cases of complicity involving familial relationships and informal but crucial power.

If examined systematically, Article 132 of the Narcotics Law and Article 55 paragraph (1) of the Criminal Code should be used in a complementary manner, not as a substitute for each other. Article 132 can be the basis for ensnaring perpetrators of criminal conspiracy that has not been carried out, while Article 55 paragraph (1) of the Criminal Code is used in the context of crimes that have been completed, such as in this case where narcotics transactions and use occurred. However, in practice, Article 132 of the Narcotics Law is often used dominantly, thus eliminating the role of general criminal law such as Article 55 of the Criminal Code.

C. Obstacles faced by law enforcement officers in enforcing the law against the crime of involvement in Article 55 Paragraph (1) of the Criminal Code concerning involvement in Riau

a. Obstacles :

1. Unclear Role of Participants.
2. Difficulty in Proving Intent (*Mens Rea*).
3. Lack of Evidence.
4. Limitations of Testimony.
5. There is Pressure or Threats Against Witnesses.
6. Limited Resources and Time in the Case Examination Process.
7. Lack of Coordination and Integration between Law Enforcement Officials.
8. Lack of Relevant Jurisprudence.

b. Obstacles :

1. Difficulty in Proving the Element of "Ordering" or "Participating".
2. Drug trafficking is rampant using a new *modus operandi*, namely outright buying.
3. Time Limitation.
4. Inconsistent Confessions of the Suspect.
5. The police are not doing their best in enforcing the law and eradicating narcotics trafficking because they easily issue DPO (Wanted List) letters for people suspected of being involved in narcotics trafficking.
6. Low Public Understanding of Law.
7. Absence of Direct Witnesses.
8. The investigator's indictment is not yet mature.

CONCLUSIONS

Based on the findings of this research, it can be concluded that law enforcement against children involved in narcotics trafficking, particularly when influenced by their family environment, remains inadequate and fails to align with the principles of restorative justice and child protection as mandated by the Juvenile Criminal Justice System (Law No. 11 of 2012). The study reveals a significant gap in holding adult instigators—often family members—accountable, as legal practice disproportionately targets child perpetrators while neglecting to apply Article 55 Paragraph (1) of the Criminal Code concerning complicity to the ordering adults. This is largely due to the prevailing use of the *lex specialis* principle, which prioritizes Article 132 of the Narcotics Law, thereby limiting a more holistic legal approach. Furthermore, operational obstacles such as weak inter-agency coordination, difficulties in proving intent, limited evidence, and systemic inefficiencies hinder the effective application of the law, ultimately perpetuating impunity for exploitative adults and failing to protect children who are often victims of familial coercion.

For future research, it is recommended to conduct a more in-depth comparative study examining the application of integrative legal frameworks that simultaneously employ both Article 55 of the Criminal Code and Article 132 of the Narcotics Law in cases of child exploitation within narcotics networks. Additionally, further empirical investigation is needed to explore the socio-legal dynamics and institutional cultures within law enforcement agencies that contribute to the marginalization of restorative justice principles. Research focusing on the development of a specialized guideline or procedural model for prosecutors and judges to handle cases of child involvement in narcotics—where familial coercion is evident—could also provide practical solutions to enhance accountability for adult instigators and ensure that the legal system better serves the best interests of the child.

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