

The Role of the Police in Addressing Narcotic Use Among Minors at the Investigation Stage: A Study of the Medan City Metropolitan Police (Polrestabes)

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Abstrak

Penelitian hukum empiris ini bertujuan untuk mengetahui dan menganalisis peranan aparat Kepolisian pada tingkat penyidikan di Polrestabes Kota Medan dalam menanggulangi tindak pidana penggunaan narkoba oleh anak di bawah umur, serta mengidentifikasi faktor-faktor hambatan yang dihadapinya. Metode penelitian yang digunakan adalah penelitian hukum empiris (empirical legal research) dengan pendekatan sosiologis hukum (socio-legal approach) dan pendekatan kasus, yang dianalisis secara kualitatif dengan pola penalaran deduktif. Hasil penelitian menunjukkan bahwa peranan penyidik Kepolisian dihadapkan pada dilema dalam menyelaraskan penerapan Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika yang bersifat represif dengan Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak (UU SPPA) yang mengedepankan asas keadilan restoratif dan mekanisme diversi. Dalam praktiknya, upaya penanggulangan tersebut terhambat oleh tiga faktor utama: (1) hambatan substansi hukum berupa konflik norma dan terbenturnya penyidik pada batasan gramasi berdasarkan SEMA No. 4 Tahun 2010, yang menyulitkan pelaksanaan diversi bagi anak yang dimanipulasi sebagai kurir; (2) hambatan struktur hukum akibat minimnya ketersediaan fasilitas Ruang Pelayanan Khusus (RPK) dan Lembaga Penyelenggaraan Kesejahteraan Sosial (LPKS) di wilayah Medan; serta (3) hambatan budaya hukum yang meliputi lambatnya laporan Litmas dari Bapas, ketakutan keluarga terhadap stigma sosial, dan penolakan masyarakat terhadap mekanisme penyelesaian di luar peradilan.

Kata Kunci: Peranan Kepolisian; Narkotika; Anak di Bawah Umur; Penyidikan; Diversi.

Abstract

This empirical legal research aims to determine and analyze the role of the Police apparatus at the investigation level at the Medan City Police (Polrestabes Medan) in overcoming the criminal act of narcotics use by minors, as well as to identify the obstacle factors encountered. The research method used is empirical legal research with a socio-legal approach and a case approach, which is analyzed qualitatively using deductive reasoning. The results indicate that police investigators face a dilemma in harmonizing the application of Law Number 35 of 2009 concerning Narcotics, which is repressive in nature, with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), which promotes restorative justice principles and diversion

mechanisms. In practice, these prevention efforts are hindered by three main factors: (1) legal substance obstacles in the form of normative conflicts and investigators being constrained by weight limits based on Supreme Court Circular (SEMA) No. 4 of 2010, which complicates the implementation of diversion for children manipulated as couriers; (2) legal structure obstacles due to the lack of Special Service Rooms (RPK) and Social Welfare Institutions (LPKS) facilities in the Medan area; and (3) legal culture obstacles including the slow issuance of community research reports (Litmas) by Bapas, family fear of social stigma, and community rejection of non-judicial settlement mechanisms.

Keywords: Police Role; Narcotics; Minors; Investigation; Diversion.

INTRODUCTION

Children are both a trust and a gift from God Almighty, inherently possessing worth, dignity, and fundamental human rights as complete human beings rights that must be upheld. In the context of sustainable national development, children represent the shoots, the potential, and the generation that will carry forward the nation's aspirations; they are the ones who will eventually shoulder the pillars of leadership and determine the future direction of the Unitary State of the Republic of Indonesia.¹

To ensure the optimal growth and development of children physically, mentally, spiritually, and socially Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that every child has the right to survival, growth, and development, as well as the right to protection against violence and discrimination. This constitutional provision aligns with international principles enshrined in the United Nations Convention on the Rights of the Child, which was ratified by the Government of Indonesia through Presidential Decree Number 36 of 1990. Legal protection for children is not merely oriented toward fulfilling their fundamental rights in the present; it also serves as a long-term investment in realizing the "Golden Indonesia 2045" Vision. Without robust legal protection guarantees for the younger generation, the sustainability of a nation's development and its sovereignty would face serious threats.

However, amidst the pace of modernization, the rapid flow of globalization, advancements in information technology, and shifting socio-cultural values in urban society, minors find themselves in a highly vulnerable position regarding various forms of deviant behavior and criminal activity. One of the most destructive and insidious threats undermining the well-being of Indonesia's young generation today is the rampant abuse and illicit trafficking of narcotics. While narcotics are fundamentally substances valuable for medical treatment, healthcare, and scientific advancement, their function has been distorted by widespread abuse that has permeated even the environments of school-aged minors.²

¹ Barda Nawawi Arief, *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*, (Jakarta: Kencana Prenadamedia Group, 2010), hlm. 112.

² Soerjono Soekanto, *Faktor Faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT RajaGrafindo Persada, 2014), hlm. 42.

Narcotics abuse among children is no longer merely a matter of ordinary crime; rather, it has been categorized as an extraordinary crime and a form of transnational organized crime.³ This phenomenon is deeply concerning, given that the period of childhood and adolescence represents a critical psychological transition phase for the formation of an individual's mindset, emotions, and personality. During this stage, young people often experience identity crises and emotional instability, while being driven by intense curiosity to try new things without considering potential long-term adverse consequences. This psychological vulnerability is frequently exploited in a systematic manner by illicit drug trafficking networks or syndicates. Children are not merely targeted as consumers; they are also frequently manipulated, intimidated, or enticed into acting as couriers or intermediaries in the illicit drug trade.⁴ Victimological studies confirm that the child's position in this trafficking chain is essentially that of a victim of exploitation, as syndicates exploit the child's relative immunity to maximum criminal penalties.⁵ This situation creates a serious legal antinomy when child protection instruments directly clash with the rigidity of narcotics laws in practice.⁶

The impact of narcotics abuse on minors is multidimensional and devastating. Physically and psychologically, the addictive substances in narcotics damage the neural tissue of a child's brain, impair cognitive function, trigger mental health disorders, and can even lead to death by overdose. From sociological and academic perspectives, children ensnared by narcotics often experience declining academic performance and school dropout, isolate themselves from their families, and are driven to commit further criminal acts such as theft, extortion, brawls, and street crime to obtain money for drugs. This phenomenon creates a vicious cycle of crime that stifles the child's future potential and harms the social fabric of the community.

Geographically and sociologically, Medan Indonesia's third-largest metropolitan city and the capital of North Sumatra Province possesses a highly complex regional profile. The city shares a direct border with the international waters of the Strait of Malacca and is connected to extensive land and air transportation networks. These factors position Medan as both a transit hub and a primary market for the illicit trafficking of narcotics by national and international networks in western Indonesia. Statistical data released by the North Sumatra Provincial National Narcotics Agency (BNNP) and the North Sumatra Regional Police consistently place the province at the top of the list for narcotics abuse

³ Romli Atmasasmita, *Tindak Pidana Narkotika Transnasional dalam Perspektif Hukum Pidana Internasional*, (Bandung: Citra Aditya Bakti, 2012), hlm. 65.

⁴ Maidin Gultom, *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*, (Bandung: Refika Aditama, 2014), hlm. 89.

⁵ Hutabarat, B. 2021. "Kajian Viktimologi Anak di Bawah Umur sebagai Kurir Sindikat Narkotika di Perkotaan". *Jurnal Keadilan Sosial*, 5(2), 88-104.

⁶ Debora. 2022. "Antinomi Hukum antara Undang-Undang Perlindungan Anak dan Undang-Undang Narkotika". *Jurnal Hukum Tata Pidana*, 10(2), 112-128.

prevalence in Indonesia, with Medan serving as the primary epicenter for these drug-related crimes.⁷

Within the jurisdiction of the Medan City Metropolitan Police (Polrestabes), factors such as densely populated neighborhoods, a proliferation of nightlife venues, high unemployment among the working-age population, and inadequate supervision within families and schools have accelerated the penetration of narcotics into the lives of minors. Cases involving minors handled by the Medan City Metropolitan Police are not limited to the use of marijuana or crystal methamphetamine in residential areas; they have also expanded to include the use of psychotropic substances and New Psychoactive Substances (NPS). The year-on-year increase in the number of children in conflict with the law due to narcotics-related cases indicates that this threat has reached an alarming level, necessitating a serious, comprehensive, and integrated legal response.

This critical situation is evidenced by preliminary (pre-research) data obtained by the author through interviews with the Narcotics Investigation Unit of the Medan City Metropolitan Police. Based on this empirical data, the number of minors apprehended and facing legal proceedings due to narcotics-related cases at the Medan Metropolitan Police over the past three years reveals an alarming figure.

Table 1.1 Data on Children in Conflict with the Law Related to Narcotics Cases at the Medan City Metropolitan Police (2024 – July 2026)

Year	Number of Children Taken into Custody (Cases)
2024	23
2025	33
2026 (Up to July)	15

Source: Interview data from the Narcotics Investigation Unit of the Medan City Metropolitan Police.

Based on Table 1.1 above, the record of enforcement actions against minors involved in narcotics cases within the jurisdiction of the Medan City Metropolitan Police (Polrestabes) over the past three years can be observed. In 2024, 23 minors were detained by the police. This figure saw a significant increase in 2025, with the number of minors coming into contact with the law reaching 33. Meanwhile, as of July 2026, investigators had processed 15 cases involving minors at the investigation stage.

This high figure points to a concerning phenomenon. The majority of these children were detained on suspicion of offenses involving the possession and abuse of narcotics specifically crystal methamphetamine and marijuana. An even more alarming aspect revealed by the empirical data is that many of these children appear to be more than just passive users or victims of substance abuse; they are being systematically manipulated and exploited as intermediaries or couriers by adult

⁷ Badan Narkotika Nasional Republik Indonesia, Laporan Aset dan Peta Kerawanan Narkotika Nasional, (Jakarta: BNN RI, 2023), hlm. 78 82.

trafficking syndicates that deliberately capitalize on their status as minors to evade severe legal penalties.⁸

As the vanguard of the criminal justice system, the Police specifically the Narcotics Investigation Unit and the Women and Children Protection (PPA) Unit of the Medan City Metropolitan Police play a strategic role in law enforcement. In accordance with Article 13 of Law No. 2 of 2002, the primary duties of the National Police include maintaining security and public order, enforcing the law, and protecting and serving the community. To combat crime, the Police employ two main approaches: non-penal measures (prevention and education) and penal measures (investigation and law enforcement).⁹

The investigation stage serves as the primary gateway to the criminal justice process for gathering evidence and identifying suspects.¹⁰ However, in cases of narcotics abuse involving minors, investigators from the Medan City Police cannot apply criminal law in a punitive manner as they would with adult offenders. Investigations must adhere to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), which prioritizes the principle of restorative justice and mandates the pursuit of diversion at every stage of the proceedings. Through diversion, case resolution is shifted outside the criminal justice system to safeguard the child's best interests, avoid negative stigma, and ensure that imprisonment serves only as a measure of last resort (*ultimum remedium*).¹¹

In practice, investigators from the Medan City Metropolitan Police face a normative dilemma and complex operational challenges when handling cases of narcotics abuse involving minors. When analyzed through the lens of legal systems theory, these law enforcement obstacles encompass three key elements:

First, there are obstacles regarding legal substance. A sharp conflict of norms or legal conflict exists between Law Number 35 of 2009 concerning Narcotics and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). Philosophically and normatively, the Narcotics Law is formulated with a highly repressive and retributive character aimed at maximizing deterrence. Given that narcotics offenses are categorized as "extraordinary crimes," the law adopts a system of exceptionally severe mandatory minimum criminal sanctions. This is clearly evident in the formulation of formal offenses under Article 112 (regarding possession, storage, or control) and Article 114 (regarding offering for sale, selling, purchasing, or acting as an intermediary in narcotics transactions), where the prescribed penalties can range from over a decade in prison to life imprisonment, or even the death penalty for traffickers. The Narcotics Law tends to apply harsh

⁸ Hasil Wawancara dengan AIPDA Febrianto Daya selaku Kanit Idik I Satresnarkoba Polrestabes Kota Medan, pada hari Rabu, 14 Agustus 2026 Pukul 14:30 bertempat di Ruang Pemeriksaan Satresnarkoba Polrestabes Kota Medan.

⁹ Moeljatno, *Asas Asas Hukum Pidana*, (Jakarta: Rineka Cipta, 2008), hlm. 104.

¹⁰ Undang Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana (KUHAP), Pasal 1 angka 2

¹¹ Marlina, *Peradilan Pidana Anak di Indonesia: Pengembangan Konsep Diversi dan Restorative Justice*, (Bandung: Refika Aditama, 2012), hlm. 54.

enforcement uniformly, without making rigid distinctions regarding the specific roles or status of the legal subjects involved in the offenses.

Conversely, the Juvenile Criminal Justice System Law (UU SPPA) operates on a diametrically opposed paradigm, prioritizing child protection, restorative justice, and the implementation of diversion thereby rejecting imprisonment as a primary measure. The clash between these two legal regimes often complicates the exercise of legal discretion by investigators, particularly when a child is not merely an addict or passive user (governed by Article 127 of the Narcotics Law) but is instead exploited by adult networks to act as an intermediary or courier (falling under the elements of Article 112 or 114). This substantive issue is further compounded by Supreme Court Circular Letter (SEMA) Number 4 of 2010 regarding the placement of narcotics abusers, victims of abuse, and addicts into medical and social rehabilitation facilities. The circular establishes guidelines on maximum evidence quantities (such as a 1-gram limit for crystal methamphetamine) to qualify a suspect for rehabilitation. When a child is arrested with an amount of evidence exceeding these SEMA thresholds a frequent occurrence as adult syndicates deliberately entrap them into acting as couriers for large quantities of drugs investigators face formal rules that automatically preclude the termination of criminal proceedings via diversion, forcing them to process the child under the severe penal provisions of the Narcotics Law. The issues surrounding the implementation of Supreme Court Circular Letter (SEMA) Number 4 of 2010 create a gap in protection, as the guidelines measure the quantity of evidence purely in quantitative terms without providing qualitative parameters to assess whether the child was acting under the subterfuge of an adult syndicate.¹²

Secondly, there are obstacles related to legal structures and operations. This aspect is closely linked to the availability of institutional facilities and law enforcement personnel. Although the Juvenile Criminal Justice System (SPPA) Law mandates that the questioning of children take place in Special Service Rooms (RPK) and that they be housed in Social Welfare Implementation Institutions (LPKS) during legal proceedings, the availability of such supporting facilities as well as integrated rehabilitation centers specifically for children in Medan remains severely limited. This lack of necessary infrastructure makes it difficult for investigators to properly house or rehabilitate children while the investigation is underway.

Third, there are obstacles related to legal culture and societal factors. This element encompasses the attitudes, values, and responses of the public as well as relevant agencies toward the law. Efforts to implement diversion for children at the investigation stage are frequently hindered by delays in the preparation of Social Inquiry Reports (Litmas) by the Correctional Center (Bapas), the reluctance of families to acknowledge a child's addiction due to fear of social stigma, and strong opposition from the local community to resolving narcotics cases outside the criminal justice system.

¹² Wibowo, A., & Siregar, R. 2022. "Problematika Penerapan SEMA Nomor 4 Tahun 2010 terhadap Anak yang Dijebak sebagai Kurir Narkotika". *Jurnal Yudisial*, 13(3), 310-325.

The array of issues outlined above demonstrates that the role of investigators at the Medan City Metropolitan Police (Polrestabes) extends beyond the mere exercise of formal, technical-legal authority; it demands wisdom, the application of police discretion, and a profound understanding of the principles of child protection. An investigator's success in balancing criminal law enforcement to ensure legal certainty with the protection of a child's future in the interests of justice and humanity serves as the key to addressing narcotics-related crime at the local level.

Given the scarcity of specific studies regarding the effectiveness of Medan City Police investigators in harmonizing the Juvenile Criminal Justice System (SPPA) Law and the Narcotics Law, this research is highly urgent. Its objective is to evaluate the obstacles faced by the police and formulate solutions to achieve a humane and just approach to juvenile law enforcement.

Based on the extensive, detailed, and in-depth presentation of the background of the problem above, the author is motivated to conduct scientific research in the form of a thesis titled: "The Role of the Police in Addressing Narcotic Use Among Minors at the Investigation Stage at the Medan City Metropolitan Police (Polrestabes)."

RESEARCH METHOD

The type of research employed in this scientific article is empirical legal research often referred to as sociological legal research or field research.¹³ This study examines law not merely as a structure of norms or as text within legislation ("law in books"), but rather investigates directly how the law functions, is applied, and operates within the dynamic realities of society ("law in action").¹⁴ The primary focus is to examine the effectiveness of the implementation of laws and regulations in actual law enforcement practice, as well as to identify the factors that serve as sociological obstacles for police officers in the field.

The scope of this research focuses on the execution of the role of police investigators in addressing narcotics-related offenses committed by minors. Specifically, this study examines the synchronization of investigators' authority in applying the legal frameworks of Law Number 35 of 2009 concerning Narcotics and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), while also analyzing obstacles related to legal substance, structure, and culture. The research was conducted at the Medan City Metropolitan Police (Polrestabes Medan), located at Jalan M. Said No. 1, Medan City. The location was selected using purposive sampling, focusing on the Narcotics Investigation Unit (Satresnarkoba) and the Women and Children Services Unit (PPA), in light of the high prevalence of narcotics trafficking cases involving minors in the area.

The data used in this study consist of two types: primary data and secondary data.¹⁵ Primary data were obtained directly from first-hand sources in the field

¹³ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI-Press, 2015), hlm. 51.

¹⁴ Bambang Sunggono, *Metodologi Penelitian Hukum*, (Jakarta: PT RajaGrafindo Persada, 2015), hlm. 42-43.

¹⁵ Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2016), hlm. 105.

through field research, utilizing in-depth, semi-structured interviews.¹⁶ The interviews targeted key informants, including the Head of the Narcotics Investigation Unit, Narcotics Investigation Unit investigators, investigators from the Women and Children Protection (PPA) Unit of the Medan City Metropolitan Police, Community Guidance Officers (PK) from the Medan Class I Correctional Guidance Center (Bapas), and lawyers/legal counsel from Legal Aid Institutes (LBH) actively representing Children in Conflict with the Law (ABH). Meanwhile, secondary data were obtained through library research, encompassing primary legal materials (such as the 1945 Constitution, the Narcotics Law, the Juvenile Criminal Justice System Law [UU SPPA], and Supreme Court Circular Letter [SEMA] No. 4 of 2010), secondary legal materials (academic literature, methodology books, and law journals), and tertiary legal materials (legal dictionaries).

All primary and secondary data collected were subsequently processed and analyzed using a qualitative analysis method with a deductive reasoning approach.¹⁷ The technique for analyzing legal materials in this study employs the method of legal discovery (*rechtsvinding*) commonly used in dogmatic legal science specifically, systematic interpretation and grammatical interpretation.¹⁸ Systematic interpretation is used to construe a statute as part of the overall legislative system by relating it to other laws, whereas grammatical interpretation is applied to assign an objective meaning to a legal norm based on its grammar and sentence structure.

RESULTS AND DISCUSSION

The Role of the Police (Medan City Resort Police Narcotics Investigation Unit) in Addressing Narcotic Use Offenses by Minors at the Investigation Stage

As a state instrument tasked with maintaining public security and order, the Indonesian National Police plays a highly central and strategic role in the criminal law enforcement system.¹⁹ Pursuant to the mandate of Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, the primary duties of the force are not focused solely on law enforcement but also encompass providing protection and service to the community.²⁰ In the context of addressing narcotics abuse offenses involving minors within the jurisdiction of the Medan City Metropolitan Police (Polrestabes), the police employ two integrated approaches: a preventive approach (prevention) and a repressive approach (enforcement and investigation).²¹ Nevertheless, synergy between the Police and the Prosecutor's

¹⁶ Burhan Bungin, *Metodologi Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik, dan Ilmu Sosial Lainnya*, (Jakarta: Kencana, 2011), hlm. 108.

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, (Jakarta: Kencana Prenadamedia Group, 2017), hlm. 181.

¹⁸ Sudikno Mertokusumo, *Penemuan Hukum: Sebuah Pengantar*, (Yogyakarta: Liberty, 2004), hlm. 56-60.

¹⁹ Barda Nawawi Arief, *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*, (Jakarta: Kencana Prenadamedia Group, 2010), hlm. 24.

²⁰ Indonesia, Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia, Pasal 13.

²¹ Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer*, (Jakarta: Kencana, 2010), hlm. 76.

Office within the Integrated Assessment Team (TAT) is essential for conducting a comprehensive assessment to determine the level of addiction and the child's role in the alleged offense—specifically, whether the child is solely a victim of substance abuse (a passive user) or has become involved in illicit trafficking networks as a courier. If the assessment results and the Social Research (Litmas) recommendation indicate that the child is a victim or solely an addict, investigators from the Medan City Resort Police (Polrestabes) facilitate a diversion meeting involving the child, parents or guardians, social workers, and community representatives to reach an agreement on rehabilitation (both medical and social) without the need to refer the case file to court.²²

The preventive approach adopted by the Medan City Metropolitan Police focuses on breaking the chain of narcotics distribution among students and youths. This is implemented through raising awareness about the dangers of narcotics, conducting legal outreach in schools, and empowering Bhabinkamtibmas (Police Officers for Public Order and Security) at the urban village level. However, when a crime has occurred and preventive measures are no longer sufficient, the police specifically the Narcotics Investigation Unit (*Satresnarkoba*) working in synergy with the Women and Children Protection Unit (PPA) must take repressive action through the stages of preliminary inquiry and formal investigation.

The investigation stage serves as the entry point (main gateway) for a child in conflict with the law (ABH) into the juvenile criminal justice system.²³ In this phase, the role of investigators from the Medan City Metropolitan Police undergoes a fundamental paradigm shift. Investigators are no longer permitted to employ a retributive justice approach characterized by punishment and incarceration but are instead required to adopt a restorative justice approach.²⁴ In accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), investigators are required to act as facilitators who prioritize the restoration of losses and the child's future, rather than merely as punitive agents.²⁵ This paradigm shift from retributive to restorative justice requires investigators to prioritize the child's social reintegration over criminal retribution.²⁶ Nevertheless, the application of this principle is subject to empirical limitations, particularly if the offense is classified as recurrent or involves large-scale distribution.²⁷

The implementation of this role is manifested through the investigator's obligation to pursue *diversi* (diversion) at the initial stage of the investigation.

²² Simamora, Janpatar, dan Bintang ME Naibaho. 2025. "Penguatan Landasan Konstitusional Kejaksaan dalam Sistem Ketatanegaraan Republik Indonesia". *Jurnal Konstitusi*, 22(2), hlm. 332-353

²³ Maidin Gultom, *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*, (Bandung: Refika Aditama, 2014), hlm. 35.

²⁴ Marlina, *Peradilan Pidana Anak di Indonesia: Pengembangan Konsep Diversi dan Restorative Justice*, (Bandung: Refika Aditama, 2012), hlm. 52.

²⁵ Indonesia, Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, Pasal 5 ayat (1).

²⁶ Tambunan, E. 2020. "Pergeseran Paradigma Pemidanaan Anak: Dari Retributif Menuju Restoratif dalam Kejahatan Narkotika". *Jurnal Ilmu Hukum*, 15(2), 201-218.

²⁷ Sari, M., & Hidayat, T. 2020. "Batasan Keadilan Restoratif dalam Tindak Pidana Narkotika oleh Anak". *Jurnal Restorative Justice*, 4(1), 11-29.

Diversion is the redirection of the resolution of a juvenile case from the criminal justice process to a process outside the criminal justice system.²⁸ In practice at the Medan City Metropolitan Police (Polrestabes), when a minor is caught red-handed in possession of or using narcotics, investigators are required to prioritize the principle of *ultimum remedium*, whereby detention and imprisonment are treated as measures of last resort. Investigators have a very limited timeframe (a maximum of 7 days, extendable by 8 days) to coordinate promptly with Community Guidance Officers (PK) from the Class I Medan Correctional Center (Bapas) to prepare a Community Research Report (Litmas).²⁹

Furthermore, investigators actively engage the Integrated Assessment Team (TAT), which comprises legal representatives (Police, Public Prosecutor's Office, and the National Narcotics Agency/BNN) and medical professionals (physicians and psychiatrists). This team is tasked with conducting a comprehensive assessment of the child's psychological and medical condition to determine the severity of their addiction and the extent of their involvement in the alleged criminal offense specifically, whether the child is solely a victim of substance abuse (a passive user) or has become part of an illicit trafficking network, such as acting as a courier. At this juncture, the involvement of the Integrated Assessment Team (TAT) is of critical importance, given that the distinction between genuine addicts and couriers is often blurred by the manipulations of adult syndicates. The TAT's decision-making will serve as the primary objective basis for investigators to exercise their discretion—either to proceed with legal proceedings or to halt them through diversion.³⁰ If the assessment results and the social inquiry report (Litmas) indicate that the child is a victim or solely an addict, investigators from the Medan City Metropolitan Police facilitate a diversion meeting involving the child, parents or guardians, social workers, and community representatives to reach an agreement on rehabilitation (both medical and social) without the need to refer the case file to court.

However, the exercise of police discretion at this stage requires exceptional wisdom and meticulousness. Investigators must exercise great care in interpreting the legal facts on the ground to avoid misclassification which could result in the deprivation of a child's liberty while simultaneously upholding legal firmness to ensure that the adult syndicates operating behind the scenes are exposed and dealt with decisively.

Obstacles Faced by Investigators in Addressing Narcotics Crimes Committed by Minors at the Investigation Stage and Efforts to Overcome Them

In realizing legal protection and upholding justice for minors, investigators from the Medan City Police Narcotics Unit do not operate in a vacuum. Law enforcement practices constantly clash with empirical realities and highly complex operational challenges. When examined through the lens of Lawrence M. Friedman's

²⁸ Ibid., Pasal 1 angka 7.

²⁹ Batas waktu penyidikan penahanan anak diatur khusus secara limitatif dalam UU SPPA Pasal 32 ayat (1) dan ayat (2) guna menghindari anak berlama-lama dalam tahanan aparat.

³⁰ Pratama, D. 2021. "Diskresi Kepolisian dalam Menangani Anak yang Berhadapan dengan Hukum di Tingkat Penyidikan". *Jurnal Ilmu Kepolisian*, 12(3), 210-225.

Legal System Theory, legal effectiveness is determined by three key elements: legal substance, legal structure, and legal culture.³¹ Based on research findings at the Medan City Metropolitan Police, these three elements frequently constitute a constellation of obstacles for investigators, which can be detailed as follows:

1. Obstacles Related to Legal Substance

Substantive obstacles pertain to the content of legislation, legal norms, and written rules that serve as the basis for investigators' actions. In practice, investigators face a sharp legal conflict between the regime of Law Number 35 of 2009 concerning Narcotics and the regime of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA).

The Narcotics Law is characterized by repressive sanctions and imposes very severe mandatory minimum criminal penalties intended to create a deterrent effect.³² On the other hand, the Juvenile Criminal Justice System Law (UU SPPA) is protective in nature and mandates that law enforcement officials halt formal criminal proceedings through a diversion mechanism. This legal impasse comes to a head when confronted with the objective criteria for implementing diversion set forth in Article 7, paragraph (2) of the Law, which stipulates that diversion may only be carried out if the offense carries a penalty of less than seven years of imprisonment and does not constitute a repeat offense.³³ Complexity has further increased due to the implementation of policy instruments such as Supreme Court Circular Letter (SEMA) Number 4 of 2010 concerning the placement of narcotics abusers, victims of abuse, and addicts into rehabilitation facilities.³⁴ The Circular Letter (SEMA) stipulates rigid provisions regarding weight limits—or maximum quantities of evidence (such as a 1-gram limit for crystal methamphetamine) that determine a suspect's eligibility for rehabilitation. Empirical findings by investigators from the Medan City Metropolitan Police reveal a highly ironic phenomenon: adult trafficking syndicates have systematically identified and exploited "loopholes" in these child protection laws. They deliberately utilize, manipulate, and entrap minors to act as intermediaries (couriers) for transporting narcotics in quantities intentionally set above the SEMA's tolerance thresholds (for instance, between 2 and 5 grams).³⁵

When a child is apprehended with a quantity of evidence exceeding the established threshold, investigators can no longer charge them merely as a user; instead, they are compelled to apply charges related to trafficking or intermediation

³¹ Achmad Ali, *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicialprudence) Termasuk Interpretasi Undang-Undang*, (Jakarta: Kencana, 2009), hlm. 210-212.

³² Romli Atmasasmita, *Tindak Pidana Narkotika Transnasional dalam Perspektif Hukum Pidana Internasional*, (Bandung: Citra Aditya Bakti, 2012), hlm. 45.

³³ Indonesia, Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, Pasal 7 ayat (2).

³⁴ Mahkamah Agung Republik Indonesia, Surat Edaran Mahkamah Agung Nomor 4 Tahun 2010 tentang Penempatan Penyalahgunaan, Korban Penyalahgunaan dan Pecandu Narkotika ke Dalam Lembaga Rehabilitasi Medis dan Rehabilitasi Sosial.

³⁵ Analisis empiris dari hasil wawancara dengan Penyidik Satresnarkoba Polrestabes Kota Medan.

in the sale of narcotics (such as Article 112 or Article 114 of the Narcotics Law). These articles carry criminal penalties exceeding seven years of imprisonment. From a substantive legal standpoint, the fulfillment of the elements of these articles immediately negates the objective criteria required for the implementation of diversion. This conflict of norms ultimately undermines the principle of legal certainty within the justice system. As emphasized by Janpatar Simamora, the law is fundamentally intended to provide security in social and civic life; therefore, certainty must always exist regarding every legal instrument and its application.³⁶ However, the overlap between the repressive nature of the Narcotics Law, the weight thresholds set by Supreme Court Circular Letter (SEMA) No. 4 of 2010, and the restorative principles of the Juvenile Criminal Justice System Law (UU SPPA) creates uncertainty for investigators when exercising the law enforcement discretion necessary to safeguard a child's future.³⁷

2. Legal Structure and Operational Barriers

Structural legal obstacles pertain to law enforcement agencies, personnel, facilities, and the supporting infrastructure within the justice system. Although the Juvenile Criminal Justice System (SPPA) Law normatively mandates highly humane treatment, the facilities actually available on the ground often fail to align with the law's provisions. The SPPA Law mandates that all examination or investigation processes involving a child must be conducted in a Special Service Room (RPK) designed to be child-friendly; furthermore, a child who has been arrested must not be placed in an adult detention cell but must instead be placed in a Social Welfare Implementation Institution (LPKS).³⁸

In reality, however, operational infrastructure within the jurisdiction of the Medan City Metropolitan Police remains severely limited. There is a lack of adequate government-owned Social Welfare Institutions for Children (LPKS) and specialized integrated rehabilitation centers for children, failing to keep pace with the surge in cases involving children in conflict with the law. These infrastructural limitations pose significant technical challenges for investigators. When investigators need to place a child in temporary detention while case files are being finalized, they often struggle to find a suitable holding facility that is completely segregated from adult suspects. There are concerns that this situation could foster criminogenic effects such as the learning of new criminal behaviors among children during their detention, thereby undermining the very spirit of restorative child protection.³⁹ An evaluation of the juvenile justice infrastructure in North Sumatra reveals that the lack of adequate LPKS (Social Welfare Institutions for Children) and RPK (Special

³⁶ Simamora, Janpatar. 2016. "Kepastian Hukum Dalam Penyelenggaraan Pembentukan Peraturan Daerah". *Jurnal Mimbar Hukum*, Vol. 28, No. 1, hlm. 23-37.

³⁷ Simamora, Janpatar. 2014. "Kepastian Hukum Pengajuan Kasasi Oleh Jaksa Penuntut Umum Terhadap Vonis Bebas". *Jurnal Yudisial*, Vol. 7, No. 1

³⁸ Indonesia, Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, Pasal 33 ayat (3).

³⁹ Keterbatasan fasilitas ini sering menjadi faktor kriminogen yang menyebabkan penegakan hukum anak menjadi tidak maksimal. Lihat: Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT RajaGrafindo Persada, 2014), hlm. 38.

Child Detention Centers) directly compromises the quality of juvenile law enforcement, forcing officials to rely on makeshift facilities that are prone to human rights violations.⁴⁰

3. Barriers Related to Legal Culture and Societal Factors

The final element is legal culture, which refers to the ideas, attitudes, beliefs, values, and expectations held by society regarding the law.⁴¹ The implementation of restorative justice and diversion mechanisms does not rely solely on law enforcement; rather, it demands sociological synergy among relevant agencies, families, and the broader community.

In many cases handled by the Medan City Metropolitan Police, efforts to resolve matters outside the formal judicial system are frequently hindered by slow administrative coordination. The preparation of the Social Inquiry Report (*Litmas*) by the Correctional Center (Bapas) can be time-consuming, whereas investigators are constrained by very strict time limits regarding the detention of minors. In fact, the effectiveness of diversion relies heavily on the quality and timeliness of the Social Inquiry Report (Litmas), which serves as an objective reference regarding the suitability of the social environment to receive the child back.⁴² Furthermore, from a sociological perspective, investigators often reach an impasse due to the lack of awareness or reluctance on the part of the child's family. Many parents in Medan City feel ashamed and conceal the fact that their child is a drug user, fearing social stigma specifically the "family disgrace" associated with it—within their local communities. This lack of openness makes it difficult for investigators and the Integrated Assessment Team (TAT) to gather information on the child's history of drug use, which is essential for formulating an appropriate rehabilitation program.

Furthermore, resistance often arises from the local community or its prominent figures. Some residents hold an apathetic view, regarding children involved with narcotics even those who are victims as a "social blight" that threatens to corrupt the morals of other youths in the neighborhood. Consequently, when investigators propose a diversion mechanism to return the child to their parents and place them under community guidance, the community often vehemently objects, demanding instead that the child face full legal prosecution and imprisonment to serve as a deterrent. This clash with a rigid communal legal culture frequently prevents diversion agreements from being reached through consensus-based deliberation. This clash involving a rigid communal legal culture often prevents diversion agreements from being reached through consensus-based deliberation. Such sociological obstacles demonstrate that a rigid communal legal culture

⁴⁰ Nasution, A. 2020. "Infrastruktur Peradilan Pidana Anak: Evaluasi Ketersediaan LPKS dan RPK di Sumatera Utara". *Jurnal Hukum Progresif*, 7(1), 22-39.

⁴¹ Achmad Ali, Op. Cit., hlm. 215.

⁴² Ginting, R. 2021. "Peran dan Efektivitas Penelitian Kemasyarakatan (Litmas) Bapas dalam Diversi Perkara Narkotika Anak". *Jurnal Kriminologi Indonesia*, 8(1), 45-60.

compounded by limited awareness of restorative justice acts as a primary barrier to the implementation of diversion at the grassroots level.⁴³

4. Strategic Efforts by the Police to Overcome Investigation Obstacles

Faced with the complex challenges regarding legal substance, structure, and culture, investigators from the Medan City Police Narcotics Unit did not remain passive. A series of strategic measures were implemented to maximize legal protection for children. First, the police strengthened inter-agency synergy and Memoranda of Understanding (MoU) specifically with the North Sumatra Provincial National Narcotics Agency (BNN), the Correctional Guidance Agency (Bapas), and the Medan City Social Agency to streamline the bureaucratic processes for the Integrated Assessment Team (TAT) and Social Research (Litmas) procedures, thereby ensuring that assessments could be completed before the expiration of the child's detention period.

Secondly, investigators actively exercise their discretionary powers based on the principle of *salus populi suprema lex esto* (the safety of the people is the supreme law). In cases where a child is clearly identified as a victim of a syndicate's machinations such as being entrapped into acting as a courier for a quantity of illicit substances exceeding the thresholds set by the Supreme Court Circular Letter (SEMA) investigators seek to separate the case files (*splitsing*) and explore avenues for recommending intensive rehabilitation. This process involves assistance from pro bono counsel or accredited Legal Aid Institutes (LBH) to help mitigate the legal charges the child will face in court. The application of the case-splitting mechanism (**splitsing**) serves as an effective procedural legal avenue to separate a child's liability from that of adult perpetrators, thereby preventing the child from being treated on the same footing as members of a criminal syndicate.⁴⁴ In practice, intensive assistance from Legal Aid Institutes (LBH) is crucial to the success of this protection and ensures that children's rights are not disregarded during the investigative interrogation process.⁴⁵

Third, regarding the aspect of legal culture, the Medan City Police continue to promote a persuasive approach within the community through *Bhabinkamtibmas* (community police officers). Police provide comprehensive legal education to neighborhood officials, traditional leaders, and parents, emphasizing that underage narcotics addicts are individuals suffering from an illness who require care and support, rather than criminals to be ostracized. This effort to shift the public mindset serves as a crucial foundation for the acceptance of restorative justice as a sociological solution one that is far more humane and effective in safeguarding the future of the nation's youth.

⁴³ Simanjuntak, Y. 2023. "Hambatan Sosiologis dan Budaya Hukum Masyarakat dalam Pelaksanaan Diversi". *Jurnal Sosiologi Hukum*, 11(1), 77-92.

⁴⁴ Situmorang, Samuel F.B. 2021. "Penerapan Pemisahan Berkas Perkara (*Splitsing*) sebagai Upaya Perlindungan Hukum bagi Anak Tersangka Narkotika". *Jurnal Hukum Acara Pidana*, 14(1), 55-72.

⁴⁵ Sinaga, J., & Tarigan, H. 2022. "Peran Lembaga Bantuan Hukum dalam Mendampingi Anak yang Berhadapan dengan Hukum pada Kasus Narkotika". *Jurnal Advokasi*, 6(2), 134-148.

CONCLUSION

This study concludes that the role of the police specifically the Narcotics Investigation Unit (Satresnarkoba) of the Medan City Metropolitan Police regarding the investigation of minors involved in narcotics offenses has undergone a fundamental paradigm shift. The police no longer act solely as instruments of retributive law enforcement; instead, they are required to adopt a restorative justice approach. In accordance with the mandate of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), investigators are expected to act as facilitators who prioritize the principle of *ultimum remedium* viewing imprisonment as a last resort and to pursue diversion at the initial stage of the investigation. The active involvement of investigators in coordinating with the Integrated Assessment Team (TAT) and the Correctional Center (Bapas) demonstrates that the handling of juvenile cases focuses more on restoring the child's future through rehabilitation rather than on imprisonment.

However, at the level of empirical implementation, the role of the investigator faces a highly complex array of obstacles. Based on an analysis of legal system theory, the first obstacle lies in the realm of legal substance: a sharp conflict of norms between the repressive nature of Law Number 35 of 2009 concerning Narcotics and the protective spirit of the Law on the Juvenile Criminal Justice System (UU SPPA). This clash was exacerbated by the issuance of Supreme Court Circular Letter (SEMA) Number 4 of 2010, which established weight limits for evidence regarding eligibility for rehabilitation. Adult trafficking syndicates systematically exploit this legal loophole by using children as couriers to transport narcotics in quantities exceeding the limits set by the circular; consequently, investigators are compelled to charge the children as traffickers, a classification that immediately disqualifies them from meeting the objective criteria for diversion.

The second obstacle involves legal and operational structures, specifically the scarcity of adequate Special Service Rooms (RPK) and Social Welfare Implementation Institutions (LPKS) in the Medan City area. This lack of infrastructure creates technical difficulties in properly placing children during the investigation process and carries the potential for criminogenic effects if children are forced to be detained in unsuitable environments. The third obstacle concerns legal culture, reflected in the slow preparation of Social Research Reports (Litmas) by the Correctional Guidance Agency (Bapas), the reticence of families driven by fear of social stigma, and strong resistance from the local community, which still views children struggling with addiction as a social blight deserving of harsh punishment. To overcome this impasse, investigators from the Medan City Resort Police (Polrestabes) have undertaken various strategic measures, such as strengthening inter-agency synergy to streamline bureaucratic processes, exercising police discretionary authority through the separation of case files, and employing a continuous, persuasive approach via community police officers (Bhabinkamtibmas) to shift the community's sociological paradigm.

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