

MAQÂSHID AL-SYARÎ'AH PARADIGM FOR THE PROTECTION OF CHILDREN VICTIMS OF NARCOTICS ABUSE

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Abstract: Narcotics often cause children to become victims and it also affects the protection of children's rights. This study is intended to see how *maqâshid al-syarî'ah* views the protection of child victims of narcotics. The method used in this study was a descriptive qualitative approach to explore how paradigms, factors, and implications for the protection of child victims of narcotics. The data in this study was obtained through a search of a search engine google.com with the keyword "*maqâshid al-syarî'ah* paradigm towards legal protection of child victims of narcotics", then the data was reduced to present the expected results in this study. The analysis of this study shows that legal protection for children victims of narcotics has not been fulfilled; hence, it is not uncommon for children to be used as agents for the sustainability of narcotics trafficking in Indonesia. This study is based on an argument that the protection of children entangled in drug cases is still not optimally provided in terms of prevention, legal process, and punishment of child victims of narcotics. As a result, a *maqâshid al-syarî'ah* approach is required, to achieve an advantage in providing legal protection regulations for children who have been victims of narcotics in Indonesia.

Keywords: *maqâshid al-syarî'ah*; child protection; narcotics

Abstrak: Narkotika seringkali menjadikan anak-anak sebagai korban, hal tersebut juga berimbas pada perlindungan atas hak-hak anak. Tulisan ini ditujukan untuk melihat bagaimana pandangan maqhasid al-Syariah terhadap perlindungan anak korban Narkotika. Tulisan ini menggunakan pendekatan kualitatif deskriptif untuk menelusuri bagaimana paradigma, faktor dan implikasi terhadap perlindungan anak korban narkotika. Data dalam tulisan ini didapati melalui penelusuran terhadap mesin pencari google.com dengan kata kunci "paradigma maqhasid al-Syariab terhadap perlindungan hukum anak korban narkotika", selanjutnya data direduksi untuk dapat menghadirkan hasil yang diharapkan dalam tulisan ini. Tulisan ini menunjukkan belum terpenuhinya perlindungan hukum pada anak korban narkotika, sehingga tidak jarang anak-anak dijadikan sebagai agen demi keberlangsungan peredaran narkotika di Indonesia. Studi ini didasari pada satu argument bahwa perlindungan anak yang terjerat kasus narkotika masih belum maksimal diberikan baik dari pencegahan, proses hukum, dan hukuman terhadap anak korban narkotika. Untuk itu diperlukan suatu pendekatan *maqâshid al-syarî'ah* yang bertujuan untuk mencapai kemaslahatan dalam rangka menghadirkan regulasi perlindungan hukum pada anak korban narkotika di Indonesia.

Kata kunci: *maqâshid al-syarî'ah*; perlindungan anak; narkotika

Introduction

Narcotics abuse affects not only adults but also children, making them victims of the dangers of narcotics. In Edge's view,¹ A child is defined

as an individual under 18. In 2022, there were 55.392 narcotics cases involving 71.994 people

¹ Dawn Edge, "It's Leaflet, Leaflet, Leaflet Then, "See You

Later": Black Caribbean Women's Perceptions of Perinatal Mental Health Care," *The British Journal of General Practice : the Journal of the Royal College of General Practitioners*, vol. 61, no. 585 (April 2011), pp. 256-62.

in Indonesia.² Children who are victims of narcotics abuse have consequences not only for themselves but also for their family relations, social relations, and mental health. The practice of narcotics abuse involving children has a long history and is becoming more prevalent today amid freedom and democracy. Nearly half of the victims of narcotics abuse in Indonesia are children.³ As Aky⁴ Explains, that children have long been involved in the circulation and abuse of narcotics for a long time. The practice, followed by Mawaddah⁵, is part of building a network of large-scale drug trafficking in the major cities to gain profits. Therefore, there is a need for legal protection for the children of the victims of narcotics in the view of *maqâshid al-syarî'ah*.

Studies of children victims of narcotics misuse over the years have tended to place children as perpetrators of narcotics abuse with applicable legal logic.⁶ Children have been recognized as agents of change, especially in countries and world civilizations.⁷ According to Richert et al.,⁸ Parents feel ashamed and guilty. A lack of empathy and awareness is typically the cause of children becoming involved in narcotics. In addition, the law often fails to protect children who have been the victims of narcotics abuse. Children can be part of the change in cultural, economic, and political spaces, but they are less concerned as successors from a larger perspective.⁹ Children are

virtually usually victims of any crime, including sexual abuse, domestic violence, exploitation, and drug usage.¹⁰ Children involved in narcotics abuse are given positive punishment from their families, society, and the state. It is more than simply a tool to shake up the children and fulfill the economic interests of the elements behind it.¹¹

This study is intended to complement the existing shortcomings by analyzing how the *maqâshid al-syarî'ah* paradigm sees the protection of child victims of narcotics abuse to gain legal legitimacy, has brought consequences to the loss of children's rights in the legal process and deprives individual freedoms of children victims of narcotics abuse. *Maqâshid al-Syarî'ah* is not a new thing in the field of law, specializing in the Islamic community in developing countries.¹² However, the discussion about *maqâshid al-syarî'ah* has diverse perspectives, both nationally and internationally.¹³ Indeed, Indonesia, with the largest Muslim majority in the world, also uses *maqâshid al-syarî'ah* as a source of law in religious law.¹⁴ Legal action is categorized as being part of the purpose of the *al-khamsah*, *hifdz al-nafs*, *hifdz al-'aql*, *hifdz-al-mâl*, *hifdz al-nasab*, *hifdz al-dîn*. Although there are various understandings regarding *maqâshid al-syarî'ah*, for example, *Zahiriyah* scholars say that *maqâshid al-syarî'ah* is something abstract so it must be following the revelation from Allah SWT. In contrast, the *Bathiniyah* and *Muta'amiqin bi al-Qiyas* groups say *maqâshid al-syarî'ah* must be linked with pronunciation, and

² Imadudin Muhammad, "BNN RI Ungkap 55.392 Kasus Narkoba Selama Tahun 2021 Hingga Pertengahan 2022," *TIMES Indonesia*.

³ Muhammad, "BNN RI Ungkap 55.392 Kasus Narkoba Selama Tahun 2021 Hingga Pertengahan 2022 |."

⁴ Aky, "Anak Di Bawah Umur Dimanfaatkan Jadi Kurir Narkoba," *Okenews*, 2019.

⁵ N Mawaddah, "Perdagangan Anak Dalam Jaringan Peredaran Narkoba Studi Kasus: Eksploitasi Anak Sebagai Kurir Narkoba Di Wilayah Jakarta Barat" (2016).

⁶ Max Jordan Nguemeni Tiako and Lena Sweeney, "The Government's Involvement in Prenatal Drug Testing May Be Toxic," *Maternal and Child Health Journal*, 2021.

⁷ Lisette Burrows, "Children as Change Agents for Family Health," *Health Education* (2017).

⁸ Bengt Svensson, Torkel Richert, and Björn Johnson, "Parents' Experiences of Abuse by Their Adult Children with Drug Problems," *NAD Nordic Studies on Alcohol and Drugs* (2020).

⁹ Catherine Walker, "Tomorrow's Leaders and Today's Agents of Change? Children, Sustainability Education, and Environmental

Governance," *Children and Society*, 2017.

¹⁰ Y Andriansyah, L Abdurrahman - Asian Journal of Innovation and, and undefined 2013, "Penyuluhan Pencegahan Bahaya Narkoba Terhadap Anak-Anak Usia Dini," *journal.uui.ac.id*, vol. 2, no. 2 (2013), pp. 104–108.

¹¹ Arvian Raynardhy, "Perlindungan Hukum Terhadap Anak Sebagai Korban Eksploitasi Ekonomi Melalui Jasa Dukungan (Endorsement) Di Media Sosial," *Jurist-Diction* (2021).

¹² Alimuddin, "The Urgency of the Maqâsid Al-Syarî'Ah in Reasoning Islamic Law," *Britain International of Humanities and Social Sciences (BloHS) Journal* (2019).

¹³ Ali Sodiqin and Al-Robin Al-Robin, "Diversity in Determining Maturity Age in Indonesian Law: Maqâsid Al-Sharîah Perspective," *Justicia Islamica* (2021).

¹⁴ M. Luthfi Afif Al Azhari, "Moderasi Islam Dalam Dimensi Berbangsa, Bernegara Dan Beragama Perspektif Maqashid Asy-Syarî'ah," *Jurnal Intelektual: Jurnal Pendidikan dan Studi Keislaman* (2020).

the *Râsikhin* group combines the two.¹⁵ Although there are various definitions related to *maqâshid al-syarî'ah*, it is abstract, so it must conform to the revelation of Allah SWT.

Religion has traditionally served as the foundation for legal legitimacy in developing countries.¹⁶ One of its primary driving factors is the human need for divinity to become an acceptable norm of religiosity.¹⁷ In terms of the syntax or language perspective, *maqâshid al-syarî'ah* consists of two words: *maqâshid al-syarî'ah*. The word *maqâshid* is the plural of a *jamak*. The singular form is *maqshid*, which means eating *al-Qasd* (direction or purpose). *Maqâshid al-Syarî'ah* has been embedded in society's values system at multiple levels.¹⁸ Furthermore, as previously mentioned, the state's legitimacy places *maqâshid al-syarî'ah* as an inseparable part of social, political, and legal views. On the other hand, *maqâshid al-syarî'ah* became a part of the *ijtihad* process when determining a case based on the *ushul* rules.¹⁹ Worship of the righteous in this life is comprised of both worldly and eternal goodness. Thus, understanding the Sharia's purpose needs to be aligned with changing times.²⁰

For this reason, this article aims to answer three main questions: (a) how does the *maqâshid al-syarî'ah* paradigm in the legal protection of child victims of narcotics abuse; (b) what are the factors causing the disorientation of the child protection paradigm for victims of narcotics abuse; (c) what are the implications of child protection for victims

of narcotics abuse in the *maqâshid al-syarî'ah* paradigm. These three questions are part of an effort to explain how the *maqâshid al-syarî'ah* paradigm plays an important role in protecting child victims of *maqâshid al-syarî'ah* abuse.

This article is based on an argument that the application of the law to the child victim of narcotics abuse has not obtained the appropriate portion; on the one hand, the victimization of children by the law often turns them into co-offenders of drug abuse. On such legitimacy, the child is often harmed. This is made possible by the inadequate legal system in giving protection to children victims of narcotics, in which a system based on the sources of law gives rise to symbols that subordinate children and dominate the rights of children in fair law enforcement. Children frequently do not receive legal representation as victims of narcotics abuse practices within the cultural component of society.

Method

Child involvement in narcotics abuse cases has not only positioned the child as a victim but has also led to revictimization of the child. The revictimization experienced by children who have been victims of narcotics abuse can be explained through qualitative descriptive studies. Therefore, the data displayed in this study is a decryption of online news text quotes obtained by collecting and reading news using the search keyword "Children's involvement in drug abuse cases in Indonesia" on Google. Data collection and reading focuses on online news themes that address children as drug users, children as narcotics dealers, revictimization in intimidating forms, and revictimization in discriminatory forms of children victims of drug use, based on the age of the child and the characteristics of the victim child drug use.

The data for this study were gathered by reading 2,850,000 online news texts between May 1, 2022, and July 7, 2022, with a focus on online news discussions about child involvement in drug abuse cases and revictimization experienced

¹⁵ Kholid Hidayatullah, "MAZHAB ULAMA DALAM MEMAHAMI MAQASHID SYARI'AH," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam*, vol. 1, no. 1 (2017), p. 1.

¹⁶ Abdullah Gofar, "The Reform of the Procedural Religious Court Law Based on Islamic Law in Indonesian Legal System," *Sriwijaya Law Review* (2017).

¹⁷ Peter Furlong, "God and Human Freedom," *Faith and Philosophy* (2021).

¹⁸ Mohd Fazali Abdul Manas, Abd Rahman Abd Ghani, and Mohd Noor Daud, "Aplikasi Maqasid Syariah Terhadap Pentafsiran Ayat Hukum Arak Dalam Tafsir Al-Azhar," *Sains Humanika* (2018).

¹⁹ Nurhayati Nurhayati, "MEMAHAMI KONSEP SYARIAH, FIKIH, HUKUM DAN USHUL FIKIH," *JURNAL HUKUM EKONOMI SYARIAH* (2018).

²⁰ Bahdar Bahdar, "MODERNISME DAN REFORMISME DALAM PEMBINAAN HUKUM ISLAM DAN PRANATA SOSIAL," *HUNAF: Jurnal Studia Islamika* (2013).

by children in drug use cases in Indonesia. The readings yielded two dominant themes that addressed the revictimization of children victims of drug abuse to be selected and presented as essential findings in this study. In this context, data collection was carried out through a systematic online documentation process using a personal computer (PC) to obtain a description of online news quotes classified according to the objects in this study. Accordingly, the data obtained were subsequently classified according to the theme, age, and characteristics of the treatment of revictimized children victims of drug abuse. This process collected descriptive data formats from online news quotes, which were then selected, classified, and presented in thematic form.

Data analysis techniques in this study were carried out through three analytical processes. Three such analysis processes include (1) Data reduction process, which is the process carried out for the arrangement of data in an objective and systematic form; (2) Data display process, which is the process to display the results of research in the form of tables containing quotations from online news summaries; (3) Data verification portions, which is the process for concluding data based on the trends of existing data. As a result, the data obtained was analyzed using descriptive methods inductively to be then described as a basis for interpreting existing data. The stages of analysis and the analytical techniques allow us to find the red thread of the object studied to be drawn to a conclusion.

Results and Discussion

Protection of law and Child victims of Narcotics

Legal protection is essential in a case process; it must exist not only during the early stages of the investigation but also after the judgment.²¹ However, legal protection is often not based on

legal justice, but rather on other factors. Economic factors, for example, because of the economic limitations that are considered, in addition to the ignorance of legal processes, are the foot of law enforcement practice.²² A person involved in a legal matter has the right to legal protection, which will influence the legal processes undertaken.²³ Lack of legal protection, as well as a child's ignorance of legal practices, would endanger their future lives and could change their status from victim to perpetrator.²⁴ In addition to the uncertainty of the child's legal status, which is frequently neglected, the weakness of legal protection obtained by the child victim of drug abuse is an issue in the legal process.²⁵

Legal protection might be aligned with the same concept of legal justice.²⁶ It will also have an impact on the implementation of legal processes obtained by child victims of narcotics abuse to obtain protection rights.²⁷ In fact, the state has provided legal protection laws, but in practice, legal protection is not provided optimally.²⁸ In addition to these factors, legal protection is expected to promote legal processes run fairly.²⁹ Munawar et

²² Bayu Dwa Anugrah and Aryani Witasari, "Legal Policy for Management of Criminal Action of Narcotics in Low Education," *Law Development Journal*, vol. 2, no. 4 (2021).

²³ Sekaring Ayumeida Kusnadi, "PERLINDUNGAN HUKUM DATA PRIBADI SEBAGAI HAK PRIVASI," *AL WASATH Jurnal Ilmu Hukum*, vol. 2, no. 1 (2021).

²⁴ Vitaliy Pashkov and Andrii Olefir, "Protection of Children's Rights in the Health Care: Problems and Legal Issues," *Wiadomosci lekarskie (Warsaw, Poland : 1960)*, vol. 70, no. 6 (2017).

²⁵ AS Hidayat et al., "Perlindungan Hukum Terhadap Anak Sebagai Kurir Narkotika," *researchgate.net*, vol. 2, no. 2 (2013), pp. 104–108.

²⁶ Evan Ferdiyan Rachmanto, "Legal Protection for Children as Victims of Violence," *Journal of Law and Legal Reform*, vol. 2, no. 4 (2021).

²⁷ Anisa Subashi and Edit Bregu, "Child Protection Measures as a Legal Instrument for Child Protection at Tirana Municipality," *Academic Journal of Interdisciplinary Studies*, vol. 10, no. 6 (2021), pp. 158–170.

²⁸ Dr Karolina La Fors, "Legal Remedies For a Forgiving Society: Children's Rights, Data Protection Rights and the Value of Forgiveness in AI-Mediated Risk Profiling of Children by Dutch Authorities," *Computer Law and Security Review*, vol. 38 (2020), n. pag.

²⁹ Susan Schmidt, "Child Maltreatment & Child Migration: Abuse Disclosures by Central American and Mexican Unaccompanied Migrant Children," *Journal on Migration and Human Security*, vol. 10, no. 1 (2022), pp. 77–92.

²¹ Mila Azizah, M Taofik Makarao, and Syarif Fadillah, "Perlindungan Hukum Hak-Hak Anak Pengguna Narkotika Dan Pertanggungjawaban Menurut Hukum Positif Di Indonesia," *Jurnal Hukum Jurisdictie*, vol. 2, no. 2 (2020).

al attempted to show this by comparing children who receive legal protection to children who do not receive legal protection as a result of narcotics usage, and found physical and psychological differences. Longman et al³⁰ Conducted a study of children victims of narcotics abuse in America and found tangible evidence that children who did not receive legal protection were more likely to be part of drug trafficking, significantly when their detention periods were not rehabilitated and separated from adult cells.

The occurrence of narcotics crimes involving children with specific objectives aspires to be free and eased in prosecution, as moral, religious, and legal demands for drug abuse are not something new.³¹ A study conducted by Dwijayanti³² showed that the rate of involvement of children in drug trafficking in Indonesia was 47 percent of a total of 5,678,910 cases in 2018. Muhammad Ridwan Lubis³³ Found evidence that children involved in narcotics cases are caused by various factors, such as economic factors, dependence, and even becoming a syndicate of drug trafficking, with the actors often being the child's closest relatives such as neighbors, fathers, brothers, friends, and uncles.³⁴ Not only may drugs provide immediate pleasure, but misuse can have a long-term psychological impact on a drug-addicted child, making them willing to do everything, including stealing and other criminal activities, to obtain narcotics.³⁵

³⁰ Samantha Longman-Mills et al., "Child Maltreatment and Its Relationship to Drug Use in Latin America and the Caribbean: An Overview and Multinational Research Partnership," *International Journal of Mental Health and Addiction*, vol. 9, no. 4 (2011), pp. 347–364.

³¹ Luh Putu Gita Dharmaningtyas, "Perlindungan Hukum Terhadap Anak Korban Penyalahgunaan Narkotika," *Jatiswara*, vol. 34, no. 1 (2020).

³² Mita Dwijayanti, "PENETAPAN DIVERSI TERHADAP ANAK YANG TERLIBAT NARKOTIKA," *Perspektif Hukum*, vol. 17, no. 2 (2017), p. 186.

³³ Gomgom T.P. Siregar Muhammad Ridwan Lubis, "ANALISIS FAKTOR-FAKTOR PENYEBAB ANAK MELAKUKAN TINDAK PIDANA NARKOTIKA," *JURNAL PENELITIAN PENDIDIKAN SOSIAL HUMANIOR*, vol. 4, no. 2 (2019), pp. 580–590.

³⁴ D Ichsan and D Ali, "Tindak Pidana Mengedarkan Narkotika Oleh Anak," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* (2019).

³⁵ Andi Istiqlal Assaad et al., "Menangkal Bahaya Narkotika Bagi Remaja," *AL-TAFANI Jurnal Pengabdian*, vol. 1, no. 2 (2021), pp. 42–49.

Narcotics abuse involving children as victims with various interests makes the prevention and deterrence of drug trafficking increasingly complicated.³⁶ A study conducted by Muis described the existence of a relationship between children as victims and the eye of the narcotics chain in Indonesia. According to which Pangestu & Hafrida³⁷, the more children are involved in narcotics cases, the rate of trafficking and crime will be higher. Children are considered victims as essential commodities in drug transactions.³⁸ These losses not only affect children individually, but more importantly, the domino effect of such practices also affects the future of a nation.³⁹ Furthermore, the mentality of children as the nation's future suffers the long-term effects of drug abuse, not to mention the time and cost of recovery, which is not short and cheap, becomes a lengthy process that children as narcotics abuse victims must go through.⁴⁰

Involvement of Children in Cases of Narcotics Abuse

The legal protection of children in the case of drug abuse is a very complex case to explain, particularly when analyzing the legal protection factors using the *maqâshid al-syarî'ah* paradigm, which accepts children as users and distributors in cases of drug use. The findings below will look at children as victims of drug abuse and rehabilitated children, as well as how much child abuse in the case of drug use as users or distributors.

³⁶ Bayu Puji Hariyanto, "Pencegahan Dan Pemberantasan Peredaran Narkotika Di Indonesia," *Jurnal Daulat Hukum*, vol. 1, no. 1 (2018), pp. 12–21.

³⁷ Dimas Pangestu and Hafrida Hafrida, "Anak Sebagai Penyalahguna Narkotika Dalam Perspektif Viktimologi," *PAMPAS: Journal of Criminal Law*, vol. 1, no. 2 (2021), pp. 104–124.

³⁸ Dewi Ervina Suryani dan Marta Sitorus, "Implementasi Sanksi Pidana Dalam Kejahatan Penyalahgunaan Narkotika Di Kalangan Remaja," *JURNAL MUTIARA HUKUM* 1, no. 1 (2018), pp. 15–23.

³⁹ Irma Sipahutar, "DAMPAK PENYALAHGUNAAN NARKOTIKA TERHADAP PERILAKU REMAJA DI KECAMATAN RANTAU UTARA KABUPATEN LABUHANBATU," *CIVITAS (JURNAL PEMBELAJARAN DAN ILMU CIVIC)*, vol. 1, no. 1 (2018), pp. 27–35.

⁴⁰ Mustaqim Mustaqim, Haida Dafitri, and Dharmawati Dharmawati, "EDUKASI DIGITAL PENGENALAN BAHAYA NARKOTIKA BAGI ANAK USIA DINI BERBASIS 3D DAN AUGMENTED REALITY," *Djtechno: Jurnal Teknologi Informasi*, vol. 2, no. 2 (2021), pp. 170–176.

Table.1. Data on the Number of Children Victims of Narcotics Abuse

Percentage of Perpetrators	Year	Institution	Source
Nearly 400 %	2011-2014	KPAI	https://www.komnasham.go.id/index.php/news/2022/6/6/2144/realita-hukuman-mati-dari-perspektif-ham.html
Khofifah, Minister of Social Affairs 70% of 18,000 street children are victims of drugs	2016	KEMENSOS	https://www.antaranews.com/berita/548532/mensos-tengarai-70-persen-anak-jalanan-korban-napza
In 2018, there were 5.9 million children as addicts, 2,218 related to health and drugs, 15.69% drug addicts, and 8.1% drug dealers	2018	KPAI	https://nasional.okezone.com/read/2018/03/06/337/1868702/5-9-juta-anak-indonesia-jadi-pecandu-narkoba
2018-2019 increased to 24-28%	2018-2019	PPPA dan BNN	https://www.kemenpppa.go.id/index.php/page/read/29/2747/hari-anti-narkotika-internasional-peran-keluarga-penting-jauhkan-anak-dari-lingkaran-hitam-narkotika
816 Children Contaminated with Narcotics SD 149, SMP 327 and SMA 340	2019	BNN Central Sulawesi Province	https://www.antaranews.com/berita/1926872/bnn-minta-orang-tua-proaktif-lindungi-anak-dari-narkoba
1.95% or 3.66 million people including children even increased by 0.15%	2021	BNN	https://infopublik.id/kategori/nasional-sosial-budaya/665713/lindungi-anak-dari-narkoba-kemen-pppa-inisiasi-gerakan-patbm

Table. 2. Data on the Number of Prison Children in Indonesia

Number of Victims	Year	Institution	Source
84 children	2011-2014	KPAI	https://www.komnasham.go.id/index.php/news/2022/6/6/2144/realita-hukuman-mati-dari-perspektif-ham.html
125 children	2021	KEMEN PPPA	https://infopublik.id/kategori/nasional-sosial-budaya/665713/lindungi-anak-dari-narkoba-kemen-pppa-inisiasi-gerakan-patbm

Table 1 shows that in 2011-2014, the number of child victims of narcotics use increased continuously to reach 400%. The KPAI stated that in 2011, the number of complaints of child narcotics abuse was 12 cases, 17 cases in 2012, 21 cases in 2013, and the highest was in 2014 with 42 cases. According to the Ministry of Social Affairs' submission in 2016, 70% of the 18 thousand street children were drug victims, while data from the Ministry of PPPA show that in 2018, the prevalence of drug users among students was 3.2%, or 2.3 million from the youth group. Based on BNN data in 2019, drug abuse among children and adolescents has increased from 24% to 28%. This stems from friendship. Of first-time users, 92.6% receive from friends, and 80% receive freebies. For drug victims, curiosity and trial

and error account for 40.5% of the total, with colleagues' persuasion accounting for 35.2% of this amount. Given the risks that narcotics pose to the children's environment, it is expected that parents should be more vigilant, and carry out strict supervision of the friendship environment both at school and with playmates.

Table. 2 reveals that the KPAI's explanation looks at the Children's Correctional Institution in Tangerang, which has 184 child prisoners, 84 of whom are victims of narcotics abuse. These child victims of narcotics continue to be detained. These children should be protected by law by providing opportunities for these children to improve mentally and physically, namely through rehabilitation institutions. The government should pay more attention to this.

Table. 3. Data on the Number of Rehabilitated Child Narcotic Victims

Amount / year	Institution	Case	Source
70% of the 18,000 street children are in YKP2N rehabilitation centers	2016	KEMENSOS	https://www.antaranews.com/berita/548532/mensos-tengarai-70-persen-anak-jalanan-korban-napza
83 children under 18 years old rehabilitated	2020	BNN Central Sulawesi Province	https://www.antaranews.com/berita/1926872/bnn-minta-orang-tua-proaktif-lindungi-anak-dari-narkoba

Table. 3 shows that the social ministry has made efforts for street children who are victims of narcotics, with 70 percent of the 18,000 street children in 2016 receiving rehabilitation. In 2020, based on data from BNN Central Sulawesi Province, there were 83 children under the age of 18 undertaking rehabilitation, as part of the effort made by the government. Many of the children become drug dealers and give their peers food and drink that has been mixed with these illicit substances, causing children who have tasted it to develop opium, which parents and even these children are unaware of.

Paradigm of legal protection for child victims of narcotics

The results of this study demonstrate how children who have experienced drug abuse have not obtained fair legal protection. It is understandable that children who are victims of drug abuse typically face the same bad stigma as perpetrators. The law is indeed a way to guarantee and protect children and their rights to living, growing, developing, and participating optimally, following the values and dignity of humanity, and getting protection from violence and discrimination.⁴¹ The Law on the Protection of the Child lays down the obligation to protect the child based on the following principles: a) non-discrimination; b) the best interests of the child; c) the right to life, survival, and development; and d) respect for the opinion of children in the formation, development, and protection of children; the essential role of the community, whether through child protection institutions, security agencies, private institutions of the public, organizations of citizenship, social

organizations, the world of business, mass media, or educational institutions.⁴² Protecting children is a form of national development; protecting children means protecting human beings and providing subsistence to humanity. Children's lack of legal protection will generate several issues, including interfering with security, public order, and national development.⁴³ The child's physical, mental, and social rights must be protected by both the government and society to prevent discrimination and other criminal offenses.

Since the implementation of Law Number 11 of 2012 on the Child Criminal Justice System (SPPA/ *Sistem Peradilan Pidana Anak*), the settlement of criminal cases of children, is required through diversion, including child drug abuse.⁴⁴ Diversity has been arranged restrictively. Conditions specified as regulated in the new SPPA law can be imposed on a child who commits a criminal act that is threatened with imprisonment under 7 (seven) years and is not even a repeat of the criminal act (Article 7 paragraph 2).⁴⁵ Diversion is the transfer of a child's case settlement from a criminal court process to an out-of-court proceeding. Diversion is an act or treatment that removes or places offenders of child crimes, especially child drug abuse, out of the judiciary system. Diversification of the child as a drug abuser is possible by returning to parents or participating in education and training, as well

⁴² Mohammad Taufik Makaro, "Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga," *Jakarta, Rineka Cipta, hlm. 1* (2013).

⁴³ Wafda Vivid Izziyana, "PERLINDUNGAN HUKUM BAGI PEKERJA ANAK DI INDONESIA," *Legal Standing: Jurnal Ilmu Hukum*, vol. 3, no. 2 (2019), p. 103.

⁴⁴ Kusnadi, "PERLINDUNGAN HUKUM DATA PRIBADI SEBAGAI HAK PRIVASI."

⁴⁵ Kayus Kayowuan Lewoleba and Beniharmoni Harefa, "Legal Protection for Child Victims of Human Trafficking," *International Journal of Multicultural and Multireligious Understanding (IJMMU)* (2020).

⁴¹ E Krisnawati, *Aspek Hukum Perlindungan Anak*, (Bandung, Jawa Barat, Indonesia: CV. Utomo Bandung, 2005).

as public service.⁴⁶ The spirit of the Child Criminal Justice System is a system that promotes restorative justice. In the restorative justice model, perpetrators' punishment remains, but it is integrated into the educational process rather than simply a means of revenge and funding. Punishment within the framework of the educational process is not a punishment that weakens the spirit of life, let alone deadly the future of the child, but rather serves to illuminate morally and defy as an integral person.⁴⁷

Rehabilitation is the most effective form of protection for children who commit drug-related crimes.⁴⁸ In this case, there are two types of rehabilitation: medical and social. As explained by FikmaW⁴⁹, children victims of narcotics abuse can perform integrated rehabilitation for treatment and recovery from drug addiction. Furthermore, Erniwati & Tahir⁵⁰ Define "social rehabilitation" as integrated physical, mental, and social rehabilitation activities that enable children of victims and witnesses to resume social functions in society. Rehabilitation for addicts and narcotics abuse victims is hoped to save the lives of addicts and victims. Rehabilitation should be used as extensively as feasible. It also gained support from the government by issuing some rules that regulate the rehabilitation itself.

Disorientation Factor in Legal Protection for Children as Victims of Narcotics Abuse

Law No. 35 of 2009 concerning Narcotics essentially has 2 (two) sides: the humanist side

for narcotics addicts, and the hard and firm side for cities, syndicates, and narcotics dealers.⁵¹ The humanistic side can be seen as defined in Article 54 of Law No. 35 of 2009, which states that narcotics addicts and victims of narcotics abuse are obliged to undergo medical rehabilitation and social rehabilitation, and Article 67, along with Article 59 of the Law of the Republic of Indonesia Number 35 of 2014 on amendments to Law Number 23 of 2002 on the Protection of Children.⁵² However, this option is often used to avoid criminal prison sentences, which can only be done by parents of children with financial capabilities. As Panjaitan stated, rehabilitation can also be a factor in the emergence of drug recidivism. Thus, medical rehabilitation is frequently employed not only to avoid prison curtains but also to gain profits from various parties.⁵³

Social rehabilitation is an endeavor to ensure that victims of former drug users or addicts can rebuild a mental and social life and eliminate harmful acts caused by narcotics use, allowing former addicts to perform social functions and participate in society. Although normatively, the legal protection of children as drug abusers in the criminal justice system of children in Indonesia has been accommodated and regulated through the rules of legislation, in terms of its implementation and implementation encountered many obstacles.⁵⁴ According to Harefa, one of the obstacles faced is a lack of understanding of the legal protection philosophy itself, such as the rarely used diversified efforts, which can close efforts to prevent children from transitioning from formal crime to non-formal crime and lead to further narcotics abuse. Furthermore, the perception of the society that

⁴⁶ Indrawati Indrawati and Byrna Mirasari, "Penerapan Diversi Terhadap Anak Pelaku Penyalahgunaan Narkotika," *Jurnal Cakrawala Hukum*, vol. 9, no. 2 (2018).

⁴⁷ Andri Winjaya Laksana, "KEADILAN RESTORATIF DALAM PENYELESAIAN PERKARA ANAK YANG BERHADAPAN DENGAN HUKUM DALAM SISTEM PERADILAN PIDANA ANAK," *Jurnal Pembaharuan Hukum*, vol. 4, no. 1 (2017), p. 57.

⁴⁸ Muhammad Anis, "PERLINDUNGAN ANAK TERHADAP PENYALAHGUNAAN NARKOTIKA," *El-Iqthisadi: Jurnal Hukum Ekonomi Syariah Fakultas Syariah dan Hukum*, vol. 1, no. 1 (2019).

⁴⁹ Ibrahim Fikma Edrisy, "IMPLEMENTASI REHABILITASI TERHADAP ANAK PENYALAH GUNA NARKOTIKA (Studi Di Wilayah Kepolisian Daerah Lampung)," *FIAT JUSTISIA: Jurnal Ilmu Hukum*, vol. 10, no. 2 (2017).

⁵⁰ Ernawati and Heri Tahir, "Rehabilitasi Sosial Terhadap Pecandu Narkotika Anak Dibawah Umur Di Yayasan Kelompok Peduli Penyalahgunaan Narkotika Dan Obat-Obatan Terlarang Makassar," *Jurnal Tomalebbi: Jurnal Pemikiran, Penelitian Hukum, Pendidikan Pancasila dan Kewarganegaraan* (2017).

⁵¹ Sri Sulistyawati and Iwan Setyawan, "PECANDU NARKOTIKA BERDASARKAN UNDANG-UNDANG NOMOR 35 TAHUN 2009 TENTANG NARKOTIKA," *Jurnal Law Pro Justitia* (2016).

⁵² Hafield Ali Gani, "Kewajiban Rehabilitasi Medis Korban Penyalahgunaan Narkotika," *Jurnal Poenale* (2015).

⁵³ Ifa Latifa Fitriani, "Islam Dan Keadilan Restoratif Pada Anak Yang Berhadapan Dengan Hukum," *In Right: Jurnal Agama dan Hak Azazi Manusia*, vol. 2, no. 2 (2012), pp. 207-238.

⁵⁴ Muhammad Nauval Hilmi and Widodo Tresno Novianto, "Kendala Dan Upaya Yang Dilakukan Lembaga Pemasyarakatan Narkotika Kelas IIA Jakarta Dalam Melaksanakan Rehabilitasi Narapidana Narkotika," *Recidive*, vol. 8, no. 3 (2019).

always places children as perpetrators and often gives negative stigma, makes it possible to manage the child protection procedure, even if the child is a victim of narcotics abuse.⁵⁵

Another impediment to the protection of children victims of narcotics abuse is the lack of means and facilities provided by the government, especially in remote areas of Indonesia, such as medical and social rehabilitation sites. In addition to its geographical location as an island territory, Indonesia suffers from a lack of understanding by the government, law enforcement, and society regarding children as victims of drugs. As a result, providing legal protection becomes suboptimal. To do so, at least two aspects must be balanced to achieve the protection of children victims of drug abuse, including the individual victim's willingness to overcome the narcotic's influence and the environmental aspects, which include families and communities that become support systems because they recognize that the child is a victim, not the perpetrator. The Sharia paradigm arose in the following construction. Thus, the whole associated with the legal process against the child narcotics addict might adopt the paradigm of *maqâshid al-syarî'ah* after understanding that the child is a victim who must be saved and protected by all parties.

Law Protection of Children Victims of Narcotics in the *Maqâshid al-Syarî'ah* Paradigm

In the discussion of *maqâshid al-syarî'ah*, the paradigm used to guide criminal children in Correctional Institutions. The principle of sharia, which can be applied to them, is the concept of *maslahah*. According to the AL-Qur'an: "Sharias are determined to achieve the intentions of *al-syarî'* regarding their (human) activities, in both religion and the world."⁵⁶ It is mentioned in the AL-Qur'an: "The law is for the worship of the servants." This ayah shows that *maslahah* has a central role in the idea of al-Syâtîbî. Therefore, the implementation of Islamic criminal law (crime), in

particular in the field of abuse and dark trafficking of narcotics, should formulate and apply the law under the principles, foundations, and purposes of the law of Sharia' so that the law is entirely compatible with the needs of space and time.

Studies on the *nash-nash* religion have been carried out based on Islamic criminal law experts. One of its objectives is to formulate the purpose of reconstruction through the perspective of Islamic law.⁵⁷ As for the formulation, among other things: Punishment can be given as Retaliation; Reconstitution can be given as Revenge (*al-Jaza'*); Prevention (*az-Zajr*); Recovery / Improvement (*al-Islah*); Restoration (*al-Isti'adah*), and Redemption of Sins (*at-Takfir*). Removing rehabilitation in Islamic criminal law is a form of Repair (*al-Islah*) and Restoration (*al-Isti'adah*) for perpetrators and victims of criminal offenses to become better people. Man is both the servant of God and man of humankind. Sanusi et al.,⁵⁸ Explain the rehabilitation process in the *maqâshid al-syarî'ah* paradigm also as a form of prevention of public illness against a social crime; drug abuse is not merely a crime that requires a person to receive a severe punishment, but rather the process of spreading drug abuse into a particular illness in the life of society. Islam encourages people to respect and constantly be kind to each other. The criminal law without a rehabilitation process through an intensive approach proved to be less effective in addressing drug abuse.⁵⁹

Maqâshid al-Syarî'ah further explained that the direct impact of drug use is to damage physical and mental health potentially eliminate belief in religion and cause property loss due to the nature of drug dependence.⁶⁰ The aspects of the Sharia

⁵⁷ Afridawati, "Stratifikasi Al-Maqhasid A-Khamsah Dan Penerapannya Dalam Maslahah," *Al-Qishthu*, vol. 13, no. 1 (2015).

⁵⁸ Nur Rakhmi Said, Thahir Maloko, and Nur Taufiq Sanusi, "Metode Therapeutic Community Bagi Residen Di Balai Rehabilitasi BNN Baddoka Makassar Perspektif Hukum Islam," *Jurnal Al-Qadau Peradilan dan Hukum Keluarga Islam*, vol. 6, no. 2 (2019), pp. 269–286.

⁵⁹ Nur Zulfah Binti Md Abdul Salam, "Mitigasi Di Mahkamah Syariah: Penghakiman Berasaskan Keadilan Restoratif Dan Rehabilitasi," *Journal of Fatwa Management and Research*, vol. 26, no. 1 (2021), pp. 227–240.

⁶⁰ Ashar Ashar, "Konsep Khamar Dan Narkotika Dalam Al-Qur'an Dan UU," *FENOMEN*, vol. 7, no. 2 (2015).

⁵⁵ Dharmaningtyas, "Perlindungan Hukum Terhadap Anak Korban Penyalahguna Narkotika."

⁵⁶ Mohammad Rusfi, "MQASID AL-SYARIAH DALAM PERSEPEKTIF AL-SYATIBI," *ASAS*, vol. 10, no. 2 (2019), pp. 23–45.

aim to guarantee, protect, and preserve human dignity. The first level of *dharûriyah* includes five (five) significant points: *hifdz al-dîn* (protecting religion), *hifdz an-nafs* (protects souls), *hifdz al-`aql* (protects reason), *hifdz al-mâl* (protecting property), and *hifdz al-nasl* (Protect descendants).⁶¹ *Dharûriyah* is considered an essential thing for human life because it is the target behind the law of divinity. It also aligns with the purpose of rehabilitation for drug offenders, i.e. to repair the damage caused by narcotics abuse. The goal, according to the *hifdz al-nafs*, is to rejuvenate physically, while the *hifdz al-aql* seeks to restore the health of the mind. Rehabilitation can also use religious approaches to perform the *hifdz al-dîn*. After rehabilitation, *hifdz al-mâl* and *hifdz al-nasb* attempted to reintegrate the perpetrators into their normal lives. Thus, *maqâshid al-syarî'ah* has the potential to become a new paradigm for providing legal protection to children who have been the victims of narcotics abuse.

Conclusion

The government and society have a responsibility to provide legal protection for children who have been victims of narcotics abuse. Laws and regulations in Indonesia, specifically Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, demonstrate that the government prioritizes children who are victims of narcotics, and this is a form of legal protection carried out by the state for the nation's generation. Legal protection for child victims of drugs based on the *maqâshid al-syarî'ah* paradigm is a case that is in a very urgent position, namely at the *dharûriyyah* (primary) level. The benefit of the world and the hereafter is focused on upholding the concept of maintenance which aims at Islamic law, including *hifdz al-dîn*, *hifdz al-nafs*,

hifdz al-`aql, *hifdz al-nasb*, and *hifdz al-mâl*. Its existence is absolute in every individual. Thus, it requires proper care and maintenance.

References

- Abdul Manas, Mohd Fazali, Abd Rahman Abd Ghani, and Mohd Noor Daud, "Aplikasi Maqasid Syariah Terhadap Pentafsiran Ayat Hukum Arak Dalam Tafsir Al-Azhar," *Sains Humanika*, 2018.
- Afridawati, "Stratifikasi Al-Maqhasid A-Khamsah Dan Penerapannya Dalam Masalahah," *Al-Qishthu*, vol. 13, no. 1, 2015.
- Aky, "Anak Di Bawah Umur Dimanfaatkan Jadi Kurir Narkoba," *Okenews*, 2019.
- Alimuddin, "The Urgency of the Maqâsid Al-Syarî'Ah in Reasoning Islamic Law," *Britain International of Humanities and Social Sciences (BloHS) Journal*, 2019.
- Andriansyah, Y, L Abdurrahman - Asian Journal of Innovation and, and undefined 2013, "Penyuluhan Pencegahan Bahaya Narkoba Terhadap Anak-Anak Usia Dini," *journal.uui.ac.id*, vol. 2, no. 2, 2013.
- Anis, Muhammad, "PERLINDUNGAN ANAK TERHADAP PENYALAHGUNAAN NARKOBA," *El-Iqthisadi : Jurnal Hukum Ekonomi Syariah Fakultas Syariah dan Hukum*, vol. 1, no. 1, 2019.
- Anugrah, Bayu Dwa, and Aryani Witasari, "Legal Policy for Management of Criminal Action of Narcotics in Low Education," *Law Development Journal*, vol. 2, no. 4, 2021.
- Ashar, Ashar, "Konsep Khamar Dan Narkotika Dalam Al-Qur'an Dan UU," *FENOMENA*, vol. 7, no. 2, 2015.
- Assaad, Andi Istiqlal, Nur Insani Said, Faizah Agil, and Muhammad Alaydrus, "Menangkal Bahaya Narkoba Bagi Remaja, " *AL-TAFANI Jurnal Pengabdian*, vol. 1, no. 2, 2021.
- Al Azhari, M. Luthfi Afif, "Moderasi Islam Dalam Dimensi Berbangsa, Bernegara Dan Beragama Perspektif Maqashid Asy-Syari'ah," *Jurnal Intelektual: Jurnal Pendidikan dan Studi Keislaman*, 2020.
- Azizah, Mila, M Taofik Makarao, and Syarif Fadillah, "Perlindungan Hukum Hak-Hak Anak Pengguna Narkoba Dan Pertanggungjawaban Menurut Hukum Positif Di Indonesia," *Jurnal Hukum Jurisdictie*, vol. 2, no. 2, 2020.

⁶¹ Hidayatullah, "MAZHAB ULAMA DALAM MEMAHAMI MAQASHID SYARI'AH." See.also. Fauzan Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law," *Al-Istinbath: Jurnal Hukum Islam* (2022).

- Bahdar, Bahdar, "MODERNISME DAN REFORMISME DALAM PEMBINAAN HUKUM ISLAM DAN PRANATA SOSIAL," *HUNafa: Jurnal Studia Islamika*, 2013.
- Burrows, Lisette, "Children as Change Agents for Family Health," *Health Education*, 2017.
- Dharmaningtyas, Luh Putu Gita, "Perlindungan Hukum Terhadap Anak Korban Penyalahguna Narkotika," *Jatiswara*, vol. 34, no. 1, 2020.
- Dwijayanti, Mita, "PENETAPAN DIVERSI TERHADAP ANAK YANG TERLIBAT NARKOTIKA," *Perspektif Hukum*, vol. 17, no. 2, 2017.
- Edge, Dawn, "It's Leaflet, Leaflet, Leaflet Then, "See You Later": Black Caribbean Women's Perceptions of Perinatal Mental Health Care." *The British Journal of General Practice : the Journal of the Royal College of General Practitioners*, vol. 61, no. 585, April 2011.
- Edrisy, Ibrahim Fikma, "IMPLEMENTASI REHABILITASI TERHADAP ANAK PENYALAH GUNA NARKOTIKA (Studi Di Wilayah Kepolisian Daerah Lampung)," *FIAT JUSTISIA: Jurnal Ilmu Hukum*, vol. 10, no. 2, 2017.
- Ernawati, and Heri Tahir, "Rehabilitasi Sosial Terhadap Pecandu Narkoba Anak Dibawah Umur Di Yayasan Kelompok Peduli Penyalahgunaan Narkotika Dan Obat-Obatan Terlarang Makassar," *Jurnal Tomalebbi: Jurnal Pemikiran, Penelitian Hukum, Pendidikan Pancasila dan Kewarganegaraan*, 2017.
- Fauzan, Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law." *Al-Istinbath : Jurnal Hukum Islam*, 2022.
- Fitriani, Ifa Latifa, "Islam Dan Keadilan Restoratif Pada Anak Yang Berhadapan Dengan Hukum," *In Right: Jurnal Agama dan Hak Azazi Manusia*, vol. 2, no. 2, 2012.
- La Fors, Dr Karolina, "Legal Remedies For a Forgiving Society: Children's Rights, Data Protection Rights and the Value of Forgiveness in AI-Mediated Risk Profiling of Children by Dutch Authorities." *Computer Law and Security Review*, vol. 38, 2020.
- Furlong, Peter, "God and Human Freedom," *Faith and Philosophy*, 2021.
- Gani, Hafied Ali, "Kewajiban Rehabilitasi Medis Korban Penyalahgunaan Narkotika," *Jurnal Poenale*, 2015.
- Gofar, Abdullah, "The Reform of the Procedural Religious Court Law Based on Islamic Law in Indonesian Legal System, " *Sriwijaya Law Review*, 2017.
- Hariyanto, Bayu Puji, "Pencegahan Dan Pemberantasan Peredaran Narkoba Di Indonesia," *Jurnal Daulat Hukum*, vol. 1, no. 1, 2018.
- Hidayat, AS, S Anam, MI Helmi - : *Jurnal Sosial dan Budaya Syar-i*, and undefined 2018. "Perlindungan Hukum Terhadap Anak Sebagai Kurir Narkotika," *researchgate.net*, vol. 2, no. 2, 2013.
- Hidayatullah, Kholid, "MAZHAB ULAMA DALAM MEMAHAMI MAQASHID SYARIAH," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam*, vol. 1, no. 1, 2017.
- Hilmi, Muhammad Nauval, and Widodo Tresno Novianto, "Kendala Dan Upaya Yang Dilakukan Lembaga Pemasarakatan Narkotika Kelas IIA Jakarta Dalam Melaksanakan Rehabilitasi Narapidana Narkotika," *Recidive*, vol. 8, no. 3, 2019.
- Ichsan, D, and D Ali, "Tindak Pidana Mengedarkan Narkotika Oleh Anak," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana*, 2019.
- Indrawati, Indrawati, and Byrna Mirasari, "Penerapan Diversi Terhadap Anak Pelaku Penyalahguna Narkotika," *Jurnal Cakrawala Hukum*, vol. 9, no. 2, 2018.
- Izziyana, Wafda Vivid, "PERLINDUNGAN HUKUM BAGI PEKERJA ANAK DI INDONESIA," *Legal Standing : Jurnal Ilmu Hukum*, vol. 3, no. 2, 2019.
- Krisnawati, E, *Aspek Hukum Perlindungan Anak*. Bandung, Jawa Barat, Indonesia: CV. Utomo Bandung, 2005.
- Kusnadi, Sekaring Ayumeida, "PERLINDUNGAN HUKUM DATA PRIBADI SEBAGAI HAK PRIVASI," *AL WASATH Jurnal Ilmu Hukum*, vol. 2, no. 1, 2021.
- Laksana, Andri Winjaya, "KEADILAN RESTORATIF DALAM PENYELESAIAN PERKARA ANAK YANG BERHADAPAN DENGAN HUKUM DALAM SISTEM PERADILAN PIDANA ANAK," *Jurnal Pembaharuan Hukum*, vol. 4, no. 1, 2017.
- Lewoleba, Kayus Kayowuan, and Beniharmoni Harefa, "Legal Protection for Child Victims of Human Trafficking, " *International Journal of Multicultural and Multireligious Understanding (IJMMU)*, 2020.
- Longman-Mills, Samantha, Yolanda W. González, Marlon O. Meléndez, Mónica R. García, Juan D. Gómez, Cristina G. Juárez, Eduardo A. Martínez, et al, "Child Maltreatment and Its Relationship to

- Drug Use in Latin America and the Caribbean: An Overview and Multinational Research Partnership," *International Journal of Mental Health and Addiction*, vol. 9, no. 4, 2011.
- Makaro, Mohammad Taufik. "Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga," *Jakarta, Rineka Cipta*, 2013
- Mawaddah, N, "Perdagangan Anak Dalam Jaringan Peredaran Narkoba Studi Kasus: Eksploitasi Anak Sebagai Kurir Narkoba Di Wilayah Jakarta Barat", 2016.
- Muhammad, Imadudin, "BNN RI Ungkap 55.392 Kasus Narkoba Selama Tahun 2021 Hingga Pertengahan 2022," *TIMES Indonesia*.
- Muhammad Ridwan Lubis, Gomgom T.P. Siregar, "ANALISIS FAKTOR-FAKTOR PENYEBAB ANAK MELAKUKAN TINDAK PIDANA NARKOTIKA," *JURNAL PENELITIAN PENDIDIKAN SOSIAL HUMANIORA*, vol. 4, no. 2, 2019.
- Mustaqim, Mustaqim, Haida Dafitri, and Dharmawati Dharmawati, "EDUKASI DIGITAL PENGENALAN BAHAYA NARKOBA BAGI ANAK USIA DINI BERBASIS 3D DAN AUGMENTED REALITY," *Djtechno: Jurnal Teknologi Informasi*, vol. 2, no. 2, 2021.
- Nguemeni Tiako, Max Jordan, and Lena Sweeney, "The Government's Involvement in Prenatal Drug Testing May Be Toxic," *Maternal and Child Health Journal*, 2021.
- Nur Zulfah Binti Md Abdul Salam, "Mitigasi Di Mahkamah Syariah: Penghakiman Berasaskan Keadilan Restoratif Dan Rehabilitasi," *Journal of Fatwa Management and Research*, vol. 26, no. 1, 2021.
- Nurhayati, Nurhayati, "MEMAHAMI KONSEP SYARIAH, FIKIH, HUKUM DAN USHUL FIKIH." *JURNAL HUKUM EKONOMI SYARIAH*, 2018.
- Pangestu, Dimas, and Hafrida Hafrida, "Anak Sebagai Penyalahguna Narkotika Dalam Perspektif Viktimologi," *PAMPAS: Journal of Criminal Law*, vol. 1, no. 2, 2021.
- Pashkov, Vitaliy, and Andrii Olefir, "Protection of Children's Rights in the Health Care: Problems and Legal Issues," *Wiadomosci lekarskie (Warsaw, Poland : 1960)*, vol. 70, no. 6, 2017.
- Rachmanto, Evan Ferdiyan, "Legal Protection for Children as Victims of Violence," *Journal of Law and Legal Reform*, vol. 2, no. 4, 2021.
- Raynardhy, Arvian, "Perlindungan Hukum Terhadap Anak Sebagai Korban Eksploitasi Ekonomi Melalui Jasa Dukungan (Endorsement) Di Media Sosial," *Jurist-Diction*, 2021.
- Rusfi, Mohammad, "MQASID AL-SYARIAH DALAM PERSEPEKTIF AL-SYATIBI." *ASAS*, vol. 10, no. 2, 2019.
- Said, Nur Rakhmi, Thahir Maloko, and Nur Taufiq Sanusi, "Metode Therapeutic Community Bagi Residen Di Balai Rehabilitasi BNN Baddoka Makassar Perspektif Hukum Islam," *Jurnal Al-Qadau Peradilan dan Hukum Keluarga Islam*, vol. 6, no. 2, 2019.
- Schmidt, Susan, "Child Maltreatment & Child Migration: Abuse Disclosures by Central American and Mexican Unaccompanied Migrant Children," *Journal on Migration and Human Security*, vol. 10, no. 1, 2022.
- Sipahutar, Irma, "DAMPAK PENYALAHGUNAAN NARKOBA TERHADAP PERILAKU REMAJA DI KECAMATAN RANTAU UTARA KABUPATEN LABUHANBATU," *CIVITAS (JURNAL PEMBELAJARAN DAN ILMU CIVIC)*, vol. 1, no. 1, 2018.
- Sitorus, Dewi Ervina Suryani dan Marta, "Implementasi Sanksi Pidana Dalam Kejahatan Penyalahgunaan Narkotika Di Kalangan Remaja," *JURNAL MUTIARA HUKUM*, vol. 1, no. 1, 2018.
- Sodiqin, Ali, and Al-Robin Al-Robin, "Diversity in Determining Maturity Age in Indonesian Law: Maqāsid Al-Sharīah Perspective, " *Justicia Islamica*, 2021.
- Subashi, Anisa, and Edit Bregu, "Child Protection Measures as a Legal Instrument for Child Protection at Tirana Municipality," *Academic Journal of Interdisciplinary Studies*, vol. 10, no. 6, 2021.
- Sulistyawati, Sri, and Iwan Setyawan, "PECANDU NARKOTIKA BERDASARKAN UNDANG-UNDANG NOMOR 35 TAHUN 2009 TENTANG NARKOTIKA," *Jurnal Law Pro Justitia*, 2016.
- Svensson, Bengt, Torkel Richert, and Björn Johnson, "Parents' Experiences of Abuse by Their Adult Children with Drug Problems," *NAD Nordic Studies on Alcohol and Drugs*, 2020.
- Walker, Catherine, "Tomorrow's Leaders and Today's Agents of Change? Children, Sustainability Education, and Environmental Governance," *Children and Society*, 2017.