

The Effect of Global Technology Towards Progressiveness of Criminal Acts on Narcotics Carried Out by Children

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Abstract

The development of global technology does not only give many advantages for the advancement of people and nation but also shortcomings such as the progressiveness of the violation towards juridical norms. One of the social subjects suffers from this negative impact is children. There is a phenomenon that the development of global technology has influenced them in carrying out criminal act on narcotics. There is a specific condition which drives them helpless and to finally decide to do criminal act on narcotics, whereas this criminal act is influenced by culture, lifestyle, or a particular condition they learn, imitate, or develop themselves. This is where each party's moral and juridical responsibility protecting the children are examined.

Keywords: children, progressiveness, narcotics, technology, globalization.

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1. Introduction

We cannot always build the future for our youth, but we can build our youth for the future." This is a statement by Franklin D. Roosevelt,¹ which means that we cannot always develop the future for our young generation, but we can develop our young generation for the future.

Roosevelt's statement is important to be used as "a huge message" in order to supervise or to establish young generation. These children of nation are demanded to become strategic resources for the future. The problem is how to create extraordinary (high quality) children in middle of the era development or challenging changes, which among them are potentially destroying nowadays.

It is predicted, that children are considered to be venturesome in carrying out a crime. Some of them even experiment with new crimes or criminal acts. Probably their parents or their family never predict that their elementary school children or teenagers have already had the courage to commit seriously categorized crimes such as getting involved in the abuse of narcotics, either as a user or a dealer,

More tragically, the victims of the narcotics' abuse are underage children. They identically justify themselves to play the role as conveyed by Thomas Hobbes² namely "*homo homini lupus*" (man to man is an arrant wolf). Friends of their age are made to be objects which are "attacked" to fulfill their personal interest or others' being their syndicate, or as it is defined as a wolf whose main representation is a wild animal, definitely humans (children) trapped in such a way tend to treat other humans as a legitimate object to be preyed or victimized.

Based on the phenomena, it is logical that generally public would ask, why are the underage children venturesome to carry out crimes which could damage his life and nation? Do they not know that what they do is categorized as a serious crime?

These children trapped in becoming the perpetrator of the serious criminality cannot be fully blamed because there is a criminogenic root which makes them tripped over the practice of criminality. They become the narcotic abusers not only because of friends who teach, introduce, and force them but also family's failure in building or creating joyful atmosphere and progressing personality which is based on the values of honesty, righteousness, politeness, and self-dignity.

If the atmosphere which the "entrance" behaves in dis-normativeness, such as disobeying the religion and law norms, is tolerated vulgarly and liberally, then it might be possible that our children turn into not victimized generation but also "predator" generation. They could not be left behind and they could be actively and aggressively produce several types of crimes including the abuse of more serious and frightening addictive substances in the society and across the world.

2. Discussion

2.1.Children, Criminal Act, and Drugs

Children are the asset of nation, as parts of young generation children have a strategic role which is to become a successor of a nation. In the context of Indonesia, children are the successor of the ideals of the nation's struggle.

¹ Ghaffar Hasyim, *Negara dan Generasi Emas*, Pimpres, Jakarta, 2015, pp. 23.

² Ibid. pp. 33.

This strategic role has been realized by the international society to produce a convention which emphasizes on the position of children as a human who must obtain protection towards his rights.¹

In the explanation of UU No 23 Year 2002 about Child Protection which has been amended with UU Nomor 35 Year 2014, we are reminded, that the society, family, and the country must be reminded, that children are the mandate from God, who must be protected because inside them there is value, dignity, and rights as a human which must be upheld. From the side of nation and state lives, children are the future of the nation and the generation of the ideals of the nation's struggle, so that every child has a right to life sustainability, to grow, and to develop, to participate, and to protection against violation and discrimination as well as civil rights and freedom.

It has been reminded in law norms that as a gift from God, children cannot be dissipated, cannot be neglected, and cannot be let create cultural vision and action as well as lifestyle liberally. Children must be maintained to exist in growth or development properly, so that their presence remains a subject of a nation that provides many values.

Abandoning or neglecting them (children) to become modifiers or forming themselves, while we (as parents or as the one responsible) are more busy and spend time to work hard or to form capitalist social classes or exclusive elitism, then they can have a great chance of being shaped by their social environment to become a perversion and dissident of juridical norms.

In that realm, human beings (those who are responsible for children) who live prosperously are reminded not to treat wealth as the object of hunting and cult. They should not make wealth as a binding power and absolute hegemony, or should not put this wealth as a fundamental source of ideology and life, like the capitalists who make money as their absolute standard and kiblah.

In the study of capitalist economics, we are taught, that the main character of capitalism is "the survival of fittes" or who has a lot deserves to win, or wins his desires more than anyone else. A concept like this is opposed by the philosopher Aristotle who said, that the higher human appreciation for wealth (money), the lower the human appreciation for honesty, humanity, justice, and righteousness.²

It is logical if Aristotle warned that way, because when the adage (the law of the jungle) prevails in people's lives, anything that has sacred value, dogma, ethics, and aspects of religiosity will be easily defeated or degraded, including marginalizing and sacrificing children. The power of such elitism can be superpower when enacted continuously. This can cause imitation from other parties. Children can eventually become the party which adopts and "adapts" the patterns carried out by their parents or their patrons to serve as a cultural model in their life.

Evidently, we find a number of cases of underage children who dare to commit cruel acts of criminality, which after hearing their testimony, they admit that their crimes are rooted in the attitudes and decisions of their parents who indulge or tolerate their criminality. This tolerated habit is fatal to the formation of their personality, because in the end, the children are led to habit or acculturation of committing criminality, so they enter the zone as active subjects in the world of criminality (criminal acts). In criminal acts on narcotics too, they are finally "venturous" to finally have the decision to abuse them.

Courage can be observed from the standpoint of the effect, although involvement in becoming a user can generate the risk of death, whereas distributing it can be sentenced to life imprisonment and death penalty, they are not afraid to plague themselves.

Soerjono Soekanto quoted the opinion stated by experts on social sciences and humanity A. Laccasagne reckoned, that the most important thing is the social condition around us, because the society is the breeding place for crimes and germs are the criminals. So did G. Tarde who stated that crimes (as in narcotics abuse) are not anthropological symptoms, but sociological symptoms where all important human behaviors are undertaken due to the process of imitation and are carried out under the authority namely events occurring in other societies. Therefore R. Owen also said, that improper society drives people's behaviors to be evil.³

The expert's view shows that a child can commit a crime because of the influence of circumstances which are considered bad, unfavorable or pleasing to him, therefore, ways of breaking the law are forced or intentionally carried out. In relation with the influence of difficulties or economic difficulties he suffers, violating the law becomes his choice because other ways are considered difficult. A child commits an offense by engaging in drug abuse or trafficking syndicates could also be provoked by the urge to be rich through an easy way. This could also be because his economic or hedonism needs are far more than his basic needs. Thus, it is demanding and compelling for him to fulfill them in ways that are contrary to juridical norms.

It is in the middle of the society that the particular crime as in narcotics abuse indicates the real example of the society itself. The public does not want their lives to be uncomfortable and not harmonious, and distressed

¹ Ruben Achmad, Upaya Penyelesaian Masalah Anak yang Berkonflik dengan Hukum di Kota Palembang, Jurnal Simbur Cahaya, Nomor 27, 2005, pp 24.

² Bambang Satriya, *Hukum Indonesia di Simpang Jalan*, Nirmana Media, Jakarta, 2016, pp. 65.

³ Abdurrahman, "Biarlah Kejahatan Memberi Tantangan", LKPI, Surabaya, 23 Juli 2012, pp. 2.

because of narcotics,. However, the community is also often unable to prevent or deal with them, because the occurrence and rampant crime is related to the development of lifestyle in culture, economy, family, and social interaction which drives it to happen.

2.2. The Impact of Global Technology

One of the advancement around the society is the development of technology. This technology development is said to be spectacular, especially in telecommunication and transportation, which is considered to be the leader and accelerator of globalization process in several aspects of lives. The need for increased information flow among people, with the ability to send and receive data and information through a computer network has become an unavoidable necessity. These facilities can be seen in various forms of cooperation such as economic, political, cultural meetings, which are not only performed physically, but also through the help of media of communication technology. The world becomes a new community which is effective, efficient, and modern. There happens to be free and infinite communication which crosses the sovereignty of a country. The mechanisms of transaction and pact with the outside world could be carried out and controlled from a tiny room using the internet protocol based technology.¹ In this area, children become the party needed, especially in the utilization of global technology.

As a wide and thorough changing process, globalization is also understood as the extension and acceleration which connect among countries. Hence, the relationship of cooperation growth among countries in all fields, ranging from economics, politics to culture improves faster. The process of globalization has a relationship with the increasing dependence among nations and among people throughout the world through trade, investment, free trade, popular culture, and other forms of interaction so that the boundaries of a country are biased.² Various forms of interaction or communication models have been carried out by children to other parties, both adults and people of their age, who definitely are in the position of mutual need or influence. In such conditions, the position of children can be logically read as the most disadvantaged parties, namely among them becoming the victims of crime, although gradually, they (children) are dragged as those who actively commit and progress the crime.

Recognized by various parties, that the rapid development of information technology, communication and transportation can also support the increase of transnational crime. Globalization accompanied by rapid advances in communication technology has caused relations among nations, communities and individuals closer, interdependent and influencing each other. Therefore, a world without borders is then created (*borderless world*). This increasingly high cross-border movement has finally led to new problems that also arise among countries, known as transnational crime. In line with this, the phenomenon of transnational crime continues to emerge, reaching all corners of the world.³

It can be observed, that in this era of globalization the community is slowly developing, where the development is always followed by a process of adjustment that sometimes occurs unbalanced. In other words, violations of these norms become more frequent and crime is increasing, both types and patterns are increasingly complex. The development of society is caused by science and mindset as well as lifestyle of an increasingly diverse community, including the intention of using narcotics as an object of needs which must be fulfilled.

That proves, that one of the most crucial forms of transnational crime is because it involves the future of a nation's generation. This is especially among the world's young generation, which is a crime of narcotics abuse. Narcotics distribution can easily penetrate national borders in the world through a well-managed management network and sophisticated technology.⁴ South East Asia is also used as the trade route of illegal drugs to the international world. There is 49% of the world drug distribution which is currently absorbed by the Southeast Asian market obtained from supplying countries such as Malaysia, China, India, Iran and the Netherlands.⁵ The distribution and drug trafficking are transnational crime issues which are developing in the Southeast Asian region. The factors of weakness towards law enforcement and institutional escort of the government are the causes of why the drug trafficking business in the Southeast Asian region is easy to develop.⁶

The reality which could be predicted is that there is no country which could not be reached by narcotic distribution. Any nations face a similarly frightening enemy or disease which makes them have to be extra hard

¹ Sutarman, *Cyber Crime, Modus Operandi dan Penanggulangannya*, LaksBang PRESSindo Jogjakarta. 2007, pp.51.

² Tyler Cowen, *Creative destruction : how Globalization is Changing the World's Cultures*, Princeton University Press, New Jersey, 2002, pp. 20.

³ Mely Cabalero-Anthony, "Challenging Change: Non Traditional Security, Democracy and Regionalism", in Donald K. Emmerson, *Hard Choices, Security, Democracy and Regionalism in Southeast Asia*, ISEAS Publishing, Singapura, 2009, pp. 193-194

⁴ JohnBroome. 2000. Transnational Crime in The TwentyFirstCentury.<http://journal.ui.ac.id/index.php/jki/artic le/view/1238/1143>. diakses 2 Oktober 2019.

⁵ Sumarno Ma'sum, *Penanggulangan Bahaya Narkotika dan Ketergantungan Obat*, CV. Haji Masagung. Jakarta, 1987. ppl, 36-40

⁶ Bambang Cipto, *Hubungan Internasional Di Asia Tenggara, Teropong Terhadap Dinamika, Realitas, dan Masa Depan*. Pustaka Pelajar. Yogyakarta, 2007. pp. 223

to fight or overcome it by deploying all of their capabilities.¹ This indicates, that the drug network continues to grow and it is possible to continue to develop in accordance with its targets in controlling the world. The international drug syndicates try hard to destroy every tiny and possible space in Indonesia.

In fact, narcotics crime has indeed become a transnational crime committed by organized crime groups. This problem involves a complex system which has global influence and will be closely related to the construction of a nation's national resilience. Both directly and indirectly, regarding its development or dynamics the misuse of narcotics is widespread at various ages and various level of the society. It ranges from the levels of young to old age, lower economic classes to upper middle class. But what deserves more attention is the tendency of a significant increase in the number of productive age layers. Children become positioned as an aggressive and progressive party in committing and expanding criminal acts on narcotics.

As a result of the child's involvement, the patterns of criminality towards the abuse of narcotics are also various and diversifying, even experiencing progressiveness. Something unexpected happened. A child who was originally known as a taciturn or unsuitable as a narcotic abuser, turns out to commit a crime and causes a stir in the community. Because of the crime he committed, many children his age and even younger than him with an increasingly extensive network are involved.²

2.3.Examination of Children Patron

The development (saving) of human resources must continue to be carried out by the Indonesian people in the midst of the challenges of various crimes, especially those categorized as serious or extraordinary crimes such as the practice of addictive substances abuse namely narcotics and other dangerous and prohibited drugs.³

Every responsible person or child protector must realize or educate himself, that this group of narcotics abusers is not decreasing, but it has a tendency to increase or expand, especially the network.⁴

The Indonesian Child Protection Commission (KPAI) noted that of the 87 million child population in Indonesia, 5.9 million of them becomes drug addicts. They become narcotic addicts because of the influence of people close to them. From 87 million children on the age of 18 years at most, there is 5.9 millions of them considered to be addicts. KPAI stated that they have been handling 2.218 cases related to health and illegal drugs among children. Among them, 15,69 percent is the case of children that becomes drug addicts and 8,1 percent is the case of children that is a drug dealer. KPAI said that this trend will continue to rise with the level of escalation. Moreover, both the mode and pattern of spread will increase. KPAI said, the children become addicts and get the drugs from their closest people and peers. The mode that is often performed while using drugs is to do school work or study together. The children in charge of drug trafficking give their friends food and drinks which have been mixed with these illicit goods. That is what makes other children feel the effects of addiction. Unfortunately, these conditions are not realized by their parents and even themselves. Drug trafficking in Indonesia is now increasingly worrying, especially with the discovery of several new types of narcotics which are packaged in several forms such as candy. The drug market share also targets children under the age of 18. The drug network in Indonesia will continue to regenerate its market share and of course the target is aimed at the lowest level, namely children aged 9 months.⁵

With the above condition, they must also understand the development or changes of condition in this country. At the moment, Indonesia is one of the countries targeted for narcotics marketing or distribution. Indonesia is considered or placed as a strategic market for narcotics business.⁶

These children patrons can also read from the aspect of criminogen, that one of the assumptions developed by the underage children is placing parents or families as a source of protection for their actions. It means that they (children) place themselves as victims, so that the crime committed is not their main mistake.

Such assumptions must be deconstructed. This could be carried out by changing the relationship patterns of the children patrons through placing ethical and juridical construction as the basis of their respective roles. If this can be accomplished, then the child's assumptions or thoughts can be idealized to change from the notion of money and influential positions can defeat and conquer legal empowerment when it will be used to ensnare and account for themselves, into a construction of thought and behavior that commits juridical norms.

Every citizen, including children who live in the Republic of Indonesia, is regulated according to applicable law. The law is declared valid as a norm which binds every attitude and behavior. They are required by legal norms to become compliant citizens. Obedience will be able to provide many benefits for themselves, others, society and the nation.

Generally, in human life, including children, it is realized that what is right, what is beautiful and what is

¹ A. Ikhwan Habib, *Narkotika sebagai Musuh Bersama Masyarakat Beradab*, LInkar Studi, Yogyakarta, 2016, pp. 14.

² Marwan Hamid, *Melawan Kejahatan Global Berkelanjutan*, LPPKS, Jakarta, 2018. pp.7.

³ Fuad Nashir, *Perkembangan Kejahatan Serius di Indonesia*, LInkar Baru, Yogyakarta, 2016, pp. 15.

⁴ Ibid.

⁵ <https://nasional.okezone.com/read/2018/03/06/337/1868702/5-9-juta-anak-indonesia-jadi-pecandu-narkoba>, accessed on 3 October 2019.

⁶ Abu Hasan Zafi, *Narkotika menjadi Kejahatan melebihi Terorisme*, Pustaka Bangsa, Jakarta, 2016, pp. 2.

good is something pleasing, joyful, appeasing, and satisfying for humans. On the contrary, the wrong, the ugly, and the bad things are miserable, troublesome, and boring for humans. Based on these two opposing sides, humans are the source of determinants who weigh, judge, decide to choose the most beneficial (moral value) or harm many people (in a juridical norm approach)¹ In human life there are obligations, rights and responsibilities as outlined by the norm. Responsibility could be learned. Everyone can train, foster, develop responsibility in themselves so that they are accustomed to know the responsibility for all actions and can be responsible/accountable for the tasks/mandates given to them.²

Even if they (the children with legal problems) are being handled by the authorities in a humanistic manner, they should not be released by their parents in ways that are not appropriate, because juridical accountability must be used as a basis. The path of criminality that has been taken must not lead to the justification that the crime is in power, or the resolution of child criminal acts can be bought with money, or money is the source of all resolution towards juridical problems.

These children must be kept away from the atmosphere of lifestyle or social environment that intends to put them into the wilderness of crime. They must be invited to think critically and continue to ignite the conscience if all forms of acts that are destructive or have a pattern of criminalization such as drug abuse are a reflection of serious lawless behavior.

They must not be left alone to fight against drug abuse, because in addition to the global power of criminality which is increasingly massive and brave, they also have to be physically, psychologically, and actively assisted in facing various forms of trials in their lives, especially in answering global syndicates in the production and distribution of narcotics.

The condition is at least readable in the indications outlined in the Explanation of Law Number 35 Year 2009 concerning Narcotics which states that criminal acts on narcotics are no longer carried out individually, but they rather involve many people who even constitute widely organized syndicate networks which work neatly and are highly classified both nationally and internationally. Based on the above phenomena, in order to increase efforts to prevent and eradicate criminal acts on narcotics, it is necessary to update Law No. 22 Year 1997 concerning Narcotics. This is also to prevent an increasing tendency both quantitatively and qualitatively with widespread victims, especially among children, adolescents, and young people in general. In addition, to protect the public from the dangers of Narcotics abuse, to prevent and eradicate illicit trafficking of Narcotics, this Law also regulates Narcotics Precursors because Narcotics Precursors are the basic substances or chemical substances which can be used in Narcotics manufacturing.

The politics of reforming the juridical norms is clearly based on the concern for children (young generation). Because juridical norms are improved to be more advanced or progressive than before, this is oriented towards saving the nation's strategic resources (children), so whoever gets the responsibility to implement them must show their consistency.

Patrons from the government or state administrators seem to have to recall their strategic role. For example, the ratification of the 1971 Vienna Convention regulates international cooperation in the control, supervision of production, distribution and use of narcotics and psychotropic substances and prevents efforts to eradicate narcotics and psychotropic abuse, by limiting their use to medical and scientific purposes. This is an attempt by the government to organize cooperation among other countries in the context of an effort to supervise, distribute and abuse psychotropic drugs and narcotics which provides guidance on criminal juridical principles and rules on extradition.

Reviewed from the aspect of national interest, the convention can guarantee legal certainty and justice in the attempts regarding law enforcement towards the illicit trafficking of narcotics and psychotropic drugs involving perpetrators of cross-border Indonesian crime. In addition, for the national interest, particularly for domestic interests, a certainty and usefulness can be obtained in the context of regulating the distribution of narcotics and psychotropic substances for the benefit of medicine and science.³ This convention is part of the political will in coping with the narcotics abuse. However, strategic and empirical implications are needed so that producers and distributors do not consider that the state or the main patron of these children is highly serious.

In addition, the state must also be more active, that in the international arena, it is recognized by several countries that overcoming and eradicating the danger of narcotics crime and other drugs is not an easy job. Many countries are quite difficult and even almost overwhelmed in dealing with Narcotics crime. Within the scope of Southeast Asia, the countries which are members of ASEAN have shown the same attitude in the prevention and eradication of drug abuse and illicit trafficking, by formulating an agreement to accelerate the ASEAN drug-free program. To achieve this, ACCORD (Asean and China Cooperative Operations in Response to Dangerous Drugs), has developed four pillars as the main activities namely:

1) Pro-actively raising awareness and encouraging the role of the community in counteracting drug abuse and

¹ Abdulkadir Muhammad, *Etika Profesi Hukum*, Citra Aditya, Bandung, 1997, pp. 1-2

² Burhanudin Salam, *Etika Sosial Asas Moral dalam Kehidupan Manusia*, Rineka Cipta, Jakarta, 1997, pp. 3.

³ Siswanto Sunarso. *Penegakan Hukum Dalam Kajian sosiologis*. Raja Grafindo Persada. Jakarta, 2004, pp. 1.

- illicit trafficking.
- 2) Building mutual agreements and exchanging best experiences in the attempt of prevention.
 - 3) Reinforcing law and regulation through better cooperation in the supervision and enhancement of the cooperation among law enforcement officials, as well as a review of applicable laws.
 - 4) Eliminating illicit narcotics inventory by encouraging alternative development programs in eradicating illicit narcotics plantation.¹

These four things are more serious or specific invitations to every child patron to take the fight against all forms of narcotics abuse. Without this serious responsibility, children cannot be protected. The global narcotics syndicate which has involved children in the production, distribution and consumption networks has made its power so great that if there is only a minimalistic standard to fight it, this country's children will lose their future.

Responsible children are being tested or in a major challenge, in which this condition will be answered by at least reinforcing the belief that no matter how big the challenge of the narcotics syndicate, if they are tireless and do not turn a blind eye to their progressive "world", then they will be able to win fight.

3. Conclusion

The world keeps changing. The era of globalization has provided a good side in a number of aspects in human life, but in fact, there are also several other aspects that cause adverse conditions such as the occurrence and progressive violation of juridical norms. One of the social subjects suffers from this negative impact is children. There is a phenomenon in the society that the development of global technology has influenced them in carrying out criminal act on narcotics.

There is a specific condition which drives them helpless and to finally decide to do criminal act on narcotics, whereas this criminal act is influenced by culture, lifestyle, or a particular condition they learn, imitate, or develop themselves. In this aspect, each party who is a protector or a child patron is tested (examined) with the responsibility in preventing or closing any form of criminogenic root which allows it to be more free in committing drug abuse.

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