



Reconstruction of Law Enforcement Against Narcotics Distribution Networks Through A Restorative Justice-Based Money Laundering Criminal Approach for Children Exploited as Couriers

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Keywords:	Abstract
Narcotics; Money Laundering; Children as Couriers; Restorative Justice; Asset Confiscation	The involvement of children as couriers in narcotics distribution networks presents a systemic problem in Indonesian criminal justice, where law enforcement has disproportionately targeted field-level perpetrators while failing to dismantle the economic structures controlled by intellectual actors. This research aims to analyze the normative disharmony between Law Number 35 of 2009 concerning Narcotics, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and to reconstruct a law enforcement model that integrates asset confiscation with restorative justice for exploited children. This research employs a normative legal methodology with statutory, conceptual, and case approaches analyzed qualitatively. The findings reveal that existing regulations lack integration, resulting in the criminalization of child couriers without addressing the financial networks behind them. Money laundering instruments remain underutilized, and diversion mechanisms are often unavailable due to severe sentencing thresholds. The study proposes a reconstructed model that shifts the enforcement focus from "follow the suspect" to "follow the assets," positions children as victims of structural exploitation, and directs them toward restorative mechanisms. In conclusion, integrating asset confiscation against key actors with restorative diversion for children creates a fairer and more effective law enforcement system, ensuring that narcotics eradication targets network structures while safeguarding children's futures

INTRODUCTION

The use of children as couriers in organized drug networks has become a serious problem in the Indonesian criminal justice system (Prasetyo, 2019). Children are often placed in the most vulnerable positions due to economic factors, environmental pressures, and unequal power relations. Drug networks exploit these conditions by using children as intermediaries in the distribution of illicit goods, thereby reducing the legal risk for principal perpetrators (Novita, 2024). This pattern demonstrates the systematic exploitation of an age group that, by law, should receive special protection (Arfai, 2021). This situation demands a reassessment of how the state responds to the involvement of children in drug trafficking (Bhabha, 2017; Windle et al., 2020).

Law enforcement against drug crimes has tended to focus on ground-level perpetrators, such as couriers and small-time dealers. Authorities find it easier to prove elements of the crime against individuals caught in possession of physical evidence (Majid, 2025). Higher-level network structures, including those controlling capital and intellectual actors, are often left

untouched. This pattern creates a recurring cycle in which the network continues to operate even after ground-level perpetrators have been prosecuted. Children recruited as couriers ultimately become the final point of legal action, rather than the entry point for dismantling larger structures (Prameswari, 2025).

Money laundering instruments provide a mechanism for tracing the flow of criminal proceeds. This is regulated under Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, which authorizes authorities to trace the financial trail of perpetrators (Nainggolan, 2024). However, the utilization of these instruments in narcotics cases has not been fully optimized. Case handling remains dominated by conventional approaches oriented toward physical evidence. As a result, the economic profits underpinning the network remain intact and can potentially be recycled to finance further illegal activities (Suyono, 2026).

The repressive paradigm inherent in narcotics enforcement also shapes the orientation of law enforcement. Law Number 35 of 2009 concerning Narcotics prescribes severe penalties designed to produce a deterrent effect (Salwa, 2024). This approach stems from the classification of narcotics as an extraordinary crime that threatens the nation's future. When children are involved as couriers, the same punitive approach is often applied without adequate consideration of their social and psychological circumstances (Isvany, 2024). Tensions arise when the principle of severe punishment conflicts with the imperative of child protection.

The juvenile criminal justice system has recognized the importance of a restorative approach, enshrined in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which prioritizes diversion and rehabilitation (Chandra, 2023). This principle aims to protect children's futures from the damaging effects of a repressive judicial process (Simatupang, 2024). When children are apprehended in narcotics cases as couriers, the implementation of this principle faces significant obstacles. Authorities frequently find themselves caught between the demands of narcotics eradication and the obligation to protect children.

The concept of organized crime provides a framework for understanding how narcotics networks operate. Organized crime does not consist of isolated individual acts, but rather functions as a structured and multi-layered system (Batkorbawa, 2025). Each network member performs a specific function, from financing to distribution. Children are typically placed at the bottom of this hierarchy, easily replaced and with minimal access to strategic information (Aristawati, 2022). This structure reflects the deeply unequal power relationship between those who control the network and those who execute its operations.

The economic structure of narcotics networks is built on high-profit motives and transferable risks. Financial gain is the primary driver sustaining the network. The use of children as couriers is a rational strategy employed by key actors to minimize their risk of apprehension. When one courier is caught, the network can quickly recruit a replacement. This cycle demonstrates how child exploitation is intrinsically linked to the economic logic of crime (Burhani, 2025).

The economic analysis of crime approach views criminal behavior as a rational choice influenced by cost-benefit calculations. Perpetrators weigh potential profits against the likelihood of being caught before committing an offence (Pratama, 2022). Money laundering regimes attempt to disrupt these calculations through asset confiscation and transaction

tracking. When economic gains can be seized, the incentive to commit crime diminishes. The "follow the money" strategy thus serves as an instrument for reaching the economic core of the network (Nurrurachman, 2025).

The criminal responsibility of children requires a different analysis from that applied to adult perpetrators. The element of *mens rea* in children cannot be equated with that of psychologically mature individuals (Ar, 2024). Power relations, coercion, and threats frequently influence children's decisions to become couriers. The concept of diminished responsibility allows for an assessment of children's limited capacity to understand the consequences of their actions — an assessment that is crucial to prevent the legal system from becoming excessively formalistic.

Restorative justice is grounded in the idea of restoring social relationships and reintegrating offenders into society. This principle emphasizes dialogue, accountability, and the repair of harm caused (Ramadhan, 2025). Its application to narcotics cases has sparked debate given the serious nature of such offences. Tensions arise when public demand for harsh punishment conflicts with juvenile law's requirement for a more humane approach. This tension must be carefully managed to avoid the compromise of children's rights.

The integration of the "follow the money" approach with restorative justice opens up space for reforming law enforcement models (Husnayain, 2025). Assets derived from crime can be explicitly targeted to weaken network structures. Children involved as couriers can be repositioned as victims of economic exploitation in need of reparation (Muliawan, 2022). This simultaneous approach places the criminal structure as the primary target, rather than its most vulnerable participants. Such a model requires policy harmonization and coordinated action among law enforcement agencies.

Reconstructing the law enforcement model is urgently needed to ensure a more proportionate state response. An integrative approach can prevent the system from excessively criminalizing children. Drug eradication strategies can remain effective through asset tracing and network dismantling, while child protection is upheld through restorative mechanisms and social rehabilitation. This background provides the foundation for reexamining the law enforcement paradigm as it applies to drug networks that exploit children as couriers.

Based on the foregoing, this research aims to analyze the normative disharmony between Law Number 35 of 2009 concerning Narcotics, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System in handling cases of children exploited as drug couriers; to critically evaluate law enforcement practices that tend to criminalize child couriers while failing to dismantle the economic networks and intellectual actors behind them; and to reconstruct an integrative law enforcement model grounded in a restorative justice approach for exploited children, combined with asset confiscation strategies derived from the money laundering regime. The benefits of this research are both theoretical and practical. Theoretically, it enriches the literature on criminal law, organized crime, the economic analysis of crime, and restorative justice in the context of child exploitation within drug distribution networks. Practically, it provides input for policymakers, law enforcement agencies, and the judiciary in designing a more integrated legal response; serves as a basis for revising relevant regulations; improves investigative practices toward a "follow the assets" approach;

strengthens restorative diversion mechanisms for exploited children; and offers a reference for legal practitioners, child protection advocates, and researchers.

METHOD

This research is a normative legal study grounded in the examination of principles, norms, and legal doctrines governing the eradication of narcotics crimes, money laundering crimes, and the juvenile criminal justice system. The approaches employed include a legislative approach, through the systematic examination of Law Number 35 of 2009 concerning Narcotics, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which are analyzed synchronically and systematically to identify points of disharmony and normative gaps. A conceptual approach is employed to examine the theory of organized crime, the theory of juvenile criminal responsibility, the economic analysis of crime, and restorative justice as the basis for reconstructing the law enforcement paradigm. A case approach is also utilized through the analysis of relevant court decisions to observe patterns of norm application in practice and the tendency toward the criminalization of children as couriers. The legal materials used consist of primary legal materials in the form of legislation and court decisions, secondary legal materials comprising scholarly literature, scientific journals, and expert opinions, and tertiary legal materials to support conceptual clarification. All materials are analyzed qualitatively using systematic and teleological interpretation methods to formulate an integrative law enforcement model grounded in asset tracing of principal actors and a restorative approach toward exploited children.

RESULTS AND DISCUSSION

Critical Analysis of Regulations and Law Enforcement Practices

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The normative fragmentation between legal regimes is evident in the way narcotics and money laundering regulations operate on incompletely connected tracks. Law Number 35 of 2009 concerning Narcotics emphasizes the possession, storage, control, or distribution of narcotics, as defined in Articles 111, 112, and 114, with very severe criminal penalties, and its evidentiary orientation focuses on physical possession of prohibited goods. Meanwhile, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, through Articles 3, 4, and 5 (subsequently repealed by Article 607 of Law Number 1 of 2023 concerning the Criminal Code), prosecutes anyone who places, transfers, pays, or conceals assets derived from criminal acts. The relationship between the two laws has not been explicitly designed as a unified strategy to dismantle narcotics networks down to their financial roots. This lack of synchronicity is further exacerbated when authorities handle narcotics cases without automatically developing suspicions of money laundering. Article 69 of Law Number 8 of 2010 opens the possibility of proving money laundering without awaiting a ruling on the predicate offence, thereby providing an opportunity for parallel action between proving narcotics distribution and conducting asset tracing. In practice, however, money laundering charges are often treated as a secondary matter that is not consistently prioritized. Consequently, perpetrators are punished while the financial structure of the network remains largely intact.

The exploitation of children as couriers has not been explicitly regulated under Law Number 35 of 2009. Article 133 does provide for increased criminal penalties for narcotics crimes committed against or involving children, but this formulation focuses primarily on adult perpetrators who use children, rather than on children's status as victims of economic exploitation. When children are apprehended carrying narcotics, authorities tend to apply articles on possession or distribution without examining the power relations surrounding the children. This absence of explicit norms regarding children's status as victims of exploitation creates interpretive ambiguity that frequently operates to their detriment, necessitating a reexamination of how children's roles within the network are legally constructed.

Diversion, as stipulated in Article 7 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, requires diversion efforts at the investigation, prosecution, and court hearing stages for offences carrying imprisonment of less than seven years and not involving repeat offenders. Narcotics cases frequently carry sentences exceeding seven years, particularly under Articles 112 and 114 of Law Number 35 of 2009, which significantly narrows or entirely eliminates the opportunity for diversion. Children acting as couriers consequently undergo formal judicial proceedings comparable to those applied to adults, despite their fundamentally different social standing. These inflexible normative provisions constitute a structural impediment to the application of restorative approaches.

The implementation of money laundering charges in narcotics cases faces serious obstacles at the investigation stage. The dominant approach remains focused on arresting perpetrators caught in possession of physical evidence, and the "follow the suspect" strategy is favored precisely because evidence is directly linked to tangible objects. Tracing the flow of funds requires financial expertise, cross-agency coordination, and considerable time, while limited resources and a conventional investigative culture reinforce the tendency to concentrate on field-level perpetrators.

Pursuing money laundering charges can, in principle, broaden the scope of criminal liability. Articles 77 and 78 of Law Number 8 of 2010 regulate a limited reversal of the burden of proof with respect to the defendant's assets, which can compel defendants to account for wealth disproportionate to their legitimate income. In narcotics practice, however, this provision has not been systematically employed to trace networks beyond couriers. Investigations frequently stop at the quantity of physical evidence rather than analyzing the financial flows reaching intellectual actors.

Tracing beneficial ownership remains a major challenge. Drug networks commonly use accounts held in the names of third parties, shell companies, or layered transactions to disguise the origin of funds. Money laundering regulations provide a basis for tracing the true beneficiaries of criminal proceeds, but effective implementation requires synergy with financial institutions and supervisory authorities. Without serious efforts to identify true beneficial owners, assets remain beyond the reach of the law, enabling networks to reconstitute themselves even after some members have been convicted.

The criminalization of children as couriers presents a particular problem when networks deliberately exploit their age as a legal shield. Children are recruited because they are perceived as carrying lower criminal risk and being easier to direct. When apprehended, children face the authorities without adequate access to a comprehensive defense, and case construction typically focuses on the act of carrying or delivering narcotics. Power relations involving

threats, economic pressure, or psychological manipulation are not always explored in sufficient depth.

The individualistic construction of guilt confines the analysis to the formal fulfillment of the elements of the relevant article. Possession or control of narcotics is treated as sufficient to implicate a child without a thorough assessment of their capacity or degree of free will. The doctrine of *mens rea* in criminal law recognizes the importance of intent and an understanding of the consequences of one's actions. Children often possess a different capacity from adults to comprehend risks and respond to pressure, and without a child-sensitive approach to these factors, the judicial process risks neglecting the protections to which children are inherently entitled.

The structural victimology approach has not been firmly integrated into drug law enforcement practice. This perspective regards victims not only as those directly harmed by a criminal act, but also as individuals trapped within unequal social and economic structures. Child couriers frequently come from environments characterized by limited economic resources and restricted access to education, conditions that networks exploit to recruit and control them. Without a victimological framework, authorities tend to treat children as sole perpetrators fully responsible for their actions.

The paradigm of narcotics as an extraordinary crime reinforces repressive tendencies. The discourse of the war on drugs encourages the imposition of harsh penalties as a symbol of state assertiveness, and this approach has a strong normative foundation in Law Number 35 of 2009, which prescribes high minimum and maximum penalties. Public demand for firm enforcement further influences the attitudes of authorities, progressively narrowing the space for a more flexible approach to children when narcotics are framed as an extraordinary threat.

Resistance to diversion often stems from concerns that a restorative approach will weaken the deterrent effect of the law. Law enforcement officials find themselves in a difficult position between fulfilling their obligation to protect children and maintaining a firm stance on drug enforcement. The tension between legal certainty and substantive justice is particularly acute when children face the prospect of serious criminal penalties. Legal certainty favors the literal application of statutory provisions, while substantive justice demands a more humane assessment. This tension lies at the heart of a critical analysis of law enforcement regulations and practice.

Reconstruction of the Law Enforcement Model

Reconstructing the law enforcement paradigm must begin with a fundamental shift in perspective regarding the ultimate goal of drug eradication. Law enforcement cannot simply stop at punishing individuals caught in possession of physical evidence. A new orientation must be directed at dismantling the economic system that sustains the network, requiring the institutional courage to move beyond a work pattern based solely on physical arrests. Legal efforts must instead be directed at undermining the financial foundation that keeps the network operational.

The "follow the suspect" approach has long been considered the most practical due to its reliance on direct and visible evidence. Authorities find it easier to build cases when evidence is in the suspect's possession, and this approach produces high arrest statistics. However, it does not consistently result in the decline of the network. The "follow the assets" approach

offers a different orientation, focusing on the flow of funds and the accumulation of wealth derived from crime. When economic benefits are seized, the attractiveness of recruiting new members is significantly reduced.

Positioning children as victims of structural exploitation is a crucial component of paradigm reconstruction. Children recruited as couriers frequently find themselves in socially and economically unequal positions. The power relations between network controllers and children involve pressure, manipulation, and often threats. A legal approach that disregards this dimension risks compounding the burden on children without addressing the principal actors. A structural perspective helps situate children as part of a larger chain rather than as the focal point of blame.

Structure-based law enforcement requires a broader analytical framework than the mere fulfillment of criminal elements. Authorities must map the network, the flow of funds, and the relationships among perpetrators, directing criminal responsibility toward those who control the system rather than only its technical implementers. This perspective aligns with the spirit of organized crime eradication, which targets the core of power. Criminal law thus becomes not merely a reactive instrument but a tool for transforming criminal structures.

An integrative model combining the money laundering regime with child protection requires significant procedural changes. Every narcotics case involving children should automatically be assessed for money laundering implications. Article 69 of Law Number 8 of 2010 provides space for pursuing money laundering charges without awaiting proof of the predicate offence, and the application of this provision can encourage investigators to broaden the scope of their cases. Under this model, children are no longer treated as the end point of the process but as the entry point for unraveling the network.

The normative obligation to develop money laundering cases can be reinforced through internal law enforcement guidelines. Clear directives will prevent cases from stalling at a single level of investigation. Any findings regarding suspicious cash flows, accounts, or transactions must be subject to systematic follow-up, which in turn requires training and technical support in financial analysis. Strengthening officers' capacity is essential for the integrative model to function effectively.

A simultaneous scheme of asset confiscation against key actors and restorative diversion for children can be implemented in parallel. Asset seizure is carried out pursuant to Articles 77 and 78 of Law Number 8 of 2010 concerning asset verification, targeting those who profit from the network. At the same time, children acting as couriers are directed toward guidance and recovery mechanisms. This dual approach maintains a balance between firmness and humanity.

Restorative diversion for children requires cross-sector coordination among law enforcement officials, community counselors, and social workers operating within a unified framework. The dialogue and guidance process must be oriented toward restoring the child's future, with social stigma minimized so that children can reintegrate into a decent educational or employment environment. The protection of children's rights must not be sacrificed for the symbolic appearance of firmness.

Strengthening inter-agency coordination is the foundation of an integrative model. Financial institutions, law enforcement agencies, and child protection bodies must share information in a measured and legally grounded manner. The exchange of data on suspicious transactions can assist in mapping network structures, while an integrated system minimizes

duplication of effort and legal loopholes. Such collaboration also accelerates the process of identifying intellectual actors.

Penal policy reform is necessary to explicitly address child exploitation within the normative framework. Revisions to Law Number 35 of 2009 could incorporate specific provisions recognizing children as victims of network exploitation, providing clear guidance for authorities in assessing children's roles. Penal policy should not be confined to the threat of severe penalties but must also embed principles of protection. Regulatory reform can thus provide the normative foundation for transforming practice.

Non-penal policies play a strategic role in preventing the recruitment of children. Educational programs, family economic empowerment, and the strengthening of social environments can reduce children's vulnerability, given that drug networks frequently target areas with low levels of economic prosperity. Timely social interventions can disrupt recruitment pathways before children become entangled in the justice system. A preventative approach reduces the burden on that system while safeguarding the future of the younger generation.

Strengthening the social protection system is an integral part of policy design. Children who have been involved as couriers require sustained support to prevent re-recruitment, including consistent access to education, psychological counseling, and family support. Social protection is not merely a supplementary program but a component of a long-term strategy. The state bears the responsibility of ensuring that children do not relapse into a cycle of exploitation.

The ideal design of a progressive law enforcement system combines firmness in addressing the economic structures of crime with a restorative approach toward children. Money laundering regimes are employed aggressively to confiscate illicit profits, and criminal law targets network controllers and financiers. Children are treated as individuals whose futures must be restored rather than destroyed. This balance reflects justice in its fullest sense — not merely formal, but substantive.

The integration of criminal law, money laundering, and child protection creates a system more responsive to the complexity of drug crimes. This integrated approach prevents policy fragmentation, enabling law enforcement to operate not in silos but within a larger, mutually reinforcing framework. Drug eradication efforts remain firm against key actors, while exploited children are afforded the opportunity to rebuild their lives. This reconstruction is expected to foster legal practices that are both fairer and more sustainable.

CONCLUSION

The discussion above demonstrates that the normative disharmony between Law Number 35 of 2009 concerning Narcotics, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System lies at the root of the problem in handling narcotics cases involving children as couriers. Each legal regime operates according to its own logic and orientation, without having been designed as a unified strategy. The dominant approach continues to focus on field-level perpetrators, while money laundering instruments have not been optimally utilized to dismantle the financial structure of the network. This situation has perpetuated prosecution patterns that implicate children as perpetrators, despite the unequal and

exploitative power relations that frequently surround their involvement. Overly individualistic legal constructions ultimately give rise to criminalization practices that are insensitive to the social and economic dimensions underlying children's participation in drug networks.

Normative recommendations are directed at harmonizing regulations so that narcotics eradication, the tracing of criminal proceeds, and child protection operate within a single integrated framework. Pursuing money laundering charges should be established as a procedural obligation whenever indications of an organized network are present, ensuring that authorities do not confine their efforts to proving distribution alone. The recognition of children as victims of economic exploitation should be explicitly incorporated into narcotics regulations to prevent the rigid and context-insensitive application of criminal provisions. A structure-based law enforcement model that prioritizes asset confiscation and network dismantling, combined with a restorative justice approach focused on rehabilitating children and securing their futures, offers the most coherent path forward. This integration of paradigms is expected to produce a system that is firm in addressing crime while remaining humane toward the children trapped within it.

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