

***The Role Of Correctional Institutions
In The Development Of Prisoners Of Narcotics Abuse In Indonesia***

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Abstract

The development of Science and Technology which has a negative impact, especially in the development of crime, is mainly supported by the opportunity to commit crimes, one of which is narcotics abuse which is certainly influenced by promiscuity and moral education that is not well received by the community. The rise of narcotics abuse in Indonesia Regency, with the circulation of news in print and online media, makes writers interested in seeing the role of prisons in fostering narcotics prisoners. This type of research is empirical juridical which is descriptive analysis, namely describing, describing, analyzing and explaining analysis of the problems raised. The data needed in this study is primary data whose sources come from sources or respondents, in this case the Head and Officers of the Indonesia Correctional Institution, and secondary data is used whose sources come from legislation, the work of the general public and various literatures. support this research. The results showed that the Penitentiary in Indonesia in coaching carried out activities for prisoners: physical and mental health checks, carrying out a series of worship activities and training skills. This method currently has a positive impact on inmates so that it is hoped that later inmates after serving their sentences can return to normal lives and not commit the same crimes.

Key words: *Correctional Institutions, Prisoners, Narcotics Abuse*

A. Introduction

Narcotics abuse does not only occur in big cities, but has reached regency cities throughout the territory of the Republic of Indonesia, starting from the middle, lower socio-economic level, to the upper socio-economic level. Narcotics are substances or drugs that are very useful and necessary for the treatment of certain diseases. However, if it is misused and drug abuse is the use of drugs for non-medical purposes, without the supervision of a

doctor, it occurs repeatedly on a regular basis, in excessive amounts, causing disturbances in work, education, or in social life.¹

Narcotics abuse is a very worrying danger, because narcotics can damage the users' personalities, both physically and mentally.² The dangers of drugs have become a threat to most nations and countries in the world. Drug trafficking tends to be one of the easy ways to find material gains in large numbers and has now grown rapidly. Drug trafficking has become a subversive tool that is directed at the destruction of a nation's generation or the destruction of a government system.³ Drug dealers and dealers are sneaky and cunning generational destroyers, they take advantage of the ignorance of the people of this nation. They do not offer drugs as drugs, but as food supplements, smart pills, healthy pills and others. As a result, people who claim to be anti-drugs are deceived, then unknowingly used drugs.⁴

In making decisions in court, defendants of narcotics abuse crimes should be aware that what has been decided by the panel of judges for their mistakes is a way or means for them to leave the act after serving their sentence. The coaching system for narcotics prisoners is carried out in the Correctional Institution, where the Correctional Institution is a form of criminal law (imprisonment). Imprisonment is a form of criminal deprivation of liberty.⁵

Imprisonment is carried out in a correctional institution where the person who commits the crime must comply with all the regulations contained in the correctional institution. Provisions regarding correctional institutions are contained in Law Number 12 of 1995 concerning Corrections. The target of coaching convicts in narcotics cases is actually more aimed at groups of users/addicts who are victims of crime from these narcotics suppliers/distributors. Therefore, after knowing everything about the judicial process, the convicts are handed over to the correctional institution where they are serving their sentence.

¹ Serikat Putra Jaya, Nyoman, 2015, *Kapita Selekta Hukum Pidana*, Universitas Diponegoro, Semarang, hal. 112

² Sami'an. Jurnal. *Legal Understanding Regarding The Hazards of Drugs in The Framework of Community Development*. Jurnal *Pena Justicia*, Fakultas Hukum Universitas Pekalongan, Volume 20 No 2 Desember 2021. <https://jurnal.unikal.ac.id/index.php/hk/article/view/1728/1104>

³ M. Amir dan Imran Duse, *Narkoba Ancaman Generasi Muda*, (Kaltim Gerpana, 2012, halaman. 9

⁴ Badan Narkotika Nasional (BNN), *Petunjuk Teknis Advokasi Bidang Pencegahan Penyalahgunaan Narkotika Bagi Masyarakat*, 2012, halaman 2

⁵ E.Y. Kanter dan S.R. Sianturi, 1982, *Asas-Asas Hukum Pidana di Indonesia dan Penerapannya*, Alumni AHM-PTM, Jakarta, halaman. 467

So in this case, handling the problem of fostering the victims of narcotics abuse is also the government's obligation. However, in accordance with the principle of togetherness, the obligation to restore the condition of the victims is not only the responsibility of the government, but also the responsibility of the community in general.

1) Formulation of the problem

The problems that will be investigated in this research are:

- a. What is the coaching procedure provided by the Indonesia Penitentiary for prisoners who commit acts of narcotics abuse?
- b. What are the obstacles that occur in the process of fostering narcotics abuse inmates at Indonesia Penitentiary?

2) Research Methods

Research is a means for the development of knowledge and technology. To discuss the problems in this paper, some of the methods used are described as follows:

- a. Types of Research.

The type of research used is a qualitative method. Where only describes information as it is and explains information or events with qualitative explanatory sentences. This type of qualitative research, the information collected and processed must remain objective and not influenced by the opinion of the researcher himself.

- b. Research Approach.

To obtain the required data and information, the authors use a sociological juridical approach. Sociological juridical research is a research that is based on a legal provision and phenomena or events that occur in the field.

B. Discussion

1. Implementation of Guidance for Prisoners in Indonesia

In the provisions of Law No. 12 of 1995 concerning Corrections, especially Article 14 concerning the rights of prisoners, that prisoners must be treated properly and humanely in an integrated system of development. The purpose of imprisonment is focused on fostering inmates. Guidance is a part of the rehabilitation process for the character and behavior of inmates while serving sentences for loss of independence, so that when they leave the Penitentiary they are ready to re-mingle with the community. Because the prison sentence already has a purpose, it is no longer without direction or as

if it were torturing. In fostering prisoners cannot be equated with most people and must use the principles of coaching prisoners.

There are four important components in fostering prisoners, namely:

1. Self, namely the prisoner himself;
2. Family, is a member of the nuclear family, or close family;
3. Community, are people who are around prisoners while they are still outside the Correctional Institution/Rutan, can be ordinary people, community leaders, or local officials’;
4. Officers, can be in the form of police officers, lawyers, religious officers, social workers, officers from Correctional Institutions, Rutan, Correctional Centers (BAPAS), judges and so on.

In terms of language, coaching is defined as a process, method, act of fostering, activities carried out efficiently and effectively to obtain better results.⁶ According to Poernomo, prisoner coaching has the meaning of treating someone who has the status of a prisoner to be built so that he becomes a good person.⁷ Guidance at LAPAS (Penitentiary) is in the form of guidance. According to the provisions of the Decree of the Minister of Justice Number: M.02-PK.04.10 of 1990 concerning the Pattern of Guidance for Convicts / Detainees, coaching is; "Coaching includes prisoners, prisoner services, prisoner development systems, and client development".⁸

The convict's guidance is intended so that he has the ability to be an active and creative participant in the unity of life as a citizen of Indonesian society who respects the law, is aware of responsibility and is useful.⁹

In social life, of course, we cannot be separated from the rule of law that governs society. The rule of law applies to the whole community. If in their lives they violate the rules of the law, both in the form of crimes and violations, they will be subject to sanctions called criminals. Society consists of a collection of individuals and groups who have

⁶<http://kbbi.web.id/bina.com>

⁷Poernomodalam, Taufik Hidayat, *Peranan Lembaga Pemasyarakatan Dalam Pembinaan Ketrampilan Bagi Narapidana*, 2011, <http://lib.unnes.ac.id/5873/1/7582.pdf>

⁸Keputusan Menteri Kehakiman Nomor : M.02-PK.04.10 Tahun 1990 Tentang Pola Pembinaan Narapidana / Tahanan, [https://bimkemasditjenpas.files.wordpress.com/2015/04/surat edaran.pdf](https://bimkemasditjenpas.files.wordpress.com/2015/04/surat%20edaran.pdf)

⁹Sudarto.1986.*Kapita Selekta Hukum Pidana*, Bandung: Alumni. hal. 50

different backgrounds and interests, so that in the process of interaction there are often conflicts of interest that can lead to conflicts between the conflicting parties.

Every problem that is created during the interaction process sometimes only benefits one party, while the other party is harmed. This is where the law acts as an enforcer of justice. It can be said that actions that harm others and only benefit individuals or groups are evil actions. So it is natural that every act that violates the law must be faced with the law, because we are a state of law, and the perpetrators must be held accountable for their actions before the law fairly, one of which is by serving punishment. Development in the field of law can be carried out substantially in the form of the development of legal products which are the result of an agency that makes a law in the form of legal legislation, especially criminal law that is in accordance with legal feelings and a sense of justice that lives in the community. In the development and renewal of law, especially criminal law, it will inevitably include issues related to the community, law enforcement officers, both the police, prosecutors and judges as decision makers in criminal cases.

In carrying out legal products carried out by law enforcement officers, the community cannot be separated from the community as supporters of the rules issued by the government, including in carrying out decisions by convicts. Decisions that already have legal force remain the convict will carry out his decision in a correctional institution that previously used the prison system.

Investigations carried out by the police as the beginning of the stage of the process of examining the occurrence of criminal acts, for that if the police in conducting the investigation the police consider it necessary to have detention, the suspect suspected of committing the crime is detained, this is to facilitate the investigation carried out by the police and to keep the suspect from escaping or destroying evidence. In addition to repressive action taken by the police against suspects suspected of committing criminal acts, law enforcement officers in this case the police can take preventive measures, namely by preventing the occurrence of criminal acts.

Preventive countermeasures carried out by the police also cannot be separated from the community and the person, this is without the support of the community and people around the community. Preventive countermeasures are meaningless. What is done by the

police in carrying out preventive handling of the occurrence of criminal acts is by conducting legal counseling in the community which is also development in the field of law.

Development in the field of law, in this case criminal, does not only include the development of legal institutions that are engaged in a mechanism in implementing the law and making legal products carried out by people's representatives in the DPR. The legal product by the DPR will greatly affect the system that will be run by the legal apparatus in the field.

The correctional system for suspects who have been sentenced by the panel of judges and have legal force must still serve sentences within the prison environment. Correctional institutions located in cities have a very important meaning in fostering convicts so that later on their return or completion of sentencing they will be able to socialize and be accepted by the community. The correctional system is an order regarding the direction and boundaries as well as the method of fostering correctional residents which is carried out in an integrated manner between the coaches, those who are fostered and the community to improve the quality of correctional development residents, so that they are aware of mistakes to improve themselves not to repeat criminal acts so that they can be accepted again by the community. Meanwhile, the correctional system as regulated in Law Number 12 of 1995 concerning Corrections in Article 1 letter 2 has been stated as follows:

"An order regarding the direction and method of fostering correctional inmates based on Pancasila which is carried out in an integrated manner between the coaches, those who are fostered, and the community to improve the quality of correctional inmates so that they are aware of their mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted again by the community. can play an active role in development, and can live naturally as good and responsible citizens.

Before the penitentiary system carried out by the government, there had been training of inmates with a prison system in which with this system prisoners were treated inhumanly but carried out in retaliation for the crimes they had committed, so there was an assumption that a convict after being released from prison would be ostracized by the community. . It is different with the penitentiary system in which the prisoner is educated by officers so that when he leaves the penitentiary, he will be accepted by the community and be independent. Hanzah and Siti Rahayu, namely:

“In the transition period between the release of prisoners from prison and adjustment to community life, a turning point occurred. They easily carry the tide back to the distorted life they used to be.”¹⁰

While the opinion expressed by RomliAtmasasmita who argues that "even though the community has an equal role in the process of resocializing prisoners, the community itself tends to reject the presence of prisoners in their midst".¹¹

The correctional system for inmates is an arrangement regarding the directions and boundaries as well as the method of fostering inmates based on Pancasila which is carried out in an integrated manner between the coaches, those who are fostered, and the community. To improve the quality of WBP so that they are aware of their mistakes, improve themselves and do not repeat criminal acts so that they can be accepted again by the community, can play an active role in development, and can live naturally as good and responsible citizens.

Based on the results of the author's interview with the head of the prison regarding the coaching system carried out on inmates regarding the most important guidance that needs to be treated and given to prisoners, namely the mental development provided which includes basic education, religious education and character education. One of the basic education provided is religious education, namely in the form of the Koran, congregational prayers and Islamic studies or religious lectures. After the mental and religious development goes well and is well received by the inmates, they are given the skills that are considered necessary with the development of the environment later after serving the legal period.

From the results of the author's research, in addition to these activities, prisoners are also given recreational activities, such as sports or gymnastics on Fridays, and are also given the opportunity to contact family or video calls with family.

Guidance of abuse convicts is generally prioritized in the health sector of drug abusers, especially those who are still dependent. The health care for narcotics Prisoners (WBP) includes:

¹⁰Andi Hamzah, Suatu Ringkasan Sistem Pemidanaan Di Indonesia, AkademiPresindo , Jakarta, 1998 hal 12.

¹¹Romli Atmasasmita, Kependidikan Dalam SuatuBungaRampai, CV. Armico Bandung, 2002 hal53.

- 1) General health care activities, namely health care for drug convicts who are a high risk group of contracting various infectious diseases, especially through the use of shared unsterilized needles.
- 2) Drug dependence treatment activities, which include:
 - a. Screening of prisoners' involvement in drugs and alcohol;
 - b. Detoxification service;
 - c. Identification of drug dependence. When narcotics convicts enter prisons, it is necessary to identify drug dependence in order to anticipate the occurrence of drug abuse in the Rutan/Lapas;
 - d. Oral substituted opiate treatment, ie treatment with oral opiate substitutes or Methadone substitution therapy;
 - e. Emergency/emergency treatment is immediate action for prisoners or convicts of drug abuse who have overdosed;
 - f. Rehabilitation therapy, including Community Therapeutic, Criminon, Narcotuc Anonymous, Cognitive Behavior Therapy (CBT), Religious Therapy and others that aim to change behavior, build self-confidence, overcome addictions and increase faith and piety.
- 3) Physical health care activities, among others, are in the form of food treatment for narcotic prisoners, personal hygiene, sports activities, health education and efforts to prevent disease transmission.
- 4) Mental and spiritual health care activities which include two approaches, namely mental health care through a psychological or psychological approach and through a spiritual or religious approach. Both approaches aim to improve deviant thought patterns and behavior, seen from religious norms and unwritten legal norms. These norms certainly have sanctions, both physical sanctions (confinement sanctions) in correctional institutions through court processes and judges' verdicts, as well as moral sanctions by the community which have no time limit.¹²

Meanwhile, other coaching programs such as coaching in the field of independence in order to prepare inmates to integrate with the community are still carried out based on the

¹²PedomanPerawatanKesehatanWargaBinaanPemasyarakatan di LembagaPemasyarakatanRumahnyaNegara,2004,DepartemenHukumdanHAMRI,DirektoratJendralPemasyarakatan, Jakarta,hal. 21

general guidance regulations, although most of the guidance cannot be carried out considering the problems in the health sector (dependence) faced by drug abuse convicts.

2. Obstacles That Occur in Conducting the Process of Coaching Convicts of Narcotics Abuse at Indonesia Penitentiary.

The role of the Correctional Institution in the process of enforcing the criminal law associated with the criminal objective is that of fostering the Correctional inmates with the aim of returning the Prisoners to the community so that they can live independently and be useful in society. However, the challenge is the extent to which the role of correctional institutions functions effectively in providing guidance to inmates. This issue depends on the available carrying capacity and capacity so that it is guaranteed for prisoners to undergo training in an orderly manner.¹³

Guidance for inmates and victims of narcotics cases is a very complex issue considering that those involved in narcotics cases are not limited to those who are dealers but also users or both, users and dealers. This causes the problem of fostering convicts in drug cases to be more complicated than the problems of fostering other convicts¹⁴

Based on the results of the research, there are no obstacles that affect the efforts of the Indonesia Penitentiary in providing guidance for prisoners of narcotics abuse, but geographically the facilities and facilities for coaching are inadequate. Lack of equipment or facilities both in quantity and quality is one of the inhibiting factors for the smooth process of coaching prisoners. In Indonesia has complied with the provisions regarding facilities and facilities such as mosques, while for entertainment facilities, namely sports fields such as table tennis, volleyball courts and others, however there are facilities that are not suitable for use so that the quality and coaching facilities themselves are reduced.

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¹³Ferdy Syaputra. Jurnal Ilmu Hukum Reusam ISSN 2338-4735/E-ISSN 27225100 Volume VIII Nomor 1 (Mei 2020) Fakultas Hukum Universitas Malikussaleh. <https://ojs.unimal.ac.id/reusam/article/view/2604>

¹⁴Filka Desi Wahyu Oktaviani, Patterns For Drug Narcotics In Demak Resistant Houses, Prosiding Konferensi Ilmiah Mahasiswa Unissula (Kimu) 3 Universitas Islam Sultan Agung Semarang, 28 Oktober 2020 ISSN. 2720-913x

institutions functions effectively in providing guidance to inmates. This issue depends on the available carrying capacity and capacity so that it is guaranteed for prisoners to undergo training in an orderly manner.

C. Conclusion

In Indonesia Penitentiary as a place of exile for inmates from the general public has carried out guidance in accordance with applicable regulations, namely Law no. 12 of 1995 concerning Corrections, as well as a place to foster and guide inmates during their criminal period by paying attention to their rights as a prisoner so that when they are free they will no longer commit acts that violate the law.

The role of the Class II-A Indonesia Penitentiary in fostering narcotics abuse prisoners is to provide therapy and training programs in the form of:

- Therapeutic Program for Drug Addiction consisting of:
- Medical Rehabilitation Phase, namely in the form of a Methadone Maintenance Program, Complementary Therapy.
- Non-Medical Rehabilitation Stage consisting of Therapeutic Community (TC) and Criminon.
- Stages of After Care Rehabilitation (Education) which includes Koran activities for followers of the Islamic religion, congregational prayer, and da'wah / tausiyah providing Islamic studies.

The obstacles or obstacles experienced by the Indonesia penitentiary in carrying out coaching for prisoners are inadequate facilities and facilities.

Suggestion

1. So that correctional officers are aware of themselves as state servants who have a great responsibility in determining the success or failure of the implementation of coaching for prisoners and carrying out their duties more attention to the rights of inmates.
2. In order to improve the quality and quantity of the warden officers to maximize the performance of coaching in order to create a coaching process that is as expected so that inmates can quickly adapt to the community when they are released from prison, and Indonesia Penitentiary should always cooperate with various agencies such as universities, hospitals, social institutions and so on in providing guidance to narcotics prisoners.

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