

## Efficiency Of The Legal Role Of Prisoners In The Context Of Guidance At The Class IIB Tanjung Pura Detention Center

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**Abstract.** *Inmate development is carried out continuously from the time the inmates enter the correctional institution. The correctional system is a process of developing inmates as creatures of God, individuals and as a society. In coaching inmates, their physical, spiritual and social conditions are developed so that they become reasonable human beings who can live normally in society. The aim of this research is to determine the efficiency of the role of law in coaching at the Class IIB Tanjung Pura Detention Center. This research is included in descriptive research with a type of empirical juridical research using qualitative analysis methods. From the research results, it is known that the implementation of prisoner development is regulated in Law Number 12 of 1995 concerning Corrections, Government Regulation Number 31 of 1999 concerning the Development and Guidance of Prisoners, Government Regulation of the Republic of Indonesia Number 28 of 2006 concerning Amendments to Government Regulation Number 32 of 2006 1999 Concerning Requirements and Procedures for Implementing the Rights of Prisoners, Decree of the Minister of Justice of the Republic of Indonesia Number: M.02-Pk.04.10 of 1990 Concerning the Pattern of Development of Prisoners/Detainees. The implementation of prisoner coaching at the Class IIB Tanjung Pura Detention Center goes through 4 stages, namely the administration or orientation stage, the evaluation stage and determining the type of coaching, the assimilation stage and the integration stage. -existing invitations, planned and programmed work programs in the form of a Strategic Plan, several obstacles were overcome by building a collaborative network with various parties*

**Keywords:** *Prisoner development, convicts, detention center*

### INTRODUCTION

A person sentenced to imprisonment is an inmate. Prisoners according to Article 1 point 7 of Law Number 12 of 1995 concerning Corrections are convicts who are serving a sentence of loss of independence in correctional institutions. As is the case for drug offenders. Narcotics addicts who are in detention centres and prisons in a state of dependence on narcotics will be very dangerous for the condition of the body and soul, so that narcotics addicts should undergo a rehabilitation process first to eliminate their addiction to narcotics. And if they do not undergo the rehabilitation process first, immediately put into the Correctional Institution alone then it will not solve the problem, but will create a new problem, namely the circulation of narcotics in the Detention Centre.

Every individual has the opportunity to become a lawbreaker. Basically, someone who has committed an act that violates the provisions of the law, then that person must be sentenced for his actions. However, the imposition of punishment is not merely as revenge, the most important thing is the provision of guidance and protection. As the formulation of the

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correctional goal is

1. Prevent the commission of criminal offences by enforcing the rule of law for the protection of society;
2. To socialise the convict by providing guidance so that he/she becomes a good and useful person;
3. Resolving conflicts arising from criminal offences by restoring balance and bringing a sense of peace in society; and
4. Relieve the guilt of the convict.

The imposition of punishment is not merely the infliction of pain to deter, but also an element of guidance and counselling. Punishment of lawbreakers is carried out in detention centres, known as coaching in institutions, with the aim that lawbreakers can realise their mistakes and not repeat their actions again, and can return to society and carry out their social functions properly.

Based on Article 5 of Law Number 12 of 1995 concerning Corrections, there is a description of the principles of the guidance system for prisoners, one of which is the principle of pengayoman, where pengayoman is the treatment of prisoners in order to protect the community from repetition of criminal acts by prisoners by providing debriefing through the coaching process. The purpose of coaching for prisoners is closely related to the purpose of punishment. The development of prisoners that is now carried out initially departs from the fact that the purpose of punishment is no longer in accordance with the development of values and the nature of life that grows in society. Guidance according to Masdar Helmi is "All efforts, endeavours and activities related to planning and organising and controlling everything in a regular and directed manner".

Detention Centres and Correctional Institutions that foster prisoners on a regular and planned basis must pay attention to the background of the prisoner, for example his level of education. So that the expected goals can be realised. Thus the coaching programme for prisoners needs to be handled specifically to suit the level of education and ability of the prisoners themselves.

The development of prisoners is carried out continuously since the prisoners enter the correctional institution. The correctional system is a process of fostering prisoners as creatures of God, individuals and as a society, in the development of prisoners in developing their physical, spiritual and social conditions and needed elements related to supporting success in coaching, these elements are institutions related to the development of all aspects of the lives of prisoners and coaches who are quite capable and full of devotion.

Although the purpose of imprisonment has changed from time to time, in reality it has never happened that the old goals that should be abandoned because of the change of goals to new ones do not mean that they are completely lost, so that there is an accumulation of these goals gathered on different individual and social interests which are not infrequently conflicting between one interest and another. Based on the description above, the author is interested in examining the issue of granting parole in a thesis entitled: "Efficiency of Legal Role towards Prisoners in the Framework of Development at the Class IIB Tanjung Pura Detention Centre"

## **LITERATURE REVIEW**

The discussion of law in essence cannot be separated from the discussion of other aspects, namely aspects of morals and justice, law can also be seen from the dimensions of theory and praxis. So it is known that there is dogmatic law, praxis law, law that aims to develop science (legal theory), and law is used as a means of resolving disputes in society. Abdul Manan argued: Legal experts disagree in providing a definition of the law, even some legal experts say that the law cannot be defined because of its vast scope and covers all areas of community life that are always undergoing development and change.

If you want to make a definition of law, it should be seen from various aspects and points of view. Regardless of the various opinions about the definition of law, it can be concluded that law is a norm in which there are sanctions. Law as a need of society so that people get justice, peace, benefit, legal certainty, welfare and peace. Law can be written or unwritten, written law can regulate various problems that exist in society, so there is public law and private law. Because the law is needed by society, the law must be enforced by qualified law enforcers, upholding morality and running ethically.

In order for the law to provide benefits to society, the law must be morally based, laws that uphold ethics, laws that exist not only as a rule either written or unwritten but can follow the dynamics of society. Delays in fulfilling the needs of society often occur in legal systems that adhere to codification such as Indonesia. This cannot be separated from the development of modern law which is rational, formal, applies equally to every citizen, procedural and autonomous.

Therefore, the law and morals must be interrelated so that praxis law provides protection to society, as well as the law must be moral both in terms of theory and practice. Before the term inmate was used, the commonly used term was prisoner or punishment person. In Article 4 paragraph (1) of the Gestichtenreglement (Prison Regulation) Stbl. 1917 No. 708 states that an imprisoned person is:

- a. A punishment person who is serving a prison sentence (Gevengenis Straff) or a status / situation where the person concerned is in a state of Gevangen or caught;
- b. A person who is temporarily detained;
- c. A person in a cell;
- d. All persons who are not serving a sentence of deprivation of liberty (Vrijheidsstraf) but are lawfully committed to prison.

According to Article 1 paragraph (7) of Law Number 12 Year 1995 on Corrections, an inmate is a convict who is serving a sentence of loss of freedom in a detention centre or correctional institution. According to Article 1 paragraph (6) of Law Number 12 of 1995 concerning Corrections, a convict is someone who is sentenced based on a court decision that has obtained permanent legal force. Thus, the definition of an inmate is someone who commits a crime and has been found guilty by a judge in court and sentenced to imprisonment.

According to Harsono, an inmate is "someone who has been found guilty by a judge and must serve a sentence". Wilson says that an inmate is a "troubled human being who is separated from society to learn to socialise properly". Furthermore, Dirjosworo said that convicts are "Ordinary human beings like other human beings, only because they violate existing legal norms, so they are separated by a judge to serve a sentence".

Linguistically in the Big Indonesian Dictionary (KBBI) the meaning of an inmate is a person who is serving a sentence for having committed a criminal offence, while according to the master dictionary of scientific terms states that an inmate is a person of punishment or a prisoner.

Human awareness of human rights stems from an awareness of the value of self-respect, dignity and humanity. Indeed, human rights have existed since humans were destined to be born in this world, thus human rights are no longer new. As with humans in general, a prisoner has the same rights even though some of his rights are temporarily deprived by the state.

The principles contained in the Universal Declaration of Human Rights (Duham) are principles that are intended for all individuals without exception, including prisoners. The Duham principles relating to prisoners include: no one shall be subjected to torture or inhuman or degrading treatment or punishment and all persons are equal before the law and entitled to equal protection of the law without discrimination, all are entitled to equal protection against any form of discrimination contrary to this declaration. The rights of prisoners who are temporarily deprived by the state under the Universal Declaration of Human Rights 1948 (Duham), namely: Some of the rights listed in Duham have also been briefly formulated in Article 4 of Law No. 39/1999 on Human Rights, namely: The right to life, the right not to be

tortured, the right to freedom of person, thought and conscience, the right to religion, the right not to be enslaved, the right to be recognised as a person and equal before the law, and the right not to be prosecuted on the basis of retroactive laws are human rights that cannot be reduced under any circumstances and by anyone. The human rights mentioned above are further elaborated in Article 14 of Law Number 12 Year 1995 on Corrections, namely: Performing worship in accordance with religion or belief; Receiving care, both spiritual and physical care; Receiving education and teaching; Receiving health services and proper food; Receiving reading materials and following other mass media broadcasts that are not prohibited; Receiving wages or premiums for work performed; Receiving visits from family, legal counsel or certain other people; Receiving a reduction in criminal period (remission); Receiving assimilation opportunities including leave to visit family; Receiving parole; Receiving leave before release.

Receive other rights in accordance with applicable laws and regulations Detention Centre is a process of fostering convicts based on the principles of Pancasila and views convicts as creatures of God, individuals and members of society at the same time. In fostering convicts, their psychological, physical, personal and social life is developed and, in its implementation, it directly includes and does not release their relationship with the community. The form and manner of the convict's development in all aspects of his/her life and the restriction of his/her freedom of movement and association with society outside the institution are adapted to the progress of his/her attitude and behaviour as well as the length of the sentence he/she is obliged to serve.

Thus it is expected that the convict at the time of release from the institution is truly ready to live in society again properly. The definition of detention centre or correctional institution in Article 1 point 3 of Law Number 12 of 1995 concerning Corrections is a place to carry out guidance for prisoners and correctional students. Correctional institutions are technical implementation units under the Directorate General of Corrections of the Ministry of Law and Human Rights.

Detention Centres or Correctional Institutions as one of the containers for inmate development, in essence, must be able to play a role in whole human development as a place to educate convicted humans to become qualified human beings.

For the successful development of convicts, equipment is needed, especially various forms of institutions, which are in accordance with the level of development of all aspects of the life of convicts and capable and devoted coaches.

In general, correctional facilities have sufficient physical facilities and infrastructure to provide guidance to prisoners, such as office space, service rooms, worship rooms, educational facilities and libraries, work space consisting of workshops and agricultural land, sports facilities, social counselling, including places for family visits, halls, consultation rooms and transportation facilities.

## **RESEARCH METHODS**

The nature of the research used by the author in this legal writing is descriptive analytical because this research describes in detail the social phenomena that are the subject matter. A descriptive study is intended to provide data as accurately as possible. This journal research uses empirical legal research. Empirical legal research is research that traces the reality of law in society. Empirical legal research in this study is intended to conduct research on parole for prisoners in correctional institutions.

## **DISCUSSION**

The purpose of coaching for prisoners is closely related to the purpose of punishment. The development of prisoners that is now carried out initially departs from the fact that the purpose of punishment is no longer in accordance with the development of values and the nature of life that grows in society. By paying attention to the purpose of coaching is awareness, it is very clear that the role of prisoners to change themselves is very prominent. Changes are not forced by the coach, but by their own awareness. Government Regulation No. 31/1999 on the Guidance and Guidance for Prisoners consists of 7 chapters and 69 articles. Guidance of prisoners is regulated in Chapter II on Guidance which consists of 24 Articles.

### **1. Government Regulation No. 32/1999 on the Terms and Procedures for the Exercise of the Rights of Prisoners of Correction**

As stated in Law Number 12 of 1995 concerning Corrections that the Correctional System aims to restore Prisoners as good citizens and to protect the community against the possibility of repetition of criminal offences by prisoners and is an application and an integral part of the values contained in Pancasila.

The Correctional System focuses on the care, development, education, and guidance of prisoners which aims to restore the unity of the fundamental relationship between individual prisoners and society.

Prisoners in the correctional system have the right to get spiritual and physical guidance, their right to practice their worship, relate to outside parties, both their families and other parties, obtain information, both through print and electronic media, obtain proper education and so on. These rights are not obtained automatically but with certain conditions or criteria such as to get remission, assimilation must meet the specified conditions.

Government Regulation Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Prisoners. Implementation of the Rights of Prisoners consists of 5 chapters and 55 articles.

2. Government Regulation of the Republic of Indonesia Number 28 of 2006 concerning Amendments to Government Regulation Number 32 of 1999 concerning Conditions and Procedures for the Implementation of the Rights of Prisoners of Correction

In the midst of today's society, various types of serious and extraordinary crimes and other transnational organised crimes have developed which have caused great losses to the state or society or caused large casualties of life and property and caused panic, anxiety, or extraordinary fear to the community. The granting of remission, assimilation, pre-release leave, and parole for prisoners convicted of terrorism, narcotics and psychotropic substances, corruption, crimes against state security and serious human rights crimes, and other transnational organised crimes needs to be adjusted to the dynamics and sense of justice of the community.

Therefore, the granting of remission, assimilation, leave before release, and parole to criminal offenders needs to be given special restrictions, namely:

1. For narcotic and psychotropic offences, the provisions of this Government Regulation only apply to producers and dealers.
2. For corruption offences, the provisions of this Government Regulation only apply to corruption offences that meet the following criteria:
  - a. involves law enforcement officials, state administrators, and other people who are related to corruption crimes committed by law enforcement officials or state administrators;
  - b. receives attention that disturbs the public; and/or
  - c. involves state losses of at least IDR 1,000,000,000.00 (one billion rupiah).
3. Decree of the Minister of Justice of the Republic of Indonesia Number: M.02-Pk.04.10 Year 1990

### Regarding the Development Pattern of Prisoners/Detainees

The pattern of development as stipulated in the Decree of the Minister of Justice of the Republic of Indonesia Number: M.01-PK.04.10 of 1990, Law No. 12 of 1995 and government regulation No. 31 of 1999 aims to improve the quality of devotion to God Almighty, intellectual, professional attitudes and behaviour, physical and spiritual health of correctional prisoners so that the prisoners realize their mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted back by the community, can actively participate in development and can live reasonably as good and responsible citizens.

The development of prisoners and victims of drug cases is a very complex issue considering that those involved in drug cases are not limited to those who are dealers but also include users or both, users and dealers. This makes the issue of counselling drug case prisoners more complicated than that of other prisoners.

Coaching for prisoners of abuse is generally more incentivised in the field of health of drug abusers, especially those who are still experiencing dependence. The health care for the Prisoners of Correction (WBP) of narcotics who are placed in the Tanjungpura Class IIB Detention Centre, including:

- 1) General health care activities, namely health care for drug prisoners who are a high risk group for contracting various infectious diseases, especially through the use of unsterile shared needles.
- 2) Drug dependence treatment activities, which include:
  - a. Screening inmates' involvement with drugs and alcohol
  - b. Detoxification services
  - c. Identification of drug dependence At the time drug inmates enter the detention centre/prison, it is necessary to identify drug dependence in order to anticipate drug abuse in the detention centre/prison.
  - d. Oral substitution opiate treatment, namely treatment with a substitute for opiates taken or Methadone Substitution therapy.
  - e. Emergency treatment, namely immediate action for detainees or prisoners of drug abuse who experience overdose.
  - f. Rehabilitation therapy, including Teraputic Community, Criminon, Narcotuc anonymous, Cognitive Behaviour Therapy (CBT), Religious Therapy and others aimed at changing behaviour, creating confidence, overcoming addiction and increasing faith and piety.



- 3) Physical health care activities, including drug treatment, personal hygiene, sports activities, health counselling 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 psychiatric approach and through a spiritual or religious approach. Both approaches aim to improve deviant mindsets and behaviour, seen from religious norms and unwritten legal norms. These norms certainly have sanctions, both physical sanctions (confinement sanctions) in detention centres through court processes and judges' verdicts, as well as moral sanctions by the community that have no time limit.

## **CONCLUSION**

Based on the explanation that has been stated above, the following conclusions can be drawn:

1. The implementation of inmate development is regulated in Law No. 12 of 1995 concerning Corrections, Government Regulation No. 31 of 1999 concerning Guidance and Guidance of Prisoners, Government Regulation of the Republic of Indonesia Number 28 of 2006 concerning Amendments to Government Regulation Number 32 of 1999 concerning Conditions and Procedures for the Implementation of the Rights of Prisoners, Decree of the Minister of Justice of the Republic of Indonesia Number: M.02-Pk.04.10 of 1990 concerning Patterns of Development of Prisoners / Detainees.
2. The implementation of inmate coaching at the Tanjungpura Class IIB Detention Centre goes through 4 stages, namely the administration or orientation stage, the evaluation stage and the determination of the type of coaching, the assimilation stage and the integration stage.
3. The implementation of inmate guidance at the Tanjung pura Class IIB Detention Center is in accordance with the SOP and existing laws and regulations, planned and programmed work programs in the form of
4. Strategic Plan, some obstacles are overcome by building a network of cooperation with various parties.

## **ADVICE**

1. The detention centre should increase cooperation with various parties in an effort to fulfil all the shortcomings that exist in the correctional institution so that the coaching programme runs as expected so that the purpose of punishment can run properly.

2. The government should increase the budget and increase the facilities and infrastructure considering the number of prisoners in this prison, so that the coaching programme can run optimally.
3. The detention centre should increase the number of officers, especially in the field of health to serve prisoners, in addition it is also necessary to increase the competence of officers both through formal education and through workshops and training activities.

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