

The Model of Coaching Narcotics Prisoners in the Correctional Penitentiary



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ARTICLE INFO

ABSTRACT

Article history

Received: February 13, 2021

Revised: July 23, 2022

Accepted: July 30, 2022

Keywords

Model;

Narcotics;

Prisoners;

The development of narcotics convicts differs from the development of other criminal convicts. This research uses a normative-juridical approach by reviewing the laws and regulations relevant to the legal issues to be solved and discussing the ideal coaching model for victims of narcotics users in prisons today. From this research, it can be concluded that the coaching model for narcotics abuse victims must be oriented towards healing and recovery, either through medical institutions, hospitals, health centers, or social institutions. Thus giving birth to a model of handling that can be applied to victims of narcotics users.



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1. Introduction

The acknowledgment of human rights in this law is also reflected in legislation enacted under the Constitution of 1945, especially Corrections Law No. 12 of 1995. In an integrated coaching system, inmates as human beings and human resources must be handled with respect and humanity.¹ In contrast, the jail system does not conform to the Pancasila- and 1945 Constitution-based correctional system, which is the ultimate component of the criminal justice system. The purpose of the correctional system is to improve the personal qualities of prisoners so that they are aware of their mistakes, improve themselves, and do not commit crimes again.² This allows them to be accepted back into the community, play an active role in development, and live as normal, good, and responsible citizens. In

¹Yusuf Ari Mashuri and others, 'The Response to COVID-19 among Drug Retail Outlets in Indonesia: A Cross-Sectional Survey of Knowledge, Attitudes, and Practices', *The Lancet Regional Health - Western Pacific*, 22 (2022), 100420 <https://doi.org/10.1016/j.lanwpc.2022.100420>

²Rasmus Munksgaard and Meropi Tzanetakis, 'Uncertainty and Risk: A Framework for Understanding Pricing in Online Drug Markets', *International Journal of Drug Policy*, 101 (2022), 103535 <https://doi.org/10.1016/j.drugpo.2021.103535>

addition to being treatment-oriented, activities in correctional institutions must also be profit-oriented as a consequence of a productive activity.³

In accordance with Corrections Law No. 12 of 1995, the outcome of the independence coaching program is that every incarcerated individual has the ability and skills that may be used as beginning capital in order to return to life in a free society in a responsible manner. To do this, it is necessary to eliminate the factors that lead convicts to violate the law, morality, religion, or other social obligations that can be criminalized.⁴ It is hoped that harmony and equilibrium between police, convicts, and the community are necessary for fulfilling the aims of the Indonesian prison system in its efforts to eliminate crime. A procedure is required to carry out an endeavor to prevent and remove crime. The process of constructing an independent human being as a reflection of or ultimate objective of Indonesia's correctional system This agreement does not establish norms; it merely compels the state to establish norms in its national legislation.⁵

The correctional system is an arrangement regarding the direction and boundaries as well as the method of fostering correctional inmates based on Pancasila, which is carried out in an integrated manner between the coaches, those who are fostering, 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 by the community, can play an active role in society, and can be productive members of society.⁶ This study's legal challenge is to explore legal concerns and identify the optimal model of coaching for victims of drugs users in correctional facilities.

2. Research Method

This article investigates normative law, which is conducted by analyzing legal rules and principles. This investigation is normative and legal. This method is a normative-judicial or legal method.⁷ The writing requirements are descriptive

³Anishaa Sivakumar and others, 'Treatment of Hepatitis C Virus among People Who Inject Drugs at a Syringe Service Program during the COVID-19 Response: The Potential Role of Telehealth, Medications for Opioid Use Disorder and Minimal Demands on Patients', *International Journal of Drug Policy*, 101 (2022), 103570 <https://doi.org/10.1016/j.drugpo.2021.103570>

⁴Tri Hartini, 'Legal Policy of Protection COVID-19 Patients in Hospitals', *Journal of Human Rights, Culture and Legal System*, 2.1 (2022), 45–57 <https://doi.org/https://doi.org/10.53955/jhcls.v2i1.25>

⁵Ahmad Siboy and others, 'The Effectiveness of Administrative Efforts in Reducing State Administration Disputes', *Journal of Human Rights, Culture and Legal System*, 2.1 (2022), 14–30 <https://doi.org/https://doi.org/10.53955/jhcls.v2i1.23>

⁶Femmy Silaswaty Faried, Hadi Mahmud, and Suparwi Suparwi, 'Mainstreaming Restorative Justice in Termination of Prosecution in Indonesia', *Journal of Human Rights, Culture and Legal System*, 2.1 (2022), 66–77 <https://doi.org/10.53955/jhcls.v2i1.31>

⁷Nurfaika Ishak, Romalina Ranaivo, and Mikea Manitra, 'Constitutional Religious Tolerance in Realizing the Protection of Human Rights in Indonesia', *Constitutional Religious Tolerance in*

juridical analyses utilizing primary, secondary, and tertiary legal materials, as well as those supported by primary facts, and analyzing them qualitatively and legally.⁸ The defined concerns are addressed using a statutory approach to review all laws and regulations pertinent to the legal challenges. After analyzing the problem with relevant laws and regulations, the conceptual method is utilized as the basis for constructing legal arguments that are used to resolve legal difficulties.⁹

3. Results and Discussion

Model of Optimal Guidance for Narcotics-Abusing Prisoners in Correctional Institutions Coaching is described as the process or act of encouraging activities to be performed efficiently and effectively in order to improve results. The term "prisoner's coaching" refers to the process of helping someone with the status of a prisoner become a better person. Coaching encompasses inmates, prison services, prisoner coaching systems, and client advice, per Decree of the Minister of Justice No. M.02-PK.04.10 of 1990 on the Guidance Pattern for Prisoners and Detainees.¹⁰

A component of the *ultimum remedium* is the development of inmates who are more focused on methods so that when they return to society, they will be good spiritually, socially, culturally, psychologically, and morally, hence creating harmony and balance in society. Coaching is an activity that aims to transform someone with poor behavior into a good person through a personalized approach that identifies the root causes of the poor behavior.¹¹

Coaching can be widely characterized as a series of professional control efforts over all organizational parts to ensure that these elements work properly and that strategies for achieving goals are carried out efficiently and successfully. To coach a prisoner is to view him or her as a person who needs to be strengthened in order to become a better person. Coaching aims to develop inmates' personalities so that they do not commit crimes again and comply with the law; it also creates links between convicts and the outside community so that they can stand on their own and be accepted as members. Coaching is the process of training someone to become something or altering their capacity through learning. Coaching is

Realizing the Protection of Human Rights in Indonesia, 2.1 (2022), 31–44
<https://doi.org/10.53955/jhcls.v2i1.24>

⁸Silaas Oghenemaro Emovwodo, 'Indonesia as Legal Welfare State : The Policy of Indonesian National Economic Law', 2.1 (2022), 1–13. <https://doi.org/10.53955/jhcls.v2i1.21>

⁹ Hartini.

¹⁰Neus Carrilero, Toni Mora, and Anna García-Altés, 'The Impact of an Easy Access Drug Supply Management Policy Law on the Consumption and Abuse of Opioids in Catalonia: A Population-Based Study', *International Journal of Drug Policy*, 101 (2022), 103562
<https://doi.org/10.1016/j.drugpo.2021.103562>

¹¹Yizhen Hu and others, 'The Hospitalization Burden of All-Cause Pneumonia in China: A Population-Based Study, 2009–2017', *The Lancet Regional Health - Western Pacific*, 22 (2022), 100443
<https://doi.org/10.1016/j.lanwpc.2022.100443>

centered on learning, which is understood as a process of self-transformation and self-discovery.¹²

There is a responsibility to transform it from its original state as a result of all of this training. The purpose of prison development (therapy) is to modify a person's social and psychological qualities. In this instance, prisoner coaching (therapy) might be viewed as a deliberate effort to alter or free the perpetrator of a criminal act from the factors that contributed to its commission. Coaching activities are based on systems, institutions, and coaching methods, which constitute the final component of the criminal justice system. The correctional system consists of various units of criminal law enforcement.¹³

An order regarding the directions and boundaries as well as the method of fostering correctional inmates based on Pancasila is carried out in an integrated manner between the coaches, those who are being fostered, and the community in order 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 re-accepted by society and the community, can play an active role in development, and c. Correctional can be compared to resocialization if everything is understood to be situated inside the Indonesian cultural framework.¹⁴

Resocialization is the process of preparing inmates for a successful return to society, in the sense that they can once again live in society without committing another offense. In incidents of drug misuse in Indonesia, victims of drug users who are apprehended are placed in state detention facilities or police cells immediately. For the duration of the investigation, the victim remains in detention. When supporting evidence has been gathered during the investigation process, the investigator will send the Examination Procedure Letter (BAP in Indonesian) to the prosecutor's office in order to establish a public prosecutor, who will subsequently file an indictment with the district court.¹⁵

During this procedure, victims of drug users were transferred from the police custody center to the prosecutor's detention center or to a correctional institution's detention center (LP in Indonesian). After receiving the indictment letter from the prosecutor's office, the chairman of the court establishes a panel of judges charged with summoning the perpetrator. The matter was later tried in a district court, and

¹²Lyonpo Dechen Wangmo and others, 'Sustaining Progress towards Malaria Elimination by 2025: Lessons from Bhutan & Timor-Leste', *The Lancet Regional Health - Western Pacific*, 22, Figure 1 (2022), 1–5 <https://doi.org/10.1016/j.lanwpc.2022.100429>

¹³Satoshi Shoji and others, 'Regional Variations in the Process of Care for Patients Undergoing Percutaneous Coronary Intervention in Japan', *The Lancet Regional Health - Western Pacific*, 22 (2022), 100425 <https://doi.org/10.1016/j.lanwpc.2022.100425>

¹⁴Gunnar Sæbø and Ingeborg Lund, 'Public Support for Further Regulating Smoking, Snus and e-Cigarettes in Norway, and Its Associations with Risk Perceptions and Tobacco Use', *International Journal of Drug Policy*, 101 (2022), 103559 <https://doi.org/10.1016/j.drugpo.2021.103559>

¹⁵Kyohei Yamaji and others, 'Percutaneous Coronary Intervention during the COVID-19 Pandemic in Japan: Insights from the Nationwide Registration Data', *The Lancet Regional Health - Western Pacific*, 22 (2022), 100434 <https://doi.org/10.1016/j.lanwpc.2022.100434>

the defendants, who were drug users with the status of perpetrators, were condemned to prison immediately. By placing victims of drug users under custody (in terms of getting the right to treatment or care), the coaching model will make it more difficult for drug-dependent victims to rehabilitate.¹⁶

Furthermore, an unsupportive jail atmosphere will have a detrimental impact and exacerbate the mental and physical situations of drug-using convicts. Prior to the amendment of the Narcotics Law as a result of a legal breakthrough, the application of criminal punishments to victims of drug users did not include imprisonment, but the judge could order placement in a rehabilitation facility. A person who is detected using drugs for personal use and is apprehended by the police or Narcotics Institution (BNN in Indonesian) is expected to be immediately transferred to a rehabilitation clinic. During the legal process, until the judgment by the panel of judges, the patient remains in the rehabilitation center to receive therapy and recover from drug dependence.¹⁷

Essentially, the coaching approach, as described, demands the collaboration of multiple parties, including those within the correctional institution as well as the community and current stakeholders. Because legal instruments are available through Article 54 of the Narcotics Law, Article 103, and Article 127 paragraphs (2) and (3), as well as the mandate of the Supreme Court through its Letter (SEMA in Indonesian) No. 4 of 2010, into the Institute for Medical and Social Rehabilitation, which becomes the guideline for judges at the District Court and the High Court in deciding cases, in addition, there are still two government regulations that can be used as a basis for the implementation of this regulation. Observing trends in multiple countries, a new paradigm has emerged in which drug users and addicts are no longer viewed as engaging in bad activity but rather as individuals suffering from chronic disorders who require rapid treatment, accompaniment, and a slow recovery.¹⁸

This paradigm establishes a new approach for dealing with the victims of drug users, who are no longer prosecuted but instead transported to rehabilitation clinics immediately. The application of incarceration for drug users and addicts has proven ineffective, as the number of drug users and addicts continues to rise from year to year. This must be reconsidered in light of the aim and function of enforcing criminal laws against drug users. The availability of rehabilitation

¹⁶Xiaozhen Lai and others, 'National, Regional, and Provincial Disease Burden Attributed to Streptococcus Pneumoniae and Haemophilus Influenzae Type b in Children in China: Modelled Estimates for 2010–17', *The Lancet Regional Health - Western Pacific*, 22 (2022), 100430 <https://doi.org/10.1016/j.lanwpc.2022.100430>

¹⁷Vivien KY Chan and others, 'Mortality-Causing Mechanisms and Healthcare Resource Utilisation of Treatment-Resistant Depression: A Six-Year Population-Based Cohort Study', *The Lancet Regional Health - Western Pacific*, 22.852 (2022), 100426 <https://doi.org/10.1016/j.lanwpc.2022.100426>

¹⁸Muhammad Ridwansyah and Asron Orsantinutsakul, 'The Strengthening of Guardian Institutions in Nanggroe Aceh During the Autonomy Era', 2.1 (2022), 55–65. <https://doi.org/10.53955/jhcls.v2i1.27>

initiatives is the most crucial aspect of overcoming drug usage that law enforcement agents do not take into account. The existing development model for narcotics victims continues to classify them as criminals (perpetrators), hence rehabilitation attempts are frequently disregarded.¹⁹

One of the non-criminal punishments, such as fines or treatment requirements, or no criminal punishment. During "depenalization" efforts, the use of narcotics remains a criminal infraction, although imprisonment is no longer imposed for possession or use, despite the possibility of other criminal consequences such as fines, police records, and probation. It is not necessary to treat narcotics addicts as criminals or dependent patients; rather, they must be handled as ordinary people with the understanding that they require psychological aid because their demands are fundamentally distinct from those of normal humans.²⁰

The legal system in Indonesia must immediately begin transporting victims of drug abuse and addiction to recovery institutions. If victims of narcotics users or addicts are caught by the police or reported by parents or guardians, they must be placed in a rehabilitation facility. With the publication of SEMA Number 7 of 2009 regarding the placement of abuse victims and narcotics addicts into medical rehabilitation and social rehabilitation institutions, as well as Government Regulation Number 25 of 2011, it was essentially confirmed that addicts and narcotics users are victims and not criminals who must be incarcerated, let alone combined with other criminals. Users and addicts are not criminals, but rather individuals who suffer from addiction and require therapy on a medical and psychological level, as well as motivation or community support to return to a normal life. The requirement that victims of narcotics users and addicts undertake rehabilitation is designed to reduce the total market share of narcotics in Indonesia, with the eventual goal of achieving a balance between supply and demand reduction factors.²¹

To strengthen and position drug users and addicts as victims, the government's policy must be amended in accordance with a law that eliminates their criminality. Thus, the government is also more focused on maximizing the rehabilitation program for drug users or addicts; the goal is for drug users or addicts to no longer hide or fear punishment. It is intended that drug users and addicts will register themselves willingly for treatment at a government-designated rehabilitation center. Thus, the coaching model for opioid misuse victims must be

¹⁹Mats Ekendahl and Patrik Karlsson, 'A Matter of Craving—An Archeology of Relapse Prevention in Swedish Addiction Treatment', *International Journal of Drug Policy*, 101 (2022), 103575 <https://doi.org/10.1016/j.drugpo.2021.103575>

²⁰Sarthak Das and others, 'Building a Gender Responsive Framework for Malaria Elimination in Asia-Pacific', *The Lancet Regional Health - Western Pacific*, 22 April (2022), 100448 <https://doi.org/10.1016/j.lanwpc.2022.100448>

²¹Rennie X. Qin and others, 'Building Sustainable and Resilient Surgical Systems: A Narrative Review of Opportunities to Integrate Climate Change into National Surgical Planning in the Western Pacific Region', *The Lancet Regional Health - Western Pacific*, 22 (2022), 100407 <https://doi.org/10.1016/j.lanwpc.2022.100407>

focused on healing and recovery, either through medical institutions (hospitals or health centers) or social institutions. hence giving rise to a paradigm of care that can be used for the victims of drug users.²²

4. Conclusion

Based on the analysis and various discussions above, the conclusions that model of coaching for victims of narcotics abuse must be oriented towards healing and recovery, either through medical institutions, hospitals, health centers, or social institutions. Thus establish a model in the form of handling that can be applied to victims of narcotics users.

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²² Leslie Faye T. Cando and others, 'Challenges in the Control and Prevention of Infective Endocarditis in the Philippines', *The Lancet Regional Health - Western Pacific*, 22 (2022), 2022 <https://doi.org/10.1016/j.lanwpc.2022.100458>

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