

The Role Of Batulicin Class III Community Institution In Developing Teenage Prisoners Abusing Narcotics

¹ Nila Alda Sari, ² Ergina Faralita

^{1,2} Prodi Hukum Tatanegara Fakultas Syariah, Universitas Islam Negeri Antasari Banjarmasin
email: nilaaldasari@gmail.com¹, ergienafaralita@gmail.com²

Received 29-10-2023 | Received in revised form 23-11-2023 | Accepted 15-12-2023

Abstract

The abuse and danger of narcotics is increasing and it cannot be denied that among teenagers and students it can be said to be difficult to overcome. Indonesia is a legal state that provides punishment for perpetrators of violations and crimes, so there are correctional institutions available as a place of guidance and protection for those who are punished for what they have done. The research method used in this research is empirical legal research with a legal sociology approach. The results of the research show that the Batulicin Class III Penitentiary, in cultivating teenage convicts who abuse narcotics, has provided quite good protection, guidance and security for the inmates, even though the security officers and there is not as much guidance as other correctional institutions, but they provide guidance in accordance with Law Number 22 of 2022 concerning Corrections.

Keywords : Narcotics, Teenagers, Correctional Institutions

Abstrak

Penyalahgunaan dan bahaya narkoba semakin meningkat dan tidak bisa di pungkiri di kalangan remaja dan pelajar dapat di katakan sulit untuk di atasi. Negara Indonesia adalah negara hukum yang memberikan hukuman bagi para pelaku pelanggaran dan kejahatan maka tersedianya Lembaga Pemasyarakatan sebagai tempat pembinaan dan perlindungan bagi mereka yang mendapatkan hukuman dari apa yang telah mereka lakukan. Metode penelitian yang digunakan dalam penelitian ini adalah penelitian hukum empiris dengan pendekatan sosiologi hukum. Hasil penelitian menunjukkan bahwa Lembaga Pemasyarakatan Kelas III Batulicin dalam Membina Narapidana Usia Remaja Penyalahgunaan Narkotika sudah memberikan perlindungan, pembinaan dan keamanan yang cukup baik bagi para warga binaan, walaupun petugas penjagaan dan pembinaan belum sebanyak seperti Lembaga Pemasyarakatan yang lainnya tetapi mereka memberikan pembinaan yang sesuai dengan Undang-undang Nomor 22 Tahun 2022 tentang Pemasyarakatan.

Kata Kunci : Narkoba, Remaja, Lembaga Pemasyarakatan

This is an open access article under the [CC BY-NC-SA](https://creativecommons.org/licenses/by-nc-sa/4.0/) license.



A. INTRODUCTION

The increase in narcotics use in Indonesia is increasingly widespread, while the impacts are increasingly complex. Apart from that, the challenges faced are also increasingly complex with the emergence of various consequences that need to be addressed immediately. Narcotics-related crimes are a serious phenomenon that crosses national borders and is well organized, threatening the entire spectrum of society. Not only that, this problem also shows a scale of severity that requires joint attention and concrete action.

Overcoming the problem of narcotics abuse among teenagers and students is a complex challenge, considering that solving it involves various elements, such as the government, officials, society, mass media , families and teenagers themselves. Collaboration between all parties involved is an important key in dealing with the complexity of this problem. The use of narcotics not only has an impact on physical damage, mental health, emotions and attitudes in society, but also leads to a number of other serious consequences ¹.

This has widespread impacts, creating serious challenges that require joint solutions. The consequences that narcotics have on health and the future are not trivial, because many have to be sacrificed due to the abuse of this substance. The importance of understanding this impact can be the basis for more effective and sustainable prevention efforts.

If we look at the target age of drug users, the age range includes students aged between 11 and 24 years. This fact shows the urgency to involve various parties in prevention and education efforts in the educational environment. In this way, the potential for the nation's intelligent and talented next generation could simply disappear, because narcotics have made them the main target. Facing this reality, a joint commitment is needed to protect young people from the threat of the spread of narcotics, as a step to safeguard the nation's future.

Adolescents who are experiencing a physical and psychological growth phase tend to be vulnerable to the influence of less positive thoughts and social behavior. In facing this critical phase, it is necessary to strengthen prevention approaches and in-depth education to form positive thought patterns and behavior in adolescents. The importance of protecting teenagers from narcotics crimes requires special attention and increased preventive measures. Teenagers have a very significant role in the younger generation group, becoming human resources with great potential and as

¹Anton Sudanto, *Application of Narcotics Criminal Law in Indonesia*, Vol.7, Law Journal, 2017, Page 347

heirs to the values of the nation's struggle in the future. The development of the narcotics problem in Indonesia cannot be separated from the impact of international organized crime from abroad. There needs to be strong international cooperation in tackling narcotics trafficking, involving security and law enforcement institutions at the global level. The criminal justice system should view drug users as victims of criminal acts, emphasizing rehabilitation and recovery.

This reflects that the structure established by the provisions in Law no. 35 of 2009 is to provide action sanctions (both medical rehabilitation and social rehabilitation) to addicts and victims of narcotics abuse. However, evaluation is still needed regarding the effectiveness and relevance of these sanctions in achieving rehabilitation goals as well as expanding approaches in dealing with the issue of narcotics abuse. On the other hand, narcotics violations that do not involve addiction receive criminal sanctions in accordance with the provisions of Law no. 35 of 2009. However, the parameters for identifying victims of narcotics abuse in this law are too narrow and are often difficult for suspects or defendants to prove.

In Indonesia, there are various types of law, and one of them is criminal law ². In its application, criminal law carries preventive and rehabilitative principles to create a criminal system that is fair and functions effectively. The special function of criminal law is to protect legal interests from potentially detrimental actions. In response to potential harm, criminal law becomes the primary safeguard to ensure that fundamental legal values and rights remain protected and respected. Criminal sanctions in criminal law have a sharper character compared to sanctions in other areas of law. The firmness of criminal sanctions aims to provide a deterrent effect and encourage compliance with the law, ensuring that violations of criminal law are given a response that corresponds to the level of seriousness ³.

Correctional institutions are a place of protection that provides protection for perpetrators of violations who are responsible for carrying out sentences of imprisonment or confinement. This process shows a complementary relationship between various law enforcement agencies, which work synergistically to achieve justice and effective law enforcement. The entire process is an interrelated series, and the success of this legal process is very dependent on good performance and coordination between the four institutions. However, for the purposes of punishment,

² Sudaryono and Natangsa Surbakti, *Criminal Law Course Handbook* (Surakarta: Faculty of Law, Muhammadiyah University, 2005). Pg 13

³ Sudaryono and Natangsa Surbakti, , *Handbook of Criminal Law Courses*, Faculty of Law, Muhammadiyah University: Surakarta, 2005) Page 21.

correctional institutions are considered to have the greatest responsibility, emphasizing the importance of their role in carrying out punishment and rehabilitation for prisoners ⁴.

The goal is for prisoners to realize their mistakes, gain a deeper understanding of the impact of their actions, and become more conscious and responsible members of society. Along with these changes, the emphasis on rehabilitative and reintegrative approaches not only focuses on making prisoners free from the desire to commit criminal acts again, but also aims to reshape them into productive individuals and make positive contributions to society. Therefore, the hope is that prisoners will not only lose their desire to commit criminal acts, but will also return to being members of society who have a sense of responsibility and contribute positively.

Regarding the structure of correctional institutions, in Law Number 22 of 2022 concerning Corrections, these regulations provide significant changes to the implementation of correctional functions. In the revision of the law, there are striking adjustments and changes, replacing the previous provisions contained in Law number 12 of 1995, creating a new framework for implementing the functions of correctional institutions. Changes in Law Number 22 of 2022 have essentially changed the implementation of correctional functions, by placing emphasis on certain aspects that are more in line with the principles of rehabilitation and social reintegration. These changes demonstrate efforts to increase effectiveness and efficiency in the work of correctional institutions, so that they can better realize rehabilitative and reintegrative goals. In Correctional Institutions, Law Number 22 of 2022 concerning correctional institutions emphasizes the role of correctional institutions as a criminal justice subsystem which is responsible for law enforcement in terms of the treatment of prisoners, children and inmates. This confirmation provides a new direction in the implementation of the duties and functions of correctional institutions, leading to a rehabilitative approach in treating prisoners, children and detainees. Thus, correctional facilities are not only a place of recovery, but also an integral part of the criminal justice system that is oriented towards understanding and improving behavior ⁵.

In the results of the interview conducted by the researcher together with a member of the Community Care Institution named Indra Haryadi who said that the Batulicin Class III Correctional Institution had received 267 cases of narcotics and other things and 10 of them were teenagers and around 18 years of age and over who

⁴ SR Sianturi, *Criminal Law Course Handbook* (Surakarta: UMS Faculty of Law, 2005). Pg 319

⁵ Article 1 paragraph 1 Law Number 22 of 2022 concerning Corrections

were admitted to narcotics scope. And the role carried out by this correctional institution is to provide guidance to teenagers just like other prisoners due to limited prison staff so they cannot differentiate in terms of guidance. However, the prisoners there are given several activities which they hope will have a positive impact after they leave prison.

B. METHOD

In this paper, the method used is an empirical legal research method, a legal sociology approach, with the research location at the Class III Batulicin Penitentiary in Tanah Bumbu Regency, South Kalimantan Province. In empirical legal research, the data and data sources are primary data and secondary data, namely interviews and collecting documents and documentation ⁶.

C. DISCUSSION

a. The Role of the Class III Batulicin Penitentiary in the Development of Prisoners

In this case, it is in accordance with the results of research conducted by researchers at the Class III Batulicin Penitentiary, which found that the Class III Batulicin Penitentiary provided guidance to prisoners evenly and did not differentiate between inmates with narcotics cases and others and did not differentiate activities according to their age.

Correctional Institutions provide guidance with their role as people tasked with protecting and providing learning for inmates in the future. The guidance implemented by the Class III Batulicin Correctional Institution includes activities in the spiritual field, educational field and other fields which provide positive activities and impacts for the inmates.

To carry out this coaching activity, the Batulicin Class III Correctional Institution has several employees who have their respective duties and roles. In this case, coaching staff have a big role in developing prisoners or inmates because they carry out coaching by providing activities for prisoners such as:

1. Spiritual Activities

This activity is usually carried out at the Class III Batulicin Penitentiary, such as performing worship according to their respective beliefs, for those who are Muslim, they perform the five daily prayers, tadarus every morning and perform the duha sunnah prayer every day, and they also carry out religious

⁶ Muhaimin, Legal Research Methods, (Mataram: Mataram Fress, 2020) Page 73

recitations,

2. Independence Activities

These independent activities are usually carried out to develop the talents of prisoners, providing experience while in prison. Batulicin Class III Penitentiary provides guidance in the form of activities that train the skills of inmates such as hydroponic planting, furniture, and helping to build ongoing infrastructure and other independent activities.

3. Educational Activities

Education is very necessary for prisoners, especially for teenage prisoners, Batulicin Class III Penitentiary provides educational services to inmates in the form of school education, reading books or book corners and socialization from educational institutions to develop potential and increase knowledge for inmates.

In coaching, roles are closely related to role theory introduced by Soerjono Soekanto. This theory describes role as a dynamic concept that involves a person's position or status. In coaching, a role is not a static entity, but is an aspect that continually changes according to the duties, rights and obligations carried out by the individual. Soerjono Soekanto explained that role includes the dynamic aspects of a person's position or status. This means that if someone is able to carry out their rights and obligations in accordance with their position, then they are considered to have carried out their role well. In the context of coaching, this understanding emphasizes that coaching needs to accommodate the dynamics of individual roles to achieve optimal results⁷. In this case, as a correctional institution, they have carried out their duties and roles in their obligations as state officials tasked with providing guidance to prisoners in correctional institutions.

Even though basically correctional institutions are not an ideal environment for inmates, the reality shows that the implementation of coaching in them is greatly influenced by various factors. These factors include legal, environmental and national, regional and international development aspects. Guidance in correctional institutions becomes complex because of the limitations and challenges that arise in environmental situations that are not always ideal. In practice, the implementation of the correctional system cannot be separated from the dynamics of development in the legal field and national aspects. This complexity is further complicated by the strategic environmental situation and the changing dynamics of development over time. The influence of these factors can become an obstacle in providing optimal guidance in

⁷Soerjono Sokanto, Bengkulu Native Elite (Jakarta:Balai Pustaka.1990), Page 268

correctional institutions, so adjustments and appropriate strategies are needed to overcome these challenges⁸. However, the Class III Batulicin Correctional Institution, which seems to have just opened or was legalized in 2022, has played its role as a place of development which is quite good despite all the existing shortcomings.

Apart from the coaching staff in the Class III Batulicin Penitentiary, there are also Guard Members who have the role of providing security and supervision for prisoners who are carrying out activities or not. The guard members here play an active role in protecting prisoners because the security provided makes the correctional institution much safer and no one commits prohibited actions. From the results of research on prisoners who abuse narcotics, especially teenagers who are in their final teenage phase, namely around 18-22 years old⁹, but the youngest teenagers in the Class III Batulicin Penitentiary when they first entered were 20 years old and now they can be around 22 years old. even more depending on how long they have been in training.

The concept of protecting children and teenagers that occurs in correctional institutions is quite good, with guarding by guard members providing security for them because at that stage they need a lot of protection and security. especially for juvenile narcotics abuse convicts who should be the nation's next generation, continuous guidance and protection is needed for survival, physical, mental and social growth and development as well as other protection. Moreover, the results from researchers explain the background of these narcotics abuse convicts who carry out prohibited actions because the biggest factor is families who are not harmonious and do not provide a sense of peace, so they feel depressed and very frustrated so they carry out prohibited actions and also other factors. others such as environmental factors that influence thinking and socializing that should not be done.

From this, the Batulicin Class III Correctional Institution provides protection and guidance in the form of learning which the researcher explained previously, this educational guidance helps the psychological development of teenagers and their mental health becomes much better for their recovery from narcotics abuse. This protection is what prisoners need.

b. The Impact of the Development of Class III Batulicin Penitentiary on Teenage Convicts Who Abuse Narcotics

⁸Dwidja Priyanto, Prison Criminal Implementation System in Indonesia, (Bandung: Refika Aditama 2006), Page 102

⁹Khadijah, Development of Religious Spirit in Adolescents, Vol 5, Al-Taujih Journal, 2019, Page 114

Legislation can be interpreted as a written regulation that contains legal norms that are generally binding. This regulation is formed or stipulated by a state institution or official who has authority through procedures determined in a statutory regulation. The hierarchy of statutory regulations in Indonesia is regulated in Article 7 paragraph (1) of Law Number 13 of 2022 concerning the second amendment to Law Number 12 of 2011 concerning the formation of statutory regulations. According to this hierarchy, the 1945 Constitution has the highest position, and every legal regulation must be in accordance with the provisions of the 1945 Constitution.

In the applicable laws and regulations, there are provisions regarding Correctional Institutions which are regulated in Law Regulation Number 22 of 2022 concerning Correctional Institutions. This significant change in regulations changes the function of correctional institutions, adapts to the development of community needs, and ensures the protection of prisoners' rights in accordance with the principles of justice .

Law Number 22 of 2022 concerning Corrections highlights shortcomings in previous regulations which did not regulate prison services, guidance mechanisms for correctional inmates, and health care for prisoners. This change reflects a response to demands for fair and humane treatment of perpetrators of criminal acts. Challenges in carrying out the duties and responsibilities of correctional officers are a concern in the context of legal policy. The existence of an inadequate protective framework needs to be addressed to ensure the safety and welfare of correctional officers who carry out their duties with full dedication. The new corrections law includes strengthening the position of corrections in the integrated criminal justice system. The focus is not only on improving the quality of prisoners and children assisted, but also providing guarantees for the protection of the rights of prisoners and children. Principles such as non-discrimination, humanity, mutual cooperation, independence, proportionality, and treating loss of independence as the only suffering are the basis for forming this policy.

Law Number 22 of 2022 concerning corrections provides clarification on the regulation of rights and obligations for child prisoners and inmates. This regulation aims to improve the implementation, provision of service programs, as well as the implementation of security guidance and care in the correctional context. This arrangement forms a comprehensive framework to ensure individual rights are protected and are fostered with an approach that takes into account security aspects

¹⁰. Findings from research conducted on coaching at the Class III Batulicin

¹⁰Article 1 paragraph 1 of Law Number 22 of 2022 concerning Corrections

Correctional Institution show that the coaching policy there is in line with the provisions of Law Number 22 of 2022 concerning corrections. The application of these legal principles reflects the institution's commitment to complying with applicable regulations, creating an effective rehabilitation environment, and providing protection to inmates. In this case, every inmate or prisoner has clearly regulated rights and obligations. Based on the research results, the rights received by prisoners cover all aspects guaranteed by applicable laws and regulations. This certainty shows that there is good implementation of aspects of justice and security in the correctional system, so that individual rights can be recognized and properly maintained.

To obtain the rights as regulated in Article 10 paragraph (1), every prisoner is also entitled to remission, assimilation, leave to visit or be visited by family, conditional leave, leave before release, and other rights in accordance with the provisions contained in statutory regulations. All of these rights can be obtained by fulfilling the specified conditions, thereby providing legal certainty for the prisoner concerned. These requirements can be met through demonstrated good treatment by prisoners, active participation in development programs, and demonstration of reduced risk levels. Thus, the positive efforts of prisoners in obeying the rules and developing personally are determining factors in obtaining certain rights in accordance with the provisions of statutory regulations.

Regarding coaching at the Class III Batulicin Penitentiary, a guard member stated that every inmate who participated in activities received an additional assessment. By actively participating in these activities, prisoners have the opportunity to increase additional value which can influence the fulfillment of certain requirements and rights in accordance with applicable regulations. Even though these activities are not coercive, there are several activities that are mandatory, while prisoners are given the option not to participate for certain reasons. This principle reflects a flexible approach but still takes into account the public interest and security, thereby providing space for prisoners to make decisions appropriate to their circumstances.

With the existence of Law Number 22 of 2022 concerning corrections, as well as the implementation of guidance in accordance with applicable procedures, it has had an extraordinary positive impact on prisoners. The opportunities provided by these regulations pave the way for them to experience significant change and become better individuals. The structured coaching process provides a foundation for recovery and positive character formation for prisoners. Especially for teenagers involved in narcotics abuse, coaching is designed taking into account the mental

strength and health required. The educational programs available in coaching aim to help teenagers explore thinking, provide psychological support, and facilitate their personal development. Thus, coaching focuses not only on improving behavior, but also on developing intellectual and emotional potential. Adolescence is recognized as a critical period in the process of individual growth and development. Therefore, the coaching carried out at this stage takes into account the unique characteristics of this period, paying special attention to psychological, social and educational aspects. Guidance directed at adolescent development can be a strong foundation for creating positive change and preparing them for reintegration into society.

The teenagers also hope that the coaching they have undergone so far will have a positive impact on their future development as they will face the outside world where in the past they have entered the wrong environment and environment so that they carried out prohibited actions. These teenage prisoners hope that the knowledge gained in the educational process they undergo while in detention will provide them with much better provisions for future life so that they can differentiate between good and right.

It is actually difficult for these addicts to eradicate from within themselves the feeling of spiritual activity that makes them closer to God and performs worship according to their respective religions and beliefs and makes them people who are more familiar with religion and reluctant to commit prohibited acts in the future.

According to the provisions in Law Number 35 of 2009 concerning Narcotics, narcotics are defined as substances or drugs derived from plants or non-plants, either synthetically or semi-synthetically. The properties of narcotics involve their ability to cause decreased and altered consciousness, loss of sensation, reduction or elimination of pain, and can cause dependence. This definition summarizes various substances that have a psychoactive impact on individuals.

Based on findings from research at the Class III Batulicin Penitentiary, the level of narcotics use among inmates is quite high. This phenomenon shows that there are serious challenges related to narcotics abuse in society, which are reflected in the prison population related to narcotics cases. A statement from the coaching staff at the institution stated that the majority of inmates who entered the correctional institution had cases of narcotics abuse. This indicates the need for a rehabilitation approach and prevention of narcotics abuse at a broader level, as well as strengthening efforts to overcome this problem in society. Not only does it involve teenagers, but also includes groups of prisoners over 50 years old. This fact shows that the problem of narcotics abuse does not depend on age, and prevention and rehabilitation efforts need to be

implemented for various age groups. From the research results, it is known that the majority of teenagers involved in narcotics abuse cases consume class 1 narcotics, such as opium, cocaine plants, marijuana, methamphetamine and other substances. This information highlights the importance of an in-depth understanding of the types of narcotics consumed by certain groups, in order to design more effective prevention and rehabilitation strategies.

Even though in the development of science, this type of narcotic can be used for treatment with a doctor's advice, but many have used excessive doses, causing addiction and dependence.

D. CONCLUSION

The role of the Batulicin Class III Penitentiary in fostering juvenile convicts has been carried out with maximum effort by fulfilling the rights of convicts as regulated in Law Number 22 of 2022 concerning Corrections.

Batulicin Class III Penitentiary has also provided guidance that has had a positive impact on inmates, especially teenage prisoners.

BIBLIOGRAPHY

Anton Sudanto, *Application of Narcotics Criminal Law in Indonesia*, Vol.7, Law Journal, 2017, Page 347.

Sianturi, SR *Criminal Law Course Handbook* . Surakarta: UMS Faculty of Law, 2005.

Muhaimin, *Legal Research Methods*, (Mataram : Mataram Fress, 2020)

Sudaryono, and Natangsa Surbakti. *Criminal Law Lecture Handbook* . Surakarta: Faculty of Law, Muhammadiyah University, 2005.

Soekanto, Soerjano. *Bengkulu Native Elite* . Jakarta: Balai Pustaka, 1990.

Khadijah. "Development of Religious Spirit in Adolescents." *Al – Taujih Journal* 5 (2019): 114.

Melati, Dwi Putri. "The Effect of Narcotics Use on Adolescent Criminal Behavior." *Darmajaya Journal* 1 (2017): 60

Law Number 22 of 2022 concerning Corrections

Law Number 35 of 2009 concerning Narcotics