



# Implementation of Development of Narcotics Prisoners at the Binjai Class IIA Penitentiary

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## Abstract

In general, the development of narcotics convicts at the Binjai Class IIA Penitentiary aims to make them fully human as has been the direction of national development. The problem posed is how the implementation of guidance provided by the Class II A Binjai Prison for inmates who commit crimes of narcotics abuse; The research method or type of this research is Normative Empirical which is descriptive analysis, namely describing, describing, analyzing and explaining the analysis of the problems raised. The data needed in this study are primary data whose sources come from sources or respondents, and secondary data from the source. originating from legislation, the work of the general public and various literature that support this research. The results of the study can be concluded that the Implementation of Narcotics Abuse Prisoners at the Binjai Class IIA Penitentiary is a program that combines various methods including medical, social, spiritual and skills aspects, which aim to make narcotics convicts a better person for their family and Public.

**Keywords:** Development of Narcotics Prisoners, Correctional Institutions, Narcotics.

## A. Introduction

The current narcotics crime is no longer covertly, but it has been openly committed by users and dealers in carrying out dangerous goods operations. This problem is already a national problem, because the problem is everywhere. It seems like it no longer exists. in urban villages or villages in the Republic of Indonesia that is sterile from narcotics. Narcotics are aware of it or not already around us. The illegal goods are already in the environment where we live. Every day, information on the arrest or raid of narcotics dealers and users by police officers throughout the Republic of Indonesia is reported by the mass media and electronic media. Likewise, the smuggling of narcotics from abroad can be uncovered by customs officials and the police. However, this problem seems endless, the users or users have never decreased in number as expressed by the mass media and electronic media. The development of the narcotics problem from day to day seems to be increasing and seems increasingly difficult to eradicate. From the facts that are witnessed almost every day both through mass and electronic media, it turns out that these illicit goods have spread everywhere indiscriminately, especially among the youth generation and women who are highly expected to become the nation's next generation in building the nation in the future. The community is now very anxious, especially the families of the victims, they are now willing to tell the condition of their family members from suffering from addiction

to narcotics, psychotropic substances and other addictive substances.<sup>1</sup>Penitentiary (Lapas) is a place to carry out the development of prisoners and correctional students as one of the correctional technical implementation units (UPT) (Law No. 12 of 1995).<sup>2</sup>

A correctional institution is an activity to carry out the guidance of the Correctional Guidance Citizens based on the system, institution, and guidance method which is the final part of the criminal system in the criminal justice system. Because they have committed crimes or violations. For the Indonesian people, thoughts on the function of punishment are not only in the aspect of deterrence, but also as a social rehabilitation and reintegration which has given birth to a system of guidance for lawbreakers known as the penal system.

Philosophically correctionalization is a system of punishment that has long departed from the philosophy of Retrebutif (retaliation), Deterrence (deterrence), and Resocialization. Correction is in line with the philosophy of social reintegration which assumes crime is a conflict that occurs between convicted people and society. return to the convict with the community (reintegration).

According to Muladi, the purpose of punishment is to repair individual and social damage caused by criminal acts. It consists of a set of objectives of punishment which must be fulfilled with the objective of being an emphasis, must be casuistic in nature, the instruments for the purpose of the punishment in question consist of:<sup>3</sup>

1. Precautions (general and special)
2. Community protection
3. Maintaining community solidarity
4. Compensation / balance

The direct effect and imposition of the sentence is clear on the person who is being convicted. However, the punishment has not been fully felt by him if it has been carried out effectively. With the punishment here it is desired that the convicted person does not commit another criminal act. Therefore, the imposition of punishment is an alternative in order to prevent illegal acts, both by individuals and groups. Prison in the form of self-isolation within the prison walls turns out to be changing along with the progress of civilization of a nation. Respect for human image is the main basis for treating the convict more In connection with that, the provision of criminal sanctions by fostering prisoners in correctional institutions in Indonesia has undergone significant changes, especially regarding the method of treatment of the prisoners themselves. The goal of the inmates being admitted to the Correctional Institution, in addition to giving a feeling of relief to victims, it is also giving a sense of relief in the community. This is done by giving them development of independence and personality. As long as he loses his freedom of movement, he must be introduced to the community and must not be isolated. Prisoners are protected by providing provisions to live as useful citizens in society. The purpose of providing guidance is one part of the rehabilitation of the character and behavior of prisoners while serving their sentence of loss of independence, guidance and education must be based on Pancasila. Prisoners must return to society as useful citizens and as far as possible not

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<sup>1</sup>Moh. Taufik Makarao, Suhasril. H, Moh. Zaky A.S, Tindak Pidana Narkotika, (Jakarta, Ghalia Indonesia, 2003), hlm. 1

<sup>2</sup> Josias Simon R- Thomas Suryano, Studi Kebudayaan Lembaga Pemasarakatan di Indonesia, (Bandung, CV. Lubuk Agung, 2011), hlm.14

<sup>3</sup> Muladi, Lembaga Pidana Bersyarat, (Bandung, Alumni, 1995), hlm.61

underdeveloped, it is necessary to make efforts so that prisoners have a livelihood, that is, so that in addition to or after being educated, they will gradually get wages for their work. Guidance is specifically regulated from Article 5 to Article 9 of Law Number 12 of 1995 concerning Corrections.<sup>4</sup>If seen. Article 6 paragraph (1) of Law Number 12 concerning Corrections, regulates the fostering of Correctional Assisted Citizens carried out in Correctional Institutions and guidance of Correctional Assisted Citizens carried out at BAPAS, further reinforced by Article 7 paragraph (1) of Law Number 12 of 1995 concerning Corrections which states that the guidance and guidance of the Correctional Assisted Citizens is organized by the Minister and carried out by Correctional officers.<sup>5</sup>In Law No. 12 of 1995 concerning Corrections Chapter I, the general provisions of Article 1, states that the definition of correctional facilities is "an activity to carry out correctional development based on the institutional system and guidance methods which are the final part of the guidance system in the criminal justice system".<sup>6</sup>The penitentiary system is an order regarding the direction and boundaries and ways of fostering community-assisted citizens so that they are aware of mistakes, can improve themselves and do not repeat criminal acts so that they can be accepted back by the community and can play an active role again in development and live fairly as good citizens. and responsible The criminal act is actually an abnormal soul of a person. Therefore, the perpetrator of the crime cannot be blamed for his actions and cannot be subject to punishment, because a criminal is a special type of human being who has organic and mental abnormalities, so it is not a punishment that should be imposed on him but what is needed is remedial treatment measures.<sup>7</sup>The empirical reality in the field of criminalization of narcotics traffickers in general still adheres to fixing convicts in correctional institutions so that it gives an idea that these crimes only stop for a moment and will reappear into the social environment. This is where the roles of correctional officers are needed to guide inmates not to repeat the same acts. So the active role of correctional officers is needed for narcotics inmates so that they do not become recidivist prisoners, they return to society to become better human beings and can be accepted back in society.

## **B. Research Methods**

### **1. Types of research**

To discuss the problems contained in this thesis the writer uses the type of research that is normative in nature and the type of research that is empirical. The type of normative research is problem solving by looking at, analyzing and interpreting things that are theoretical in nature concerning legal principles in the form of conception, laws and regulations, views, legal doctrines and related legal systems. This type of research emphasizes obtaining information in the form of legal texts relating to the object under study. Meanwhile, the type of empirical research is the procedure used to solve research problems by examining secondary data first and then

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<sup>4</sup> Undang-Undang Nomor 12 Tahun 1995 tentang Pemasarakatan, Pasal 5, sampai Pasal 9

<sup>5</sup> Undang-Undang Nomor 12 Tahun 1995 tentang Pemasarakatan, Pasal 6 ayat (1), dan Pasal 7 ayat (1)

<sup>6</sup> Undang-Undang Nomor 12 Tahun 1995 tentang Pemasarakatan, Bab 1 Ketentuan Umum, Pasal 1

<sup>7</sup> Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika, Pasal 1 ayat (1)

continuing to conduct research on primary data in the field.<sup>8</sup> The use of this type of empirical normative research in this thesis research, namely from the results of data collection and discovery through library research, as well as information through field studies at Binjai Class IIA Penitentiary on the basic assumptions or assumptions used in answering the problems in this research.

## **2. Research sites**

This research was conducted in Binjai City, and the object of this research is the Binjai Class IIA Penitentiary, with the consideration that this institution meets the criteria to get an overview of the development of narcotics abuse convicts based on the rules of Law Number 12 of 1995 Concerning Prison and Class Correctional Institutions. IIA Binjai who is still within the Regional Office of the Department of Law and Human Rights of North Sumatra Province.

## **3. Data source**

For data sources in this study, the author uses two types of data sources, namely:

### **a) Interview**

The field study conducted by the author in this study is an interview. The interview is a face-to-face interpersonal role situation, when someone, namely the interviewer asks questions to a respondent where the questions are designed to obtain answers that are relevant to the problem of this research. . Types of interviews conducted by the author in this study through standardized interviews, namely interviews that are accompanied by a list of questions compiled beforehand. Interview guidelines are used to collect data and information from parties who know about the pattern of development of Narcotics Abuse Prisoners at the Binjai Class IIA Penitentiary which is carried out to the parties, namely: Head of the Class IIA Binjai Penitentiary,

### **b) Literature Study**

This literature study is the first step in any legal research (both normative and sociological). This is because legal research always starts from a normative premise.<sup>9</sup>

In the case of this research, the author uses a literature study by examining the Legislation and documents relating to the problems to be discussed in this thesis.

## **4. Data analysis**

For a research, a useful data analysis is needed to provide answers to the problems under study. Writing this thesis data analysis is done using qualitative descriptive analysis method, which describes in full the quality of the data that has been collected and has been processed, then made The data that has been obtained through field studies (interviews) and literature studies are qualified and sorted into patterns, categories and a basic description. Overall data will be described descriptively which will then be analyzed qualitatively. Based on this it can be said, that what is meant by qualitative methods is a method of research that produces descriptive analysis data, namely what is stated by the respondent / informant in writing or orally as well as real behavior, studied and researched as a whole.

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<sup>8</sup>Soerjono Soekanto dan Sri Mamudji. 1985. Penelitian Hukum Normatif Suatu Tinjauan Singkat. Rajawali Pers. Jakarta. Hlm:52

<sup>9</sup> Amiruddin dan Zainal Asikin, Pengantar Metode Penelitian Hukum,(Jakarta,Rajawali Pers,2004), hlm 68

Qualitative methods aim not only to reveal the truth, but also to understand the truth and the background of an event. By describing a symptom in society through observations made to determine the content and meaning of legal rules that are used as guidelines in solving legal problems that are the object of study

## C. Results and Discussion

### 1. Factors that hinder the Development Process of Narcotics Prisoners at the Binjai Class IIA Prison

In the implementation of the guidance pattern in Binjai Class IIA Penitentiary, there are 2 factors that become obstacles, namely:

#### a. Internal factors

##### 1) Educational Factor

In terms of the educational (intellectual) development process, namely the absence of a formal education development process for inmates and correctional students (criminal children) due to the unavailability of special rooms for learning and the absence of teaching staff who provide education and guidance. This education guidance is only for non-formal education, this is also the case, the facilities and infrastructure that support non-formal education are still very minimal, which is indicated by the lack of available books in the library and the low interest in reading from prisoners.

##### 2) Characteristics and Personality Factors

In carrying out the process of coaching narcotics convicts, there is a lack of awareness within the prisoners themselves to participate in coaching at the Binjai Class IIA Penitentiary so that the inmates' discipline is very low in following the coaching process carried out at the Class IIA Binjai Penitentiary.

#### b. External Factors

1) Fund is the main factor that supports the implementation of correctional development of pupils in its implementation, equipment and materials are needed. Because the coaching program is not only 1 (one) type but many kinds according to the field of interest or occupation or skills that may be needed for the needs and interests of prisoners after they leave prison. Lack or absence of funds is one of the factors that hinder the implementation of coaching, because it can result in not running and not realizing all development programs for correctional students due to the very minimal funds available

2) Correctional facilities and facilities are one of the obstacles in the implementation of the correctional system. The building, which is a legacy of the Dutch Colonial Government, where there has been a change which has made the Class IIA Binjai Penitentiary become a little wider now, still does not match the capacity which should only be able to accommodate about 858 prisoners, while at the time of the research it was precisely on July 31, 2017 The number of convicts who are serving a sentence at the Binjai Class IIA Penitentiary has reached 1364

prisoners, of which 85% are narcotics convicts. Thus the capacity in the Class IIA Binjai Penitentiary has exceeded the capacity (Overcapacity).

- 3) Administrative factors, delays in terms of submitting remission requirements, such as late arrival of an excerpt of a verdict from the District Court which decides the convict's case, can hinder in proposing remission for the prisoner concerned.
- 4) In the process of implementing assimilation, not all people understand the correctional system or process, so the community, social institutions or government agencies have not been pro-active in caring for prisoners, there has been no good, regular, and sustainable cooperation or co-development with related agencies. not optimally programmed, the role of correctional officers is so large that it is not balanced with the professionalism of the officers themselves so that there is less supervision in the implementation of assimilation, and there are no correctional officers who have expertise and have special duties in coaching
- 5) Facilities and infrastructure for rehabilitation development for narcotics addicts, based on the results of an interview with Mr. Muslim Surbakti, Amd.IP.SH as Head of Sub-Division of Bimkemaswat Class IIA Binjai Prison<sup>10</sup>

## **2. Efforts made by Binjai Class IIA Correctional Institution officers in overcoming obstacles to developing narcotics convicts.**

### **a. Efforts to overcome Internal Factor Barriers.**

#### **1) Education**

Efforts in overcoming barriers to (intellectual) education development, namely by the Binjai Class IIA Penitentiary to conduct formal education development in prisons and collaborating with educational institutions in Binjai City, so that prisoners and correctional students who drop out of school or who are illiterate can enjoy education, efforts made by prisons in improving the quality of non-formal education can be improved by adding to the facilities in the library, such as increasing the number of books, magazines and newspapers so that prisoners and correctional students can more freely read the available books

#### **2) Traits and Personality**

In terms of overcoming the low level of discipline from within the prisoners in terms of following the coaching process, it is carried out by means of every day Mr. Muhammad Jahari Sitepu, SH.Msi as the Head of Class IIA Penitentiary in Binjai City, assisted by officers to conduct raids around the prison environment.

### **b. Efforts to overcome External Factor Barriers**

- 1) To overcome the problem of funding that is an obstacle in Binjai Class IIA Penitentiary, namely officers can only fulfill the supporting facilities for the coaching process with personal funds which should have been borne by the government, based on the results of an interview with Mr. Muslim

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<sup>10</sup> Hasil wawancara dengan Bapak Muslim Surbakti, Amd.IP.SH selaku Kasubsi Bimkemaswat Lembaga Pemasyarakatan Kelas IIA Binjai, pada tanggal 31 Juli 2017



- Surbakti, Amd.IP.SH as the Head of the Bimkemaswat Bimkemaswat Penitentiary Class IIA Binjai for office facilities such as computers, the officers must provide it with the personal funds of each officer.
- 2) In an effort to overcome the administrative process, in the case of filing remissions for prisoners, officers can only inform the prisoners that the delay in the remission application process is not the fault of the prison officer but from the authorized party approving the remission.
  - 3) Binjai Class IIA Penitentiary, in terms of overcapacity problems, based on the results of an interview with Mr. Muslim Surbakti, Amd.IP.SH as the Head of the Bimkemaswat Bimkemaswat Penitentiary Class IIA Binjai who stated that officers can only overcome it by placing prisoners in a room with a capacity of one room can reach 125 people.
  - 4) In an effort to overcome obstacles in the process of implementing assimilation, namely by means of the Binjai Class IIA Penitentiary cooperating with social institutions or government agencies where the two parties who collaborate can make an agreement stating that social institutions or government agencies are willing to accept or accommodate inmates who are given the right to undergo assimilation who have met the requirements for work.
  - 5) The rehabilitation process for narcotics addicts is only carried out by rehabilitation officers who come to the Penitentiary where there is no special place at the Binjai Class IIA Penitentiary to carry out the rehabilitation process for narcotics addicts.<sup>11</sup>

#### D. Conclusion

- a. The pattern of guidance carried out by the Class IIA Binja Penitentiary is a form of the correctional system whose implementation in coaching services is rehabilitative, educative, corrective and reintegrative in carrying out its duties and functions so that punishment is not only a deterrent but aims to make people become responsible and useful citizens. . Ideally, it means that the development of narcotics prisoners is based on the correctional system in the sense of promoting narcotics prisoners / students into society.
- b. Obstacles that occur in the implementation of development of narcotics prisoners are overcome by increasing, increasing the capacity of the Class IIA Binjai Correctional Institution to maximize guidance and increase the discipline of officers in providing guidance according to applicable regulations.
- c. Efforts made in overcoming obstacles to fostering narcotics convicts require moral cultivation of Class IIA Binjai Prison officers who are integrated and have loyalty in carrying out coaching so that it can run well

#### Reference

Advokasi Pencegahan Penyalahgunaan Narkoba di Lapas/Rutan, BNN, 2009

<sup>11</sup> Hasil wawancara dengan Bapak Muslim Surbakti, Amd.IP.SH selaku Kasubsi Bimkemaswat Lembaga Pemasyarakatan Kelas IIA Binjai, pada tanggal 31 Juli 2017

- Adi Sujatno. Sistem Pemasyarakatan Indonesia (Membangun Manusia Mandiri), Direktorat Jenderal Pemasyarakatan Departemen Kehakiman dan HAM RI, Jakarta, 2004
- Amiruddin dan Zainal Asikin, Pengantar Metode Penelitian Hukum, (Jakarta : Rajawali Pers, 2004)
- Bambang Poernomo, Pelaksanaan Pidana Penjara Dengan Sistem Pemasyarakatan, (Yogyakarta: Liberty, 1986)
- Bambang Sunggono, Metodologi Penelitian Hukum (Jakarta : Raja Grafindo Persada,2007)
- Barda Nawawi Arief, Bunga Rampai kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru,(Jakarta; Kencana Prenada Media Group, 2008)
- Barda Nawawi Arief, Kebijakan Legislatif Dalam Penanggulangan Kejahatan Dengan Pidana Penjara, Genta Publishing, Yogyakarta, 2010
- Chazawi Adami, 2011, Pelajaran Hukum Pidana I, Jakarta, PT Raja Grafindo Persada Departemen Kehakiman Republik Indonesia, Pola Pembinaan Narapidana/Tahanan, Cetakan I Tahun 1990
- Dwidja Priyatno, 2006, Sistem Pelaksanaan Pidana Penjara di Indonesia, (Bandung, Refika Aditamma)
- H.Zainuddin Ali, Metode Penelitian Hukum (Jakarta : Sinar Grafika, 2009),
- Hari Sasangka, Narkotika dan Psicotropika Dalam Hukum Pidana, Mandar Maju, Bandung, 2003
- Josias Simon R – Thomas Sunaryo, Studi kebudayaan Lembaga Pemasyarakatan di Indonesia, (Bandung : CV Lubuk Agung, 2011)
- Mahmud Peter Marzuki, 2008, Pengantar Ilmu Hukum, Jakarta, Kencana Prenada Media Group Modul Pelatihan Petugas Rehabilitasi Dalam Pelaksanaan Program One Stop Center (OSC)
- Mohammad Eka Putra, 2014, Dasar-Dasar Hukum Pidana, Medan, USU PRESS Moh.
- Taufik Makarao, S.H., M.H., Drs. Suhasril. S.H, H. Moh. Zakky A.S., S.H. Tindak pidana Narkotika, Jakarta, Penerbit Ghalia Indonesia, 2003
- Pedoman Perawatan Kesehatan Warga Binaan Pemasyarakatan di Lembaga Pemasyarakatan dan Rumah Tahanan Negara, 2004, Departemen Hukum dan HAM RI, Direktorat Jendral Pemasyarakatan, Jakarta
- Poernomo, Taufik Hidayat, Peranan Lembaga Pemasyarakatan Dalam Pembinaan Ketrampilan Bagi Narapidana, 2011
- R. Soeroso, 2013, Pengantar Ilmu Hukum, Jakarta, Sinar Grafika Setia Hadi Tunggal, 2000, Undang-Undang Psicotropika, Jakarta,
- HarvarindoAdi Kusno, 2009, Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Narkotika Oleh Anak, Malang, UMM Press Soerjono Soekanto, Pengantar Penelitian Hukum, (Jakarta : UI Press,1986)
- Winarno Surakhmad, Dasar dan Teknik Research, (Bandung : Tarsito, 1978)
- Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika.
- Undang-Undang No 12 Tahun 1995 Tentang Pemasyarakatan
- Kitab Undang-Undang Hukum Pidana (KUHP) 4. Undang-Undang Dasar 1945.
- Peraturan Menteri Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor 6 Tahun 2013 Tentang Tata Tertib Lembaga Pemasyarakatan Dan Rumah Tahanan Negara.
- Keputusan Menteri Kehakiman Nomor : M.02-PK.04.10 Tahun 1990 Tentang PolaPembinaan Narapidana/Tahanan