

DEVELOPMENT OF THE CHILD INMATES OF DRUG CASES IN THE INSTITUTE OF COACHING SPECIAL CHILDREN

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Abstract

This study aims to analyze the child development system of narcotics cases in children's special training institutions (LPKA) in Maros Regency and identify the inhibiting factors in the implementation of coaching in the LPKA. The method used normative way. The results showed that the coaching system for narcotics students in LPKA is not specifically structured, and lack of attention to special cases such as narcotics. Children who enter LPKA generally do not receive rehabilitation before, even though this is required by Law Number 35 of 2002 concerning child protection. Other inhibiting factors include the lack of faculty to provide formal education and special assistance to children involved in narcotics cases. In this context, the improvement of the coaching system and handling of narcotics cases in LPKA needs to be improved to provide more effective protection and coaching for students.

Keywords: Children; Narcotics; Child Fostering.

Abstrak

Penelitian ini bertujuan untuk menganalisis sistem pembinaan anak kasus narkoba di Lembaga Pembinaan Khusus Anak (LPKA) di Kabupaten Maros serta mengidentifikasi faktor-faktor penghambat dalam pelaksanaan pembinaan di LPKA tersebut. Metode penelitian adalah normatif. Hasil penelitian menunjukkan bahwa sistem pembinaan terhadap anak didik narkoba di LPKA tidak terstruktur secara khusus, dan kurangnya perhatian pada kasus-kasus khusus seperti narkoba. Anak-anak yang masuk ke LPKA umumnya tidak menerima rehabilitasi sebelumnya, padahal hal ini diwajibkan oleh Undang-Undang Nomor 35 Tahun 2002 tentang Perlindungan Anak. Faktor penghambat lainnya meliputi kekurangan tenaga pengajar untuk memberikan pendidikan formal dan pendampingan khusus pada anak-anak yang terlibat dalam kasus narkoba. Dalam konteks ini, perbaikan sistem pembinaan dan penanganan kasus narkoba di LPKA perlu ditingkatkan untuk memberikan perlindungan dan pembinaan yang lebih efektif bagi anak didik.

Kata Kunci: Anak; Narkoba; Pembinaan Anak.

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INTRODUCTION

Human nature in fulfilling its life function is always faced with contradictions in nature, which in determining each person takes ethics and inner awareness, weighing feelings and choosing good things and having good value in social life, to minimize contradictions or disputes that occur, a rule (law) is needed. In the life of the law will always exist in society as adagium Marcus Tullius Cicero a philosopher in ancient Rome, namely "UBI societas ibi ius" which means where there is a society there is law. The adage of Marcus Tullius Cicero is also supported by Van Apeldoorn who stated that "law exists in the whole world, where there is human society."

Then according to the adherents of positivism, the law is the command of the ruler, so the law only exists in written regulations made by the rulers of the state, and not in other laws other than those made by the rulers of the state.¹ According to J.C.T simorangkir, the law is a mandatory rule and system, which determines the authority of official institutions to conduct human behavior in society. Violation of such rules will result in certain sanctions. One form of law is criminal law which emphasizes conviction or sanction and punishment. This means that indirectly the restriction of the rights of a person has been made, then the provision of punishment for someone who commits a mistake or crime must also pay attention to the rights of a person's rights that are protected by the state.

Criminal law is also one part of the overall law that has been applied in a country. Criminal law itself includes norms in the form of rules that have been made by the framers of the law (legislative) and are associated with sanctions in the form of punishment, namely a special nature of suffering. Therefore, criminal law is a normative system that determines the circumstances under which a sentence can be imposed.

One of the criminal acts that have been regulated in the legislation is Narcotics regulated in the Act (hereinafter in brief the Act) No.35 in 2009, Indonesia, which is currently one of the developing countries, became a strategic target as a place to produce and distribute narcotics illegally. Acts of narcotics abuse is not only carried out by adults but also not a few where children become perpetrators of narcotics abuse, therefore prevention and treatment of children needs to be done immediately. Then on UU No. 35 of 2014 in Article 67 that the state carries out special protection for children affected by the abuse of narcotics, alcohol, psychotropic substances, and other addictive substances.

Narcotics abuse is evidence that the deviation tignkah behavior in society is a thing that became common among the community not only in the lower middle class or middle class which of course we can understand that many factors that cause such a thing one of which is the state does not play an active role in the fulfillment of rights ekosob which is². But of course this is also a lot we encounter in people in the upper middle class, if we pay attention to social media lately, we will find many artists who we know themselves are people whose economic circumstances are above the average society.

We can certainly see and observe that the increase in narcotics crime in the younger generation is certainly very worrying and certainly very detrimental to themselves, their families, and even the state, which as we know that the role of the younger generation will be very important in the future. In law enforcement has been done a lot and there have been many judges ' decisions that are expected to

¹Andi Safriani, "Telaah Terhadap Hubungan Hukum Dan Kekuasaan", *Jurisprudentie*4, no. 2 (2017): h. 41.

²Radjab, Syamsuddin. "Perbedaan Rezim HAM dan Rezim Pidana." *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan* 3.2 (2014): 153-180. h.157

be a protection or antidote in the occurrence of illicit drug sales. But in reality the number of regulations or judges' decisions that have been issued in line with the growth of narcotics crimes that are increasingly widespread and increasingly disturbing many parties who are parties who suffer losses by narcotics crimes.

In line with the growing number of drug cases, parties who are still concerned with the lives of prospective successors of the nation have emerged with many seminars, public discussions, socialization about the dangers of narcotics, with diverse presentations to attract the attention of younger generations in terms of paying attention to the dangers and adverse effects of narcotics. Surveys from the National Narcotics Agency (BNN) and the Indonesian Institute of Sciences (LIPI) show that 2.3 million students or students in Indonesia have consumed narcotics. That figure equates to 3.2 percent of the group's population. BNN and LIPI did not explain the survey methods in detail and the timing of the survey. Drug use among students is also a problem on a global scale. The 2018 World Drugs report from the United Nations Office on Drugs and Crime (UNODC) found that 5.6 percent of the world's population or 275 million people in the age range of 15 to 64 years have taken drugs at least once. Of course, with so much bad news that comes to make parents confused and panic³

Narcotics crime in children is also not spared from irresponsible actions by individuals who only mementingkan personal gain without thinking about the impact that will occur next. Many children in Indonesia are invited to join the illegal narcotics business not only as people who consume but not a few children who participate in the distribution of illegal goods, the issue of child exploitation has been regulated in law no. 23 of 2002 in Article 13 of which every child who is still in the care of a parent, guardian or other party or who is responsible for care is entitled to protection from exploitation both economically and sexually. But in the implementation of the current law there are still many violations. If we examine both of these articles then we should have understood that the child has really protected his rights but from irresponsible parties have committed violations of children's rights that have been listed in Article 13 of law no. 23 of 2002 on Child Protection.

In islam narcotics are also viewed as things that are forbidden because of the many harms contained in narcotics or drugs themselves because as we all understand that drugs are things that damage themselves and others.

From the explanation of the above verse khamar is intoxicating, thus narcotics and illegal drugs that have intoxicating properties are classified as khamar, then the law is the same as the law is haram. While in the hadith narrated by Arba'in and Nawawi in the 32nd Hadith that Narcotics Crime Today has become a transnational crime that uses various ways of distribution, high modus operandi, and also a wide network of organizations, and of course in this case narcotics become one of the killers with a high presentation not only for adults but also among the young generation.

The number of adverse effects that can be caused by narcotics should be a major concern by the authorities to immediately eradicate the problem of narcotics not only among children but also as a whole with the actions related to narcotics will still continue to threaten the growth of a nation. Moreover, drugs whose properties make users addicted, not to mention the impact of the resulting impact on the health of the body.

³ Nurjannah, St. "Pembinaan dan Pengaawasan Pemerintah Terhadap Perlindungan Konsumen." *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan* 2.1 (2013): 1-7.

The Indonesian state has sought to prevent children who have committed narcotics crimes from being entangled in the same case again through the birth of Law Number 11 of 2012 on the child criminal justice system (SPPA), where children who conflict with the law are placed in Special Children's development institutions (LPKA).

METHOD

The type of research that will be used is Field research, namely field research. Field research is one of the methods used in research by collecting data through observation and conducting interviews with related parties in order to obtain information according to what is desired.⁴

RESULT AND DISCUSSION

1. Guidance on child prisoners drug cases in children's Special Development Institution (Lpka) Maros Regency

a. Spiritual Construction

Spiritual development aims to increase the devotion of prisoners to God Almighty, through spiritual development with the application of religious values and moral values, it is hoped that prisoners will get closer to God and be able to realize the mistakes they have made. Based on the purpose of Correctional that the correctional system is organized in order to form students into whole human beings, realize mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted back by the community. Active can play a role in development and can live reasonably as a good and responsible citizen, so that through spiritual development is expected to foster awareness in students.

And of course, spiritual guidance is also intended for students to recognize their nature from the beginning given, as a holy human being who knows the good and bad of an act that can save students from mistakes that can occur after leaving the Special Child Development Institute Kab. Maros

In A Special Institution Pmebinaan Child District. Maros there is a religious coaching, such as pesantren kilat every three days a month, in the form of religious deepening activities, as well as training to improve themselves for inmates who are Muslims. For non-muslim prisoners, we cooperate with monasteries and churches.

b. Self-Reliance Development

Independence development Program provided by the institution Pmebinaan Special Children Kab. Maros is to increase the confidence of the inmates to be able to stand alone, without relying on others.

Can be directed talents and skills so that citizens binaa Penitentiary can return to the role as members of society who are free and responsible then the purpose of fostering independence yes it is to provide provision to students so that after completion of the criminal, they can live independently with the provision of skills they acquired during the course of the criminal, thus, they are expected not

⁴ Ahmad Tanzeh, *Metode Penelitian Praktis*, (Jakarta: PT Bina Ilmu, 2004), h. 39

to restart the criminal acts they committed before. Development of self-reliance in practice include; sewing, screen printing, sculpture making from fiberglass, carpentry, fishing, agriculture, manufacturing and maintenance of plants, barbershop, workshop. Students who will work in the independence development program must attend the hearing to determine the feasibility and ability and readiness of the students. The independence Program that students follow is adjusted to their talents and abilities as well as the facilities available.

The convict development Program is held to provide a living provision that can provide benefits when they reintegrate into community life, this is in line with Point 1 of the 10 principles of Penitentiary which states: Ayomi and provide living provisions so that they can carry out their roles as good and useful citizens.

The system is divided into three groups:

- a. The initial stage is from the beginning began to undergo criminal up to $\frac{1}{3}$ (one-third) of the criminal period (maximum security) tight security in the first 1 (one) month is the administrative orientation period or introduction period (mapenaling), at this time the correctional Guardian is set as a companion of students in the process of coaching/Correctional. In $\frac{1}{3}$ (one third) of the criminal period is given personality development (devotion, intellectual, legal awareness, love of the fatherland and Correctional)
 - b. The advanced stage is divided into 2 (two) stages, namely the first advanced stage/medium security starting after $\frac{1}{3}$ (one-third) of the criminal period up to $\frac{1}{2}$ (half) of the criminal period, independence is provided in the form of education and skills training in correctional institutions tailored to the background of talent interests to be useful for yourself, support your family. Able to work independently and in a team; the second advanced stage of minimum security (also called the assimilation stage) begins after $\frac{1}{2}$ (half) to $\frac{2}{3}$ (two thirds) of the criminal period is given a coaching period by integrating students into the community, participating in education and skills training outside the Correctional Institution, working opportunities outside the Correctional Institution and the opportunity to take leave to visit families (CMK).
 - c. The final stage begins after $\frac{2}{3}$ (two thirds) of the criminal period can be granted parole, the implementation of which is carried out by a special children's development institution.
2. *Barriers to Children's Special Development Institution (LPKA) Maros Regency in The Process of Coaching Children Drug Cases*

Based on the observation of the authors found that children fostered by the Institute of Special Development of children Maros Regency is :

- a. Internal Factors
 - 1) Not knowing talent

Many students in special education institutions for children who do not know what talents or abilities are in him to be developed before entering a special education institution for children, then

when students enter confused with what productive work can be done in a special education institution for children.

2) Personal protege

Before entering a special children's coaching institution, not a few children who have a very bad personality, do not understand and understand what manners are, as well as manners that should be used in social life in the community

3) Lack of Legal Awareness

In this case, the inmates do not understand the whole rules that exist in the Special Child Development Institutions of the District. Maros, so many students violate the rules of discipline itself.

However, the explanation given by Mr. Tubagus M. Chaidir about the obstacles in terms of the students themselves, in this case the compiler also get Research data conducted by Special Child Development Institutions Kab. Maros in terms of prisoners themselves about the cause of the emergence of barriers from prisoners. Based on the results of an interview with Ahmad students in Special Child Development Institutions Kab. Maros, which became the emergence of obstacles that come from Correctional inmates are :

“The lack of desire of prisoners in carrying out coaching when coaching activities provided by children's special coaching institutions and prison officers should provide encouragement and motivation in increasing the interest of Correctional inmates, precisely when complaints from each inmate to prison officers, prison officers rarely respond or respond for a long time so that results in laziness and unwillingness to follow.”⁵

Based on the observation of the author it is seen that the Special Coaching Institute for children Kab. Maros does not have much interest in running the program provided by the Special Child Development Institute Kab. Maros and their legal awareness is also still very low so that it hinders the development of prisoners in Special Child Development Institutions Kab. Maros.

b. Eksternal Factors

Facilities and pre-facilities are one of the very important parts that exist in children's Special Development Institutions. The reason is because with the facilities and pre-facilities, students who go inside can explore the talents or skills they have that they cannot get outside.

Based on the results of an interview with Mr. Tubagus M. Chadir in the Special Child Development Board District. Maros said:

“There are many talents owned by prisoners, such as carpentry, but unfortunately there are no places and tools, so carpentry activities cannot be carried out regularly, they are only carried out when

⁵Hasil wawancara dengan Ahmad, Anak binaan Kasus Narkoba di 1 Lembaga Pembinaan Khusus Anak Kab. Maros, diambil Pada Tanggal 3 Juli 2021.

there is work such as repair or construction in the detention center, the facilities of this Correctional building are also an obstacle in coaching, over the capacity of the number of inmates with”⁶

He also added that in a Special Coaching Institute for children Kab. Maros still lacks formal education that can be received by students in special education institutions for children, the absence of certified teaching staff who can teach students in special education institutions for children, the author also found that the education received by students in special education institutions for children is only non-Formal education, which is where the child's need for formal education is also very important to support the lives of students after completion of his sentence.

Then there is also the absence of specialized teaching staff in certain fields, especially in narcotics cases provided by children's special training institutions, which of course becomes very important for students to know about the types of narcotics and dangers, as well as the consequences that students can receive with narcotics and its use.

CONCLUSION

For coaching against narcotics students in special coaching institutions for children do not get special coaching system as it should, but students in special coaching institutions for children still lack attention in special cases like Narcotics who do not have special teachers who also provide assistance to students in narcotics cases, then children who are sent to special coaching institutions for children mostly do not receive rehabilitation before, whereas in law no. 35 of 2002 on Child Protection requires rehabilitation to be given to children using narcotics.

Efforts or obstacles made by officers of children's special coaching institutions performance coaching narcotics students and still lack of teaching staff to provide formal education and also still lack of special personnel to assist children in narcotics cases.

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⁶ Hasil wawancara dengan Tubagus M. Chadir , Kepala Lapas di Lembaga Pembinaan Khusus Anak Kab. Maros, diambil Pada Tanggal 3 Juli 2021.

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