

## IMPLEMENTATION OF FAIR INMATE DEVELOPMENT IN CORRECTIONAL FACILITIES

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**ABSTRACT:** Prisoner development is an integral part of the correctional system which aims to rehabilitate prisoners so that they can return to their role as productive members of society. However, the implementation of coaching for death row inmates is still a complex issue in the practice of law and human rights in Indonesia. Death row inmates are often treated as if they do not have the right to coaching because of the final verdict they receive. This study examines the urgency of the implementation of coaching for death row inmates as a manifestation of the principles of respect for human rights and security stability in correctional institutions. The purpose of this study is to evaluate the form of implementation of the coaching carried out, as well as provide policy recommendations that support the fulfillment of the rights of death row inmates in a humane and just manner. This study uses a normative method with a statute approach and a conceptual approach analyzed qualitatively.

**Keywords** - *Correctional Institution, Death Penalty, Prisoner Development*

### I. INTRODUCTION

Correctional institutions are institutions that have an important role in the criminal justice system, especially in carrying out the function of coaching inmates. The penitentiary system in Indonesia is based on the principle that every prisoner, regardless of the type or severity of his sentence, still has basic rights that must be respected, including the right to coaching. This is in line with the goals of correctional facilities as stipulated in Law Number 22 of 2022 concerning Corrections, which emphasizes a rehabilitative and reintegrative approach for inmates. However, in practice, the implementation of coaching for prisoners sentenced to death often raises debate. On the one hand, the death penalty is understood as the most severe form of punishment that ends all convicts' right to life. On the other hand, as long as they have not been executed, death row inmates are still legal subjects who have the right to receive humane treatment, including the right to coaching. Neglect of this right has the potential to harm the human rights principles guaranteed in the constitution and international instruments that Indonesia has ratified.

This phenomenon indicates confusion in the practice of law and correctional policies, especially in the treatment of death row inmates. Inconsistency in the implementation of coaching can have implications for social tensions in prisons, human rights violations, and failure to carry out the humanitarian mission of the correctional system. Therefore, it is necessary to conduct an in-depth study on the urgency of the implementation of coaching for death row inmates as part of basic rights that cannot be ignored. This research will analyze the implementation of coaching for death row inmates in correctional institutions, identify the obstacles faced, and provide policy recommendations that support a more humane and constitutional treatment of them. This study is expected to strengthen the legal position of the right to counseling for all prisoners, including those who are in the shadow of execution. Based on Article 100 paragraph (1) of the National Criminal Code which explains that the Judge imposes the death penalty with a probation period of 10 (ten) years by taking into account the defendant's remorse and there is hope to improve himself or the defendant's role in the crime. Grace period of 10 (ten) years. Article 100 paragraph (4) of the National Criminal Code explains that if the convict during the probation period shows commendable attitudes and deeds, the death penalty can be changed to life imprisonment by Presidential Decree after obtaining the consideration of the Supreme Court. If the convict during the probation period does not show commendable attitude and deeds and there is no hope of improvement, the death penalty can be carried out on the order of the Attorney General [1].

The National Criminal Code provides space for death row inmates to get a probation period of 10 (ten) years with certain conditions. This probation period is given if there is an indication of deep remorse from the convict and there is hope to improve himself. If during the probation period the convict shows commendable attitude and behavior, then the death penalty can be changed to a life sentence. However, efforts to assess changes in attitudes and behaviors of death row inmates are not simple. There are indicators that must be considered, one of which is the assessment of changes in the attitude of convicts who show commendable behavior. In this context, coaching and supervision of death row inmates is important to ensure that they have the opportunity to improve themselves [2]. On the other hand, the provisions in Article 38 of the Correctional Law state that coaching in correctional institutions only applies to inmates with penalties other than the death penalty. The coaching includes personality development and independence development. Thus, there is a contradiction between Article 100 paragraph (1) and paragraph (4) of the National Criminal Code which opens up opportunities to change the death penalty based on changes in the behavior of convicts and Article 38 of the Correctional Law which does not provide a coaching space for death row inmates. This provision invites fundamental questions about the coaching mechanism for death row inmates who want to show behavior change as a condition for mitigating their sentences. If coaching is not available for death row inmates, how will the state ensure that there is a change in attitude that can be used as a basis for consideration to change the death penalty to life imprisonment. This is a serious challenge in realizing the principles of justice, respect for human rights, and maintaining security stability in correctional institutions [3]. Based on the description of the background, the problem in this study is how to implement the development of inmates who are fair in correctional institutions.

## II. METHOD

This research uses a normative legal research method, which is research that relies on the study of legal materials as the main basis for analyzing the legal problems being studied. In this study, two approaches are used, namely the statute approach and the conceptual approach. The statute approach is used to study and analyze laws and regulations related to the implementation of inmate development, especially death row inmates, such as Law Number 22 of 2022 concerning Corrections, Law Number 39 of 1999 concerning Human Rights, and its implementing regulations. This approach is important to understand the limitations and legal obligations in the formal implementation of prisoner development. Meanwhile, the conceptual approach is used to examine relevant legal concepts, such as the concept of human rights for prisoners, the right to coaching, the principle of humanization in corrections, and progressive and reintegrative legal theories. This approach allows researchers to develop legal arguments in a more in-depth and comprehensive manner in assessing the urgency of implementing coaching for death row inmates. The type of data used is secondary data consisting of primary legal materials (laws and regulations), secondary legal materials (legal literature, journal articles, and previous research results), and tertiary legal materials (legal dictionaries and legal encyclopedias). Data analysis is carried out in a qualitative descriptive manner, namely by describing and interpreting the applicable legal norms and comparing them with actual practices in correctional institutions, to then draw conclusions and provide constructive recommendations.

## III. RESULTS AND DISCUSSION

### 3.1 The Essence of Prisoner Development

Coaching is the process, making, way of coaching, renewal, business and actions or activities that are carried out effectively and successfully used. According to the General Dictionary of the Indonesian Language, coaching is an effort, action and activity that is carried out effectively and successfully in order to obtain better results. The scope of coaching includes two sub-functions, namely supervision and supervision [4]. Supervision and supervision are closely related to each other, and both complement or complement each other. These two sub-functions have similarities and differences. According to Sudjana, the equation of supervision and supervision is that the development of inmates in correctional institutions is not just a routine, but is a management function that is planned and carried out systematically and programmatically. This coaching involves a series of activities that are carried out deliberately and involve professionals to achieve the goals that have been set [5].

According to Sedarmayanti, empowerment means a strong mental attitude and aims to increase individual empowerment. This coaching process contains two main tendencies. First, the primary tendency that focuses on the process of giving or transferring some power, power, or ability to society so that individuals become more empowered (survival of the fittest). This process can be supported through the development of material assets to build independence through the organization. Second, a secondary tendency that emphasizes more on the process of stimulating, encouraging, or motivating so that individuals have the ability to make their life choices through dialogue. These two tendencies are interrelated, where the primary tendency will be more effective if it is preceded by the secondary tendency.

Coaching for inmates is one of the crucial elements in the correctional system that aims to rehabilitate individuals who have committed violations of the law so that they can return to becoming law-abiding, productive, and responsible members of society. The urgency of coaching is not only seen from the internal perspective of the penitentiary, but also touches on two fundamental aspects of a civilized legal system: the fulfillment of human rights and the protection of society. In the context of human rights, every individual, including prisoners, retains a basic right that cannot be abolished by their legal status. This principle is affirmed in various national and international instruments, such as Articles 28D and 28G of the 1945 Constitution of the Republic of Indonesia, as well as the Mandela Principle (United Nations Standard Minimum Rules for the Treatment of Prisoners) [6]. Coaching that includes education, religion, work skills, and psychological counseling is a means of fulfilling the right to obtain personal development and a dignified life, even though they are serving a criminal term [7].

Furthermore, the systematic and sustainable implementation of inmate coaching is also an integral part of the long-term community protection strategy. Prisoners who do not receive coaching have a great potential to re-commit criminal acts (recidivism), thus posing a recurring threat to public order and security. On the contrary, effective coaching can minimize the likelihood of repetition of crimes through the process of transforming attitudes, moral understanding, and adequate economic capabilities after leaving correctional institutions. Thus, coaching for prisoners is not solely the state's obligation to the perpetrators of criminal acts, but also a social investment to create a safer, fairer, and more civilized society. The state is obliged to ensure that the correctional system does not only function as a tool of retribution, but also as a vehicle for correction and social reintegration, which ultimately provides maximum protection to the community through restorative and rehabilitative approaches.

### 3.2 Forms of Prisoner Development in Correctional Institutions

Article 38 of the Correctional Law explains that based on the results of Community Research, coaching in the form of personality development and independence development will be described as follows:

#### a. Inmate Personality Development

The personality development system in corrections is an effort to change the behavior of inmates so that they can return to becoming good and responsible citizens [8]. Personality coaching not only focuses on aspects of morality, but also includes awareness of social, spiritual, intellectual, legal, and national values. The main purpose of this coaching is to improve the mentality of prisoners so that they do not repeat criminal acts (recidivism) and can function again in society productively and responsibly [9]. The personality development system is holistic and integrated, covering various aspects of the prisoner's life. The implementation of this coaching is carried out through an educational, religious, social, and intellectual approach so that inmates are able to understand the consequences of their actions and have the awareness to improve themselves. Thus, personality development functions as a means of mental rehabilitation which is expected to restore the identity of prisoners as dignified human beings and law-abiding citizens.

- 1) Religious and Spiritual Awareness Development: Religious and spiritual awareness development aims to foster the faith and piety of prisoners so that they can control themselves from negative actions. This form of coaching includes routine worship activities, religious studies, spiritual guidance, and spiritual counseling. Inmates are given the opportunity to attend religious lectures, recitations, and religious courses organized by correctional officers or in collaboration with religious institutions. This program not only strengthens the aspect of spirituality, but also becomes a medium to internalize moral and ethical values so that inmates have better self-control.
- 2) Fostering Awareness of the Nation and State: This coaching aims to instill awareness of love for the homeland, understand the rights and obligations as citizens, and respect diversity. Inmates are given national insight through civic education activities, flag raising, and flag ceremonies on a regular basis. The coaching material also includes the introduction of Pancasila, the 1945 Constitution, and the history of the nation's struggle so that inmates can understand the importance of positive contributions to the state. Thus, this coaching is expected to build an attitude of nationalism and a sense of belonging towards the nation and state.
- 3) Intellectual Ability Development: Intellectual ability development is carried out through formal, non-formal, and vocational skills education programs. Inmates are given access to continue their basic education to higher education through open education programs or equality packages. In addition, they can also take skills courses that match their interests and talents, such as sewing, carpentry, or computer courses. The purpose of this coaching is to improve the quality of inmates' human resources so that after their release, they have skills that can be used to find a job or become an independent entrepreneur.
- 4) Legal Awareness Development: Legal awareness development is carried out to increase inmates' understanding of laws and regulations and the legal consequences for their actions. This program includes socialization about the rights and obligations of prisoners, an introduction to the criminal justice system, and discussions on relevant legal cases. Through this coaching, it is hoped that inmates can

realize the mistakes that have been made and understand the importance of obeying the law to create a safe and orderly community environment.

- 5) **Fostering Integrating Self with the Community:** Social integration coaching aims to prepare inmates to be able to adapt again in the post-liberation community. This program includes job skills training, interpersonal communication training, and social activities with the community or family. Inmates were also given briefings on how to manage social stigma and strategies to avoid the recurrence of criminal acts. This coaching is very important to minimize the risk of recidivism and ensure that inmates can be accepted back by the community positively.

Overall, this personality development system is expected to shape inmates into individuals with more integrity, life skills, and ability to function again [10]. Personality development is a manifestation of the implementation of the ten basic principles of correctional services related to the granting of rights to prisoners and prisoners. The main goal is to help the inmates to get closer to God Almighty, so that they do not repeat the criminal acts that have been committed and are able to become better and useful individuals after being released from the penitentiary. Spiritual coaching in this context is seen as a means for inmates to channel their emotional burdens and life problems, as well as a step in improving behavior. In fact, this coaching is considered to be able to provide a sense of calm, comfort, and peace for criminal offenders [11]. In contrast, inmates who do not receive spiritual guidance are at risk of psychological disorders or mental distress. Therefore, spiritual development programs play an important role in reshaping the attitudes, ethics, and behavior of prisoners so that they can return to being fully human beings. Especially for inmates of corruption crimes, improving personality development is crucial, considering the large number of them in Indonesia. If this coaching program can be followed properly, then the negative behavior that was previously attached to them can turn into a more positive and constructive behavior.

b. **Fostering Prisoner Independence**

The self-reliance development system in the context of correctional facilities aims to equip inmates with practical skills so that they can live independently and productively after serving their sentences. This coaching is focused on increasing the capacity of inmates in the fields of work skills, entrepreneurship, and the development of interests and talents. The goal is to create opportunities for inmates to participate in economic activities legally and skillfully so as to avoid the risk of repeating criminal acts [12]. Self-reliance coaching also functions as an economic rehabilitation step, where inmates are not only improved in their mentality but also provided with skills that are relevant to the needs of the labor market. Thus, the development of independence not only has a positive impact on individual prisoners, but also on society and the state through reducing the unemployment rate and improving social welfare [13].

- 1) **Skills Development to Support Independent Businesses:** Skills development to support independent businesses focuses on developing inmates' abilities in the field of entrepreneurship. This program includes training in skills such as sewing, cooking, farming, handicrafts, and small business management. In addition, inmates are also given basic knowledge about business management, product marketing, and financial strategies so that they are ready to start their own businesses after release. For example, inmates can be trained to make handicraft products from recycled materials that are then marketed through prison cooperatives or in collaboration with third parties. This approach not only teaches technical skills but also builds the entrepreneurial spirit of inmates so that they have the confidence to open a business independently.
- 2) **Skills Development to Support Small Industry Businesses:** This program aims to create a skilled workforce that is ready to work in the small industry sector. The form of coaching is in the form of training specific job skills such as sewing on an industrial scale, food processing, welding, wood craft production, and soap production. This program is usually carried out in collaboration with related agencies, local companies, or Job Training Institutions (LPK). In its implementation, inmates are involved in the production process of certain goods that will be marketed, both inside and outside the prison. Through this program, inmates not only gain practical skills but also work experience that can be a plus when they are looking for a job after their release. In addition, the inmates' produce can also be sold to get additional income that will be set aside as their savings.
- 3) **Skills Development According to Interests and Talents:** Skills development based on interests and talents aims to optimize the individual potential of inmates. In this case, the prison conducts an initial assessment to identify the interests and talents of each inmate so that they can be provided with appropriate skills training. For example, inmates who have artistic talent can be trained to make painting, ceramics, or sculpture crafts. In addition, inmates who have an interest in culinary fields can take courses in cooking, baking, or food processing. This approach is important to ensure that inmates gain relevant skills and can be developed into potential ventures once they are released. Interest- and talent-based coaching can also increase the motivation of inmates to actively participate in coaching programs because they feel appreciated according to their abilities.

- 4) Limited Access to Self-Reliance Programs: Although self-reliance development is an integral part of the correctional system, its implementation still faces various obstacles. One of them is the limitation of facilities and resources. Many prisons do not have adequate training facilities, such as production machines, workshop rooms, or competent instructors. As a result, the coaching program becomes non-optimal and unsustainable. In addition, budget constraints are also the main obstacles in the procurement of training raw materials and incentive payments for inmates working in prisons. Another obstacle is the social stigma against inmates which is still strong so that the products of the coaching are difficult to accept in the foreign market. To overcome this, collaboration with the private sector and social institutions is needed to provide access to the marketing of inmate products and expand the network of business partnerships.

Independence development for inmates is carried out through various skill programs, such as handicrafts, household industry, repair, agricultural product processing, and technology-based industries, which are adjusted to the talents of each inmate [14]. Prisoner coaching includes two aspects, namely personality development to foster confidence in facing life problems, and skill development or independence which aims to equip prisoners with technical skills to be useful after returning to society. Overall, the system of fostering independence in prisons not only serves as a means of economic rehabilitation, but also as a medium to build confidence and practical skills of inmates. Effective coaching will contribute to improving the quality of life of prisoners and reduce the likelihood of them being involved in criminal acts again [15]. However, this provision explicitly does not apply to death row inmates.

#### IV. CONCLUSION

The implementation of inmate development in correctional institutions is a mandate of the Indonesian correctional system which aims to humanize inmates and strive for social reintegration. This principle applies universally to all prisoners, including those sentenced to death. However, in practice, the fulfillment of the right to coaching for death row inmates is often neglected or not implemented optimally, citing the legal status of those awaiting execution. Positive legal provisions, such as Law Number 22 of 2022 concerning Corrections and Law Number 39 of 1999 concerning Human Rights, do not distinguish the right to counseling based on the type of crime imposed. Therefore, death row inmates still have the right to humane treatment, including the right to personal, independent, spiritual, and social development while still in correctional institutions. Thus, the fulfillment of the right to coaching for death row inmates is part of the state's responsibility to uphold human rights values and maintain stability and order in the correctional institution. This neglect of rights is not only contrary to constitutional principles, but also has the potential to worsen the psychological condition of prisoners and hinder the creation of a humane and rehabilitative prison climate. Therefore, it is necessary to affirm policies and strengthen the implementation of the implementation of coaching for death row inmates as an integral part of the Indonesian correctional system.

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