



Construction of Guidance for Death Row Inmates in Correctional Institutions in a Human Rights Perspective

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Abstract

This research examines the formulation of an ideal coaching model construction for death row inmates in correctional institutions. Indonesia, as a country that consistently upholds the right to life as a human right, reflects this value in the 2026 National Criminal Code. This regulation categorizes death penalty as an alternative punishment and judges are very selective and careful in giving decisions. In addition, Article 100 of the Criminal Code changes the death penalty to life imprisonment if the convict shows good behavior during detention. This condition highlights the crucial need for a comprehensive coaching model, considering that death convicts will undergo a long waiting period in prison, even potentially experiencing a change in criminal status. The proposed coaching model is expected to provide a humanist and effective framework, and reflect the protection of human rights for death convicts during the legal process. This research uses a normative method by referring to the literature and laws and regulations.

Keywords: *Death Penalty; Convict; Correctional Institution; Human Rights*

Introduction

The death penalty is an issue that raises pros and cons. In Indonesia itself, many courts have issued death sentences, however, there are gaps in the placement of death row inmates in correctional institutions. This results in the needs of the death penalty who are waiting for the execution period to be neglected. In fact, although many court decisions impose death penalty, regulations related to the placement and treatment of death convicts in correctional institutions are still the same as ordinary prisoners. This raises issues in the context of human rights (HAM), because death row inmates have a different legal status and psychological condition from prisoners in general.

The main purpose of the correctional system is the reunification of prisoners correctional with the community, as a good citizen and responsible, so that the existence of former prisoners in the community is expected to be willing and able to participate in building society and not the opposite, it becomes an obstacle and in development. The Correctional System is a series of law enforcers that aims to make prisoners realize their mistakes, improve themselves, and not repeat criminal acts so that they can be

accepted back by the community, can actively participate in development, and can actively participate in development, and can live reasonably as good and responsible citizens¹.

In order to implement the fulfillment of rights for prisoners, the government has established Law No. 22 of 2022 on Corrections. This law was formed to strengthen the correctional system in Indonesia, which with Law Number 22 of 2022 concerning Corrections has embraced the concept of social reintegration as a substitute for the concept of retaliation and deterrence. In the Correctional Law Number 22 of 2002, prisoners are convicts who are serving imprisonment for a certain period of time, life imprisonment, or death row convicts who are awaiting the implementation of the decision, and are undergoing guidance in correctional institutions². Development in the Corrections Law is designed to transform prisoners into better individuals who can return to society by upholding legal, moral, social and religious values. This development is an integral part of the correctional system which aims to rehabilitate and reintegrate prisoners into society.

In practice, death row inmates are not given clear legal certainty regarding whether death row inmates who are still awaiting execution have a certain time limit. Whereas in Article 28D of the 1945 Constitution of the Republic of Indonesia and Article 3 of Law No. 39 of 1999 concerning Human Rights, every citizen has the right to obtain legal certainty. Undergoing guidance like other prisoners results in a double punishment for death convicts, namely imprisonment and death penalty. The function of the correctional system is contrary to the purpose of placing death convicts in correctional institutions, because death convicts should not return to society. Unlike prisoners who will return to the community.

Practices in the field related to regulations governing special guidance for death row inmates are not yet clearly available. In fact, the conditions and needs of death row prisoners are different from ordinary prisoners because they face the most severe punishment and the waiting period for execution is often long. This lack of clarity has resulted in a legal vacuum in the implementation of guidance that is in accordance with the characteristics of death row inmates, so that the guidance provided so far tends to be the same as prisoners in general without considering their psychological aspects and human rights in particular.

The development of death convicts in correctional institutions is important to be analyzed because it involves the fulfillment of human rights that have been adequate both psychologically and in terms of the fulfillment of the rights of death convicts which should be differentiated from other convicts. This research shows that death convicts are not required to follow the same coaching program as other convicts because it has an impact on discriminatory treatment and heavy psychological pressure and the non-fulfillment of the rights of death convicts while waiting for the execution period. The author highlights the regulatory vacuum and the need for special coaching that suits the conditions and needs of death row inmates. This research uses a literature study and the purpose of the article is to identify discrepancies in regulations and practices for the development of death row inmates, and encourage policy improvements so that their human rights while in correctional institutions are fulfilled and can meet their needs during the waiting period for execution so that these human rights are fulfilled according to national or even international standards.

The Nature of the Guidance of Death Row Prisoners in Correctional Institutions

The essence of coaching for death row inmates is actually an effort to restore convicts to realize their mistakes, make them better human beings, and be able to accept conditions and be sincere in undergoing execution. This coaching is based on the principle that rehabilitation and resocialization, even

¹ Dona Raisa Monica and Diah Gustiniati Maulani, *Introduction to Penitentiary Law and the Indonesian Correctional System*, Anugrah Utama Raharja, pp. 77

² Jullia Putri Shandyana, *Fulfillment of the Rights of Inmates in Narcotics Cases Under the Correctional Law*, *Indonesian Journal of Law and Justice* 1, no. 4 (2024) pp 3.

in the context of the death penalty, still have essential value. The aim is to help convicts achieve inner calm, reconciliation with themselves, and acceptance of the legal destiny that awaits them.

The correctional system as stipulated in Article 3 of the Correctional Act serves to prepare prisoners to be able to integrate healthily with the community. Correctional Institution (Lapas) only functions to carry out guidance for convicts undergoing punishment of loss of freedom, which according to Article 10 of the Criminal Code includes imprisonment (temporary or life-long) and confinement. However, in practice, correctional institutions also accommodate death convicts. These death convicts cannot be categorized as inmates because their existence in correctional facilities is not to undergo punishment, but only as a temporary shelter awaiting execution. Therefore, based on Article 15 paragraph (1) of the Corrections Law, death row inmates during the waiting period for execution are not required to participate in certain coaching programs and activities organized by the Correctional Institution³. However, in practice, because death convicts are placed in correctional institutions, joining other convicts, and in the waiting period can reach years, inevitably correctional officers include death convicts in the development program. Until now, there is no mechanism that explains the possibility of commutation of death penalty based on the success of coaching. As a result, death convicts undergo 2 forms of punishment without clarity, namely imprisonment which does not lead to a return to society and the execution itself⁴.

The treatment of death row inmates who are not required to participate in certain coaching programs and activities during the waiting period for execution in prisons causes differences in treatment between ordinary prisoners and death row inmates. This difference shows injustice in the implementation of the Correctional System in correctional institutions. Whereas there should be a special program provided by the correctional institution to death convicts who are awaiting execution. There must be a special program carried out to meet their mental and spiritual needs while waiting for the execution period to come. The placement that is put together with other convicts makes death row inmates not get their rights to fulfill their needs during the process of waiting for execution. In fact, the death row inmates must be given the right to focus on themselves.

The prisoner development system in Indonesia is based on Law No. 12 of 1995 concerning Corrections, and Government Regulation No. 31 of 1999. However, it does not specifically regulate the mental health guidance of death row inmates. Until now, there are no specific guidelines on how to guide the mental health of death row inmates. Even though this mental health guidance is very much needed by death row inmates. So far, mental health guidance for death row inmates has been carried out together with other prisoners and detainees. This is done because so far there are no specific guidelines regarding mental health guidance for death row inmates. Therefore, the mental coaching carried out is categorized into Personality Development. Personality coaching is carried out by fostering religious awareness which is realized in the form of routine recitation for Muslims, divine services for Christians, and other religious activities that are tailored to the beliefs of the prisoners. This activity is carried out once a week and is an obligation for all prisoners⁵. Activities carried out by prisoners are assisted by correctional guardians. Where a correctional guardian is responsible for several prisoners. The coaching is carried out in groups. In addition, the correctional guardian's job is to oversee the behavior of prisoners, provide recommendations and advice. Not only death row inmates but all prisoners are given correctional guardians. So that the existing activities or programs are not designed for death row inmates but, these activities are also activities provided to all prisoners in the Penitentiary.

³ Djernih Sitanggang, Efa Laela Fakhriah, and Sigid Suseno, "The Treatment of Death Row Inmates in Correctional Institutions from a Human Rights Perspective," *Jurnal Media Hukum* 25, no. 1 (2018) pp 4.

⁴ Oktavia et al., "The Implementation of Inmate Rehabilitation for Death Row Prisoners (Case Study at Class 1A Correctional Institution Raja Basa, Bandar Lampung)," *Journal of the Faculty of Law, University of Lampung* (2019).

⁵ Amri Hasan Ramli and Wiwik Utami, "The Urgency of Developing a Mental Health Guidance Model (Mental Hygiene) During the Waiting Period for Death Row Inmates," *Jurnal Syariah dan Hukum* 4, no. 1 (2012) pp 13

Coaching for prisoners and death row convicts must be different, considering that both have different meanings. Prisoners in the process of coaching will lose their independence to be coached and trained so that can be re-socialized. At the same time, death convicts can play an active role in development and can live a normal life while waiting for the execution period. However, until now there has not been established legislation governing death row inmates while he is waiting for a decision with permanent legal force, namely the execution period. Therefore, the correctional institution must have special counseling facilities for prisoners sentenced to death⁶. However, the reality in the field shows that the waiting period for death penalty execution in Indonesia on average has to wait a long time. This condition poses serious challenges in the implementation of effective coaching. Prolonged waiting without a structured and adequate coaching program can worsen the psychological condition of convicts, triggering stress, depression, or even mental disorders. Therefore, the existence of an ideal coaching model becomes increasingly crucial to fill this void and ensure that the rights of death row prisoners are still fulfilled, regardless of the length of the waiting period for execution

The placement of death row inmates in the correctional system in the record of the findings of the National Commission on Human Rights (Komnas HAM) there are conditions that are very inhumane, such as the extreme level of overcrowding in several prisons inhabited by death row inmates resulting in poor conditions of residential rooms, air circulation and sanitation, not optimal guidance, lack of medical and psychological health services, restrictions on visits and limited access to visits due to the transfer of prisoners to prisons far from the domicile of death row inmates, unnecessary transfers to isolation rooms, to mental and psychological conditions due to fear of uncertainty. In addition, the impact of the death row phenomenon results in severe mental and physical trauma. This impact even leads to stress, anxiety disorders, psychiatric disorders, and even death⁷.

The situation above raises human rights issues because death row prisoners will legally lose their lives but are still restricted in their freedom without proper treatment and guidance in accordance with their special needs. The same placement and guidance as ordinary prisoners has the potential to undermine their human rights, because it does not provide special protection against psychological pressure and the need for deep mental rehabilitation during the waiting period for execution. Thus, until now there has been no special regulation to provide special programs for death row inmates who are awaiting their execution. The relationship between the general guidance program and the lack of special regulations for death row prisoners reflects a legal vacuum that has an impact on violations of human rights principles.

The handling of the development of death row inmates must be adjusted to their characteristics and needs so that there is no unfair deprivation of rights in correctional institutions against death row inmates. The needs of death row inmates are different from ordinary convicts, therefore, special supervision by the correctional guardian is needed for death row inmates who will be executed. In addition, the placement or blocks of death row inmates must be differentiated so that before the execution of death row inmates can be given mental protection by special psychology before the execution period arrives. This is so that death row inmates feel that they are given the right to become a better person or figure than before the execution period arrives.

The Construction of Coaching for Death Row Prisoners in Correctional Institutions

The legal basis for the placement and guidance of death row inmates in correctional facilities is contained in the Correctional Law and is regulated in detail in the Decree of the Minister of Justice of 1990, and Article 5 of Presidential Decree Number 2 of 1964 concerning the Implementation of the Death Penalty. The purpose of imposing the death penalty is expected to stop the same actions in the

⁶ M. Daffa Baqir Ashidiqy and Mitro Subroto, "Rehabilitation of Female Death Row Inmates in Women's Correctional Facilities," *Jurnal Komunikasi Hukum* 8, no. 2 (2022) pp 4.

⁷ National Human Rights Commission of Indonesia (Komnas HAM) et al., *Policy Paper: The Phenomenon of Death Row and Recommendations for Commutation of the Death Penalty*, Jakarta: Komnas HAM, 2020, 29.

community. Various cases of perpetrators who only get light sanctions will repeat their actions so the death penalty is expected to have the effect that there will be no similar crimes again⁸. Coaching for death row inmates is needed because they have the right to obtain mental comfort and fulfillment of needs both psychologically and spiritually during the waiting period for execution.

The court has repeatedly imposed death penalty decisions, based on data from the Directorate General of Corrections (Ditjenpas), the number of people sentenced to death in Indonesia increased from 509 people in October 2023 to 557 people in October 2024, with 69% of cases related to narcotics and 11 of them were women⁹. This increase, without any execution since 2016, extends the waiting period of convicts (death row phenomenon), which causes severe psychological suffering and is considered a violation of human rights (HAM), especially the right to be free from cruel and inhuman treatment as guaranteed by the 1945 Constitution Article 28 J and ICCPR Article 7. During the waiting period which can reach more than 10 years for around 110 convicts, death row inmates are often placed in ordinary cells or isolation with ordinary criminal inmates, undergoing a coaching routine that is not adapted to their psychological condition.

Coaching death row prisoners in correctional institutions has an important role in maintaining their mental and physical stability during the waiting period for execution. This waiting period is often long and full of uncertainty, which can trigger psychological disorders such as anxiety, depression, and post-traumatic stress disorder. Therefore, coaching is designed to provide full support covering mental, physical, and spiritual aspects, with the aim of maintaining emotional balance, encouraging self-reflection, and preparing convicts to face the end of their lives with honor.

Indonesia has consistently placed respect for human rights as a fundamental pillar of its legal system and criminal justice practices. This commitment is not only reflected in the ratification of various international human rights instruments, but also in national legislation, including the ongoing criminal law reform. This paradigm underlines that every individual, including death convicts, still have basic rights that must be protected and respected. In the context of death penalty, the affirmation of Indonesia's human rights commitment is crucial. Although sentenced to death, a convict is still a human being who is entitled to humane treatment. Therefore, the presence of an ideal coaching model for death row inmates is not just an option, but a necessity that reflects comprehensive human rights protection. This coaching model must be designed to fulfill various dimensions of the needs of convicts, including psychological, spiritual, and social aspects, while they are undergoing the waiting period for execution in correctional institutions.

The construction of this guidance model needs to be based on universal human rights principles, such as the right not to be tortured or treated inhumanely, the right to health, the right to communicate with family, and the right to spiritual support. As such, the coaching programs implemented should aim to mitigate the negative impacts of awaiting execution, prevent a decline in quality of life, and ensure the dignity of the convicted person is maintained. This includes providing access to mental health services, limited opportunities for social interaction, psychological rehabilitation programs, and spiritual guidance in accordance with their respective beliefs.

The rights that must be obtained by death row prisoners are the right to receive spiritual and mental guidance and fulfillment of their needs. The program that can be carried out should be a special coaching program that is different from other convicts. Death row prisoners must be given special programs such as spirituality, psychological guidance, art therapy, health services and death row prisoners must be given the right to meet with their families before the execution process. The existence of these programs allows death row prisoners to undergo the waiting period for execution with calmness and

⁸ Nelvita Purba and Sri Sulistyawati, *The Implementation of the Death Penalty*, Yogyakarta, 2015, 8.

⁹ Directorate General of Corrections, *Data on Death Row Inmates*, <https://sdppublik.ditjenpas.go.id/dwh>, accessed April 21, 2025.

respect. Good implementation requires personalization, training of officers, and periodic evaluation to ensure the success of coaching.

Health coaching for death row inmates must be considered. The coaching in question is the existence of health services for death row inmates so that death row inmates are always ensured to be in a physically healthy condition. The execution will be postponed again if the death row inmate is sick. This requires the Correctional Institution to ensure that death row inmates are in good health every day. Physically and psychologically healthy. Supervision for death row inmates is carried out more strictly to prevent unwanted events, for example committing crimes against other people, committing suicide and experiencing stress or depression. Guardians are expected to be able to fully and specifically supervise the death row inmates. Assistance for death row inmates is not carried out by guardians alone but also special religious assistance must be carried out. Religious assistance is carried out by entrusted religious figures¹⁰. Apart from the religious side, special assistance must also be carried out by a special psychologist who is different from other convicts because the mental needs of ordinary convicts are different from those of death row prisoners. Death row prisoners must always be ensured not to experience stress and always maintain their health both mental and physical.

The coaching program must adapt to the needs of death row inmates, including intensive family visits for emotional support, religious-based coaching such as recitation or meditation to strengthen religious understanding and sincerity, and mental care through counseling, mindfulness, and art therapy to help self-acceptance. Religious understanding is at the core of the coaching, supported by the right to meet the family and an approach that emphasizes sincerity, in accordance with the Indonesian cultural and religious context. The implementation of this model requires specialized officer training, collaboration with external parties such as psychologists, and adequate facilities, with regular evaluations to ensure its effectiveness in the field. Thus, this ideal model not only meets humanitarian standards but also reflects a commitment to meaningful guidance, helping death row prisoners find inner peace despite stressful situations.

The need for optimization of execution so that there are no human rights violations. The death penalty itself is an alternative punishment in the national Criminal Code due to the caution of judges in deciding someone to be subject to the death penalty because the death penalty is related to the right to life and there are violations of human rights in it. In addition, because the Indonesian state upholds high human rights, it cannot be that easy to impose the death penalty on convicts. Death row inmates who have been sentenced to death can also become life sentences if the death row inmate has good behavior while in the correctional institution and the convict shows a desire to be better. The abolition of the death penalty against this convict is because Indonesia is a country that upholds human rights.

It is important to emphasize that this coaching model does not aim to change legal decisions, but rather to ensure that the law enforcement process is carried out in the most humane way possible. As such, it is a concrete manifestation of Indonesia's commitment to upholding human rights, even for those facing the most severe penalties. This model can also serve as a preparation for a possible change in criminal status, as stipulated in Article 100 of the 2026 National Criminal Code, which allows the death penalty to be changed to life imprisonment if the convict shows good behavior.

Conclusion

The development of death row prisoners in Indonesian prisons faces serious problems due to the absence of special regulations, causing them to be treated the same as ordinary prisoners despite their different legal status and psychological conditions. The long waiting period for execution (on average

¹⁰ Edeltruda Lintang Asandi, "Rehabilitation of Death Row Inmates in Correctional Institutions," *Jurnal Ilmiah*, 8.

more than 10 years) exacerbates the mental state of convicts, triggering stress and mental disorders, and is considered a violation of human rights. Poor prison conditions also add to the suffering.

Therefore, a humanist ideal coaching model is needed, focusing on fulfilling the mental, spiritual, and physical needs of death row prisoners. Special programs must include: spiritual guidance (recitation, meditation), psychological guidance (counseling, art therapy), health services, and the right to intensive family visits. In addition, special correctional guardians and psychologists are needed, as well as separate placement for death row inmates. This guidance aims to ensure that the legal process is carried out humanely and to prepare convicts, including the possibility of changing the status of punishment to life imprisonment if they behave well in accordance with Article 100 of the National Criminal Code which will be enacted in the future.

References

1. Asandi, EL (nd). Rehabilitasi narapidana hukuman mati di lembaga pemasyarakatan. *Jurnal Ilmiah*, 8.
2. Ashidiqy, MDB, & Subroto, M. (2022). Rehabilitasi narapidana hukuman mati perempuan di lembaga pemasyarakatan perempuan. *Jurnal K(2)*.
3. Komisi Nasional Hak Asasi Manusia Indonesia (Komnas HAM), dkk. (2020). *Makalah kebijakan: Fenomena hukuman mati*(hal. 29).
4. Monica, DR, & Maulani, Dirjen (nd). *Pengantar Hukum Pemasyarakatan dan Hukum Acara Pidana di Indonesia*(P).
5. Oktavia, dkk. (2019). Pelaksanaan Rehabilitasi Narapidana Terpidana Mati (Studi Kasus di Lembaga Pemasyarakatan Kelas 1A Raja Basa Bandar Lampung). *Jurnal Fakultas Hukum Universitas L*.
6. Purba, N., & Sulistyawati, S. (2015). *saya*(P)Direktorat Jenderal Pemasyarakatan. (21 April 2025). *Data Narapidana Terpidana Mati* . Diambil dari <https://sdppublik.ditjenpas.go.id/dwh>
7. Ramli, AH, & Utami, W. (2012). Urgensi pengembangan model pembinaan kesehatan mental (mental hygiene) pada masa tunggu terpidana mati. *Jurna*(1).
8. Shandyana, JP (2024). Pemenuhan hak narapidana kasus narkoba berdasarkan hukum pemasyarakatan *Jurnal Hukum dan Keadilan Indonesia*.
9. Sitanggang, D., Fakhriah, EL, & Suseno, S. (2018). Perlakuan terhadap narapidana hukuman mati di lembaga pemasyarakatan dalam perspektif hak asasi manusia. *Jurna*(1), 4

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