



The Penal System in the Development of Prisoners

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ABSTRACT

Penitentiary is a place of guidance used in Indonesia which emphasizes the humanitarian aspect, not the aspect of revenge. In this correctional institution, prisoners are fostered and educated and equipped with knowledge and skills as provisions for them when they finish serving their criminal period. With this provision, later inmates can return to society and become good and responsible members. The research method used is a sociological juridical approach, namely a problem approach through legal research by looking at the legal reality in practice, while the data collection tools used in this study is an interview, collecting primary and secondary data, then analyzed qualitatively by grouping the data according to the aspects studied.

Keyword: System, Community, Coaching

1. INTRODUCTION

Indonesia is a nation that highly respects human rights without exception in the development of prisoners. Pancasila are thoughts regarding the function of punishment, which is no longer just a deterrent, but is also an effort to rehabilitate and reintegrate the inmates of the penitentiary, which has given birth to a coaching system which for more than thirty years is called the correctional system (DwidjaPriyatno, 2006: 180)

Crime is an act or an act that violates the law and moral values that exist in society. Crimes have a nature that is detrimental to the community and are carried out by members of the community as well, the government through law enforcement officers tries to overcome the disturbances from these crimes. The countermeasures are carried out in two ways, namely through preventive measures and repressive measures. (Erina et al, : 1266)

Most inmates who inhabit correctional institutions lack an adequate background of religious education, both formal education and education planted in the family environment, in the development of the times this is mostly carried out by people with higher education and people who know very well with Religion, as a whole this is the main basis that causes them to violate the law, namely the different levels of faith and piety, prisoners require intensive and directed religious guidance. Religious development has a dual function, in addition to fulfilling obligations as religious people, as well as therapy to form a personality that is in accordance with the norms of religious life and society. (DwidjaPriyatno, 2006: 152)

So since 1964 the system of coaching for convicts and criminal children has changed fundamentally, namely from a prison system to a social system. The social system is a series of criminal law enforcement units, therefore its implementation cannot be separated from the development of a general concept of punishment.

Convicts are not objects but subjects who are no different from other humans, who at any time can make mistakes or make mistakes that can be subject to criminal penalties, so that they do not need to be eradicated, but factors that can be criminalized. Correctional institutions as the spearhead of the implementation of shelter are a place to achieve these goals through education, rehabilitation and reintegration. In line with the role of the penitentiary, it is appropriate that correctional officers who carry out the task of fostering and securing inmates, prisons in this law are designated as functional law enforcement officials. In general, the development of independence must be improved through a skills development approach, including restoration of self-esteem as individuals and as citizens who believe they still have productive potential for nation building and therefore they are also educated to master certain skills in order to live independently and be useful for development. . (Muhammad Ali Equatora, 2018 :20-26)

The social system in addition to aiming to return the inmates to the prison as good citizens also aims to protect the community against the possibility of repeating criminal acts by the inmates, and is an application and an inseparable part of the values contained in Pancasila, the principles for guidance and coaching are:

- a) People who are lost must be protected by providing life provisions as good citizens and useful for society.

- b) The imposition of a criminal is not an act of revenge from the state.
- c) Repentance cannot be attained by torture but by guidance.
- d) The state has no right to make a prisoner worse or worse off than he goes to prison.
- e) During the loss of freedom of movement, prisoners must be known to the community and should not be isolated from society.
- f) The work given to prisoners may not be time-consuming or only intended for the benefit of the institution or the state. The work must be aimed at state development.
- g) Guidance and education must be based on Pancasila.
- h) Everyone is human and must be treated like a human even if he has strayed should not be directed at the inmate that he is a criminal.
- i) The convict is only sentenced to loss of independence.

Realizing this, Indonesia's social system has long emphasized on the aspect of fostering prisoners, correctional students or correctional clients who have preventive, curative, rehabilitative, and educative characteristics. Although the correctional system has been implemented so far, various legal instruments that formally underlie it still originate from the Dutch East Indies which is a system of imprisonment, therefore the practice of correctional has been implemented by new ideas contained in Pancasila.

In the correctional system, prisoners, correctional students are entitled to spiritual and physical guidance, and their rights are guaranteed to carry out worship, to communicate with outside parties, both family and other parties, and to obtain information both in print and electronic media, to obtain proper education and forth, to carry out the correctional system, it needs also the participation of the public, both in establishing cooperation in organizing coaching and by nature are willing to take back prisoners who have completed the sentence,

in the law No. 12 of 1995 on the correctional clear that in exercising there are 3 elements related to the social system, namely:

- a. Prisoners as inmates.
- b. Correctional officers as educators.
- c. The community as citizens who receive back ex-convicts who have finished carrying out their crimes.

The treatment of prisoners based on the prison system is not in accordance with the correctional system based on Pancasila and the 1945 Constitution which is the final part of the coaching system.

In essence, prisoners are human beings and human resources who must be treated humanely in an integrated development system, for that the role of correctional officers as educators is very important in order to achieve the expected development goals as they should.

2.DISCUSSION

The legal foundations that are used as the basis for the social system are: (Adi Sujatno, 2008 p. 125)

- a. Pancasila
- b. UUD 1995
- c. KUHP
- d. KUHAP
- e. Law No. 12 of 1995 concerning Corrections
- f. Law No. 3 of 1997 concerning juvenile court
- g. Government regulations
- h. Presidential Decree
- i. Ministerial Decree
- j. Ministerial regulations
- k. The decision of the director general of corrections

a. Implementing Imprisonment with the Correctional System

Starting from the view of **Dr.Suharjo, SH.**, about the law as a shelter. This opens the way for the treatment of prisoners by way of correctional as the goal of imprisonment.

The correctional concept was later refined by the decision of the prison leadership service conference on April 27, 1964 which decided that the implementation of imprisonment in Indonesia was carried out with the correctional system, a statement that aside from being a direction of purpose, imprisonment can also be a way to guide and foster.

The mandate of the President of the Republic of Indonesia at the service conference conveyed the importance of reforming criminal prisons in Indonesia. Namely changing the name of prison to correctional. Based on this consideration, the president's mandate was prepared to make a statement regarding the birthday of the Indonesian prison on Monday 27 April 1964 and the Indonesian penitentiary charter.

The remarks of the Minister of Justice of the Republic of Indonesia at the opening of the limited working meeting of the directorate general of tuna

citizens in 1976 reaffirmed the principles for the guidance and development of the correctional system that had been formulated in the 1964 institutional conference which consisted of 10 formulations.

The principles for guidance and coaching are that people who are lost must be protected by providing life provisions as good citizens and useful in society.

The imposition of a criminal is not an act of revenge from the State. repentance cannot be attained by torture but by guidance. The state has no right to make a prisoner worse or worse off than before he entered the institution. During the loss of freedom of movement, prisoners must be introduced to the community and must not be isolated from society.

The work given to prisoners may not be time-consuming or only used for the benefit of the institution or the State, the work given must be shown for the development of the State.

Guidance and education must be based on Pancasila principles. Everyone is a human being and must be treated as a human being, even though he has lost his way, it must not be shown to the inmates that he is a criminal

The prisoner is only sentenced to loss of liberty. The physical facilities of today's institutional buildings are one of the obstacles to the implementation of the correctional system. (Adi Sujatno, 2008 pp. 97 – 109)

The purpose of a criminal with a philosophical background of coaching is primarily people-oriented, after which it should also have an influence in determining the next strategic policy, namely the strategy in determining the policy of criminal sanctions. The policy of determining criminal sanctions includes issues of determining the type and amount of the severity of the crime.

Based on the circular letter number KP10.13/3/1 dated February 8, 1965 regarding "Penitentiary as a Process in Indonesia" then the method used in this correctional process includes 4 (four) stages, which are an integrated process as follows:

Phase orientation

Every inmate who enters prison 1st class Cipinang do research on all the happenings concerning him, including because he committed the crime, where he lives, how the economic condition, educational background and so on.

Orientation step

Every inmate who entered The Cipinang 1st Class Penitentiary was conducted research for all matters concerning him, including the reason he committed the crime, where he lived, what his economic condition was, his educational background, etc.

The assimilation step in a narrow sense

If the prisoner's self-development and his relationship with the community have been running less than 1/3 According to the penitentiary council, there has been considerable progress in the process, including: that the prisoners have shown sufficient improvements in behavior, skills and others. So the main place or place for the coaching process is the open prison building with the intention of providing more freedom of movement or prisoners who are already at this stage can be transferred from open prisons. At this stage the security program is medium. In this new place, prisoners are given responsibility towards society. Along with this, self-respect and manners are fostered, so that in the wider community there is trust and a change in attitude towards prisoners. Contacts with elements of society are more frequent, for example, community service work with the wider community. At this time activities are carried out together with elements of the community. The period of detention that must be served at this stage is up to the 1/2 actual criminal period.

The step of integration with the community

If the prisoner has served less than of the actual criminal period, according to the Correctional Board of Trustees, it is stated that the development process has achieved better progress, then regarding the prisoners themselves and elements of the community, the forum for fostering is expanded, starting with assimilation efforts. convicts with a living outside the community, namely activities such as participating in public schools, working for private bodies or other agencies. At the time of the activity, everything was still under the supervision and guidance of the correctional officer. At this level of assimilation the level of security is already minimum, while the period of detention that must be served is up to 2/3 of it.

Integration stage with the community

This stage is the last stage in the coaching process known as integration. If the coaching process from the observation stage, assimilation in the narrow sense, assimilation in the broad sense and integration can run smoothly and well and the actual criminal period has been served for 2/3 or at least 9 months, then the convicts who are given conditional release or leave The conditional condition at this stage is that the coaching process is in the form of the wider community while the supervision is decreasing so that prisoners can finally live with the community.

The implementation of parole is given to prisoners who have served 2/3 (two thirds) of their criminal period and are based on the provisions of Article 15a (1 to 6), Article 15b (1 to 3), Article 16 (1 to 6) /d 4) and article 17 of the Criminal Code.

The granting of conditional release in its implementation must first meet the administrative requirements, in addition to several considerations that must be considered as follows:

- copies of the judge's decisions.
- The original statement from the judge about not having a case anymore, and what motive prompted the case to be carried out.

- The original statement from the prosecutor, about whether there are other cases and the course of the violation.
 - The ability of the prisoner concerned and or the ability of those who are able to accept it.
 - Describes the genuineness of the ability of those who will receive it.
 - Original information from the police in their area to accept it and the attitude and views of the community towards it.
 - Original information from the civil service regarding his life history.
- Original statement from the director/head of prison regarding his/her curriculum vitae, by sending/filling in the correctional treatise.
1. Change list.
 2. Health information.
 3. Original statement, no objection from the local immigration office, if

The principles of more humane treatment are reflected in the efforts to develop prisoners, especially in the context of restoring their position as fully functioning members of society and respecting the values and norms upheld by the community. (Umi Enggarsasi, 2013:157) Based on the description above, it is clear that the conditional release for convicts that has been carried out so far apart from paying attention to the conditions stated in Article 15 of the Criminal Code, it is also based on the circular letter of the head of the directorate general of corrections No.KP 15/3 /1, dated February 8, 1965 and the decision of the correctional board of directors. This provision was the era before the correctional law was enacted. With the existence of Law No. 15 of 1995, all provisions relating to the correctional of prisoners refer to the law.

To achieve a good coaching system, participation does not only come from officers, but also from the community in addition to the prisoners themselves, in an effort to provide participation, a correctional officer always acts in accordance with the principles of correctional. A correctional officer can then be considered participating if he is able to show attitudes, actions and wisdom in reflecting protection for both the community and prisoners.

3.CONCLUSION

The implementation of prisoners is carried out based on the correctional system which is the implementation of Pancasila values, namely coaching the personality of prisoners held by a coaching program with other forms of coaching in the form of religious education, general education, skills courses, recreation, sports, arts and training. work. The coaching program must be carried out in a planned and continuous manner so that the prisoners' personalities are affected because of their interactions in the Correctional Institution

REFERENCES

- [1] Danil, Elwi dan Nelwitis, 2002. *Hukum Penitensier*. Padang: Universitas Andalas.
- [2] Muladi dan Barda Nawawi Arief, 2005. *Teori-Teori dan Kebijakan Pidana*. Bandung: PT. Alumni.
- [3] Priyatno, Dwidja, 2006. *Sistem Pelaksanaan Pidana Penjara di Indonesia*, Bandung: Refika Aditama.
- [4] R. Ahmad. S. Soemadipraja dan Romli Atmasasmita, 1979. *Sistem Pemasyarakatan di Indonesia*, Bina Cipta Bandung, hlm. 43.
- [5] Sujatno, Adi, 2008. *Pencerahan di Balik Penjara*, Jakarta: Teraju.
- [6] Soerjono suekanto, 1986. pengantar penelitian hukum, universitas indonesia
- [7] W.J.S. Purwadarminta, *Kamus Umum Bahasa Indonesia*, Balai Pustaka, 1984.
- [8] Undang-Undang Republik Indonesia Nomor 12 Tahun 1995 tentang *Pemasyarakatan*.
- [9] Erina Suhestia Ningtyas, Abd. Yuli Andi Gani, Sukanto, Pelaksanaan Program Pembinaan Narapidana Pada Lembaga
- [10] Pemasyarakatan Dalam Rangka Pengembangan Sumber Daya Manusia (Studi Pada Lembaga Pemasyarakatan Kelas I Lowokwaru Kota Malang), *Jurnal Administrasi Publik (Jap)*, Vol. 1, No. 6.
- [11] Muhammad Ali Equatora, Efektivitas Pembinaan Kemandirian Narapidana Di Lembaga Pemasyarakatan Wirogunan Yogyakarta, *E M P A T I: Jurnal Ilmu Kesejahteraan Sosial* 7(1), 2018.
- [12] Umi Enggarsasi, Pola Pembinaan Narapidana Dalam Memberikan Kontribusi Keberhasilan Pembinaan Narapidana Di Indonesia, *Perspektif* Volume Xviii No. 3 Tahun 2013 Edisi September.