

# *Correctional Revitalization*

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***Abstract--Law No. 12 of 1995 has mandated the formation of prison inmates with the penal system. In the course of time, there are many problems faced by correctional institutions in carrying out their functions which often hamper their implementation. These barriers ranging from inadequate facilities and infrastructure, over capacity, legislation that is not yet maximally applicable and the role of the community are important. Through ministerial regulation number 35 of 2018 the ministry of law and human rights rearranges policies to achieve correctional goals with what is known as the prison revitalization term where prisons in nusakambangan become pilots. Since 2018 until now the tiered guidance that is by establishing correctional institutions with the category of maximum security, medium security and minimum security has proven effective in fostering prisoners in the high risk category (terrorism, narcotics, corruption) with predetermined indicators. To maximize the goal of revitalization on a national scale requires high integrity human resources, harmonization of laws and regulations, support from the government and cooperation with various related stakeholders.***

**Keywords : Correctional; Prison; Revitalization**

## I. INTRODUCTION

In principle, both in the form of mechanisms and legal doctrines of an integrated criminal justice system, the position of the correctional facility is often associated with the final stage of a systemic journey of Indonesian criminal law, which in the process has been recognized by several sub-systems, starting from the Police as the authority in the process of conducting investigations. , investigation and determination of suspects, the prosecutor's office which has the authority to prosecute as a representative of the state, the court which has the power to examine cases, and prisons with punitive powers [1]

The idea of correctional services with a human development orientation does not immediately emerge as a legacy of world history of imprisonment. Furthermore, before the 1964 Prison Conference in Lembang which is currently celebrated as the day of penitentiary service, the forerunner of the thought of the method of punishment was introduced by Dr. Sahardjo through his speech "The Banyan Tree for Protection" in 1963 when he received the Honoris Causa Doctorate Award in the field of law. From the idea of the Banyan Tree Protection to the 1964 Prison Conference, Indonesian penologists began to find a starting point for its restoration which in

this study was referred to as protection penology [2]. Before the method of punishment developed, theoretically there were three theories of punishment, namely retaliation, prison, and reform. In retaliation theory, punishment only stops at the arousal of retaliation and the giving of suffering to the perpetrator by the local authorities. In the incarceration theory, punishment is an effort made by an authority so that the perpetrator of the crime does not repeat his crime and at the same time makes others afraid of committing the crime. Meanwhile, in the theory of reform, punishment is carried out on the pretext of changing attitudes in individuals so that they are better than before and are expected to participate in society. In principle, the idea of punishment / punishment reform is also closely related to social benefits for the community[3].

The Correctional system according to law number 12 of 1995 is an arrangement regarding the direction and boundaries and methods of fostering Correctional Assistance Citizens based on Pancasila which is carried out in an integrated manner between the supervisor, those who are fostered, and the community to improve the quality of the Correctional Assisted Citizens to realize mistakes, improve themselves, and not repeating criminal acts so that they can be accepted back by the community, can play an active role in development, and can live naturally as good and responsible citizens.

Prior to the issuance of the law, the system still used a prison system which was oriented towards the elements of revenge and imprisonment which were deemed inconsistent with the concept of social rehabilitation and reintegration, this explanation is according to the explanation part of Act 12, 1995.

In order to realize the correctional system, methods of treatment of detainees, fostering of prisoners, namely prisoners, correctional students and correctional clients are carried out. Guidance for prisoners is carried out by the Correctional Institution (Lapas), the guidance for Correctional Students is carried out by the Special Prison for Children (LPKA) and the correctional client is provided with guidance by the Correctional Center (Bapas) as well as protection of ownership rights to evidence managed by the State Confiscated Property Storage House. (RUPBASAN).

In the correctional system, the correctional institution in carrying out its functions uses

methods and procedures that have been established through laws, Presidential Regulations, Regulation of the Minister of Law and Human Rights, Regulations of the Director General of Corrections as technical implementation rules in the field. In the correctional system, the fostering of Correctional Assisted Citizens in addition to enforcing the laws and regulations as positive law in the State of Indonesia but also guarantees the fulfillment of human rights, this is what article number 5 of Act 12, 1995 said, as befits other humans, this is in accordance with one of the principles of development, namely respect for human dignity and rights and obligations, only limited physical freedom as a consequence of court decisions that impose a sentence.

Based on data in the correctional database system on October 9, 2020, the number of prisoners and inmates in all correctional institutions (Lapas) and detention centers (Rutan) in Indonesia is 235,864 people. This number far exceeds the ideal capacity that can be accommodated by all prisons and detention centers, which are only 133,769 people. The result of this overcapacity, among others, has an impact on the poor health condition and psychological atmosphere of the inmates and detainees, easy conflicts between prisoners / detention centers, coaching is not optimal and does not run according to regulations and there is a swelling of the budget due to increased consumption of water and electricity, and food ingredients. The peak was the occurrence of riots and cases of fleeing of assisted residents and detainees due to inadequate supervision due to the imbalance between the number of prison guards / correctional officers and prisoners.

Various policies have been taken to overcome the overcapacity problem, including through building rehabilitation to the construction of new buildings with the aim of increasing the capacity of prisons and detention centers. However, this policy was not significantly able to overcome the problem of overcapacity considering the increase in the number of prisoners and prisoners who were still far more due to the high level of crime in the community

If the overcapacity problem is analogous to a leaky roof, how many and how big a storage container must be provided to accommodate the water that enters the house when it rains if the hole in the leaky roof is not repaired immediately. This is what happens in prisons, how much budget should the state spend to increase building capacity or build new prisons / detention centers? Or to what extent is the financial capacity of the Ministry of Law and Human Rights providing a budget for foodstuffs each year to meet the growing needs of prisoners and detainees?

## II. PROBLEMS

To adjust the guidance program to the development of the situation and conditions, as well as the demands of optimal correctional management and strengthening of the correctional facility in order to achieve the goal of punishment in the midst of various problems that exist in the correctional institution. To deal with this, concrete steps are needed from state administrators to meet these needs.

## III. RESEARCH METHODS

The approach taken in this research is the Normative approach or the approach through laws and regulations that have been running on the basis of Law Number 12 of 1995 with the implementation system needing to be strengthened with concrete steps through the formation of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 Year 2018 concerning the revitalization of correctional implementation and field observations.

## IV. DISCUSSION

The classic problem that occurs in prisons in particular is overcapacity. This happens because the increase in the number of prisoners is much faster than the construction of a correctional facility or the addition of the capacity of the prisoners' quarters, which of course is a source of social problems, health problems, security and order problems due to inadequate supervision because security officers are far from ideal, problems of guidance patterns, problems of fulfilling the human rights of prisoners themselves and other problems that may arise due to overcapacity.

When associated with the function of a correctional institution there are several very basic problems, the first is the problem of guidance and problems of security and order, all of which are processes that support the functioning of the correctional institution as mandated in law number 12 of 1995, namely to improve the quality of the prisoners to be aware of mistakes, correcting oneself, and not repeating criminal acts so that they can be accepted back by the community, can actively play a role in development, and can live naturally as good and responsible citizens.

In the implementation of correctional institutions as a guidance function, many implementing regulations are formulated by correctional administrators, in this case the Minister of Law and Human Rights and the director general of correctional facilities as an effort to uphold the correctional function continues to be improved and follow developments including through regulations of the Minister of Law and Human Rights Human Republic of Indonesia

number 03 of 2018 (regarding the terms and procedures for granting remissions, assimilation, leave to visit family, parole, pre-release leave, and conditional leave), regulation of the Minister of Law and Human Rights of the Republic of Indonesia number 33 of 2015 concerning security in correctional institutions and state detention centers, Government Regulation of the Republic of Indonesia number 32 of 1999 concerning the requirements and procedures for the implementation of the rights of prisoners in prison.

That in order to optimize and strengthen the administration of correctional facilities that are already running in order to achieve criminal objectives, namely to provide guidance so that prisoners do not repeat legal actions and educate them to have social and entrepreneurial skills supported by a safe and conducive situation, it is necessary to organize and reform correctional management. This has become a consideration for the formation of the Minister of Law and Human Rights regulation number 35 of 2018 as a concrete step for state administrators, especially in the field of prisons, which regulates the arrangement and renewal of correctional management as a form of treatment of detainees, prisoners and clients, as well as protection of ownership rights to evidence.

Revitalization of state confiscated goods storage houses that were still manual, along with the advancement of technology, to improve the management function of confiscated goods and confiscated goods in increasing protection guarantees for evidence items confiscated and / or confiscated so that their value and integrity is maintained. This is carried out by implementing a barcode system in data collection and management of confiscated goods and the application of integrated data between detention centers and confiscated goods storage houses. So that in this way the management of confiscated goods is monitored in detail, is accountable, facilitates the court process and maintains its value and integrity.

Services for detainees at the detention center as has been done so far have been going well, however, to further maximize this role, the existence of this ministerial regulation will be more emphasized to analyze things related to the level of risk for guidance, namely personality development and legal services. Correctional research conducted by the Correctional Center for detainees will determine the direction of placement in the correctional institution in accordance with the results of the research if the prisoner has received an *incracht* decision from the court to become a prisoner serving a sentence in the correctional facility.

Revitalization of correctional facilities, especially in correctional institutions which are places for guidance for high-risk prisoners as considered in the Republic of Indonesia

government regulation number 99 of 2012 that criminal acts of terrorism, narcotics and narcotics precursors, psychotropic substances, corruption, crimes against state security and serious human rights crimes, as well as other transnational organized crimes are extraordinary crimes because they cause great loss to the state or society or many victims or cause panic, anxiety, or extreme fear in the community.

With the Socialization system that has been established and measured by correctional research carried out by the Correctional Center, it is carried out to measure the level of risk of convicted prisoners which aims to improve the quality of the Guidance function of prisoners in encouraging behavior change and decreasing the level of risk of prisoners by placing these prisoners in prisons already classified into Super Maximum Security prisons, Maximum Security prisons, Medium Security prisons, or Minimum Security prisons according to the level of risk so that coaching can be carried out optimally.

High-risk prisoners who meet the category of endangering State security and / or endangering public safety. Is placed in a Super Maximum Security Penitentiary. If the coaching program shows a change in attitude and behavior as well as a reduction in the level of risk in accordance with the indicators of successful coaching, the prisoner is transferred to the Maximum Security penitentiary.

The maximum security penitentiary runs a Prisoner Development program to encourage changes in attitudes and behavior of prisoners who are aware of mistakes, obey the law and order and increase discipline. If in the coaching process it has been achieved in accordance with the objectives of the coaching, the prisoner can be transferred to a medium security penitentiary.

The category of medium security prisons runs the Prisoner Development program to encourage changes in attitudes and behavior that are aware of mistakes, obey the law and order and improve the competence and abilities of prisoners. If the prisoners have shown a pattern of behavior that is in accordance with the guidance program in the medium security penitentiary with a measured assessment, then they can be transferred to the minimum security penitentiary to undergo the next guidance program.

At the last level, the category of prisons, the minimum category, securely runs the Prisoner Development program to shape changes in attitudes and behavior, increase the independence and productivity of prisoners. It is hoped that the prisoners will have the ability to return to society after serving their prison term and have the skills according to their talents and interests that have been developed in prisons.

As a pilot project for the implementation of correctional revitalization is a penitentiary located in a mining area that has been running for the last few years after the minister of law and human rights regulation number 35 of 2018 was formed to date it can run optimally. This can be seen from the almost non-existent security disturbances related to the pattern of guidance provided compared to the old pattern before the issuance of this ministerial regulation while still providing the rights that have been regulated in the existing laws and regulations.

Correctional revitalization in terms of guidance also has a correlation with the relative theory (deterrence) in which punishment is not retaliation, but as a means of protecting society towards prosperity. In the framework of protecting the community, in a correctional institution, guidance is carried out as an effort to make the perpetrators aware of their mistakes, themselves, not to repeat their mistakes, so that they can return as a responsible community.

In the theory of Social Defense the character is Filippo Gramatical, criminal sanctions are justified for the purpose of protecting society. The social aspect of diffence includes protecting society from the dangerous nature of the perpetrator and protecting the balance of values that are disturbed by crime.

What is important in the process of social reintegration of prisoners after serving a sentence is the mindset and attitude of an open society, realizing that all human beings have certainly made mistakes with various influencing factors. That way the social reintegration process is expected to run well, prisoners can live a social life in harmony, do not repeat their actions, are independent and become responsible individuals.

Former prisoners are also social creatures, whenever and wherever they need other people. The need to socialize is a basic human need after physiological needs and security needs. The warmth of the environment around them can reduce the discomfort they experience. Former prisoners also have needs like humans in general. Former prisoners also really need a job to be able to make ends meet, find a life partner, to continue their offspring and other needs. The religiosity possessed by an ex-convict is very much needed so that ex-convicts do not return to commit the same mistakes or crimes that can make them languish in bars. Former prisoners are not human beings who are full of mistakes but also have a second chance to improve themselves and improve the quality of their lives. The public perception that an ex-convict still has a strong tendency to become a recidivist or someone who repeatedly commits crimes, in the sense of relapses such as illness. This will make former prisoners unable to regain their human rights in their communities to be discriminated against from their own environment [4]

In the future, it is hoped that it can be applied in all correctional institutions throughout Indonesia which of course requires the preparation of adequate facilities and infrastructure to ensure the implementation of the guidance program runs according to what has been established.

## V. CONCLUSION

The pattern of guidance in accordance with the regulation of the minister of law and human rights number 35 of 2012 is a concrete step in dealing with the development of criminal behavior patterns, including extra ordinary crimes such as corruption, narcotics and terrorism.

Correctional revitalization must be applied gradually to all correctional institutions throughout Indonesia to strengthen the correctional management system as an effort to maintain the quality of Indonesia's human resources in a better direction, to protect the integrity of the unitary republic of Indonesia from security disturbances that may arise.

Optimization and changes in correctional management which aim to further strengthen the existing system, there is a need for consistency, support from the government, related stakeholders, and community participation so that Indonesia's human development can increase.

## REFERENCES

- [1] Penny Naluria Utami, "Keadilan Bagi Warga binaan pemasyarakatan Pemasyarakatan Di Lembaga Pemasyarakatan," *Jurnal Penelitian Hukum*, Vol.17 No.03, 2017
- [2] Direktorat Jenderal Pemasyarakatan, *Modul Pembimbing Kemasyarakatan*, Jakarta: Direktorat Jenderal Pemasyarakatan, 2012.
- [3] Iqram Sulhin, *Diskontinuitas Penologi Punitif: Sebuah Analisis Genealogis Terhadap Pemenjaraan*, Depok: Prenadamedia Group, 2018.
- [4] Wanda Fristian, Vina Salvina Darvina. S, Sulismadi "Upaya Penyesuaian Diri Mantan Narapidana Dalam Menanggapi Stigma Negatif Di Kecamatan Klakah, Lumajang", *Jurnal Hukum dan Kemanusiaan*, Vol. 14, No. 1, 2020.