

The Factors That Inhibit The Achievement Of The Indonesian Correctional

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THE FACTORS THAT INHIBIT THE ACHIEVEMENT OF THE INDONESIAN CORRECTIONAL
INSTITUTIONS' OBJECTIVES

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ABSTRACT

Introduction: The role of rehabilitating and developing prisoners is stipulated in Law No. 12 of 1995 on Correctional Institutions. The development of prisoners is still ineffective in some aspects. This study analyzes the factors that inhibit the achievement of the Indonesian criminal institutions' objectives. **Methods:** This is juridical normative legal research that was conducted with a statute approach to analyze all laws concerning the discussed legal issues. **Results and Discussion:** The results show that several factors inhibit the achievement of the Indonesian correctional institutions' objectives, namely: (1) The legal factor: There is a lack of regulation on the third parties' participation in rehabilitating prisoners at correctional institutions; (2) The law enforcement factor: Correctional institution officers do not specially guide inmates to increase their skills, as they only maintain security and order; (3) The facility factor: There is a lack of adequate facilities in correctional institutions; (4) The society factor: There is a lack of social participation in rehabilitating prisoners due to their lack of concern for prisoners; (5) The cultural factor: There is still a negative stigma that is associated with ex-convicts. Thus, many of them face difficulties in reintegrating into society. **Conclusion:** The factors of law; law enforcement; facilities; society; and culture affect the achievement of the correctional institutions' objectives. These factors correlate as they are the essence of the success in rehabilitating inmates.

Keywords: factors; objective; correctional institutions; Indonesia.

INTRODUCTION

The Declaration of Human Rights was followed by laws derived from Indonesia's 1945 Constitution, including Law No. 12 of 1995 on Correctional Institutions (1). This law's considerant states, "In essence, prisoners are humans and human resources that must be treated properly and humanely in an integrated development system"; "The treatment of prisoners based on the imprisonment system is not according to Pancasila and 1945 Constitution-based correctional system that are the final parts of the imprisonment system."

Then, the role of the correctional institution is stated in Article 1 clause (2) which states, "The correctional system is an order concerning the direction, boundaries, and methods to rehabilitate inmates based on Pancasila, that is carried out integratively between officers, inmates, and society to increase the inmates' quality. It is so that they acknowledge their errors, improve, and refrain from redoing such crimes so that they can be reaccepted in society, be active in the development, and live properly as good and responsible citizens." The work activities in correctional institutions are simultaneous, *treatment-oriented*, and *profit-oriented* as a consequence of productive activities (1).

The correctional institutions aim to equip inmates with skills and capabilities to become good and responsible citizens (2). To do so, factors that cause them to violate legal, decency, religious, or social norms must be eradicated (3). It is important to develop harmony and balance between officers, inmates, and society, to prevent criminal actions. The end goal of the Indonesian correctional institution is to develop independent people (4).

Thus, based on the background above, what factors inhibit the achievement of the correctional institutions' objectives in Indonesia?

RESEARCH METHODS

This is juridical normative legal research that was conducted with a statute approach to analyze all laws concerning the discussed legal issues. After that, the researcher used the conceptual approach to develop legal arguments to resolve the legal issue.

RESULTS AND DISCUSSION

A. The Concept of Transcendence by Characters

Imprisonment aims to rehabilitate criminals to become better citizens and restore balance in society. It is not merely a punishment, but it is also to help criminals integrate with society (5). Kiran Bedhi in Sujatno stated, "People who are imprisoned in bars have all the time, energy, and skills that are the bases of motivated societies. Thus, their skills need to be identified through rehabilitation and development." (6). Imprisonment is not merely physical punishment, but also moral punishment, as imprisonment is basically rehabilitation.

To achieve its aim of rehabilitation, it must be supported by law enforcement. Soekanto stated that the factors that influence the effectiveness of law enforcement are the factors of law; law enforcement; facilities; society; and culture. These factors correlate as they are the essence of the success in rehabilitating inmates (7). They are the benchmark in measuring the effectiveness of the Indonesian correctional institution.

1) The Legal Factor

a). Law No. 12 of 1995 on Correctional Institutions Article 14 clauses (1) and (2) stated that in Correctional Institutions, during the rehabilitation process, inmates have the following rights:

(1) They have the right to: a). worship according to their religion and beliefs; b). obtain mental and physical treatment; c). obtain education and learning activities; d). obtain health treatment and proper food; e). file complaints; f). obtain reading materials and watch permissible mass media programs; g). obtain wages or premiums for the work they do; h). be visited by family members, law advisors, or other people; i). obtain imprisonment remissions; j). obtain assimilation opportunities including a leave to visit family; k). obtain parole; l). obtain a leave before liberty; and m). obtain other rights according to the applicable laws.

(2) The stipulations on the requirements and procedures in implementing the inmate rights as stated in clause (1) are further regulated in Governmental Decrees.

According to this law, correctional institutions do not only aim to implement punishments by revoking one's freedom, but it is also to return ex-convicts to society. In implementing these rights, the rehabilitation in the correctional institutions must consider building position and location; officer quality and quantity; correctional institution management; officer welfare; facilities; funding; natural resources; and rehabilitation quality and program.

Inmate rights must be given proportionally. But, the lack of supporting facilities may result in ineffective rehabilitation, as –for instance—skill coaching activities require adequate equipment.

b). The Rehabilitation and Development Program for Correctional Institution Inmates as stipulated in the Governmental Decree No. 31 of 1999 on Rehabilitation and Development as Rights of Correctional Institution Inmates Article 2 states that: a. The rehabilitation and development programs include personal and independence rehabilitation and development programs; b. The rehabilitation programs are for inmates and juveniles from juvenile detention centers.

Then, Article 3 stipulates that: the personal and independence rehabilitation and development programs stipulated in Article 2 include: a. piety to God Almighty; b. national and stately awareness; c. intellectuality; d. attitudes and behavior; e. physical and mental health; f. legal awareness; g. healthy reintegration with society; h. work skills; and i. work production and training.

It can be seen that the governmental decree does not clearly formulate the independence rehabilitation. There is no clear regulation on the participation of third parties in developing the inmates' independence, skill, and work practice programs, although it is certainly necessary.

- c). The Republic of Indonesia's Governmental Decree No. 99 of 2012 on the Second Amendment to the Governmental Decree No. 33 of 1999 on the Requirements and Procedures to Implement the Rights of Correctional Institution Inmates states, "The requirements and procedures in providing of remissions, assimilation, and parole for perpetrators of terrorism, drug abuse and persecutors of drugs, psychotropics, corruption, crimes to state security, severe crimes against human rights and organized transnational crimes must be more strict to fulfill the sense of justice in society."
- d). Decision of the Republic of Indonesia's Ministry of Justice No. M.01.PK.04-10 of 1999 on Assimilation, Parole and Leave Before Liberation. The implementation of assimilation requires cooperation based on an agreement between the correctional institutions and a third party that provides work for the inmates. No constitutional regulations have formulated strict stipulations concerning how and when this cooperation is carried out. There should be clear stipulations on when the cooperation is carried out, who employs the inmates, and the wages of the inmates. There should also be clear stipulations on parole, leave before liberation, and conditional leave as correctional institutions do not only function as punishment facilities but also as rehabilitation institutions to return the inmates to society.

2) The Law Enforcement Factor

The correctional institution system requires an interactive process between inmates, officers, and society, supported by rehabilitation programs that suit its objective. This is strongly linked to the task of the correctional institution officers, namely to actively coordinate and direct all available resources to socially reintegrate inmates. Unfortunately, these officers have not optimally supported the implementation of the correctional system. Law No. 12 of 1995 on Correctional Institutions Article 8 states, "Correctional institution officers are functional law

enforcement officers that carry out tasks in guiding, securing, and rehabilitating correctional institution inhabitants."

Organizational leadership influences the success of inmate rehabilitation in correctional institutions. The overcapacity of these correctional institutions makes the rehabilitation activity ineffective. The lack of supervision in the rehabilitation process of these inmates as well as the lack of human resource capabilities become obstacles in rehabilitating the prisoners in correctional institutions (8).

The lack of human resource quality of the correctional institution officers influences the institution's performance. It inhibits the achievement of the imprisonment's objectives. This causes many deviations in the correctional institutions, such as discriminative behavior, the smuggling of illegal items, escapement and rebellion (9).

The law enforcement factor highly influences the effectiveness of rehabilitation activities in correctional institutions. Apart from the issue of overcapacity, this ineffectiveness is also caused by the officers' lack of discipline and capability to rehabilitate and supervise inmates at the correctional institutions.

3) The Facility Factor

The Decision of the Ministry of Justice and Human Rights No. M.01.PL.01.01 of 2003 on the Correctional Institution Technical Implementation Unit Building Layout Article 15 regulates the standard facilities of correctional institutions as follows:

1. The prison blocks are built with the following requirements:
 - a. The block's outside building wall functions as a security fence.
 - b. The block arrangement considers the aspect of optimum safety by grouping the buildings, forming a "U" letter shape, with an open space in the middle.
 - c. The open space may be used as a place to eat together or to undergo other activities in the living block unit area.
 - d. In a land where it is impossible to group buildings forming the "U" letter shape, closed clusters may be formed, equipped with separating fences between one block and the other.
 - e. All trellises and doors at this block use steel with a diameter of 22 mm.
 - f. The stairs and terrace slabs at each block have a minimum size of 1,5 m.
2. The stipulations on the residential rooms are as follows:
 - a. The standard area of the residential rooms is 5,4 m²/person.

b. Ceiling:

- 1) The residential ceiling is made of concrete or cast with a thickness of 10 cm and with a ceiling height of 3,8 m;
- 2) The terrace ceiling (the first floor) is made of steel ribs with a diameter of 22 mm and a distance of 4 cm between one another, which simultaneously functions as the terrace floor (the second floor).
- 3) The terrace ceiling (the second floor) is made of steel ribs with a diameter of 22 mm and a distance of 10 cm between one another.

c. Residential and terrace floors (the first floor) are cast in concrete and coated with anti-chemical materials;**d. Walls:**

- 1) Walls that are the outer part of the block buildings are made of K-500 reinforced concrete with a thickness of 20 cm and are reinforced with steel with a diameter of 12 mm and spaced 10 cm apart;
- 2) Other walls are made of brick walls with the thickness of half a brick with the arrangement of 1 pc:2 pc, smooth plastered.
- 3) The walls that face doors are given ventilation made of bars with a diameter of 22 mm, and the size is adjusted to the room size.

e. It is equipped with lamps installed above.**f. Each residential room is facilitated with a toilet and a permanent bed, that is made of reinforced concrete slab, 10 cm thick, 60 cm high and with a 20% slope.****g. The doors follow the standard residential room doors.****h. Each residential room with the capacity of 5 to 7 people must be equipped with a window with a size adjusted with the room size, with such specifications:**

- 1) The doors are made of steel bars of 22 mm diameter and spaced 10 cm apart;
- 2) The door frame is made of plate iron, 6 mm thick, embedded in concrete.

Article 44 of the Decision of the Ministry of Justice and Human Rights No. M.01.PL.01.01 of 2003 stipulates that considering the rehabilitation room, there must be a recreational or sports room (hall), that is a multifunction room that may be used as a place for counselling, coaching, etc.

The stipulations above show that there is a clear stipulation on the standard prison rooms for inmates at correctional institutions. Even so, correctional institutions are criticized for how they treat inmates. There are cases where inmates died in the institutions, most of which have suffered

from illnesses before entering the prison. During their stay, their health conditions deteriorated due to a lack of treatment and healthy food as well as bad sanitation conditions. This is due to the lack of facilities in prisons, especially when there is an overcapacity of inmates.

4) The Society Factor

In the correctional system, inmates are trained so that they understand their errors, fix themselves, and become good citizens that may normally live in society. The correctional system is an interactive activity between inmates, officers, and society. Thus, there is an absolute need for society's participation. Society can undergo partnerships and undergo coaching. This supports the achievement of the correctional institutions' objectives.

Unfortunately, there is only limited participation of society in rehabilitating inmates. This is due to society's lack of concern for prisoners as most communities still refrain from reaccepting ex-prisoners. Thus, the objective of imprisonment, namely to return prisoners to society, still cannot be achieved (8). Without society's role in the rehabilitation process, the aim to reintegrate inmates into society cannot be achieved, even with great quality rehabilitating programs. Society's lack of awareness and concern highly influences the achievement of the correctional institutions' objectives.

5) The Cultural Factor

The correctional institution system is a series of law enforcement that aims to guide prisoners to acknowledge their wrongdoings, improve, and return to society. Thus, based on this objective, society must accept ex-convicts, by not isolating them, but rather accepting and guiding them so that they may blend in. This is so they can interact with others well and become good and responsible citizens. The negative stigma that is associated with ex-prisoners that is currently an inherent culture in society must be eradicated.

Society's unwillingness to interact with ex-convicts is an obstacle in rehabilitating prisoners. Not all communities reaccept ex-convicts, due to their fear that the ex-convicts will redo their wrongdoings. This negative perception is an obstacle in rehabilitating prisoners because as a result, the prisoners will feel isolated and redo some criminal actions (10).

CLOSING

1. Conclusion

Based on the results and discussion above, it can be concluded that the factors that inhibit the achievement of the correctional institutions' objectives are as follows:

- a. The legal factor. There is a lack of regulations on the third parties' participation in rehabilitating prisoners at correctional institutions, especially concerning programs to train their independence. This makes it difficult for correctional institutions officers to undergo the rehabilitation process.
- b. The law enforcement factor. Correctional institution officers do not specially guide inmates to increase their skills, as most of the time, the officers are only have concerned for the security and order in correctional institutions.
- c. The facility factor. There is a lack of adequate facilities in correctional institutions. This is because the correctional institutions were not built representatively to limited facilities and infrastructure. This makes the rehabilitation process of inmates in correctional institutions suboptimum.
- d. The social factor. There is a lack of social participation in rehabilitating prisoners. This is due to their lack of concern for prisoners.
- e. The cultural factor. There is still a negative stigma that is associated with ex-convicts. Thus, many of them face difficulties in reintegrating into society.

2. Suggestions

The government should undergo some measures to improve the correctional institutions' quality, especially by considering the factors that inhibit the achievement of the correctional institutions' objectives discussed in this paper. This is to achieve the correctional institutions' objective, namely to help prisoners acknowledge their wrongdoings, improve themselves, and reintegrate into society as good and responsible citizens

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