

Juridical-Empirical Overview of Prisoners' Guidance Model During the Covid 19 Pandemic in Class IIA Correctional Institution Sumbawa Besar

Ashari

Institute of Social and Cultural Sciences Samawa Rea
Email : ashariari05@gmail.com

Geatricia Dewi

Institute of Social and Cultural Sciences Samawa Rea
Email : Geatrianadewi86@gmail.com

ABSTRACT

Sumbawa Besar Institution Class II A Correctional System in April 2021 has been inhabited by 558 prison inmates assisted whose capacity ideal should be 250 inmates. For this reason, it is predicted that the number of inmates will continue to increase in the next few years, excess capacity tends to negative implications for the inmates, for example the low level of supervision. In managing prisons, it is necessary to pay attention to factors that worsen conditions in prisons, including: excess inmates, poor prison conditions, riots among prisoners and others. This condition is made worse by the occurrence of a Coronavirus Disease 2019 (Covid-19) which has spread and caused an increasing number of victims losses in Indonesia. It was found that the social reintegration development model carried out in class II A Sumbawa prisons is guided by the two Decrees of the Ministry of Law and Human Rights. In the prison, circulation of visitors is limited in order to prevent the spread of the virus. Spiritual cleansing activity is no longer uses preachers from the Ministry of Religion but rather maximizes religious assistants taken from Class II A Sumbawa Correctional Institution employees, as well as agricultural, workshop and carpentry activities that no longer involve third parties.

Keywords: *Correctional Institutions; Prisoners; Covid 19*

INTRODUCTION

The effort to change the prison system into a correctional system was realized in 1964, then this correctional institution was considered as an institution that functions as a forum to create and restore public peace, organize regular life together, maintain justice and so on are called social institutions.¹The Class II A Correctional Institution of Sumbawa Besar is a correctional unit that accommodates, cares for and fosters inmates with the aim of restoring the unity of the relationship between life and livelihood of the inmates as individuals, members of society and creatures of God.²

¹ Satjipto Raharjo, (1991), *Legal Studies*. Bandung: Citra Aditya Bakti, p.130.

² Ismayanti et al, (2014), *Suara Struggle Innovative Convicts (Supernova): A Model for Guiding Underage Convicts and Assistant Wardens in Class IIA Correctional Institutions in Bogor City with the Fun Fight Share Method*, PKM-M Final Report, Bogor Agricultural Institute, p.1

The theory of social rehabilitation and reintegration has developed several policy programs for the development of prisoners as regulated in Law Number 12 of 1995 concerning Corrections, are:³

1. Assimilation is packaged in a variety of coaching programs, one of which is providing job training and production to prisoners.
2. Social Reintegration, developed two forms of coaching programs, namely:
 - a. parole is the granting of release with several conditions to prisoners who have served a sentence of two-thirds of their criminal term, of which two-thirds is for a minimum of nine months.
 - b. Leave before the granting of leave to prisoners who have served two-thirds of their term release criminal, where the two-thirds period is at least nine months.

Based on the information provided by Mr. Nawawi that the Class II A of Correctional Institution of Sumbawa Besar in April 2021 has been inhabited by 558 inmates whose capacity ideal should be 250 inmates.⁴ For this reason, it is possible that the number of inmates will continue to grow in the next few years, excess capacity tends to have negative implications for the inmates, for example the low level of supervision.

As Woolf put it, "in managing prisons it is necessary to pay attention to factors that worsen conditions in prisons, including: prison overcrowding; bad prison conditions, riots among prisoners and others."⁵ This condition is made worse by the occurrence of a non-natural disaster *Coronavirus Disease 2019 (Covid-19)* which has spread and caused an increasing number of victims and property losses in Indonesia⁶

For this reason, the government through the Ministry of Law and Human Rights in carrying out efforts to prevent the spread of *Covid-19* in Correctional Institutions has issued "Regulation of the Minister of Law and Human Rights Number 10 of 2020 concerning Conditions for Providing Assimilation and Integration Rights for Prisoners and Children in the Context of Prevention. and Handling the Spread of *Covid-19*, and Decree of the Minister of Law and Human Rights Number 19.PK.01.04 of 2020 concerning the Release and Release of Child Prisoners through Assimilation and Integration in the Context of Prevention and

Control of the Spread of *Covid-19*".⁷ From the background above, the problem can be formulated as how is the model of inmates coaching carried out at the Class IIA Sumbawa Besar Penitentiary during the Covid 19 Pandemic.

METHOD

This work applies an empirical - juridical research equipped with a literature study. Empirical juridical research aims are to analyze problems carried out by mixing and matching legal materials with primary data obtained in the field. The approaches used to base the answers to the problem formulation is to use the main basis of the statutory approach, because what will be used are various legal rules that become focus and main theme of the research.

³ Heru Susetyo, (2012), *Report of the Legal Study Team on the Convict Guidance System Based on Restorative Justice Principles*, National Legal Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia, p.2

⁴ Results of an interview with Nawawi as head of the Class II A prison in Sumbawa Besar on 5 April 2021

⁵ Rissang Achmad Putra Perkasa, "Optimization of Prisoners' Guidance in an Effort to Reduce Correctional Overcapacity", *Journal of the Face of Law*, Volume 4, no. 1 (April, 2020) p. 110.

⁶ Decree of President of the Republic of Indonesia Number 12 Year 2020 Concerning Determination Spreading non-natural disasters Coronavirus Disease In 2019 (Covid-19) As the National Disaster

⁷ Arsheldon Samuel et al, *Strategies Anticipation Prison Capacity Over A Reflection Upon Prevention Policy Deployment Covid-19*, Adliya: Journal of Law and Humanity, Vol. 14, No. 1, June 2020, p. 4

The technique of collecting legal materials is carried out by field research, namely by conducting direct interviews from the Class II A Correctional System Sumbawa Besar, combined with library research obtained from several literatures in the form of scientific books, legislation and other documentation. Analysis of legal materials is carried out in a qualitative, comprehensive and complete manner. Qualitative analysis means describing quality data in the form of regular, coherent, logical, non-overlapping and effective sentences so as to facilitate data interpretation. So that it can be concluded regarding the guidance of prisoner carried out by the Class II A Correctional Officers of Sumbawa Besar.

DISCUSSION

Model of Convict Development in Correctional Institution Class II A Sumbawa Besar During the Covid 19 Pandemic

The existence of a model for fostering inmates in Correctional Institutions is inseparable from a dynamic that aims to provide provisions for prisoners facing life after

serving their sentence. In this case, the term prison has been changed to be a penitentiary. In the context of the penitentiary system, coaching is one part of the rehabilitation process for the character and behavior of prisoners during their sentence period for missing independence, thus when they leave the prison they will be able to blend within the community.

The purpose of coaching according to Article 2 of Law Number 12 of 1995 concerning Correctional is to form correctional inmates becoming fully human beings, realize their mistakes, improve own selves, will not repeat criminal acts, thus they can return to the community, also play an active role in development, living a normal life as a good and responsible citizen.

The guidance provided by correctional institutions is not only aimed at increasing the awareness of prisoners in doing well, coaching is also used to educate prisoners in the correctional institutions to have a positive character for their lives. With the hope, the prisoners who are fostered can return to society by becoming a better person.⁸

The guidance carried out to the inmates of the correctional facility is based on the theory of punishment which in general can be divided into three (3), namely:⁹

1. Absolute Theory

In this theory, it is stated that the punishment is imposed solely because a person has committed a crime or criminal act. The crime is an absolute consequence that must exist as a retaliation to the person who committed the crime. alone.

2. Theory of Objectives/Relative theory

In this theory, punishment is not to satisfy the absolute demands of justice. Retaliation itself has no value, but only as a means to protect the interests of society. So the basis of justification of this theory lies on its purpose.¹⁰

3. Combination Theory

In this theory states that the criminal should be based on the purpose of the elements of retaliation and maintain public order are applied in combination with a focus on one of the elements without losing the other elements, as well as on all elements.

Fostering inmates as stipulated in the Act Number 12 of 1995 concerning Corrections is divided into two are assimilation and integration social. The assimilation development carried

⁸ Terry Ichwal Nurrohman, "Efforts to Reduce Overcrowded Correctional Institutions During the Covid-19 Pandemic And Optimizing Coaching in the Future", in JUSTITIA: Journal of Law and Humanities, Vol. 7 No. 4 of 2020, published by the Polytechnic of Penitentiary, Indonesia, p.786

⁹ Yoga Adi Pramuditho, "The Effectiveness of Correctional Institutions in Guiding Prisoners in Indonesia: A Literature Review" Journal of Yustisiabel, Vol. 5 No. April 1, 2021, p.77

¹⁰ Wulandari, S. "The Effectiveness of the Convict Guidance System in Correctional Institutions for the Purpose of Sentencing" Scientific Journal of Law and Community Dynamics, Vol. 9 No. 2 of 2016, p.140

out at the Class II A Prison of Sumbawa Besar itself is divided into two, namely personality and development independence development.¹¹

Personality development is directed on mental and character development thus the Correctional Inmates will become fully human, pious, and responsible for themselves, their families, and the community. For this reason, the personality development is carried out at the Class II A Penitentiary in Sumbawa Besar focuses more on the morals of the inmates, such as providing spiritual showers. In order to optimize these activities, the Class II A Correctional Institution of Sumbawa Besar collaborated with the Sumbawa Regency Ulama' Council to bring in the preachers, with mosque facilities as a means of coaching.

Meanwhile, the development of independence is directed on developing skills so the Prisoners can return to their role as free and responsible members of the community. Skills development program is carried out by holding agricultural, workshop and carpentry activities. Similar to personality development, independence development is also carried out by involving third parties by cooperation.¹²

In the current pandemics like some activities of personality development or coaching independence is certainly will not perform as normal situation, for example the circulation of visitors is restricted in order to maintain and reduce the spread of virus covid-19 in the Penitentiary. Also, the activities of spiritual cleansing is no longer using the preachers of the ministry of religion yet further maximizing the religious assistants taken from the staff of the Correctional Institution Class II A Sumbawa, as well as agricultural, workshop and carpentry activities that no longer involve third parties.¹³ Therefore, the activities carried out in the Correctional Institution must follow the health protocols that have been implemented by the Class II A Sumbawa Correctional Institution.

In addition, the social reintegration development model carried out in the Class II A Correctional Institution in Sumbawa in order to reduce overcrowding to prevent the transmission of the Covid-19 virus as stated in the Decree of the Ministry of Law and Human Rights No. 19 PK.01.04 of 2020 concerning the Release and Release of Child Prisoners through Assimilation and Integration in the Context of Prevention and Control of the Spread of Covid-19 and Regulation of the Ministry of Law and Human Rights Number 10 of 2020 concerning Conditions for Granting Assimilation and Integration Rights for Prisoners and Children in the Context Prevention and control of the spread of Covid-19 continues.

The reintegration policy in order to prevent the spread of Covid-19 is intended for child prisoners and perpetrators of general crimes¹⁴. Thus, this policy does not target convicts of corruption, terrorism, drugs, and other special crimes. The policy to prevent the spread of

Covid-19 in Correctional Institutions will only free prisoners and children through assimilation and integration programs as stipulated in the ministerial decree that has been stipulated.

In contrast to assimilation, integration rights are part of parole. In accordance with Article 1 Point 5 of the Regulation of the Minister of Law and Human Rights Number 10/2020 that "parole, leave before release, and conditional leave are coaching programs to integrate prisoners and children into people's lives after fulfilling the predetermined requirements. Ministry of Law and Human Rights Regulation Number 10/2020 explains that prisoners who can be assimilated at home are those who meet the following requirements:

¹¹ Results of Interview with Ahmadan as Head of Subsidy for Class II A Prisons of Sumbawa Besar, On March 9, 2021

¹² *Ibid*

¹³ *Ibid*

¹⁴ Arsheldon, S., et al. *The Strategy for Anticipating Over Capacity in Prisons is a Reflection on Policies for Preventing the Spread of Covid-19*. ADLIYA: Journal of Law and Humanity, Vol 14, No 1, Year 2020. p. 6

- a. good behavior as evidenced by not undergoing disciplinary punishment within the last 6 (six) months;
- b. actively participate in the coaching program properly; and
- c. has been served one half of the punishment period.

Meanwhile, prisoners who can be granted integration rights in the form of parole and leave before being released if they meet the following requirements:

- a. has served a minimum sentence of 2/3 (two thirds), provided that 2/3 (two thirds) of the criminal period is at least 9 (nine) months;
- b. good behavior while serving a criminal period of at least the last 9 (nine) months which will be calculated prior the 2/3 (two thirds) of the criminal period;
- c. have followed the coaching program completely, diligently, and enthusiastically;
- d. the community can receive a program of prisoner coaching activities.

There are two kinds of parole, namely parole from the obligation to carry out a prison sentence in a correctional institution and parole from the obligation to get education or known as forced education.¹⁵ For this reason, the Sumbawa Class II A Penitentiary in providing integration rights to prisoners is remains guided by the regulations of the Ministry of Law and Human Rights, coupled with the results of the assessment from the Correctional Observer Team (TPP) which consists of 7 (seven) people from the structural officials of the Correctional institution Class II A Sumbawa. So that prisoners who have met the criteria and have served a sentence of 1 year 6 months have the right to get conditional leave with a coaching period of 6 months, while prisoners who have served a sentence of 1 year 6 months and above have the right to get parole with a coaching period of 9 months.¹⁶

CONCLUSION

The model of social reintegration development carried out in Class II A Correctional Institutions in Sumbawa as stated in the Decree of the Ministry of Law and Human Rights Number 19 PK.01.04 of 2020 and Ministry of Law and Human Rights Regulation Number 10 of 2020 concerning Conditions for Granting Assimilation and Integration Rights For prisoners and children in the context of preventing and controlling the spread of Covid-19, it remains a guideline, coupled with the results of the assessment from the Observer Team Correctional (TPP), which consists of 7 (seven) structural officials, besides that the Penitentiary also limits the circulation of visitors such as In spiritual cleansing activities, they no longer use preachers from the ministry of religion but rather maximize religious assistants taken from Class II A Sumbawa Correctional Institution employees, as well as agricultural, workshop and carpentry activities that no longer involve third parties.

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¹⁵Daffa Yustia, *Policy on Mass parole in the context of Handling Overcrowding During the Covid-19 Pandemic in Indonesia and European Countries*, *Journal of Doctrinal Law*, Vol 6, No 1, Year 2021, p. 15.

¹⁶Results of Interview with Ahmadan as Head of Subsidy for Class II A Prisons in Sumbawa Besar, On March 9, 2021.

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Minister of Law and Human Rights Regulation No. 10 of 2020 concerning Conditions for Providing Assimilation and Integration Rights for Prisoners and Children in the Context of Preventing and Overcoming the Spread of Covid-19