

Implementation of Prisoners' Self-Guidance Development at Penitentiary Institutions to Eradicate Negative Stigma

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Abstract: In Law 12 of 1995 concerning Correctional, it is explained that the convict is someone who has obtained permanent legal force from the court for violating the law he committed and placed in a correctional institution. In undergoing their criminal term in correctional institution they receive guidance in order to realize their mistakes, improve themselves, and no longer to repeat their criminal acts, so that they can be readmitted into the community. So in the study will discuss how to disperse the negative stigma of ex-convicts through the implementation results of the guidance that has been given into the community. The method used in this research is a qualitative descriptive method, by collecting materials by conducting library studies, such as legal materials form of legislation, literary books, articles accessed through the internet, newspapers and legal opinions from sources relating to the implementation of self-reliance development programs in correctional institutions for faltering the stigma of inmates going forward. The result of this study is the actual implementation of the skills / independence building program provided by prisons can also help in the process dispersed of stigmatization, so that in the future the ex-convicts still have hope for a bright future.

Keywords: Correctional, Self-reliance coachhing, Recidivist, Stigma

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Introduction

Discussing about case studies on criminality that occurred in Indonesia will never end, because in its development the types of criminality that occur are increasingly diverse and are increasingly developing along with the times. Penitentiary itself as an institution that has a role in law enforcement in Indonesia has a large share, because it is in accordance with what has been mandated in (Republik Indonesia, 1995) that as an institution of law enforcement in Indonesia correctional facilities have the responsibility to conduct Penitentiary Guidance Guidance because it is the final part of the criminal system in the justice system of

our country, where the aim of the guidance given is so that they are aware of mistakes, can correct themselves, and do not repeat the criminal acts again so that in the future they can be accepted again by the community, and can play an active role in national development and be able to live properly as good citizens (Republik Indonesia, 1995).

An ex-convict, who has finished his prison sentence in prison, they have the right to get out and be free to breathe fresh air outside the prison walls in addition to that they also have the hope to continue their lives in a better direction, this is the ideal to be expected in the prison system in our country, which is to restore the nature of the ex-convict in the process of life, livelihood, and life. However, in the process they return to the community, most ex-convicts often automatically get pressure from the people around them, on average these ex-convicts are still often regarded as rubbish / disease in the community which will make the mental psychic of the ex-convicts become disturbed. The form of stigmatization built by the community as a result of the deviations they had previously committed is still inherent in the minds and minds of the people themselves. Just as when the ex-convict had stumbled on a theft case, even though he had received guidance, mentoring, and also education in prison and was aware of his mistakes, he often still got labeling by local residents which eventually led to a refusal from the community to gather again with them.

Not only that the ex-convict's, their family also has an impact, even before the ex-convict is free or when they are serving a prison term in prison. Their families often get social sanctions in the community. The form of stigmatization given by the community made the ex-convicts and their families feel excluded in their social environment, their impact would also be difficult to find decent work especially with the existence of good treatment requirements (SKCK) in each workplace they wanted to apply for, so as to make some of the companies or workplaces they apply for reject it, the worse is that some of them are not reluctant to commit another crime, because there is no other choice but to do so.

The form of repetition of the crimes they commit is what we often refer to as recidivists. Nearly some of the prisons / remand centers in Indonesia have recidivist inmates, which adds to the problem of the scope of correctional services. Often we hear the term overcrowding in prisons / remand centers, one of the causes is the recidivist inmates. In this case many assumptions from outside commented that the large number of recidivist inmates occurred because the form of coaching programs provided by prisons did not go well according to what was mandated by Law No.12 of 1995 on correctional matters, so that the image of the correctional itself became bad. In the end the hope of returning the fitrah between life, livelihood, and life is not achieved as it should be like the expectations that had been aspired before.

Method

The method in this study used qualitative methods. As explained by Bogdan and Taylor (Moleong, 1989) that in research procedures using qualitative methods produce data in the form of descriptive data results containing written and oral words of the people observed. In addition, according to Syaodih Nana (Sukmadinata, 2007) claimed that qualitative research methods are methods by describing and analyzing phenomena, events, social activists, attitudes of trust, perceptions, thoughts of people individually or in groups.

In this research, it is proposed to examine and analyze the current phenomenon of society in giving negative stigma to ex-convicts and how the role of correctional institutions in resolving the phenomenon. In collecting and expressing the condition of the phenomenon, the researchers used a descriptive analytical approach. According to Sugiyono (Sugiyono, 2008) that descriptive qualitative research is a research method based on the philosophy of post positivism. While according to Nawawi and Martini (Martini, 1994) argues if the descriptive method describes an objective situation of a particular event based on facts that appear or should be followed by an attempt to draw general conclusions based on historical facts.

The data in this study were taken by means of literature study based on existing phenomena. Literature study is conducted to study primary legal materials in the form of legislation, secondary legal materials in the form of literary books, articles accessed through the internet, newspapers and legal opinions from sources relating to the implementation of self-reliance development programs in correctional institutions for faltering the stigma of inmates going forward (Silalahi, 2018). The collected data will be analyzed qualitatively meaning that data based on the description of sentences or data are not analyzed using

statistics or any mathematics of the like, what is stated by the respondent in writing or verbally and real behavior that is studied and studied as a whole (Komariah, 2009).

Results and Discussion

A. The Role of Corrections in the Indonesian Legal System

In the implementation of criminal law enforcement in Indonesia, we recognize the existence of a criminal justice system in which it is a series of components of law enforcement officers that are systematically arranged and mutually sustainable between one another. This component starts from the stage of investigation by the Police, then the stage of prosecution by the Prosecutor's Office, then the judicial stage in the Court, and finally the Penitentiary as the final stage in the administration of the criminal justice system.

The Correctional Institution itself is one of the technical implementing units under the Directorate General of Corrections of the Indonesian Ministry of Law and Human Rights. The technical implementing unit in the prison itself besides the correctional institutions include the State Detention House (Rutan), the Correctional Facility (Bapas), and the State Confiscated Object Storage House (Rupbasan), the four technical implementation units have their respective roles and functions in the system Penitentiary in its role as a component of the criminal justice system. The four UPTs are almost the same as the components of the criminal justice system, where one UPT is mutually sustainable (Maiyuni, 2013).

Detention centers here have the responsibility as a place to care and guard prisoners as regulated by PP No. 58 of 1999 (Republik Indonesia, 1999) concerning the Requirements and Procedures for the Implementation of the Authority, Duties and Responsibilities of Prisoner Care. Whereas in Government Regulation No.58 of 1999 Article 4 (1) it is explained that Detention Officers are tasked with; (1) Implement a maintenance program; (2) Keeping prisoners from running away; and (3) Assist in the smooth process of investigation, prosecution and examination in court.

Thus the position of detention is very important as in the initial stages of the process up to the process of sentencing the sentence to the order of the criminal justice system. For Rupbasan itself has the duty to maintain the integrity of confiscated objects and booty both in terms of quality and quantity which will then be used as evidence in the process of criminal case settlement, especially at the stage of investigation, prosecution and verification before a court. The legal basis governing this is contained in article 44 paragraph (1) of the Criminal Procedure Code, which reads "confiscated objects are kept in a state confiscated storage house" (1981). Then it was strengthened based on the Decree of the Minister of Justice of the Republic of Indonesia Number M.04-PR.07.03 of 1985 concerning the Organization and Work Procedure of State Prisoners and State Confiscated Housing. In this case, the role of Rupbasan in the criminal justice system process is also very important, especially related to the physical responsibility of confiscated objects which will become evidence in the process of law enforcement.

Lapas in this case has a role, namely to carry out guidance to correctional clients as stipulated in Law No.12 of 1995 concerning Correctional Article 1 (4). Where the correctional client includes prisoners and correctional students. The other role of BAPAS is to provide guidance to child clients who are dealing with the law to uphold their human rights as stipulated in Law No. 11 of 2012 (Republik Indonesia, 2012) Article 27 (1) concerning the Criminal Justice System for Children (Zakiyah, 2016). The guidance referred to is a program provided by BAPAS to help prisoners in the process of reintegration into the community, so they help to provide guidance to clients correctional facilities (prisoners and correctional students) to be able to adapt to the community environment and here also they conduct surveillance to them in order to see the development of the correctional client whether they are able to adapt back to the social environment of their community without repeating their bad deeds again.

For Correctional Institutions themselves or Lapas in relation to the criminal justice system process as stated above, namely as the final process in criminal justice has the role of duties and functions as an institution responsible for fostering people who have obtained permanent legal force from the court for crimes what they do or what we usually know as prisoners. According to Law No. 12 of 1995 concerning Penitentiary stated that in the coaching process provided by prisons has the aim that is that prisoners are able to realize their mistakes, be able to correct themselves, and not repeat their criminal acts so that they

can be accepted in the community and can live naturally as citizens good and responsible as it should be, the future hope is that ex-convicts can later be able to play an active role in the national development of the Indonesian state.

From the statement above, of course there is a big hope for them in the future that is to become a totally new person and be able to integrate with social society in a healthy and good manner. Therefore if we draw the conclusion that the actual role of prisons in their participation in the process of enforcing the law in the criminal justice system is very important and mutually sustainable. And on its process in criminal justice law enforcement it is emphasized that the burden of correctional responsibility is very heavy and noble because in the midst of the conditions of our country's very high and diverse criminality and threats from all external and internal aspects of correctional officers are required to be able to foster the prisoners or lawbreakers in order to become better human beings in the future, so that they also still have a bright hope for the future after being released.

B. Penitentiary Development Program

The word "coaching" has a meaning that is an action or process in achieving an outcome and achievement in terms of progress, growth, and improvement of something. There are two elements in the sense of coaching itself that can mean action or process that refers to a "goal" and the other one can mean referring to "improvement" of something (Miftah, 2003). According to (Maryanto, Rahmawati, D., Rini, 2014), it is explained that coaching is everything that is done consciously, planned, organized, and directed in an effort to improve the knowledge, attitudes, and also skills of the subjects being educated through actions of development, direction, and supervision in order to achieve a goal that matches expectations. Then it can be concluded that a given coaching covers the whole of who is fostered and who is fostering.

In Mr. Sahardjo's historic speech as the Minister of Justice of the Republic of Indonesia on July 5, 1963 concerning the form of law in Indonesia, which as a function of protection, it was stated that in the implementation of imprisonment is a penal concept. The birth of a correctional system, then there is a new era in the procedure for the treatment of prisoners who are more humane and in accordance with their human rights.

In the purpose of criminal punishment in the future, the prisoners will be subject to correctional corrections aimed at socialization and rehabilitation efforts. According to Mr. Sahardjo it was explained that besides the emergence of the suffering received by prisoners namely the elimination of freedom of movement, correctional institutions have the responsibility to guide them to repent, educate them to become human beings that are useful for themselves, families, communities, and the state (Maryanto, Rahmawati, D., Rini, 2014).

In accordance with what has been stipulated in Law No. 12 of 1995 that the correctional facility has the duty and function to foster prisoners, in this case the correctional institution especially the penitentiary has development programs that should be able to become provisions and capital for the prisoners to be able to integrate into society well later. Guidance of prisoners as based on the Penitentiary System, in its implementation adheres to the basis of reforms based on human values, because human rights must be heeded and upheld (Sudirman, 2007).

In fostering the correctional process has stages, which starts from the stage of intramural coaching (inside prisons) and goes to the stage of extramural coaching (outside prisons), based on the progress of the results of intramural coaching. The stages of coaching are intended to eliminate or eliminate the constructive impact on the "imprisonment" system in the form of stigmatization and recidivism, therefore the implementation of the coaching requires participation and support and control from the community together to help the success of the coaching process itself. The intended development includes general education, religious guidance and skills development (Aldita, 2004).

Public education itself is a form of fostering prisoners in which the aim is to improve their intellectual quality and also be one of the fulfillment of their rights as citizens as stipulated in the 1945 Constitution article 31 (1), whose contents "every citizen has the right to get an education", this is emphasized in Law 12 of 1995 in article 14 paragraph 1 (C) concerning prisoners' rights, one of which is the right to education and teaching. Forms of fulfilling the educational rights given to them are like eradicating illiteracy, opening opportunities to attend classes from elementary to high school levels, providing a library for them as a means of supporting educational activities, and also being given the opportunity for them to participate in

pursuing activities package A, B, and C so that they complete their studies and get a diploma as capital when they will later apply for a job after being released (Republik Indonesia, 1945b).

In religious formation as well as education which is based on the fulfillment of their rights as prisoners and Indonesian citizens who have been regulated by relevant laws, as in article 29 paragraph 2 of the 1945 Constitution and also in article 14 paragraph 1 (a) of the Act 12 of 1995. Basically, in the religious formation given by correctives, the aim is for prisoners to strengthen their faith in their gods, reflect on their sins, and so that they repent immediately and realize that the crimes they have committed are inappropriate things to do. So that the diversity training program provided is expected to be the basis for them to be aware of their mistakes and be able to behave well to others, which later they can become polite and acceptable to the community (Republik Indonesia, 1945a).

The religious development programs provided include reading and reading the Koran, teaching the faith and morals, opening a pesantren program, worship activities, or other religious activities according to the type of religion they believe which has been recognized according to the law. Prison itself is also responsible for the fulfillment of facilities for places of worship for them, so that later the religious formation process can go well.

For the development of skills provided by prisons which include training in furniture making, farming, sewing, catering, painting, handicrafts, workshop, etc., are provided by prisons with the aim of being capital or provision for prisoners who still do not have the skills or minimal work skills, which can later be used as a means of getting a job after being free. So in the prison itself facilities are provided for those in activities to hone their skills (Judge, 2011).

Not only in the provision of facilities, the prison also has a cooperative relationship with third parties or stakeholders outside the penitentiary, who openly participate in helping the process of developing these skills. Like the collaboration between Class 1 Lapas Surabaya (Porong) with CV. Bahari Putra Furniture (Furniture Company), where the furniture company entrusts some of its production household activities to the prison, which is done by the prisoners for the furniture products.

In this prison around 150 or so prisoners were involved in this furniture project and also added 25 expert instructors who were seconded by the company to provide training in furniture construction skills. The results of their work were very satisfying and distributed to foreign countries such as Korea and Japan. In the field implementation, the convicts who participate are not merely working on the furniture project, but they will also be paid wages for the results they do, because it is the rights of the prisoners listed in Article 14 paragraph 1 letter (g) Law 12 of 1995 on the provision of wages or premiums for the work they do.

C. Convicts Recidivists

A crime that occurs in the community is a social phenomenon that always appears in the fabric of the social system of society. The presence of these forms of crime is even more widespread and diverse which is in line with the progress of the times, as if the age that is always advancing gives rise to new forms of crime as well. The forms of crimes that are present do not care about the social status of the community, how the economic conditions are, and occur anywhere in the region. According to (Kartono, 2004) in his book explained that the definition of crime is a form of behavior, which is very contrary to the morality of humanity, causing loss to society, which is an association and violates the law or criminal law.

The word recidivism itself comes from the word "recidivist" which has a meaning generally referring to the repetition of criminal behavior again (Fazel & Wolf, 2015), which refers to the culprit, whereas for the meaning of recidivism tends to "act of repetition" of individuals or groups to repeat the act breaking the law again. Aruan Sakidjo and Bambang Poernomo stated that the recidivist is the behavior of someone who repeats his criminal act, which has obtained the same permanent legal force due to his previous criminal actions or someone who always frequently commits criminal acts and happens repeatedly called recidivists.

In his book Mustafa and Ruben Achmad (Achmad, 1986) translates the term recidivist as a form of responsibility. It was further explained that recidivists can occur when a person who had previously committed a crime as the act is responsible for his behavior and then he repeats his mistakes again, and the form of recidivists is a criminal burdensome thing (grond van strafverzwareing), then the criminal threat is added a third to criminal principal. The reason for adding the criminal weight imposed on him is because he proves that he has a bad character or character and is considered to be a great threat or danger to the

community. Although he had previously been given a warning of his first crime, but did not show the results of improvements to him.

In Indonesia, the problem of recidivists is very mushrooming and almost exists in each of the existing prisons. The increase in recidivist prisoners makes it often an issue that must be immediately addressed by our country, especially in correctional institutions. Even this problem is a factor in overcrowding that occurs in prisons. According to data from the Directorate General of Prisoners the number of prisoners in 2019 in November is around 199,666 thousand inhabitants throughout Indonesia with a total of 186,719 thousand male inmates and 10,969 thousand female inmates, and 1,978 thousand children. The overload of prisoners that are not proportional to the capacitance of their residential blocks causes various problems such as dirty and dirty environment, sleeping in crowded room blocks, so because the facilities and facilities provided are also not comparable, sometimes they can harm their rights as prisoners and humans as they should (Hairi, 2019).

Things like this if not resolved immediately will become a threat to correctional facilities because there will be prone to riots in prison, not to mention the number of officers who are not comparable to make correctional positions. The budget will also swell as well as the food budget in 2019; the surge is quite large where it reached 1.79 trillion rupiahs, which in 2017 was only 1.088 trillion, while in 2018 it was 1.391 trillion rupiahs. Therefore, if the prison is not able to foster its prisoners properly and also the recidivist rate is still increasing in each year, then the country will lose a lot in each year for discarding its members in vain. There must be a surefire strategy in solving this problem so that in the future the state is not in vain in relation to the budget and the recidivist ratio can be reduced, and the problem of overcrowded can also be addressed in the future.

D. Released Stigma of Former Prisoners

At present the conditions in the community regarding views of ex-convicts are still negative. The ex-convicts are still regarded as community trash or someone who is a "trouble maker", who can be anxious about the social order of the community. Therefore in the process of returning prisoners to their community environment still has obstacles related to labeling or stereotypes provided by the community. The ex-convicts considered that the attitude of rejection carried out by the community was very inhumane, so that most of the ex-convicts lost their true identity with their closed, indifferent, and anti-social attitude.

Basically every human being has hope for the development of himself in the future. The same is true for prisoners, where their dark past crimes should have become a history for their life lessons, and they also still have a bright future if they want to change their bad behavior so as not to repeat the crime again. Therefore, those who want a change in their future should have a sense of optimism and high enthusiasm in an effort to reach a better future (Harsono, 1995).

The impact of the negative stigma given by the community to them (Former Prisoners) led to the emergence of a pessimistic attitude on him, the pessimistic attitude resulted in the despair of ex-convicts in living life in the community. This led the ex-convict to return to committing his crime again (recidivist), due to the impact of the community's rejection. It can be concluded that one of the factors causing the high level of recidivists in our country is the failure of the process of adaptation or reintegration of ex-convicts to their community environment due to the negative stigma given to them (Schuler, 1993).

Previously, there were many assumptions among the people regarding the high recidivist level in our country as a result of the failure of the coaching process in prison. Many of them consider correctional institutions to injure their own 10 basic principles. Even though there are still many factors that cause the recidivist problem. Therefore, in overcoming recidivist problems that occur in prisons, it is necessary to have new ideas that can break down these problems.

The idea can be in the form of the role of prisons in helping ex-convicts to be even greater, for example prisons also find them jobs according to skills that have been given after being released later, such as collaborating with related outside parties (Workshop, Factory, Furniture, Convection, etc.) to place ex-convicts to be employed there so that their lives are guaranteed (McIntosh, 2015). because if likened to prison so far only provide fishing without helping to find the fish pond, so the fishing rod provided by the correctional will be in vain.

There needs to be a change in the implementation of the coaching program provided and the role of prisons for them is even more heeded. Besides that, the role of prisons in finding their jobs is also a major

factor in helping to fade negative stigma in the community. So that in the future complex problems that occur in prisons such as recidivists, overcrowded, and negative stigmatization in the community can be overcome properly (Sedarmayanti, 2011).

Conclusion

From the description above it can be concluded that the negative stigmatization given by the community towards ex-convicts can cause new problems and can become a continuous cycle. Like the problem of repetition of the criminal acts carried out by them due to the stereotypical form given, thus causing the high level of recidivists in our country, the impact on overcrowded that occurs in prison, so that in carrying out the duties and functions of correctional problems run into obstacles. If this case is not followed up seriously, a bad cycle will occur in the prison process itself. Where the cycle injures what has become a basic principle in the penal system in achieving its goals.

Therefore, the role of prisons or correctional facilities must be emphasized more and added related to assistance for attention to the future of prisoners after being released later, and this also needs more support by the community related to the succession of determining the future of ex-convicts and changing the mindset of the community of ex-convicts as well must be corrected immediately through ongoing socialization related to the stigma fading. The actual implementation of the skills / independence building program provided by prisons can also help in the process of stigmatization, so that in the future the ex-convicts still have hope for a bright future.

So for resolving the phenomenon of the problem in that case above, the government especially correctional institutions should be immediately take decisive actions, such as immediately ratifying the existence of a law that strengthens in terms of the correctional role in determining the future of ex-convicts, namely the role in helping these prisoners to get decent work, after that correctional institutions should be collaborate more with third parties, related to the form of prisoner skills training and also related to the certification for the capital received by the ex-convicts in the jobs they provide, and finally there is a regular and ongoing real socialization to the community related to changes in their mindset to the people inmates and also explain the correctional position in conducting guidance to them, so that there is no longer a bad view of ex-convicts and the correctional institution itself.

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