

Prevention of Prisoners Committing Violence in Prison

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Abstract: The purpose of this study is to find out what preventative measures to prevent violence between convicts in existing correctional institutions. Penitentiary has a very strategic role in the framework of developing human resources, the implementation of guiding convicts including how conducive conditions are created in their implementation. The method used is normative and empirical juridical methods, namely research emphasizing secondary data by studying and reviewing riot prevention efforts, especially positive legal rules derived from library materials that exist in the legislation regulations, namely Law No. 12 of 1995 concerning Corrections and other related laws. This study uses descriptive analysis research, which is a study that describes and describes the situation or facts that exist about efforts to prevent violence between prisoners in prison and detention centers in Indonesia. The results of this study are known that in correctional institutions the reality is constrained by several things such as, inadequate prison facilities and detention centers, the number of employees or officers who are not in accordance with the number of convicts, the number of convicts that exceeds capacity, the lack of supervision also caused an easy commotion inside the correctional institutes and detention center.

Keywords: prevention, violence, convicts

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Introduction

The actual issues regarding the riots that often occur within both Penitentiaries and Detention Centers from time to time show an increasing and disturbing trend. Efforts to improve various facilities and infrastructure that should have been held by the government have not met expectations of prisoners in dealing with existing problems, until now the ranks of Corrections are always on the move to overcome these problems, but are considered unable to touch the root of the problem properly and completely (Sosiawan, 2017).

Correctional objectives listed in Article 2 of Law No.12 of 1995 concerning Corrections are: "to be aware of mistakes, improve themselves and not repeat the crime so that it can be re-accepted by the community, can play an active role in development and can live reasonably as citizens the good and responsible "other side of the imprisonment which is considered as deprivation of human rights (Indonesia, 1995). The purpose of the punishment itself is nothing but to create a peace based on harmony between order and peace.

The strategic position in the duties carried out in correctional settings within the scope of the integrated criminal justice system is an equivalent subsystem and is as important as other subsystems such as the Police, Prosecutors and Court subsystems (Adiansyah & Sukihananto, 2017). But the reality on the ground that there is a seemingly discriminatory treatment by the government so that the objective conditions in correctional facilities are very far behind when compared with other law enforcement subsystems.

The causes are inadequate facilities and infrastructure, both in terms of cost budgets and human resources as well as physical facilities of correctional institutions. Based on the background of the actual issues above, the problem of efforts to prevent violence among prisoners in both detention prisons is interesting and important for further investigation.

Correctional Technical Implementation Unit in Indonesia totaling around 532 places spread throughout Indonesia. Correctional institutions as a place to foster prisoners numbered as many as 163 Technical Implementation Unit scattered in each province. The number of prisoners currently is 270,776 people according to the data director general of correctional facilities per 12 March 2020 which occupy prisons and remand centers (Pemasyarakatan, 2020). They come from a variety of family and educational backgrounds. Safe and orderly situations are prerequisites for the implementation of fostering and guiding Correctional Guidance. The density of prisons and detention centers is a difficult problem to solve with the ever-increasing number of prisoners and detainees, but not offset by the significant number of prison buildings, supporting facilities, and the number of officers present, resulting in weak supervision and security (Negara & Paranata, 2014). In this atmosphere it will be very risky in creating security and order disturbances or commotion that can occur both in prison and detention centers, caused by friction and pressure between fellow individuals and groups of prisoners and detainees.

Cases of violent crime that often occur at this time are felt by newcomers will get worse (Kusumawardhani, 2015). Another factor that causes the occurrence of violent crime in prisons is because the number of prisoners that exceeds capacity, violent crimes in prisons also often occur due to lack of supervision from prison staff and the difference between the number of prison officers with prisoners contained in prisons are very much different where, the number of the prisoner detained therein has exceeded capacity (Sosiawan, 2017). This condition seems to be running rampant, while efforts to find a common thread from the core of the problem that has not been done optimally, serious investigations are needed so that no similar cases occur again so that the main purpose of correctional activities can proceed as it should where correctional facilities.

Method

The method of approach used is normative and empirical juridical methods (Soekanto, 1976), namely research emphasizing secondary data by studying and reviewing riot prevention efforts, especially positive legal rules derived from library materials that exist in the legislation, regulations, namely Law No. 12 of 1995 concerning Corrections and other related laws. This study uses descriptive analysis research, which is

a study that describes and describes the situation or facts that exist about efforts to prevent violence between prisoners in prison and detention centers in Indonesia (Sugiyono, 2016).

Normative legal research uses secondary data sources as primary data, namely primary legal materials including statutory regulations, judges' decisions, and secondary legal materials including books, research results, legal opinions. Literature, namely how to obtain information and data based on material sourced in books, literature, legislation, dictionaries, journals, and mass media (Lexy J. Moleong, 2019). Interview, which is a face to face conversation whose purpose is to obtain information to assess or evaluate an individual's personality or for counseling or counseling purposes. In this legal research interviews were conducted with Penitentiary Officers including the Head of Penitentiary, Warden who had experience dealing with riots, and prisoners who carried out riots in Correctional Institutions. Observation, which is a deliberate and systematic study of social events and natural phenomena by observation. In this legal research, observations were made at the Penitentiary. The theory used as a knife of analysis to elaborate on the issues raised include the theory of violence and the concept of correction which was conceived by the Minister of Justice Sahardjo in 1962 (Rumadan, 2013).

Results and Discussion

Violence

Violence comes from English: Violence, comes from Latin: violence us comes from the word via which means power or power, in the basic principles in Roman public and private law which is an expression of both physical and verbal actions that reflect acts of aggression and attacks on the freedom or dignity of an individual or group of people which can be generally related to their authority, that is, if translated freely, it can be interpreted that authority without regard to the legitimacy of the use or acts of arbitrariness can also be included in this formulation of violence.

Robert K Merton coined anomie's theory of violence in 1968. According to Merton, there are two types of social norms in society namely social goals and the means available. (Nathan, A. J., & Scobell, 2012) Problems arise in using means these, where not everyone can use the facilities available. The situation has an impact on the uneven facilities and differences in the structure of opportunities that will cause frustration among people / groups. This condition causes deviation or crime behavior called Anomie's condition.

In the positive law in Indonesia which fulfills the elements as a criminal offense contained in Article 89 of the Criminal Code regarding acts of violence are: "Making people faint or helpless (weak)." The explanation in this Article is: "Unlawful use of physical force or physical strength, for example hitting with a hand or with all kinds of weapons, kicking, kicking, and so on." (Maiyuni, 2013).

Understanding Violence here are all forms of actions using physical or non-physical force that can result in negative psychological or mental impacts (feeling afraid or depressed) as well as physical or physical (fainting, helpless, even causing death) on people subjected to these actions.

Violence is classified into two forms, namely illicit violence, which includes violence on a small scale or unplanned, and coordinated violence, which is carried out by groups both given rights and not as occurred in war (i.e. inter-community violence) and terrorism. Violence in prison is an issue that attracts attention, not only the issue of violence committed by convicts against other convicts, but also the existence of aggressive behavior by prison officials (Susantyo, 2011). This can provide an understanding of important and beneficial strategies to reduce the incidence of violence in accordance with an understanding of why the violence occurred. In general there are three forms of violence in Penitentiaries.

According to the University of Indonesia Criminologist, individual violence, collective violence and violence directly related to regulation (Hardiyanto et al., 2013). Individual violence usually occurs among prisoners or with a prison guard. While collective violence often occurs in problems riot (riots, riots and commotion). Violence in this form usually does not occur spontaneously, but is an accumulation of problems they face in prison. Specifically regarding third types of violence, violence arises because of unhealthy interactions between prisoners and the officers there. The causes of criminality can be found in various factors that can cause certain criminals, so that other factors can cause criminal types (Anjari, 2014).

1. Internal Factors

Internal factors are divided into two parts, namely:

- a. Internal factors that are specific, namely the psychological state of an individual, including mental illness, emotional power, mental low, confusion.
- b. Internal factors that are general in nature, can be categorized into several types, namely age, sex, position of the individual in the community, individual education, recreational issues or individual entertainment

2. External factors

These factors are rooted in the environment outside of human beings (external), especially things that have a relationship with the emergence of crime. Prison is a place to carry out guidance for inmates should make residents in a better person; on the contrary it becomes one of the places that often occur violent crimes committed by fellow prisoners, such as peace that is based on harmony between order, security maintenance and discipline of prisons. Efforts made by prison officers in combating violence together by inmates are Penal and Non-Penal or Preventive and Repressive, namely:

Preventive

Preventive action is action taken to prevent or maintain the possibility of crime. In relation to preventive action is to prevent crime is better than educating criminals to be good again, because not only is calculated in terms of cost, but this effort is easier and will get satisfactory results or achieve goals. Furthermore, the most important ways to deal with crime according to (Bonger, 2015) are:

- a. Preventive crime in a broad sense, including reform and prevention in the narrow sense;
- b. Crime prevention includes:
 - 1) Moralistic, that is, disseminating means that can strengthen one's morals so that they can avoid the desire to do evil.
 - 2) Abalionistic that is trying to prevent the growth of desires of crime and negate factors that are well known as causes of crime, for example improving the economy (unemployment, hunger, heightening paraded, etc.)
 - 3) Trying to supervise and control crime by trying to create a good system of organization and police equipment, a judicial system that is of good legal purpose.
 - 4) Prevent crime by regular surveillance and patrol;
 - 5) The juvenile delinquency convention as a basic means of crime prevention efforts in general. (Endri, 1983)

Preventive measures can include:

- a. Repairing facilities and infrastructure as well as security and order detention center;
- b. Provide a briefing on the importance of security and order with the aim of creating a very conducive situation by supporting the detention process and the coaching process;
- c. Give a direction to detainees and prisoners regarding the rules that apply during detention and guidance;
- d. Fostering mutual respect and respect between one detainee and another inmate and between one inmate and another inmate;
- e. Growing legal awareness of prisoners and prisoners;
- f. Giving a spiritual deepening to prisoners and prisoners to be able to control themselves;

- g. There is a good safeguard, which is carried out by the State Detention House and Penitentiary.

Repressive measures can include:

- a. Can provide an extra security for fostered citizens who violate the provisions contained in correctional institutions / detention, with the aim to be further processed;
- b. Undertake legal proceedings for detainees and prisoners who commit a violation of the provisions of the Lapas / Rutan security procedure;
- c. Give strict sanctions to prisoners and prisoners.

According to the author, when viewed from the perspective of penal law, the penal system in Indonesia is quite good, as the system contained in Law No. 12 of 1995 concerning Penitentiary. However, it is necessary to pay attention to the correctional process that is most important is the existence of facilities and infrastructure in Correctional Institutions. This is because there is a lot of violence among prisoners in correctional institutions often due to the lack of facilities and infrastructure in prisons coupled with inmates who exceed the capacity in prisons (Dagi, 2017).

In addition, the incompatibility of the number of Penitentiary officers who guard prisoners also plays a very important role in preventing violence between prisoners within the Penitentiary. Correctional Institution.

If there is violence between prisoners in a Penal Institution, the role of Penal Institutions is in accordance with the provisions of the SOP (Operational Standards Procedure) within the Correctional Institution itself and the victim, sanctions the perpetrator (Fajriando, 2019). However, if the act can be categorized as a criminal act and the victim feels unaccepted or feels the need for justice and cannot be mediated, the victim can report to the police. If the case is continued to the party in this case the role of the Penitentiary is only to provide the results of investigations by Penitentiary officers and facilitate the police in conducting the investigation.

Institutional Efforts Inner Penitentiary Countermeasures Occur Violence Is Performed With Resulting in Death Prisoners Inside the Institution Correctional in Indonesian. Correctional Institution as technical implementation Unit correctional facilities not only accommodate and care for inmates but also nurture inmates. Penitentiary as a public servant and servant the state lives and implements coaching tasks correcting with full responsibility. The purpose of correctional facilities is to emphasize coaching and education by trying to restore the lives of prisoners, so that they can return to the midst of the full life of the community (Adiansyah & Sukihananto, 2017). With respect to the success of the coaching, the very important element is the officer at Penitentiary, the community and of courses the prisoners themselves. Because the three elements are a unity of relationship that is very closely related to each other, however there are times when disputes often occur between prisoners in prison and even lead to a violent crime committed by prisoners. This happens of course because there are elements in the coaching process that have not been fulfilled. Inmates besides undergoing periods punishment is also fostered in order improve themselves and be able to master certain fields so that later after the sentence finished having lunch skills to find work in the community. This is a responsibility carried by the Institute Correctional matters prepare for prisoner socialization. Which is the role of Correctional Institutions in combating violence by inmates is provide guidance for inmates. The efforts made by officer's prison in combating violence together by inmates is by Penal and Non Penal or Preventive and Repressive, namely: Preventive action is action taken to prevent or maintain the possibility of it happening crime. In relation to preventive action is to prevent crime is better than educating criminals to be good again, because not only is calculated in terms of costs, but this effort is easier and will get satisfactory results or achieve goals.

Bonger believes that the most important way to deal with crime is (Bonger, 2015):

- a. Preventive crime in a broad sense, including reform and prevention in the narrow sense;
- b. Crime prevention in the strict sense includes:
 - 1) Moralistic, namely to spread the means that can be strengthen one's morale in order to avoid the desire to do evil.

- 2) Abalistic, that is trying prevent the growth crime desires and negate well-known factors as causes of crime, for example improving the economy (unemployment, hunger, heightening peradap, etc.);
- c. Trying to supervise and control over crime by trying to creat
 - 1) Good organizational system and police equipment,
 - 2) An objective justice system.
 - 3) Good law (legislation).
- d. Prevent crime with regular surveillance and patrol;
- e. Children's Misbehavior as a basic means of crime prevention efforts in general.

Repressive / Enforcement ,Repressive actions are all actions taken by law enforcers after the occurrence of criminal acts. These actions can be seen as prevention for the future. These actions include the way law enforcement agencies conduct investigations, follow-up investigations, criminal prosecutions, court checks, executions, and so on to the formation of inmates. Repressive action is also mentioned as a special prevention, which is an attempt to emphasize the amount of crime by giving a (criminal) penalty against the perpetrators of the crime and also trying to do the deeds by correcting the perpetrators who committed the crime (Hariyanto, 2018).

Efforts to prevent and overcome unrest and anarchy in the prison, among Detainees and among Prisoners, can be taken two ways, namely prevention and prevention efforts. Repressive prevention measures are countermeasures after a violation has been committed by detainees or prisoners. Whereas preventive efforts are prevention efforts before violations occur, in the existing application in the field, preventive prevention efforts are often used by detention centers, because these countermeasures can be in the form of guidance, direction, support from various parties, with an insight and knowledge of cause and effect that can be caused by riots and anarchy in detention centers. Efforts to prevent or overcome riots and anarchy preventively can take the form (Hardiyanto et al., 2013):

- a. Repairing facilities and infrastructure as well as security and order detention center;
- b. Provide a briefing on the importance of security and order with the aim of creating a very conducive situation by supporting the detention process and the coaching process;
- c. Give a direction to detainees and prisoners regarding the rules that apply during detention and guidance;
- d. Fostering mutual respect and respect between one detainee and another inmate and between one inmate and another inmate;
- e. Raising legal awareness of prisoners and prisoners;
- f. Giving a spiritual deepening to prisoners and prisoners to be able to control themselves;
- g. There is a good security, which is carried out by the Prison.

Efforts to tackle riot and anarchy repressively can be in the form of:

- a. Can provide an extra security for fostered citizens who violate the provisions contained in the Prison, with the aim that it is further processed;
- b. Undertake legal proceedings for detainees and prisoners who commit a violation of the provisions of the detention security rules;
- c. Give strict sanctions to prisoners and prisoners.

In tackling riots and anarchy, the Prison, in charge of the KPR (Security Unit of Prison Security) will call the parties concerned, then interrogate with the aim of being able to thoroughly explore what factors are behind the events (Mahendra, 2020). When the party concerned has been proven to have committed a riot between prisoners and between prisoners (a motor driving the mass), then a Minutes of Examination will be made, in this case the Minutes of Examination will be made as evidence or basis to be able to sentence to the parties concerned , because it can be said as a pure criminal, after the treatment gets a stigma / stamp as a pure criminal act, then the case will be delegated to the police, so that it can be further processed. The sanctions outlined above, are sanctions that were resolved externally. But sanctions that are resolved internally, where the party concerned, will be subject to a silent closing penalty, where the

sentence is carried out for one week, so long as the party concerned carries out a silent closing sentence, the family and relatives are prohibited from visiting it. In addition to getting a silent cover punishment, the sanctions that can be carried out are the existence of special cells (solitary cells / mouse cells) where these cells are used for places that are specifically provided by detention centers for detainees or prisoners who have violated the rules of detention. This policy was taken by the State Detention Center with the aim that prisoners and prisoners who violate the provisions of detention can provide a deterrent effect to violators. The categories that have been described above.

Is an emergency category or very worrying, because it disturbs the conditions of detention and disturbs the comfort of prisoners and other prisoners. To overcome this, there is an oversight carried out by the KPR as the authorities in the Detention Center to secure detention. This supervision is carried out in almost all blocks in the detention center, with this supervision for 24 hours, all activities in detention can be monitored automatically through CCTV installed in each corner of the block. This supervision is carried out with the aim, when riots or commotion occur between prisoners and between prisoners, then they can take action as soon as possible so as not to have an even worse impact (Novarizal & Herman, 2019).

The cause of the riots, then the trigger, will be localized (moved to another prison). For the record prisoners who carry out riots will be moved to another prison, if the prisoner wants to return to its original place, then it can't be. Because in its category, the transfer of a detainee or prisoner who is transferred to another prison, is a category of serious violations. The purpose of this policy is that the detainee and the prisoner will do the same thing someday, to anticipate, the prisoner cannot return to their original place. Itself in providing sanctions for prisoners and prisoners who violate security and order lies in article 47 of Law No. 12 of 1995 concerning Corrections, these rules are the legal basis (Undang Undang Republik Indonesia, Nounumber 12 the years of 1995).

The steps taken by the Prison do several preventive and repressive measures, with the aim to be able to foster an awareness within the Prisoners and Prisoners, by correcting all bad behavior into a good behavior. This step was taken with a variety of considerations, so that fostered citizens can become a useful community for the nation and state, and are ready to enter the community after being released in the State Detention House and Penitentiary. Preventive countermeasures are carried out to reduce and prevent a riot and anarchy within the State Detention House, which is very likely to be done by inmates.

Conclusion

Based on the results of research and discussion, conclusions can be drawn, namely the causes of violence carried out in Penitentiary it can be concluded as follows : The Role of Penal Institutions in Combating Violence by Prisoners investigate and crack down on prisoners who are perpetrators of violence, as well as provide disciplinary sanctions in accordance with Minister of Law and Human Rights Regulation No. 6 of 2013. The disciplinary sanctions are divided into three levels, namely, mild, moderate and severe disciplinary discipline. If the actions of the prisoners are classified as criminal acts then the Penitentiary submits the case to the competent authority in this case the police. The facilities in prison are adequate but there are still prisoners dissatisfied with the existing facilities, because of the large number of fostered residents correctional facilities so that infrastructure facilities that do not meet the needs of prisoners living in prisons. Lack of supervision also makes it easy for riots to occur within prisons. So this factor causes a lot of commotion in prison, then the role of Penal Institutions in this case must meet the needs needed by the fostered citizens correctional facilities. Prison also have full authority to carry out rehabilitation and Prison hold the authority of each according to the laws that govern them. the rules of discipline in prison have regulations and they do not run away from the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning the Rules of Corrections and Penitentiary Institutions of the State.

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