



GIVING ASSIMILATION TO PRISONERS IN CLASS II B CORRECTIONAL INSTITUTIONS SINGARAJA VIEWED FROM THE PERSPECTIVE OF CRIMINOLOGY AND HUMAN RIGHTS

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Abstract

This study aims to determine (1) the implementation of assimilation of prisoners in the Class II B Penitentiary Singaraja; (2) the implementation of the development of prisoners in the assimilation stage at the Class II B Penitentiary in Singaraja; and (3) the prospect of implementing assimilation as an effort to develop prisoners in the Class II B Penitentiary Singaraja in terms of criminology and human rights perspectives. This type of research is a field research with a descriptive qualitative approach. Sources of data in this study are primary, secondary and tertiary data. Data collection techniques with interviews, observations and document studies. This study performs data processing through the process of editing, classifying, verifying, analyzing and concluding. The data analysis technique is descriptive qualitative. The results of the study indicate that the repetition of criminal acts committed by assimilation prisoners, so that it can illustrate that the guidance carried out by the Class II B Singaraja Penitentiary has not been effective.

Abstrak

Penelitian ini bertujuan mengetahui (1) pelaksanaan pemberian asimilasi terhadap narapidana di Lembaga Pemasyarakatan Kelas II B Singaraja; (2) pelaksanaan pembinaan narapidana dalam tahap asimilasi di Lembaga Pemasyarakatan

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Kelas II B Singaraja; dan (3) prospek pelaksanaan pemberian asimilasi sebagai upaya pembinaan narapidana di Lembaga Pemasyarakatan Kelas II B Singaraja ditinjau dari pespektif kriminologi dan hak asasi manusia. Jenis penelitian ini adalah penelitian lapangan dengan pendekatan kualitatif yang berkarakter deskriptif. Sumber data dalam penelitian ini adalah data primer, sekunder dan tersier. Teknik pengumpulan data dengan wawancara, observasi dan studi dokumen. Penelitian ini melakukan pengolahan data melalui proses mengedit, mengklasifikasi, verifikasi, menganalisis dan menyimpulkan. Teknik analisis data bersifat deskriptif kualitatif. Hasil penelitian menunjukan bahwa meningkatnya pengulangan tindak pidana yang dilakukan oleh narapidana asimilasi, sehingga dapat menggambarkan bahwa pembinaan yang dilaksanakan oleh Lembaga Pemasyarakatan Kelas II B Singaraja belum efektif.

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INTRODUCTION

The correctional system is oriented towards the resocialization of prisoners through the process of coaching and mentoring. Prisoners as inputs after going through the coaching process are expected to become fully human, realize mistakes, improve themselves, and do not repeat criminal acts in accordance with the objectives of the correctional system (Asrida, Sularto and Astuti, 2017: 2). The limitations of the results of previous studies, namely the research of Asrida, Sularto and Astuti, the weakness lies in the role of the community in the assimilation process of prisoners, which can be seen during the process of submitting assimilation, namely the participation of families and village/kelurahan officials, while the role of the community in the implementation of assimilation is relatively low felt by prisoners. Weaknesses from previous research, the research team used as a reference to study more deeply about the implementation of assimilation which focuses more on assimilation from the perspective of criminology and human rights. This is intended so that the implementation of assimilation can be a coaching process that is carried out intensively by mingling prisoners with the community. The purpose and objective of assimilation in this research proposal is the output of improving the quality of human resources of prisoners after giving assimilation in order to prepare prisoners to return to living a good social life.

One of the stages in the process of fostering prisoners whose implementation can be considered imperfect is the assimilation of prisoners. This assimilation can be understood as an effort to assimilate prisoners into society in order to restore the social functioning of prisoners to be part of the whole community. Assimilation is given as a prisoner's right, both for general criminals and for specific criminals after fulfilling the requirements in the legislation.

Judging from the integrated criminal justice system (Integrated Criminal Justice System), the implementation of crime by implementing the correctional system is one of the sub-systems that are interrelated with other sub-systems. Therefore, the success of coaching criminals does not start when he enters a correctional institution, but the experience since being examined by the police affects the success of resocialization (Rumadan, 2013: 267).

Convict coaching is carried out based on the correctional system which aims to prepare prisoners to be able to integrate well with the community so that they play an active role as independent and responsible members of society (Marzuki, 2014: 211). One of the efforts made is to provide assimilation.

The issuance of the Minister of Law and Human Rights Regulation No. 21 of 2016 which was amended by Regulation of the Minister of Law and Human Rights No. 3 of 2018 is intended as an effort to further improve the coaching program in the form of Assimilation, Conditional Release (PB), Leave Before Free (CMB), Conditional Leave (CB), and Remission for inmates. Article 23 states: a) Assimilation can be given to prisoners after paying the fine and/or replacement money in accordance with a court decision. b) In terms of the convicts as referred to in paragraph (1) are unable to pay the fine and/or replacement money in full, the convicts are obliged to serve confinement and/or substitute prisons in accordance with the provisions of the legislation. committing a crime of corruption can be assimilated after paying the fine and/or replacement money in full.

The improvement of assimilation services is a strategic step in achieving the vision and mission of the correctional facility in the future. Based on the Instruction of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH 01.OT.03.01 of 2014 concerning Improving the Work Activities of Prisoners in the Context of Realizing Productive Corrections, it is stated that the essence of fostering prisoners should not only fill time, but as much as possible to provide provisions for prisoners. enough life for them when they return to public life. In fact, many inmates do not understand what their existence in the Correctional Institution is for, whether to make amends for their mistakes or to improve themselves and what rights they receive while serving their prison term. The requirements and procedures for fulfilling the rights that are felt are very complicated so that prisoners feel reluctance to ask for their rights and in the end can cause feelings of being isolated and excluded from normal outside community life (Natsif, 2016: 72).

The Singaraja Class II B Correctional Institution as one of the Correctional Technical Implementing Units (UPT) which carries out the task of carrying out guidance for correctional inmates is one of the Correctional Institutions (Lapas) which is currently experiencing excess capacity.

Tabel 1 Persentase *Overcapacity* Lembaga Pemasyarakatan Kelas II B Singaraja

No	UPT Pemasyarakatan	Kapasitas Hunian	Jumlah penghuni	Percentage
	Class II A Padang Prison	100	241	2,41%

Source: Class II B prison registration data in Singaraja as of December 2021.

Based on the results of initial observations carried out at the Singaraja Class II B Correctional Institution, from the prison, Made Sukiadnyana, Head of the

Registration and Guidance Sub-Section, stated that it was true that the Singaraja Class II B Correctional Institution experienced overcapacity. Related to the overcapacity in the Class II B Penitentiary Singaraja caused by the high cases of theft and narcotics cases that occurred in Singaraja City, narcotics cases that should need to be rehabilitated but are immediately sent to correctional institutions. The impact of the occurrence of overcapacity in the Class IIB Singaraja Correctional Institution is that coaching cannot run optimally because there is an imbalance between the number of prisoners and the number of correctional officers.

This will greatly affect the implementation of the coaching program, especially the assimilation program. In 2021, there will be 66 inmates who are serving to 2/3 of their criminal period, but only 19 prisoners have been proposed and only 3 inmates are currently and have carried out the assimilation program. Assimilation carried out by the Class II B Singaraja Penitentiary, has not been effective in achieving the goals of the correctional system because there has not been a maximum assimilation between prisoners and the community.

One of the coaching processes in Correctional Institutions (Lapas) is assimilation. In Article 14 letter j of Law Number 12 of 1995 concerning Corrections, it is stated that assimilation is one of the rights that can be obtained by prisoners. This assimilation is given to prisoners if they meet the requirements, namely, have good behavior, can follow the coaching program well, and have served (half) of their criminal period. Assimilation is the process of fostering inmates outside prisons.

This coaching process is carried out by mingling prisoners with the community. The purpose and objective of this assimilation is to prepare prisoners to return to living a good social life. In order to prepare prisoners to re-integrate with the community, an Open Correctional Institution (Open Prison) was established. Article 38 paragraph (1) of the Government Regulation Number 32 of 1999 concerning the Terms and Procedures for the Implementation of the Rights of Correctional Inmates states that prisons are one of the places to carry out assimilation.

Not all prisoners can carry out assimilation in prisons because there are conditions that must be met beforehand. For convicts of criminal acts of terrorism, narcotics, and narcotic precursors, psychotropic substances, corruption, crimes against state security and serious human rights crimes, as well as transnational organized crimes are included in the category of extraordinary crimes that cannot carry out assimilation.

The tightening of these requirements is further regulated in the Regulation of the Minister of Law and Human Rights Number 21 of 2013 concerning Terms and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Parole, Leave Before Release, and Conditional Leave (Permen No. 21 of 2013). In order to find out in depth about the above, the authors are interested in conducting research with the title "Providing Assimilation of Prisoners in Class II B Correctional Institutions Singaraja Viewed from the Perspective of Criminology and Human Rights".

METHOD

This type of research is field research. Field research is studying intensively about the background of the current situation, and the interaction of a social, individual, group, institution, and community (Usman, 2016: 5). Field research is

also considered a broad approach in qualitative research. The important idea of this type of research is that the researcher goes to the field to make direct observations about a phenomenon that is happening. The location of the research that researchers will conduct observations in the Class II B Penitentiary Singaraja. In connection with that, the researcher will explain how the situation and condition of the location will be. As for this empirical type of approach, the researcher uses a qualitative approach with a descriptive character. Bogdan and Biklen argue that one of the characteristics of qualitative research is descriptive data (Emzir, 2010: 23).

If traced, qualitative research is a form of research that requires a reduction process derived from the results of interviews, observations or a number of documents. The data will be summarized and selected so that it can be included in the appropriate category. In the end, the estuary of all qualitative data analysis activities lies in the description or narrative related to the problem being studied (Sanafiah, 2009: 258). This painting or narrative is called descriptive. A study that aims to describe a variable, group, or social phenomenon that occurs in society (Martono, 2010: 16).

Descriptive research according to Hadari Nawawi (2012: 63), can be interpreted as a problem solving procedure investigated by describing / describing the state of the subject / object of research (a person, institution, community and others) at the present time based on the facts that appear or as existence. Researchers choose this type of approach based on several reasons. First, this qualitative approach is used because the data needed is in the form of information about a phenomenon that occurs in a Penitentiary or at the residence of the Correctional Institution.

Researchers can get accurate data because researchers meet or deal directly with informants. Second, the researcher describes the object under study systematically by noting all things related to the object under study. Third, the researcher also suggests about social phenomena that occur by developing concepts and collecting existing social facts (Singaribun and Efendi, 2009: 4) (in A. Morissan M., et al, 2012: 73).

Analysis is a process that takes into account how data is organized, organizing what exists in a pattern, category, and basic unit of description. Bogdan and Biklen (in Moleong, 2017: 247), say that qualitative data analysis is an effort made by working with data, organizing data, sorting it into manageable units, synthesizing it, looking for and finding patterns, finding what is important. and what is learned, and decide what can be told to others (Moleong, 2017: 248). On the other hand, analyzing data obtained from various sources has become an obligation in a study.

Thus, the first thing the researcher will do after obtaining the required data is to edit the data. Editing is the process of re-examining records, files, or information collected by researchers (Amiruddin and Asikin, 2014: 168). In this case, the researcher conducted a re-examination of the data obtained from the field, both primary and secondary data, which aims to determine the completeness of the data and the clarity of meaning and its suitability with the required data. So that in this process it is hoped that data deficiencies or errors will be found. After editing, the researcher will arrange the data to be used as the main basis for analyzing, so that in the end the data will be in harmony with the given analysis. After the data is arranged systematically, the researcher then analyzes the data. This study uses a

technique that researchers use is descriptive analysis. Descriptive analysis is a method for analyzing data by describing or describing the data that has been collected, so that researchers will not perceive that something is indeed the way it is (Moleong, 2017: 11).

With this technique, the researcher will describe how the understanding in the views of informants and prisoners regarding the provision of assimilation of prisoners in the Class II B Penitentiary Singaraja in terms of criminology and human rights perspectives.

RESULTS AND DISCUSSION

The Implementation of Assimilation of Prisoners in the Class II B Penitentiary in Singaraja in Terms of Criminology and Human Rights Perspectives

Prisoners are not only objects but also subjects who are no different from other human beings who at any time can make mistakes or mistakes that can be subject to criminal penalties, so they do not have to be eradicated. What must be eradicated are factors that can cause prisoners to do things that are contrary to law, morality, religion, or other social obligations that can be imposed criminal.

The Correctional Law states that the purpose of coaching is to improve the quality of the inmates to become fully human, aware of mistakes, improve themselves, and do not repeat the crime so that after completion serving his criminal period can be readmitted by the community, can be active play a role in development, and can live naturally as good citizens and responsible. However, not a few inmates have finished carrying out Guidance in Correctional Institutions repeating criminal acts that have been committed previously so that they had to go back through the stages of coaching at the Institution Correctional. Prisoners like this are known as recidivist. There is a view that says that the high number of recidivists is a description of the failure of coaching in the Correctional Institution. R.M. Jackson says that the level of recidivist is an indicator of the effectiveness of imprisonment. He stated, that a crime is effective if the violator is no longer convicted in a certain period. That effectiveness is a measurement of the ratio between the number of violators who are sentenced to return and who are not sentenced to return. Regarding the level of recidivist in Indonesia, it is not known for sure because there is no research on this matter in a broad scope or nationally. However, This study will discuss this in a small scope, namely: against a Penitentiary in an area.

The urgency of the research is to reveal the clarity of the realization of the integration of prisoners with the community through the provision of assimilation, which is part of the coaching program at the Correctional Institution. Law Number 12 of 1995 concerning Corrections has included articles that regulate the rights of prisoners, namely Article 14 paragraph (1), Article 22 paragraph (1) and Article 29 paragraph (1). In these articles the rights of prisoners and criminal children are regulated and guaranteed, as evidence of the recognition of human rights that require them to be treated as subjects with an equal position with other human beings. Assimilation is also part of the rights of Prisoners (WBP) which is regulated in Government Regulation No. 32 of 1999 concerning Terms and Procedures for Implementing the Rights of Correctional Inmates and Regulation of the Minister of

Law and Human Rights of the Republic of Indonesia (HAM RI) Number 03 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Parole, Leave Before Release and Conditional Leave.

This study responds to the problem, in the Class II B Singaraja Correctional Institution which is not suitable for habitation due to excess capacity. Referring to input from the United Nations (UN) has urged governments in various countries in the world to release low-risk prisoners. In Indonesia, the government implemented the release of prisoners through an assimilation and integration program related to COVID-19 starting March 31. This assimilation can be understood as an effort to assimilate prisoners into society in order to restore the social functions of prisoners to be part of the whole community. This release policy refers to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia (Menkumham RI) Number 10 of 2020 concerning Conditions for Providing Assimilation and Integration Rights for Prisoners and Children in the Context of Prevention and Control of the Spread of COVID-19. The implementation of the release of these prisoners is further regulated in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-19.PK.01.04.04 of 2020 concerning the Release and Release of Prisoners and Children Through Assimilation and Integration in the Framework of Prevention and Control of the Spread of COVID-19. Following up on the Regulations and Decrees of the Minister of Law and Human Rights of the Republic of Indonesia, the Class II B Singaraja Correctional Institution immediately took steps to release prisoners in accordance with the terms and conditions as stipulated by the legislation. The release of these prisoners will be carried out starting April 1, 2020 in stages.

The findings of this study are based on data regarding the number of repetitions of criminal acts from the Singaraja Class II B Penitentiary, a total of 46 prisoners during 2019-2020 with the most cases of theft and narcotics. The increasing number of repetitions of criminal acts during the overcapacity of LAPAS shows that the guidance carried out at the Class II B Correctional Institution cannot fulfill the coaching function as stated in Article 3 of the Correctional Law, which explains the rights of prisoners during the coaching period, prisoners or correctional inmates in the prison. The Correctional Institution (LAPAS) has rights in accordance with the Correctional Law.

The Guidance That Should Be Against Convicts in Correctional Institutions

An important part of the criminal system is to apply a sanction. Its existence will provide direction and considerations regarding what should be used as sanctions in a criminal act to enforce the enactment of norms (Sholehuddin, 2013: 114). Correctional institutions (abbreviated as Lapas) ideally have the meaning of playing a role in re-socializing. inmates who have violated the laws and norms adopted by the community. The purpose of this institution is to change the nature, way of thinking and behavior, the process of educative interaction must be built. Intensive educative interaction is very much needed, so that collectively the inmates will grow awareness about the behavior that should be done. That is at least the function of prisons at an ideal level (David, Pamela and Howison, 2018: 1).

Penitentiary is a place of guidance with the aim that prisoners can return to being good citizens who are aware of all their mistakes and can return to society by becoming good human beings. Convict coaching is a system, so inmate coaching has several components that work interrelated for one purpose (Harsono, 2015: 5). In 1964 the coaching system for prisoners had changed fundamentally, namely from the prison system to the correctional system. The correctional system is an order regarding the direction and limits and how to foster prisoners based on Pancasila which is carried out in an integrated manner between the coaches, those who are fostered and the community to improve the quality of prisoners so that they realize mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted again by the community. , can live as good and responsible citizens.

With the change of the prison system into a correctional system, the institution which was originally called a prison house has also changed into a correctional institution. The change is based on the Instruction Letter of the Head of the Directorate of Corrections No. J.H.G.8/506 dated June 17, 1964. In 1995, with the issuance of Law no. 12 of 1995 in the State Gazette of the Republic of Indonesia of 1995 No. 77 as a substitute for the 1917 Prison Regulations, the designation of prisoners also changed to inmates of the correctional facility. The term correctional institution can be equated with resocialization with the understanding that everything is placed in the Indonesian cultural system, with the values that apply in Indonesian society (Sudarto, 2016: 27).

Paradigm shifts in criminal law, ranging from classical schools, neo- classical, and modern schools mark a new chapter in the discourse of criminal law. Shift This paradigm causes a change in the basic concept of sentencing.¹⁸ The shift in the concept of punishment shifts from being "punishing" (punishment) that is oriented backwards (backward looking), namely to things that have already been done occur or based on mistakes that have been made towards the idea of "building" (forward looking) treatment, namely how to fix wrongdoer. This shift in orientation in sentencing can be seen in the presence of: the change of the term "prison" to the term "correctional". Substitution of the term has a very basic meaning, which is not only intended as rhetoric, However, it has the intention that the construction of prisoners is oriented towards actions. actions that are more humane and adapted to the conditions of the prisoners. Correctional systems and regulations of minimum standards for the treatment of Prisoners adhere to a philosophy of punishment that is characterized by a rehabilitative approach, namely: an approach that considers perpetrators of law violators to be patients and therefore must be cured. In this case, the nature of correctional is in accordance with philosophy modern punishment is "treatment". Treatment is more beneficial for healing criminals, so that the purpose of sanctions is not to punish, but to treat or build criminals.

One of the factors that encourage a prisoner to repeat his actions or re-committing a crime is caused by the failure of the training carried out by the Penitentiary. The failure of a construction is caused by several things obstacles that are being faced by the Correctional Institution. Things that hinder coaching in an effort to overcome the emergence of prisoners recidivist is the limitation of overcapacity prison cells, budget/funding, lack of human resources in quantity and

quality, namely the lack of educators and understanding by each prison officer in providing guidance for each inmate who have different needs for each person, lack of complete facilities and infrastructure needed to be able to support every coaching activity implemented, the lack of guidance and supervision of the Correctional Center for prisoners assimilation activities carried out at home in accordance with Article 2 paragraph (1) Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 Year 2020, so that it is possible that the guidance provided does not match the existing rules set.

An increase in the number of repetitions of criminal acts committed by assimilation recidivists are supported by assimilation and integration regulations during the pandemic made as an emergency response to COVID-19 which cannot be faced in an overcapacity prison situation, therefore the rules are made in such a way that Pay attention to safety and health protocols. The policies made are considered as not a solution to the coaching process carried out outside the prison. Policies made are considered to be a circle of fireballs for which there is no way out. This is due to the lack of supervision carried out on prisoners undergoing an assimilation program. Influencing factors the lack of strict implementation of supervision, including less than optimal supervision using telecommunications facilities Telephone, Video Call or Video Conference.

CONCLUSION

The innovation in this research, the study focused on providing assimilation to prisoners in the Class II B Penitentiary in Singaraja. From the perspective of criminology and human rights. The basis for scientific thinking that needs to be built is that referring to Government Regulation Number 9 of 2012 concerning Terms and Procedures for the Implementation of the Rights of Correctional Inmates requires prisoners of special criminal cases to be willing to become justice collaborators or cooperate with law enforcers to uncover their crimes if they want to get opportunities for their rights. certain conditions, one of which is remission and parole.

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