

Psychological and Personality Development Supports to the Prisoners in Correctional Institution in Indonesia

Irma Cahyaningtyas¹, Nur Rochaeti¹

¹Lecturer at Faculty of Law, Universitas Diponegoro, Semarang, Indonesia

Abstract

The correctional institution is a place for treatment the prisoners. The current condition, the responsibility for treatment prisoners lies with the state, carried out by one institution without assistance from other institutions, namely the Correctional Institution. The problems in this paper are first, what is the current form of treatment for prisoners in Correctional Institution; second, how to reconstruct the form of treatment for prisoners in Correctional Institutions in the future. This paper uses an empirical juridical research method using the socio-legal approach. The results in this paper are first; the treatment aimed at current prisoners is personality treatment and independence treatment. In practice, both of these treatments found obstacles in the form of inadequate facilities and infrastructure and overcapacity of the Correctional Institution conditions, which resulted in no ideal coaching; second; based on this, it is necessary to reconstruct treatment of prisoners in the Correctional Institution. Reconstruction was carried out by developing a form of community-based correction and the existence of cooperation from the private sector in the form of partnerships. If this is realized, the purpose of the treatment process can be achieved, and the prisoner, after finished treatment, can return to the community properly.

Keywords: *Legal reconstruction, psychological treatment, correctional institution.*

Introduction

Penitentiary is a place to foster prisoners. Penitentiary is a criminal system that has moved far away from the philosophy of retaliation, detention, and resocialization. In other words, punishment is not intended to make suffering as a form of retaliation, it is not intended to deter suffering, nor does it assume the convict is someone who lacks socialization. Penalization is also in line with the social reintegration philosophy which assumes crime is a conflict that occurs between the convicted person and the community so that punishment is intended to restore conflict or reunite the convicted person with his community¹.

Article 1 point 2 of Law No.12 of 1995 concerning Corrections states that the correctional system is an arrangement regarding the direction and boundaries and method of fostering prisoners based on Pancasila which is carried out in an integrated manner between the supervisor, the fostered, and the community to improve the quality of the assisted citizens. Correctional facilities in order to realize mistakes, improve themselves, and not repeat criminal acts so that they can be accepted back by the community, can actively play a role in development, and can live naturally as good and responsible citizens.

The working of the penitentiary system requires an approach. This approach can be done through a coaching stage process. In connection with the development of prisoners, in undergoing the prison process, prisoners are given guidance which is essentially to return the prisoner to a good, confident, independent, active and productive society. Thus, these coaching activities must pay attention to various aspects of the life of prisoners in order to have independence and strong self-confidence².

Corresponding Author:

Irma Cahyaningtyas

Lecturer at Faculty of Law, Universitas Diponegoro, Jl.

Prof Sudarto, S.H Central Java

e-mail: irmafjr83@gmail.com

Guidance and guidance for inmates is carried out by special functional officers, namely Correctional Officers or supervisors. Thus, the implementation of the correctional requires professionalism of human resources who will understand well the objectives of the correctional and how to achieve these goals, and to avoid inhuman treatments. In fact, at this time, the development process is the responsibility of the state which is carried out by the correctional institutions only. Of course, this situation is not comparable to the situation in prisons that are over capacity³. One of the countermeasures is the presence of the role of other parties in the process of coaching prisoners. This role is not only in the form of collaboration with related government agencies and social institutions to support effectiveness but also a role to participate in the process of coaching prisoners.

Several papers that have previously discussed about the development of prisoners, including a paper that discusses the development of prisoners in a correctional perspective which in practice leads to the development of each individual prisoner⁴. Another paper discusses several criminal acts committed by inmates, including murder, theft, robbery, sexual violence, and illegal arms sales⁵. Another paper examines efforts to reduce the density of prisoners in correctional institutions, where one of them is to provide jobs to inmates and reward inmates for the success of the work⁶. The next paper discusses the fulfillment of health for prisoners where prisoners are often affected by mental disorders and infectious diseases. Therefore, meeting health needs needs to be well accommodated⁷. In this paper, we will discuss the form of training for prisoners in correctional institutions and efforts to reconstruct in relation to the development of prisoners in the future.

Research Method

This paper uses the empirical juridical research method, which examines the applicable legal provisions and what happens in reality in society or research is carried out on the actual situation that occurs in society, with the intention of finding the facts that are used as research data which are then analyzed to identify problems which in turn lead to problem solving⁸. The research specification in this paper is descriptive analytical⁹. So that it can describe the conditions of coaching for prisoners in correctional institutions and the description is analyzed with the help of theories and opinions from the results of other papers in relation to an effort to reconstruct the development of prisoners.

The approach used in this paper is socio-legal. Socio-legal study is a study of law using the approach of legal science and social sciences¹⁰. The socio-legal approach is used in this paper to explain the efforts to reconstruct the development of prisoners by emphasizing legal and non-legal aspects so that ideal prison development is created.

Social and Psychic Rehabilitation of Prisoners:

According to Article 1 paragraph 3 of Law no. 12 of 1995 concerning Corrections, which states that penitentiary is a place to carry out the development of prisoners. The prison system in Indonesia is actually a substitute for the prison system which is a colonial legacy. In 1964 in Indonesia, a correctional system emerged which was the idea of Sahardjo, in relation to the Treatment of Offenders. The conception of correctionalization is not merely formulating the objectives of imprisonment, but is a system of guidance, a method in Treatment of Offenders which is multilateral oriented by focusing on the potentials that exist in the individual concerned, as well as those in the midst of society as a whole. The correctional system has a very important meaning, because it changes the direction of the aim of imprisonment, which is a way to guide and foster prisoners¹¹. Several aspects that need to be emphasized in the coaching process include:¹²

- a. **Social rehabilitation:** In the coaching process, there must be social guidance in the form of counseling, direction and personality development, so that they will live as human beings with personality and faith.
- b. **Vocational rehabilitation:** In the coaching process there must be an emphasis on effective and effective skills. This is because inmates after completing their sentence can return to work in society. Therefore, it requires preparation in order to live in a new social environment. If you do not have this provision, there is the possibility of relapse.
- c. **Education rehabilitation:** In the coaching process there must be practical education. This is because there may be prisoners who are illiterate and drop out of school.
- d. **Medical rehabilitation:** In the coaching process, it is necessary to have health/mental medication to treat various background problems of prisoners, for example due to stress, frustration, and others.

The process of coaching prisoners is currently regulated in the Decree of the Minister of Justice of the Republic of Indonesia Number: M.02-PK.04.10 of 1990

concerning the Guidance Pattern of Prisoners. Coaching is divided into 2 areas, namely personality development and independence development.

First, personality development includes, among others: development of religious awareness; development of the nation and state; development of intellectual abilities (intelligence); development of legal awareness; and development of integrating with the community.

Second, development of independence is provided through programs, namely skills to support independent businesses; skills to support small industrial enterprises; the skills are developed according to the talents of each prisoner; and skills to support industrial businesses or agricultural (plantation) activities using intermediate technology or high technology

Hence, the guidance given to prisoners must be an integral part of the correctional system. Correctional that is seen as a system must have an ultimate goal that must be achieved so that in its implementation it requires assistance from parties other than the state which is responsible for the functioning of the guidance process.

Psychological and Personality Development Supports for Prisoners: Penal reform is part of the criminal law policy/politics (penal policy). According to Barda Nawawi Arief, Criminal law reform essentially contains meaning, an effort to reorient and reform criminal law in accordance with the central values of socio-political, socio-philosophical and socio-cultural Indonesian society which underlie social policies, criminal policies and law enforcement policies in Indonesia¹³. In essence, criminal law reform must be pursued with a policy-oriented approach and at the same time a value-oriented approach¹⁴.

Efforts to reconstruct the development of prisoners cannot be separated from the problem of value, because crime is used as a means of achieving correctional objectives, namely in the implementation of criminal sanctions it does not mean that the punishment imposed on prisoners must be in accordance with human values but must also be able to raise awareness of prisoners of value, human values and social values in society.

Reconstruction specifically regarding the formation of prisoners must be carried out. The reconstruction is expected to realize an effective, efficient and effective process of guiding prisoners. This is quite reasonable, given the ideal purpose of the prison system. However,

in practice there are many obstacles that exist in the development of prisoners at this time so that it can affect the granting of prisoners' rights.

The reconstruction of the development of prisoners in prisons in the future can be carried out by developing ideas so that punishment leads to de-institutionalization or non-institutionalization of punishment in the form of community-based correction and assistance from the private sector in the form of partnerships. Developments towards deinstitutionalization, such as social work, probation and diversion and restorative justice have been practiced in a number of countries for humanitarian considerations as well as to avoid the bad effects of imprisonment for children, women who still have child dependents, and first offender crime categories light. According to this article, philosophically, this development does not contradict the basic idea of correctionalism. Partnerships are needed to help from the aspects of coaching, financing, partnerships as well as supporting the formulation of a more effective strategy. Therefore, partnerships are needed both with other government agencies and elements of society.

The current situation, the training of prisoners carried out in the Correctional Institutions is too bureaucratic, so this creates an impression of being unfriendly and inhuman. The presence of a third party, in this case the private sector, is expected to be able to solve the problems of coaching prisoners. This paper describes the form of private participation in the prisoner development program, which can include providing skilled professionals such as psychologists, pedagogists, social workers; providing trainers and work equipment to support training for prisoners, including in the provision of raw materials and the throwing of products produced by prisoners; after the convicts have finished serving their sentences, the private sector is expected to distribute the labor of ex-convicts who are deemed eligible; contributing funds to finance the basic needs of inmates while serving their sentences; providing reports on the development of prisoners to the government.

According to this paper, the presence of the private sector in the process of coaching prisoners can be seen from two sides. The first side, if the private sector helps ease the duties of correctional institutions in fostering prisoners, it is hoped that it can focus on making inmates as citizens of society who are aware of illegal acts to become skilled in certain jobs and obey the law after they are in society; the second side, there are advantages

for the government, namely constraints, both funds and facilities and infrastructure can be overcome so that the correctional institution can be a place to foster inmates without retaliation; benefits for the private sector, namely developing company work programs, increasing the workforce for the development of the company's business progress, as the moral responsibility of Pancasila Indonesian citizens.

It is hoped that the presence of the private sector in the process of coaching prisoners can make the Penitentiary a productive institution in preparing prisoners to return to society as working people who comply with the law¹⁵. In the end, the coaching process in the future can achieve the goal of the correctional system, namely to restore the life relationship between prisoners and the community.

Conclusions and Recommendations

The form of guidance given to prisoners in correctional institutions today is personality development and independence development. In practice, this guidance encountered obstacles, among others, conditions in prisons that were over capacity, limited facilities and infrastructure so that they could affect the provision of guidance to prisoners to which the prisoners were entitled. On the basis of constraints in the process of guiding prisoners, it is necessary to reconstruct the development of prisoners in correctional institutions in the future, namely by developing ideas so that punishment leads to de-institutionalization or non-institutionalization of punishment in the form of community based correction and partnership assistance from the private sector.

The suggestions put forward in this paper are as soon as possible the development program in reconstruction through various forms of guidance so that the private sector can help directly and increase the existence of the open prison. If this is realized, the role of the correctional institution can be helped in the process of developing a more humane and can produce productive prisoners so that when they have finished undergoing guidance, the prisoners can return to the community properly.

Ethical Clearance: This research was ethically approved by Faculty of Law, Universitas Diponegoro, Semarang, Indonesia

Funding: This research receives funding from by Faculty of Law, Universitas Diponegoro, Semarang, Indonesia.

Conflict of Interests: There are no conflict of interests

References

1. Sujatno A. Sistem Pemasyarakatan Indonesia: membangun manusia mandiri. Directorate General of Corrections, Ministry of Justice and Human Rights; 2004.
2. Harsono CI. Sistem Baru Pembinaan Narapidana. Djambatan; 1995.
3. Nuraeny H, Utami T. The Impact Of Over Capacity On Fulfilling The Basic Rights Of The Assisted Citizen In Prison In The Perspective Of Human Right. InFirst International Conference on Progressive Civil Society (Iconprocs 2019) 2019 May. Atlantis Press.
4. Panjaitan PI. Pembinaan Narapidana Menurut Sistem Pemasyarakatan. to-ra. 2018;4(3):111-6.
- 5]. Langan PA, Levin DJ. Recidivism of prisoners released in 1994. Federal Sentencing Reporter. 2002 Oct 1;15(1):58-65.
6. Mulyono GP, Arief BN. Upaya mengurangi kepadatan narapidana dalam Lembaga Pemasyarakatan di Indonesia. Law Reform. 2016;12(1):1-6.
7. Fazel S, Baillargeon J. The health of prisoners. The Lancet. 2011 Mar 12;377(9769):956-65.
8. Benuf K, Azhar M. Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. Gema Keadilan. 2020 Apr 1;7(1):20-33.
9. Asikin, Z. Amiruddin. Pengantar Metode Penelitian Hukum. Jakarta: Raja Grafindo Persada; 2004.
10. Irianto S. Sidharta, Metode Penelitian Hukum: Konstelasi dan Refleksi. Yayasan Pustaka Obor Indonesia;2009.
11. Irawati D. Menuju Lembaga Pemasyarakatan Berwawasan Hak Asasi Manusia. UKI Press;2006.
12. Priyatno D. Sistem pelaksanaan pidana penjara di Indonesia. Refika Aditama; 2006.
13. Arief BN. Kapita Selektta Hukum pidana. Citra Aditya Bakti; 2003.
14. Jaya NS. Pembaharuan Hukum Pidana. Semarang: Pustaka Rizki Putra. 2017.
15. Holsinger AM, Hughes TT. Correctional Services Corporation v. Malesko: Boss, "They Can't Hurt You Now". Criminal Justice Policy Review. 2003 Dec;14(4):451-63.