

Implementation of Protection of Spiritual Needs for Indonesian Citizens in the Class IIB Detention Home, Tanjung Pura

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Implementation of Protection of Spiritual Needs for Indonesian Citizens in the Class IIB Detention Home, Tanjung Pura

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Abstract: The spiritual and physical care of prisoners is very influential in life, starting from religious life and health. This formation means that all efforts are made to raise awareness and always maintain regularly the existence of religious and health values, with the aim that human behavior always remains within the norm. -good norms. The aim of this research is to find out the implementation of spiritual and physical care for prisoners at the Class IIB Tanjung Pura Narcotics Correctional Institution, the obstacles in implementing spiritual and physical care for prisoners at the Class IIB Tanjung Pura Detention Center and the efforts of the Class IIB Tanjung Pura Detention Center to overcome obstacles in the implementation of spiritual and physical care for prisoners. This research is included in descriptive research with the type of Normative juridical research using qualitative analysis methods. From the results of the research, the Class IIB Tanjung Pura Detention Center fulfills the rights of inmates in the form of providing spiritual care for inmates in the form of religious formation activities and the implementation of worship, while the implementation of physical care in the form of maintaining body fitness through morning exercise, sports, channeling hobbies through art, recreation with family visits as well as support in providing proper and adequate nutrition and health care. The obstacles experienced by the Class IIB Tanjung Pura Detention Center in fulfilling the right to spiritual and physical care include the limited budget of the Class IIB Tanjung Pura Detention Center, human resources in terms of quality and quantity, and the facilities at the Class IIB Tanjung Pura Detention Center are inadequate. The efforts of the Class IIB Tanjung Pura Detention Center to overcome obstacles in implementing spiritual and physical care for prisoners include maximizing the use of the budget of the Class IIB Tanjung Pura Detention Center, providing training and using the services of lecturers, maximizing the facilities of the Class IIB Tanjung Pura Detention Center.

Keywords: Detention Centers, Prisoners, Physical and Spiritual

INTRODUCTION

Regulation of the Minister of Law and Human Rights No. 29/2017 on the amendment of the regulation of the Minister of Law and Human Rights No. 6/2013 on the order of correctional institutions and detention centres. The current regulation on the correctional system is Law No. 12/1995 on Corrections and Houses of Detention which was enacted on 30 December 1995. Article 1 point 2 states that the detention centre and correctional system is an order regarding the direction and limits as well as the way of fostering prisoners based on Pancasila which is carried out in an integrated manner between the coach, the fostered and the community to improve the quality of prisoners so that they realise their mistakes, improve themselves and do not repeat criminal acts so that they can be accepted back by the community, can actively participate in development and can live reasonably as good and responsible citizens.

The Detention Centre as an institution that handles prisoners' problems, directs prisoners to achieve a physically and mentally healthy life through personality development and independence. The coaching system is studied in the science of social work. This is closely related to the issue of social function, namely a person's ability to carry out his role in accordance with the demands of his environment and is directed at helping individuals or communities in carrying out their social functions.¹

Coaching in an effort to carry out its guidance does not mean changing the established structure of society but changing the behaviour of prisoners from a condition to a better condition. This effort is carried out through a continuous coaching process based on a relatively established correctional process. Prisoners are not only objects, but a prisoner is also a subject that is no different from other humans who at some point can make mistakes and can later be subject to punishment, it does not have to be eradicated, what should be limited is the factor that can later be subject to punishment.²

Prisoners are obliged to carry out sentences and receive guidance in detention centres and correctional institutions for unlawful acts that have been committed based on authorised court decisions in accordance with a predetermined period of time. At least he does not have the right to his freedom anymore for a while, but with the detention of prisoners in detention centres or correctional institutions does not eliminate the rights of prisoners such as the right to spiritual and physical care, in accordance with Article 14 paragraph (1) letter b of Law Number 12 of 1995 concerning Corrections which states that, prisoners are entitled to receive care both spiritual and physical care.

The development of prisoners must be based on the principle of equality without discrimination. Special treatment of prisoners is only possible if it is expressly regulated in the law. The development of prisoners who are not based on the principle of equality, in addition to causing social jealousy among fellow prisoners, also results in things that we do not expect, such as the escape of prisoners from detention centres or correctional institutions.³

Social problems that have been committed by prisoners are everything that violates the laws and norms that apply to society. However, prisoners themselves are also creatures of God Almighty who must also be treated like humans, they can also be given help to get to the right and better way and can solve the problems they are experiencing without having to do bad things. Therefore, prisoners need guidance and coaching to become better human beings. This

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²⁵ Iyung Nurulaen, *Lembaga Pemasyarakatan Masalah dan Solusi*, Marja, Bandung, 2012, halaman. 44.

²⁶ Widja Priyatno, *Sistem Pelaksanaan Pidana Penjara Indonesia*, Refika Aditama, Bandung, 2013, halaman. 103.

²⁷ C. Djisman, *Penologi dan Pemasyarakatan*, Nuansa Aulia, Bandung, 2016, halaman. 198.

is where the form of coaching, which can also be called guidance and counselling. It literally means advancing and giving way or directing someone towards a better direction.

The context of spiritual and physical care is very influential in life, starting from religious life and health, this coaching means that all efforts are made to foster awareness and always maintain regularly the existence of a religious and health value order, with the aim that human behaviour is always in good norms. Based on the description above, the author is interested in reviewing in a journal entitled: "THE APPLICATION OF PROTECTION OF SPIRITUAL NEEDS FOR PRISONERS IN DETENTION CENTRES IN DETENTION CENTRE CLASS IIB TANJUNG PURA

Problem Formulation

The problem formulation in this research journal is as follows:

How are the efforts of the Tanjung Pura Class IIB Detention Centre in overcoming obstacles in the implementation of spiritual and physical care for prisoners?

Research Objectives

The objectives in this study are as follows:

1. To find out the application of protection of spiritual needs for prisoners in Class IIB Tanjung Pura Detention Centre.
2. To find out the obstacles in the application of protection of spiritual needs for prisoners at the Class IIB Tanjung Pura Detention Centre.
3. To find out the efforts of Class IIB Tanjung Pura Detention Centre in overcoming obstacles in the implementation of spiritual and physical care for prisoners

LITERATURE REVIEW

1. Definition of Spiritual and Physical

The definition of spiritual according to the Big Indonesian Dictionary is "Spirit, related to the spirit, spiritualised".⁴ Meanwhile, according to Nazarudin Umar, the word spiritual can be interpreted as "Conscience that contains universal values. This universal value is found in every human being and every human being is encouraged to emulate it".⁵ The definition of physical according to the Big Indonesian Dictionary is "Body, body, object as opposed to spiritual".⁶

4 Kamus Besar Bahasa Indonesia, *Kata Dasar Rohani*, melalui <https://kbbi.web.id/rohani>, diakses pada tanggal 19 April 2022, pukul 20.00 WIB.

5 Hana Makmun, *Life Skill Personal Self Awareness: Kecakapan Mengenal Diri*, Budi Utama, Yogyakarta, 2017, halaman. 94-100.

6 Kamus Besar Bahasa Indonesia, *Kata Dasar Jasmani*, melalui <https://kbbi.web.id/jasmani>, diakses pada tanggal 19 April 2022, pukul 20.20 WIB.

Article 6 of Government Regulation No. 32/1999 on the Terms and Procedures for the Implementation of the Rights of Prisoners (PP No. 32/1999) states that what is meant by spiritual care is "Provision of spiritual and ethical guidance", while in Article 7 of PP No. 32/1999 it is stated that physical care includes "Opportunities for sports and recreation, provision of clothing, and bathing and sleeping equipment".

This is further explained in the explanation of Part II of Article 6 and Article 7 of Government Regulation No. 32/1999. In the explanation of Article 6 paragraph 1 of Government Regulation No. 32/1999, it is stated that what is meant by character education is "covering manners or manners in daily life". The spirit itself is the centre of the human spirit, which is a very important position, which will determine the safety and welfare of human life in this world and the hereafter. Spirituality is an important thing that exists in man himself which is very influential for human life.⁷

The spiritual is always related to the physical, because both are always related and complementary. The physical is the outward body, while the spiritual is the inner body of man. Etymologically, spiritual guidance is spiritual guidance according to religion. In terminology or in terms, spiritual guidance is an approach to mental and spiritual care services based on religious teachings aimed at individuals or someone who is sick or who has a problem.⁸

2. Definition of Prisoner

An inmate is someone who is serving the law or serving a sentence in a correctional institution. Law Number 12 of 1995 concerning Corrections in Article 1 paragraph 7 defines the word inmate as "A convict who is serving a sentence of loss of independence in a correctional institution". Meanwhile, according to the Big Indonesian Dictionary, the meaning of an inmate is "A punishment person or a person who is serving a sentence for a criminal offence".⁹ is a person who undergoes a criminalisation process. Criminalisation can be defined as the determination of punishment and the stage of imposing punishment.¹⁰

3. Overview of Detention Centres and Correctional Institutions

Detention centres and correctional institutions in principle have something in common, namely that they are technical implementation units under the Directorate General of Corrections of the Ministry of Law and Human Rights (Article 2 paragraph 1 of Government Regulation No.58 of 1999). Based on Article 18 paragraph 1 of Government Regulation No.27

⁷ p Z Arifin, *Bimbingan dan Perawatan Rohani Islam di Rumah Sakit*, Fokus Media, Bandung, 2017, halaman. 1

⁸ Ahmad Izzan dan Naan, *Bimbingan Rohani Islam Sentuhan Kedamaian Dalam Sakit*, Simbiosis Rekatama Media, Bandung, 2019, halaman. 1-2.

⁹ Kamus Besar Bahasa Indonesia, *Kata Dasar Narapidana*, melalui <https://kbbi.web.id/narapidana>, diakses pada tanggal 19 April 2022, pukul 20.40 WIB.

¹⁰ Marlina, *Hukum Penitensier*, Refika Aditama, Bandung, 2011, halaman. 33.

of 1983, each district or municipality in Indonesia has detention centres and correctional centres, so that detention centres also function to accommodate prisoners as well as correctional centres which are places to provide guidance to prisoners and correctional students in Indonesia. In line with this purpose and role, it is appropriate that correctional officers who carry out guidance and security of correctional inmates in Law Number 12 of 1995 concerning Corrections are designated as functional law enforcement officials.

Detention centres and correctional institutions are the final part of the criminal justice process and as the last stage of punishment there should be various hopes and objectives of an integrated justice system supported by the pillars of the criminal process starting from the police, prosecutors and courts. These expectations and goals can be in the form of coaching aspects to prisoners. The role of detention centres and correctional institutions facilitates integration and adjustment to community life, the aim is that they can feel that as individuals and Indonesian citizens who are able to do something for the benefit of the nation and state like individuals and other Indonesian citizens and they are able to create a good public opinion and image. Tanjung Pura Class IIB Detention Centre is one of the institutions that provides guidance to inmates in the field of spirituality.

RESEARCH METHODS

The nature of this research is descriptive, which is research that aims to describe a problem in a certain area or at a certain time.¹¹ This research aims to describe systematically, factually and accurately to a certain population or area, regarding certain properties, characteristics or factors.¹² This type of research is empirical law, namely research on legal identification and research on legal effectiveness. Empirical legal research is a model of scientific research, both qualitative and quantitative, that is empirical-socio-legal in nature, by taking the object of study of certain legal aspects that have empirical value.¹³ Empirical legal research in this study is intended to conduct research on the implementation of spiritual and physical care for prisoners in narcotics correctional institutions.

In collecting this data, the collection methods used are field studies and library research. This field study is conducted to obtain primary data, where the data is obtained by means of interviews. Interview is data collection by asking questions directly by the interviewer to the respondent and the respondent's answers are recorded or recorded by a recording device.¹⁴ The

¹¹ Suteki dan Galang Taufani, *Metodologi Penelitian Hukum* (Filsafat, Teori, dan Praktek), Rajawali Pers, Depok, 2018, halaman. 133.

¹² Bambang Sunggono, *Metodologi Penelitian Hukum*, Rajawali Pers, Jakarta, 2013, halaman. 35.

¹³ Nir Fuady, *Metode Riset Hukum Pendekatan Teori dan Konsep*, Rajawali Pers, Depok, 2018, halaman. 121.

¹⁴ Irawan Soehartono, *Metode Penelitian Sosial*, Remaja Rosdakarya, Bandung, 2012, halaman. 67.

type of interview that the author uses is a guided free interview which is a combination of free and guided interviews, so the interviewer only makes the main issues to be researched.¹⁵ While library research is by conducting research on various reading sources.

DISCUSSION

The Efforts Of Class Iib Prisoners In Overcoming Obstacles In The Implementation Of Spiritual And Physical Care For Prisoners

A. Maximising Budget Usage of Class IIB Tanjung Pura Detention Centre

The stages and processes of budget planning are in principle very influential on the implementation of the budget itself as determined by government management. The existence of budget planning that is carried out properly and carefully will form a good implementation as well. The existence of well-done budgeting implementation will help create quality results.¹⁶

Proper budget planning will help allocate more targeted funds. Of course, this is a very important thing in the government system that is certainly needed to run at this time. The budget itself is a statement related to the estimated performance that will be achieved within a certain period that has been determined. The existence of budgeting planning is of course poured in financial form with proper management.

One of the management functions is planning. Planning is an action made based on facts and assumptions regarding the description of activities carried out at a future time in achieving the desired goal. Planning means determining in advance the activities that might be done and how to do them. The success of an activity in achieving its goals efficiently and effectively is determined by careful planning, proper organisation, and good management.

Basically, the quality of budget planning itself is an important thing to be made with careful consideration. Because in its implementation, it will have a direct impact on the welfare of the community that will certainly be obtained. Because, as is well understood, the welfare of the community occupies the highest needs compared to others. For this reason, it is important for everyone in the government today to really pay attention to the quality of the planning carried out. Of course, in this case, performance-based budget planning is considered to have a positive impact on the absorption of the allocated budget.¹⁷

In preparing a budget that will be used in a planning activity that has been determined by the government so that with the budget it is hoped that the budget can be used optimally to

¹⁵ Cholid Nabuko dan A. Achamdi, *Metodologi Penelitian*, Bumi Aksara, Jakarta, 2015, halaman. 85.

¹⁶ Anwar, S.PdI, M.PdI. Peningkatan Kualitas Perencanaan Anggaran Dalam Upaya Meminimalisir Pengajuan Revisi DIPA. <https://jambi.kemenag.go.id>. Diakses tanggal 8 April 2023

¹⁷ Ibid

improve the welfare of prisoners and can support the improvement of management transparency and accountability.

The Detention Centre is one of the public sector organisations whose financial management must be transparent. Starting from the planning process, preparation, and implementation of the budget. In addition, accountability in public accountability is also required, in the sense that the budgeting process starting from planning, preparation and implementation must be properly reported and accounted for to the government.

With the application of these principles, it will result in financial management that truly reflects the interests and expectations in an efficient, effective transparent and responsible manner. So that later it can be felt by the community, because it is the community that can judge the success or failure of the Prison House, especially in the field of Work Guidance (BimKer) to train and guide prisoners to work in order to produce useful and useful humans. The problem is how financial management affects the budget realisation of correctional institutions.

The analysis between the budget plan for the cost of fostering independence and budget realisation at the Tanjung Pura IIB class detention house is applied to determine the efficiency of the agency by comparing the plan with the budget realisation of the operational costs of fostering independence. If the planned budget plan is greater than the budget realisation, there will be a favourable difference, otherwise if the budget plan is smaller than the budget realisation, there will be an unfavourable difference, and if the budget plan is the same as the budget realisation, it will be balanced and can be declared efficient. Over-capacity is also one of the dilemmas that occur in detention centres.

As a result of the increasing number of residents, the average detention centre in Indonesia experiences overcapacity. Overcapacity that occurs will certainly result in problems of lack of service in various fields, especially physical and spiritual services. The density of residents in detention centres is increasing, resulting in rooms that should be sufficient to accommodate prisoners to be no longer accommodated, not only that, health services for prisoners are also not maximally implemented.

B. Providing Training and Using the Services of a Speaker

Article 1 paragraph (1) of Government Regulation No. 31/1999 explains that coaching activities in detention centres aim to improve the quality of religious piety, behaviour, physical and spiritual health in a professional manner. The coaching programme consists of two coaching programmes, namely the character building programme and the independence programme. The character building programme is a coaching programme that prioritises the

character of the inmates, so that it can re-establish the character of the inmates with the method of getting closer to God Almighty. It is expected not to repeat unlawful acts again when mingling in the community later.¹⁸

One of the efforts to fulfil the right to spiritual development is by providing religious knowledge and worship approaches to prisoners. Spiritual guidance is carried out by prison officers who certainly do not have extensive knowledge of religious science, because religious guidance cannot be done by everyone but by experts or understand about religion, because religion is a very sensitive matter concerning human relationships with God the creator.

Efforts that can be made are to provide briefings and training to officers on the basics of implementing religion, such as procedures for ablution and prayer, introducing letters and how to read the Koran, and officers can learn to increase their religious knowledge by reading religious books, through internet technology or learning from ustad. To fulfil this weakness, Rutan Tanjung Pura cooperates with the Office of the Ministry of Religion of Langkat Regency to send preachers to the detention centre to provide spiritual guidance in the form of religious lectures which are held regularly and scheduled. With the presence of preachers from outside the prison, the enthusiasm of prisoners to explore religious knowledge will increase, because they get enlightenment and knowledge that is not obtained from prison officers, they can also discuss with each other with preachers or preachers on various matters of religion and worship.¹⁹

To improve the competence of officers, the prison also includes officers in technical guidance, training or basic competency improvement activities for spiritual and religious supervisors. In addition, officers are also expected to increase their knowledge and skills in the religious field by studying independently through the internet or religious books which are then transmitted to prisoners, with the advancement of technology and information today we can learn from various sources so as to increase insight, especially in the field of religion.

C. Maximising Facilities at Class IIB Tanjung Pura Detention Centre

The efforts of the Tanjung Pura Class IIB Detention Centre in overcoming limited facilities, namely by maximising existing facilities. Prisoners can utilise sports and arts facilities with the use of a strict schedule set by officers, this is so that the utilisation of existing facilities can be maximised because the number of existing facilities is not comparable to the

¹⁸ Moch. Felix Astana1, Mitro Subroto. "Optimalisasi Pembinaan Intr²⁸nal Kepada Narapidana pada Peningkatan Reintegrasi Sosial (Studi Kasus di Lapas Kelas IIB Tuban)". JIIP (Jurnal Ilmiah Ilmu Pendidikan). Volume 6, Nomor 4, April 2023, halaman 2515

¹⁹ Wawancara dengan Bapak Portomuan, SH.MSi Kepala Seksi Pembinaan Narapidana Lemabaga Pemasarakatan Narkotika Kelas IIA Langkat pada Tanggal 3 April 2023

number of prisoners. Prisoners must also be responsible for the cleanliness of the clothes given, clothes also affect the health of prisoners, because unclean clothes in addition to causing seeds of disease also cause odours that disturb friends in the cell which in turn can trigger a commotion in the detention cell.

For prisoners who experience health problems and minor illnesses can be treated by prison doctors during working hours, and those who undergo outpatient care can be controlled every day by existing health workers. For prisoners who must get intensive care with inpatient care, the prison can bring the sick prisoners to the referral hospital that has established cooperation with Class IIB Tanjung Pura Detention Centre. The implementation of health checks for prisoners is carried out routinely and incidentally by doctors and medical officers of Class IIB Tanjung Pura Detention Centre, the aim is that WBPs who are serving their sentences still get their rights, namely health services. In addition, health socialisation can be carried out on a scheduled basis so as not to interfere with other daily activities.

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The lack of equipment or facilities for spiritual development both in quantity and quality as well as the number of damaged equipment is one of the factors inhibiting the smooth process of implementing coaching for prisoners because of all these things it is possible that these factors are the cause of unsafe and orderly conditions in the Detention Centre. For the fulfilment of spiritual development facilities, utilising the mosque in the detention centre for lectures and worship activities, the implementation is carried out on a scheduled basis and is carried out in rotation, this is done so that there is no overflow due to lack of capacity.

The limited number of Mushaf can be done by taking turns or done together, even with all the limitations that exist, the implementation of spiritual guidance can still run as it should in order to fulfil the rights of prisoners.

CONCLUSIONS

¹³
Efforts of the Class IIA Langkat Narcotics Penitentiary in overcoming obstacles in the implementation of spiritual and physical care for prisoners in the form of maximising the use of the budget of the Class IIB Tanjung Pura Narcotics Penitentiary, providing training and using the services of preachers, maximising the facilities of the Class IIB Tanjung Pura Narcotics Penitentiary.

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