

## The Position Of Correctional Institutions In Providing Guidance To Prisoners In Indonesia

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**Abstract :** *A correctional institution is a place that has the function of providing training for prisoners to carry out what the court has decided for them. The end of the judicial settlement process lies with the Correctional Institution, whether or not the criminal justice objectives are successful can be seen from the results that have been achieved and issued by the correctional institution in the entire criminal justice process. The type of research used is normative research, namely normative legal research or library research. The position of Correctional Institutions (Lapas) is as the final sub-system which directly deals with prisoners to carry out guidance. Tasked with providing community guidance and community services, guidance for correctional clients in accordance with applicable laws and regulations as well as rehabilitation and resocialization of law violators, even to crime prevention. The Role of Correctional Institutions in Indonesia is Linked to the Purpose of Punishment. The existence of correctional institutions in Indonesia carries out three very important roles, namely: carrying out law enforcement, the role of coaching and internal strengthening of correctional institutions. The suggestion that the author puts forward is that the government should provide the facilities and infrastructure needed by correctional institutions to develop correctional inmates with the aim of returning correctional inmates to society so that they can live independently and be useful in society. So that correctional institutions can increase their role and function effectively in providing guidance to inmates.*

**Keywords:** Penitentiary, Prisoners, Punishment.

### INTRODUCTION

The judiciary in Indonesia is not to enforce law for the sake of law, as stated by Oliver Wendell Holmes, "The Supreme is not a court of justice, it is a court of law but to enforce law for the sake of justice, both for individuals and for society, the nation , and the state: even justice in question is justice for the sake of God Almighty so as to create an atmosphere of social life that is safe, calm, peaceful, orderly and peaceful (Saharuddin Daming, 2016).

Currently, law enforcement in Indonesia raises many problems, which can originate from within the judicial system, legal instruments, inconsistent law enforcement, intervention by power, or in terms of legal protection. One of the things that is commonly seen and felt by ordinary people is the uncertainty of law enforcement by legal officials, such as the slow process of resolving a case or case, the lack of transparency in the ongoing legal process and not knowing whether the legal process is still continuing or has been stopped. Distrust of law enforcement officers and law enforcement institutions can give rise to potential conflict in society, such as the emergence of vigilantism and other destructive behavior (Dwi, 2012).

Efforts to deal with the occurrence of criminal acts cannot be carried out if it is only carried out by one institution, for example the police, prosecutor's office or court alone, but rather by several institutions working in synergy with each other. Each institution has a

different role in handling a criminal case. Brands all work within a system that aims to tackle crime to the extent that society can tolerate (Febby, 2020).

As has been stated, regarding the criminal justice system in Garner's opinion: The Criminal Justice System includes three components, namely: (1) law enforcement, (2) the judicial process (judges, public prosecutors and lawyers), and (3) correctional officers (officers). correctional officers, parole officers, and probation supervision officers).

In order to carry out what has been decided by the court against the prison defendant, this is the final part of the judicial resolution process. The success or failure of criminal justice objectives can be seen from the results that have been achieved and produced by correctional institutions in the entire criminal justice process. Correctional Institutions are one of the components of the Criminal Justice System in Indonesia which is tasked with providing guidance to prisoners (Firman Aji Pamungkas et al., 2023).

After the enactment of Law Number 22 of 2022 concerning Corrections as a replacement for Law Number 12 of 1995, it mandates fundamental improvements in the implementation of Correctional functions which include Service, Development, Community Guidance, Care, Security and Observation by upholding respect, protection, and fulfillment of human rights. The latest Corrections Law contains strengthening the position of correctional institutions in the integrated criminal justice system, especially those that carry out law enforcement regarding the treatment of children and inmates.

Correctional institutions (prisons) in the criminal justice system function to reform convicts so that they can return to living a normal and productive life in society after serving their sentence. The entry of convicts into correctional institutions is the starting point for efforts to develop convicts both physically and mentally. This is done by providing them with school education, morals, religion and special skills so that the convicts will have the provisions to face the new living environment around them in society. The training of prisoners must receive great attention so that they can realize the mistakes they have made and not repeat the crimes they have committed.

In reality, currently, due to limited facilities for detention places for suspects or defendants who should be detained in state detention centers (remand centers), in practice correctional institutions also function as state detention centers. The process undertaken by suspects or prisoners can be seen as the application of civilized law. Such practices are certainly intended to realize certain goals. In the perspective of law enforcement, the aim is to provide and guarantee the rights of suspects or convicts so that there is fair treatment for them, so as to

avoid arbitrary treatment, because after all the law must be fair to everyone, including fair to suspects and convicts.

## **FORMULATION OF THE PROBLEM**

Based on the background description above, the problem formulation is What is the position of correctional institutions in the criminal justice system in Indonesia?

## **RESEARCH METHODS**

The type of research used is Normative research, namely normative legal research or library research, which is research that examines document studies using various secondary data such as statutory regulations, court decisions, legal theory, and can be the opinions of scholars (Marzuki, 2007). Sources of primary legal materials consist of legislation, namely the 1945 Constitution of the Republic of Indonesia, the Criminal Code, Law no. 22 of 2022 concerning Correctional Institutions. Secondary sources of legal materials consist of books and results of previous research, legal journals, opinions of scholars (doctrine), legal cases, jurisprudence, and the results of recent symposia, which relate to research problems. Library and documentation techniques. The library technique is by studying books, journals, newspapers, internet sites and applicable laws and regulations and various other related library sources. Data analysis in this research uses qualitative analysis methods, in this case examining in depth the existing legal materials which are then combined with other legal materials, and combined with supporting theories and then general conclusions are drawn.

## **DISCUSSION**

Correctional Institutions are one component of the Criminal Justice System in Indonesia which is tasked with providing guidance to prisoners. The criminal justice system is a law enforcement system as an effort to combat crime. The Criminal Justice System consists of 4 components (sub systems), namely the police sub system, the prosecutor's sub system, the court sub system, and the penitentiary sub system. Correctional Institutions (Lapas) as the final sub-system that directly deals with prisoners to carry out guidance, have a strategic position in realizing the ultimate goal of the Criminal Justice System (Pratama, 2023).

Correctional Institutions are the final component in the Criminal Justice System which functions to provide guidance to prisoners. As the final component in a Criminal Justice System, the existence of this institution is regulated by Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections. Normatively, the execution agency in this criminal

case, based on Article 1 point 3 of Law Number 12 of 1995, carries out the development of prisoners and correctional students. This guidance is the final part of the punishment system in the criminal justice system (Brahmatya & Subroto, 2023).

Prisons hold an important position in realizing the ultimate goals of the Criminal Justice System (SPP) in Indonesia. Correctional Institutions are expected to be able to realize the ultimate goal of the Criminal Justice System itself, namely the rehabilitation and resocialization of law violators, even to crime prevention. As a community development institution in legal conflict.

Correctional institutions are criminal implementing institutions as a consequence of the concept of an Integral Criminal Justice System (Ritonga & Soponyono, 2023). The establishment of the Criminal Executing Agency aims to integrate all authorities relating to criminal execution of court decisions that have permanent legal force. This institution is the final stage of the integrated criminal justice system which is tasked with carrying out the duties and functions of executing criminal decisions. Apart from that, this institution brings together all criminal executions to create a synchronization of the implementation of criminal decisions. The existence of a criminal implementing agency is a form of implementation of an integral criminal justice system which is a form of implementation of the criminal justice system in the future (Budi Waskito, 2018).

Corrections are the final component in the criminal justice system and in the criminal justice process. As the final punishment stage, it should be able to fulfill the hopes and objectives of an integrated criminal justice system which is supported by the pillars of the criminal process starting from the police, prosecutors and courts. These hopes and goals can take the form of aspects of coaching the inmates of correctional institutions. It is hoped that this sub-system can provide a deterrent effect on perpetrators of criminal acts so that it can reduce crime rates, realizing justice for both victims and perpetrators (Astuti, 2017). Correctional Institutions as the spearhead of the implementation of protection are the place to achieve the goals mentioned above, through education, rehabilitation and reintegration (Rotinsulu et al., 2018).

Penitentiary as a place of execution or execution of criminal sentences for prison and confinement inmates based on a judge's decision. Correctional institutions are burdened with the task of realizing the objectives of the criminal justice system (Wulandari, 2012), namely:

- a. The short-term goal is that the criminal justice system aims to rehabilitate, resocialize or improve criminal offenders.

- b. The medium term goal, which is the same as the function of criminal law justice and the special function of criminal law, is to create public order and control crime to the lowest point.
- c. The long-term goal is that the criminal justice system aims to create social welfare for society.

That achieving the objectives of the Criminal Justice System is not easy, because the implementation of criminal law contains shortcomings such as disparities in punishment, lack of expertise and skills of officers, limited facilities and funds, the lack of functioning of supervisory judges and observers, the absence of statutory regulations. adequate until there is "prisonization" in correctional institutions (Lambok Immanuel Sihalohe dan Padmono Wibowo, 2023).

Correctional Institutions are places where the process of training prisoners takes place under the guidance of correctional officers in particular and the Department of Justice and Human Rights in general, based on statutory regulations, namely Law Number 12 of 1995 concerning Corrections which has been amended by Law No. 22 of 2022 and applicable coaching concepts(Wirzahayati et al., 2023).

According to Article 1 paragraph (1) of Law Number 12 of 1995 concerning Corrections, what is meant by correctional is activities to carry out correctional development based on systems, institutions and methods of development which are the final part of the punishment system in the criminal justice system (Dwi Putri Melati, Ria, Delta, 2022).

Penitentiary as the spearhead of implementing the principle of protection is a place to achieve this goal through education, rehabilitation and reintegration of prisoners. In relation to the issue of coaching prisoners, the coaching system is intended and aimed at leading and directing prisoners in a way of life in a better direction for their future(Doris Rahmat, Santoso Budi, 2021). The orientation of the implementation of coaching for prisoners in correctional institutions is intended to provide provisions and shape the mental attitude of the convict so that he realizes his mistakes, does not repeat criminal acts, improves himself and becomes a virtuous person. The imposition of a crime is not an act of revenge on the part of the State. repentance cannot be achieved by torture but by guidance. The state has no right to make a prisoner worse or worse than before he entered the institution. During the loss of freedom of movement, prisoners must be introduced to society and must not be isolated from society. In general, it can be stated that the shift in the conception of punishment tends to start from a backward-oriented, punitive conception, shifting towards forward-oriented constructive ideas(Abdullah, 2016).

A correctional institution (LP) is a place that functions as a place for convicts to be kept in order to carry out what the court has decided for them. Correctional institutions function as

the end of the judicial settlement process. The success or failure of criminal justice objectives can be seen from the results that have been achieved and produced by correctional institutions in the entire criminal justice process (Kadri, et al., 2016). Correctional institutions (prisons) in the criminal justice system function to improve the convict (the function of correction) so that the convict returns to a normal and productive life (return to a normal and productive life) in the midst of society after serving his sentence (Roeslan, 2016).

The entry of convicts into correctional institutions is the starting point for efforts to develop convicts both physically and mentally. This is done by providing them with education, schooling, morals, religion and special skills so that the convicts will have the provisions to face the new living environment around them in society (Mudjiningsih, 2014). In reality, currently, due to limited facilities for detention for suspects or defendants who should be detained in state detention centers (remand centers), in practice correctional institutions also function as state detention centers (Lailatul Fitria & Ravena, 2023).

The orientation of the implementation of coaching for prisoners in correctional institutions is intended to provide provisions and shape the mental attitude of the convict so that he realizes his mistakes, does not repeat criminal acts, improves himself and becomes a virtuous person. Therefore, the implementation of the coaching program requires integration, especially between the convicts concerned, legal officers as coaches and the general public who will receive the convicts back.

The guidance carried out by Correctional Institutions brings various positive and negative assessments. This assessment can be positive if the coaching can achieve maximum results, namely that former prisoners can become people who obey the law and do not repeat the mistakes they have made (Kamaludin, 2021). This assessment can be negative if the guidance carried out by the Correctional Institution fails, that is, former prisoners return to commit crimes. The role and function of coaching by correctional institutions. The strategic role of correctional institutions, namely the formation of human resources towards independence, responsibility, quality and dignity.

In implementing this coaching, various aspects of human resource development are taken into account. This is done with the aim of preparing criminals so that after completing their sentence they can prepare themselves to return to society. Therefore, the coaching dimension targets various aspects of life in line with the complexity of life in society.

The various dimensions of coaching broadly consist of three important aspects. The first is the personality development aspect, and the second is the independence development aspect. This can be interpreted to mean that personality aspect development includes instilling

legal awareness in prisoners. These two aspects of independence are intended so that prisoners have the ability to continue their lives in society after serving their sentence. The third is the orderly aspect of the administration of the correctional institution itself.

The above can be observed in the description of the functions of correctional institutions that the functions of correctional institutions consist of (Nurmala, 2022):

- a. Carry out training and care for inmates,
- b. Providing work guidance, preparing facilities and managing work results,
- c. Carrying out social and spiritual guidance,
- d. Carry out security and order maintenance in correctional institutions.

Based on the description above, it can be said that the existence of correctional institutions in Indonesia carries out three very important functions, namely:

- a. Law enforcement function: correctional institutions are an inseparable part of the national legal system which aims to create legal order in society. This is firmly stated in the considering clause of Republic of Indonesia Law Number 12 of 1995 concerning Corrections that:

The correctional system is a series of law enforcement that aims to ensure that correctional inmates realize their mistakes, improve themselves, not repeat criminal acts so that they can be accepted again by society, can play an active role in development, and can live normally as good and responsible citizens.

- b. Guidance function: it is hoped that prisoners will have the ability to live independently, and be able to socialize in society after living life in a correctional institution.

These two functions are related or relevant to protecting the rights of prisoners, meaning that through law enforcement efforts and guidance for prisoners, aspects of upholding their rights can be protected. Because by prioritizing the dimension of law enforcement in correctional institutions, prisoners will of course receive proportional treatment in accordance with the rules that apply to correctional institutions. Likewise, by prioritizing the dimension of development for prisoners, the rights they should obtain will certainly be fulfilled as part of the implementation of the training carried out.

Such efforts are actually a form of protecting human dignity which is truly upheld. This is in line with the view expressed by Fuady (Fuady, 2015): Providing appropriate rights to suspects or prisoners is a protection of human dignity, so that the government's guarantee of the implementation of the rights of suspects or prisoners enters the realm of human civilization.

With such practices, the process undertaken by suspects or prisoners can be seen as applying civilized law. Such practices are certainly intended to realize certain goals. In a law enforcement perspective, the aim is to provide and guarantee the rights of suspects or convicts so that there is fair treatment for them, so as to avoid arbitrary treatment, because after all the law must be fair to everyone, including fair to suspects and convicts.

- c. Internal strengthening function of correctional institutions: related to maintaining and maintaining the existence of correctional institutions. Therefore, it is also considered important for prisoners to play a role in creating security and order in correctional institutions.

In relation to punishment, the aim of punishment has two main aspects, namely (1) the aspect of protecting society against criminal acts, (2) the aspect of protecting individuals or perpetrators of criminal acts. In detail, the objectives of punishment are divided into 2 (two):

1. Special Prevention: Providing punishment aims to protect the convict, in particular so that the convict does not commit another crime.
2. General prevention of criminal penalties aims to protect the community and prevent agreements and have a broader aim so that people do not commit crimes.

An important part of criminal law that still seems to receive little attention is the part regarding punishment (sentencing or *strafmeting*). In fact, all regulations regarding criminal law will ultimately culminate in punishment which can take away a person's freedom, property and even his life. Judges, in handing down criminal decisions, are free to determine the severity of the punishment to be imposed, however, this freedom in determining the punishment must be properly understood about the crime, the criminal (criminal perpetrator) and the criminal (Yuris PS, 2010).

New ideas regarding the purpose of punishment, which is no longer just imprisonment but also an effort to rehabilitate and social reintegrate for criminals, have given birth to a development system called the correctional system.

Correctional Institutions as the spearhead of the implementation of the principle of protection are a place to achieve the objectives of punishment, through its function of providing education, rehabilitation and also reintegration in order to shape prisoners to become complete human beings, realize their mistakes, improve themselves, and not repeat criminal acts so that they are accepted back by them. community environment.

## **CONCLUSION**

The position of the Correctional Institution (Lapas) as the final sub-system which directly deals with prisoners to carry out guidance, is tasked with providing community guidance and community services, guidance to correctional clients in accordance with applicable laws and regulations. Correctional Institutions have a strategic position in realizing the ultimate goals of the Criminal Justice System. Prisons hold an important position in realizing the ultimate goals of the Criminal Justice System (SPP) in Indonesia. Correctional Institutions are expected to be able to realize the ultimate goal of the Criminal Justice System



itself, namely the rehabilitation and resocialization of law violators, even to the extent of overcoming crime. The Role of Correctional Institutions in Indonesia is Linked to the Purpose of Punishment. The existence of correctional institutions in Indonesia carries out three very important roles, namely: carrying out law enforcement, the role of coaching and internal strengthening of correctional institutions: related to safeguarding and maintaining the existence of correctional institutions. Therefore, it is also considered important for prisoners to play a role in creating security and order in correctional institutions. The role of social institutions as implementers of law enforcement and guidance is related or relevant to protecting the rights of prisoners, meaning that through law enforcement efforts and guidance for prisoners, aspects of enforcing their rights can be protected.

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