

The Implementation Of The Military Skills Development For Military Prisoners In Military Correctional Institutions

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Abstract. *The execution of the rehabilitation of military prisoners is carried out through a communicative and accommodating approach, involving direct interaction between officers and military prisoners via counseling or interviews. This aims to listen, accept, discover, regulate emotions, strengthen spirituality, and resolve personal and official issues while fostering dedication, sincerity, responsibility, and loyalty within the Indonesian National Armed Forces environment. The objective of this study is to demonstrate the existing challenges in implementing military prisoner development that need to be addressed and overcome. In this study, the author applied qualitative research employing a descriptive approach to systematically, factually, and promptly gather data in line with the research's context. The findings of this study demonstrated that the success of rehabilitating military prisoners in military correctional institutions is not solely within the responsibility of the Center for Military Correctional Institutions and the Military Correctional Institution itself. It is also affected by external factors, including the attention and moral support offered by the unit commander from the origin place of the military prisoners. This influence aims to facilitate military prisoners' transformation into soldiers embodying Sapta Marga values, ensuring their readiness for forthcoming unit responsibilities.*

Keywords: *Military Correctional Institutions, Indonesian National Armed Forces Soldiers, Military Law.*

INTRODUCTION

The management of military incarceration (Indonesian: *Penyelenggaraan Pemasyarakatan Militer* [GARMASMIL]) is the task and responsibility of the Center for Military Correctional Institutions (Indonesian: *Pusat Lembaga Pemasyarakatan Militer* [PUSLEMASMIL]) at the central level and the hierarchy of Military Correctional Institutions (Indonesian: *Lembaga Pemasyarakatan Militer* [LEMASMIL]) at the executive body level. Their task and responsibility encompass the rehabilitation of military prisoners (Indonesian: *narapidana militer* [NAPIMIL]) to return as *Sapta Marga* warriors ready to carry out duties in compliance with the prevailing legal regulations (Brigjen TNI Agus Wijanarko, SH., M.Si, 2023). Rehabilitating military prisoners is a component of the activities within the management of military incarceration, essentially constituting the enforcement of punishment for Indonesian National Armed Forces (Indonesian: *Tentara Nasional Indonesia* [TNI]) soldiers convicted of criminal acts and adjudicated by the court with legally binding verdicts. The administration of military incarceration (The Commander of the Indonesian National Armed Forces No. Kep/1375/XII/2018 dated December 19, 2018), contains fundamental provisions. These provisions serve as the core values that act as the foundation, guidance, and framework for managing military incarceration, especially in the context of nurturing military prisoners within the Military Correctional Institutions. The rehabilitation of military prisoners is conducted

through a communicative and accommodating approach, entailing direct interaction between officers and military prisoners through counseling or interviews (Kolonel Chk Dr. Arief Fahmi Lubis, SH., MH., M.A., Ph.D, 2016). This approach aims to listen, accept, discover, regulate emotions, strengthen spirituality, and resolve personal and official issues while fostering sincerity, willingness, responsibility, and loyalty in their service within the Indonesian National Armed Forces environment.

METHODS

This study was legal research that employed several approaches to address the researched issues, including (1) the statutory approach, (2) the conceptual approach, (3) the comparative approach, and (4) historical and philosophical approaches. (Soerjono Soekanto, 1986) Data processing was conducted qualitatively. Written legal materials that had been gathered were systematically organized based on the issues being researched. Furthermore, these legal materials were examined and elucidated based on relevant theoretical foundations. To address the issues, an evaluation of the systematically organized legal materials was conducted to provide precise interpretations and legal implications. (Muhammad, Abdul Kadir, 2004)

RESULTS AND DISCUSSION

Results

The rehabilitation of military prisoners is conducted through persuasive and educational approaches. It seeks to shape, encourage, and reform the attitudes and behaviors of military prisoners by fostering learning, nurturing mental and skill development, and ensuring physical well-being through healthcare. This includes setting examples, reinstating self-esteem, building confidence, fostering an optimistic outlook toward their future, and positioning the military prisoners as individuals encouraged with willpower and spirit to improve themselves. The objective is to make them aware of their mistakes, prevent repeat offenses, and promote compliance with the law and discipline. In general, there are three fundamental aspects at the core of military prisoner rehabilitation activities.

1. Mental and Spiritual Development

Mental and spiritual development aims to shape, maintain, enhance, and solidify the mental state of military prisoners as soldiers of the Indonesian National Armed Forces based on Pancasila, *Sapta Marga*, the Soldier's Oath, and the Indonesian National Armed

Forces Doctrine. It also aims to strengthen faith and devotion to the Almighty God following their respective adopted teachings.

2. Knowledge and Skill Development

Knowledge and skill development aims to maintain and augment the knowledge and skills of military prisoners, enabling them to be utilized within their units or in society.

3. Physical Fitness and Health Development

Physical fitness and health development aim to maintain the physical condition of military prisoners in a fit and healthy state. It is an integrated form of development that cannot be separated because it is anticipated that after serving their sentence, the physical well-being of military prisoners remains intact and in good health.

Of the three aforementioned developmental activities, mental and spiritual development holds a higher weight of 60% (sixty percent) compared to knowledge and skill development, as well as physical fitness and health development, each carrying a weight of 20% (twenty percent) respectively. The allocation of weight in the military prisoners' development activities prioritizes mental and spiritual cultivation, aiming for a change or improvement in the mental and spiritual aspects of the military prisoners to return as soldiers with strong mental resilience and embodying the *Sapta Marga* spirit. In addition to internal factors, such as developmental activities within correctional institutions, the success of military prisoner development is also influenced by external factors, particularly the attention given by the unit commander from the origin place of the military prisoners. The mental state of military prisoners differs from that of soldiers within their units due to various factors, including remorse for their actions, being distant from their families, and feeling ashamed before themselves, their families, and their peers, be they comrades of the same, senior, or junior ranks.

With such mental conditions, there is a need for guidance or advice from others in the form of visits and moral support, especially from the unit commander or father figure who has been a role model. This is crucial as it instills confidence in military prisoners that, after serving their sentence, these former prisoners can be accepted back into their units to perform future duties. The success of rehabilitating military prisoners in the Military Correctional Institution, besides being the responsibility of the Center for Military Correctional Institutions and the Military Correctional Institution itself, is also influenced by external factors like the attention and moral support provided by the unit commander from the origin place of the military prisoners. This support is vital in expecting military prisoners to return as soldiers embodying the *Sapta Marga* spirit and ready to carry out future assigned tasks within their units.

DISCUSSION

The Military Correctional Institution functions as the executive body of the Military Correctional Institution within the Indonesian National Armed Forces. It operates under the Indonesian National Armed Forces Legal Development Agency (Indonesian: *Badan Pembinaan Hukum Tentara Nasional Indonesia* [BABINKUM TNI]) and is technically under the Center for Military Correctional Institutions. In 1984, based on the Order of the Armed Forces Commander No. Prin/08/P/VI/1984 dated June 14, 1984, the duties and responsibilities of the Rehabilitation Installation (Indonesian: *Instalasi Rehabilitasi* [INREHAB]) or Military Correctional Institution were entirely transferred from the Chief of the Armed Forces Military Police (Indonesian: *Kepala Polisi Militer Angkatan Bersenjata Republik Indonesia* [KAPOM ABRI]) to the Chief of the Indonesian National Armed Forces Legal Development Agency (Indonesian: *Kepala Badan Pembinaan Hukum Angkatan Bersenjata Republik Indonesia* [KABABINKUM ABRI]). Following the transfer, on September 8, 1984, a handover agreement was drafted for 4 (four) Rehabilitation Installations of Armed Forces Military Police situated in Medan, Cimahi, Surabaya, and Ujung Pandang. These facilities were transferred from the Chief of the Armed Forces Military Police, held at that time by Brigadier General Gatot Matrai, to the Chief of the Indonesian National Armed Forces Legal Development Agency, then held by Brigadier General M. Djaelani, S.H. Currently, the Military Correctional Institutions within the Indonesian National Armed Forces consist of 4 (four) Type A Military Correctional Institutions and 2 (two) Type B Military Correctional Institutions. The designations of the Military Correctional Institutions are as follows:

1. Military Correctional Institution I situated in Medan,
2. Military Correctional Institution II situated in Cimahi,
3. Military Correctional Institution III situated in Surabaya,
4. Military Correctional Institution IV situated in Makassar,
5. Military Correctional Institution V situated in Banjar Baru, and
6. Military Correctional Institution VI situated in Sentani.

According to Article 116 of the Indonesian National Armed Forces Commander Regulation No. 20/2017, dated June 7, 2017, regarding the Organization and Duties of the Indonesian National Armed Forces Legal Development Agency, the Military Correctional Institutions have a Personnel Composition List (Indonesian: *Daftar Susunan Personel* [DSP]). This list includes the total number of personnel and officers serving in each department responsible for conducting military correctional duties within the Military Correctional Institutions. As for the Personnel Composition List within the Military Correctional

Institutions, the management of military incarceration conducted by these institutions has been operating optimally to achieve the goals and objectives of military incarceration management within the Indonesian National Armed Forces.

Article 108 of the Indonesian National Armed Forces Commander Regulation No. 20/2017, dated June 7, 2017, specifies that “Military Correctional Institutions are tasked with rehabilitating military prisoners to return as *Sapta Marga* soldiers ready to carry out duties as stipulated by laws and regulations.” Under this provision, the Military Correctional Institutions, part of the Military Correctional System within the Indonesian National Armed Forces, hold the responsibility of rehabilitating military prisoners undergoing sentences within these institutions. The aim is to transform them into *Sapta Marga* soldiers, adequately prepared to fulfill duties in compliance with the provisions of laws and regulations. The Military Correctional Institutions, in executing their duties, hold the following functions:

1. Conducting guidance, security, rehabilitation, technical administration, and care for military prisoners,
2. Conducting guidance for military prisoners to enhance their faith and devotion to the Almighty, prevent recidivism, ensure their acceptability, and activate their role upon their return to duties within the Indonesian National Armed Forces,
3. Implementing programs to cultivate behavioral attitudes, knowledge, skills, and physical well-being among military prisoners,
4. Providing legal protection, rights, and care for military prisoners,
5. Coordinating with relevant institutions to facilitate the effective execution of military prisoner guidance,
6. Monitoring and evaluating the implementation of military prisoner guidance, and
7. Offering advice and recommendations related to the management of military prisoners to the higher-level authority.

The rehabilitation system for military prisoners, implemented within the military correctional framework, revolves around protecting them during their rehabilitation and improvement phase. This aims to reintegrate them back into the military community or their respective military units. The rehabilitation of military prisoners within the military correctional system at the Military Correctional Institution begins upon their admission and continues until their release and return to their units. These rehabilitation activities follow a predefined schedule structured within the framework of military prisoner rehabilitation at the Military Correctional Institution. They involve classroom and field training sessions (known by the term “*Tri Pola Dasar*” lit. Three Basic Patterns), focusing on mental development,

knowledge, skill enhancement, physical fitness, and health improvement. Insufficient resources and infrastructure pose a significant challenge in executing rehabilitation programs for military prisoners. Some hurdles encountered in rehabilitating military prisoners at the Military Correctional Institution are as follows.

1. Budget Limitation

One of the major issues is the constrained budget allotted for the rehabilitation of military prisoners. A low budget can impede the capability of relevant institutions to offer sufficient services, including healthcare, skill training, and rehabilitation programs.

2. Personnel Shortage

The availability of quality and trained personnel to oversee military prisoners and execute rehabilitation programs poses a challenge. Insufficient personnel might impede effective supervision, the execution of rehabilitation initiatives, and post-release monitoring.

3. Lack of Education and Training Programs

Education and training programs play a crucial role in rehabilitating military prisoners. However, insufficient funding for these programs can limit the access of military prisoners to the necessary training required to enhance their skills and education.

4. Inadequate Mental Health Services

Many military prisoners experience mental health issues, and the lack of sufficient mental health services can hinder rehabilitation efforts. Services such as therapy and counseling often fall short.

5. Shortage of Facilities

When necessary supporting facilities and resources, such as beds, sports equipment, or learning spaces, are lacking, it can affect the prisoners' quality of life and the effectiveness of rehabilitation programs.

6. Low-Quality Equipment and Technology

The insufficiency of required equipment and technology to support rehabilitation programs, like training software or healthcare apparatus, can also present a constraint.

To address the aforementioned constraints, it is crucial to ensure that the rehabilitation of military prisoners is conducted fairly and following the prevailing legal principles. Therefore, efforts are required to overcome obstacles in the implementation of the rehabilitation for military prisoners in Military Correctional Institutions, as follows.

1. Juridical Factors

In the juridical domain, it is crucial to ensure that every stage of the punishment, rehabilitation, and reintegration processes adheres to the principles of the law. Appropriate

legal provisions safeguard the rights of military prisoners, regulate the actions and authorities of the involved institutions, and provide a clear framework for the execution of sentences. The explanation regarding the significance of legal provisions in the context of military prisoners is as follows.

a. Protection of Human Rights

Appropriate legal provisions are crucial to ensure the safeguarding of the human rights of military prisoners. This encompasses the right to be free from torture or any degrading treatment, the right to a fair trial, the right to personal freedom, and other universally acknowledged rights. These legal provisions prevent prisoners from being subjected to arbitrary treatment or abuse.

b. Avoidance of Discrimination

Legal provisions should forbid discrimination against military prisoners based on race, religion, gender, or any other factors. All military prisoners should receive fair and equal treatment, irrespective of their backgrounds or personal characteristics.

c. Transparency and Accountability

Sound legal provisions foster transparency across all military prisoner disciplinary and rehabilitation processes. This includes prisoners' rights to understand the rationale behind their punishment, the ability to appeal or file complaints, and the responsibility of involved institutions to execute the processes meticulously and in adherence to the law.

d. Regulation of Rehabilitation Programs

Legal stipulations should encompass guidelines and standards for military prisoner rehabilitation programs. These should span educational initiatives, skill training, mental health support, and community reintegration programs. Such provisions ensure that rehabilitation programs are tailored to aid military prisoners in their transition to becoming productive members of society.

e. Compliance and Law Enforcement

Clear legal provisions are essential to uphold law enforcement and grant authority to institutions to properly implement rehabilitation programs. This includes mechanisms for judicial proceedings and sanctions in case the rights of military prisoners are violated.

2. Institutional Factors

Collaboration and coordination among the involved institutions in implementing the rehabilitation of military prisoners are paramount to ensure a smooth, efficient process aligned with legal principles and human rights. Strong collaboration can foster an integrated, holistic approach to military prisoner rehabilitation, ultimately bolstering the prospects for successful

reintegration into society. Several crucial aspects to consider in the collaboration and coordination among relevant institutions are as follows.

a. Shared Understanding

All institutions involved in the rehabilitation of military prisoners should share a common understanding of the program's objectives and principles. This encompasses a collective grasp of human rights, rehabilitation principles, and penitentiary goals.

b. Clear Role Allocation

Successful collaboration requires a distinct allocation of roles among the involved institutions. Each institution should comprehend its role in the rehabilitation process, whether it involves supervising penalties, implementing rehabilitation programs, or monitoring post-release activities.

c. Open Communication

Open and consistent communication among the relevant institutions is essential. Information and data concerning military prisoners, such as behavioral changes, progress in rehabilitation programs, and other pertinent issues, should be effectively exchanged.

d. Service Integration

Education, skill training, mental health, and community reintegration services should be well integrated to provide a comprehensive approach to the rehabilitation of military prisoners.

e. Personnel Education and Training

Personnel across various involved institutions need appropriate training on human rights, rehabilitation, and penitentiary principles. This ensures they can effectively manage military prisoners with empathy.

f. Interdisciplinary Teams

The rehabilitation of military prisoners often involves various aspects of their lives. Establishing interdisciplinary teams comprising professionals, such as correctional officers, social workers, counselors, medical personnel, and educators, can help provide the array of services needed by military prisoners.

3. Facilities and Infrastructure Factors

To address resource shortages, the government and involved institutions need to strive to increase budget allocations and infrastructure, as well as develop partnerships with non-governmental organizations and civil society institutions to support rehabilitation programs. With sufficient resources, rehabilitation programs for military prisoners can be more effective in facilitating their transformation and successful reintegration into society. The government

and involved institutions can improve the capacity and resources available for military prisoner rehabilitation programs. This will contribute to enhancing the effectiveness of rehabilitation and correctional programs, as well as the success opportunities for military prisoners in the reintegration process. Moreover, collaborating with non-governmental organizations (NGOs) and civil society organizations (CSOs) can help expand the network of available resources to support military prisoners, thereby creating a more substantial positive impact on their rehabilitation process.

a. Increasing Budget Allocation

The government needs to allocate more funds to military prisoner rehabilitation programs. This could involve additional budget allocations for correctional facilities, rehabilitation programs, mental health services, skill training, and post-release monitoring.

b. Evaluation of Existing Budget

Auditing and assessing the existing budget are the initial steps to identify where funds can be allocated more efficiently and effectively. Smart allocation of funds will help maximize the available resources.

c. Training

Training for prison officers, social workers, counselors, and medical staff is essential. This training will ensure that personnel have the necessary skills and knowledge to provide quality services to military prisoners.

d. Additional Personnel Recruitment

The shortage of personnel poses a problem. Therefore, the government and relevant institutions need to consider recruiting more individuals. This could involve hiring additional prison officers, social workers, or healthcare professionals to manage inmates and implement rehabilitation programs.

e. Developing Partnerships with Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs)

Collaborating with experienced non-governmental organizations (NGOs) and civil society organizations (CSOs) in prisoner rehabilitation can provide valuable additional resources. NGOs and CSOs often possess specialized expertise in education, skill training, mental health, and community reintegration.

CONCLUSIONS

Based on the discussions outlined in the previous section and the revealed research findings, the conclusions are as follows.

- a. Government Regulation of the Republic of Indonesia No. 99/2012 pertains to the Second Amendment of Government Regulation No. 32/1999, focusing on the Requirements and Procedures for Implementing Prisoners' Rights. Furthermore, there is the Decree of the Commander of the Indonesian National Armed Forces No. Kep/1375/XII/2018 dated December 19, 2018, outlining Guidelines for the Implementation of Military Incarceration within the Indonesian National Armed Forces. Additionally, the Decree of the Commander of the Indonesian National Armed Forces No. Kep/1018/XII/2015 dated December 8, 2015, provides Technical Guidelines for Administrative Procedures in Military Incarceration within the Indonesian National Armed Forces. Lastly, the Decree of the Commander of the Indonesian National Armed Forces No. Kep/1102/XII/2016 dated December 21, 2016, offers Technical Guidelines for the Rehabilitation of Military Incarceration within the Indonesian National Armed Forces.
- b. The implementation of rehabilitation for military prisoners in Military Correctional Institutions has been carried out following existing legal regulations. However, there are still inadequate facilities for rehabilitation, and there is no specific law governing military incarceration. At each stage, the implementation process involves relevant elements, such as the Head of the Military Correctional Institution, the Supervision and Observation Judge, the Head of the Center for Military Correctional Institutions, and the Director General of Corrections at the Ministry of Law and Human Rights. The obstacles in the rehabilitation implementation for military prisoners in Military Correctional Institutions encompass (1) juridical, (2) institutional, and (3) facilities and infrastructure factors. Despite encountering hindrances in the rehabilitation process, the Military Correctional Institutions have made efforts to address these obstacles, enabling the rehabilitation process to continue in compliance with applicable regulations.
- c. Concerning the rehabilitation of military prisoners, the aim is to prepare them (Indonesian National Army soldiers) to return to their units and assist in reintegrating military prisoners into the organization with suitable qualifications. It is a crucial process in readying Indonesian National Army soldiers who have served prison sentences to effectively resume duties within the military environment. This process involves various stages and programs, such as evaluation, education, training, psychological support, discipline, military ethics, social rehabilitation, monitoring, and continuous evaluation.

The goal is to ensure that military prisoners can re-engage in their duties with a healthy mental attitude, improved skills, and better readiness to serve the country within the military environment.

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