THE RELEVANCE OF CONVICT PUNISHMENT IN SUKAMISKIN CLASS 1 PRISON, BANDUNG

Runi Sikah Seisabila1*, Vinita Susanti2

1,2 Department of Criminology, Universitas Indonesia, Depok, West Java, Indonesia

*sikahseisabila96@gmail.com

ARTICLE INFO

Published: June 25th, 2023

ABSTRACT

The phenomenon in society when talking about the theme of prisons in Indonesia is focused on overcrowding imprisonment in Indonesia and is quite concerning when looking at prisoners who are not taken care of in prisons. However, this discussion does not apply to the situation of Class I Prison, Sukamiskin, Bandung which has complete facilities provided in the prison and the condition of prisoners who can be said to be prosperous. Therefore, the author will discuss the relevance of the punishment received by prisoners in Sukamiskin Class 1 Prison comparable or not to all the complete circumstances and facilities in Sukamiskin Class 1 Prison by seeing that the punishment can have a deterrent effect on the perpetrators, preventing the crime from happening again.

INTRODUCTION

Imprisonment is a form of punishment or the application of sanctions as a reward for an act that violates a legal provision (Setiawan & Kurnianingsih, 2023; Suhariyono, 2012). Meanwhile, the application of sanctions for a violation of the law is one way to be able to fulfill one of the objectives of the law itself, namely an order (Ristroph, 2020; Rosana, 2014). The question to ask here is: Is imprisonment of lawbreakers the only means of imposing sanctions to achieve a condition of order?

Punishment is basically made as social control in an effort to combat crime (Nasir, 2022). This is intended to provide a deterrent effect on perpetrators, prevent crime, and most importantly efforts to protect society (social defense) and social welfare (Harefa, 2020; Mubarok, 2015). The forms and mechanisms of punishment also continue to evolve in line with the cultural, ideological and political developments of each country concerned (Aho & Duffield, 2020).

Today's modern world is heavily influenced by post-modern ideas and especially human rights issues (Drumbl, 2007). Therefore, the current penal system is more inclined towards rehabilitative, reintegrative, and socialitative punishment thinking and philosophy. This is ideally supported by reform of the penal system and policy-making and legislation that leads to the purpose and usefulness of the punishment method itself, respect for human rights and the development of a rehabilitation system in the hope of reducing recidivism and controlling the rate of crime patterns. Although ideally, the thinking and philosophy of countries are inclined towards a rehabilitative and reintegrative punishment system, in reality, in particular, Indonesia sees the punishment mechanism is still dominated by the imprisonment system.

Penitentiary (Lapas) is a place to conduct guidance for fostered citizens in Indonesia. Before the term Prison was known in Indonesia, the place was known as prison. Penitentiary is a Technical
The Relevance of Convict Punishment in Sukamiskin Class 1 Prison, Bandung

Implementation Unit under the Directorate General of Corrections of the Ministry of Law and Human Rights (formerly the Ministry of Justice). Prison residents are prison-assisted citizens whose status is still prisoners, in the sense, the person is still in the judicial process and has not been determined guilty or not by a judge, or who has been determined as a convicted person who carries out the sentencing process according to the charges imposed by the judicial system Civil Servants who handle the formation of prisoners and prisoners in the Correctional Institution are called Correctional Officers, or formerly known as the Prison Warden.

The concept of correctional services was first conceived by Justice Minister Sahardjo in 1962. He stated that the task of the prison office is not only to carry out punishments, but also a much more onerous task is to return convicted people to society. In 2005, the number of prison residents in Indonesia reached 97,671 people, greater than the occupancy capacity of only 68,141 people.

Sukamiskin Class I Prison was built on 108,170 m² of land. This prison has a building area of 13,472 M² consisting of several residential and office block buildings. The capacity in Class I Sukamiskin Bandung Prison has 560 rooms with each block equipped with quite a lot of facilities, namely (Results of direct observation Saturday, December 3, 2022) Planting Land, Fisheries, Disability-Friendly Bathrooms, Officer Room, Seclusion Cell, Public Telephone, Saung, Laundry, TV Room in front of the prisoner's room, Hall Room, Mosque, Church, Temple, Square, Printing place, etc.

The number of facilities obtained in Sukamiskin Class 1 Prison is very inversely proportional to prisons that are mostly present in Indonesia. The situation of overcrowding of prisons is one of the thorny problems still faced by prisons and detention centers. Overcrowding is caused by various factors such as punitive policies in the Narcotics Law, the lack of use of non-imprisonment alternatives, the excessive use of detention prisoners by law enforcement, and so on. Overcrowding is one of the contributors to the problem of human rights violations. "The problem of overcrowding is our common problem," (Discussion with M. Choirul Anam, 2021, Commissioner for Investigation and Monitoring of Komnas HAM, when speaking in a discussion organized by the Indonesian College of Law Jentera on Tuesday, September 21, 2021).

The discussion was attended by Deputy Minister of Law and Human Rights Eddy O.S. Hiarije; Researcher of the Institute of Criminal Justice Reform (ICJR), Maidina Rahmawati, Director of Prisoner Development and Production Work Training of the Directorate General of PAS of the Ministry of Law and Law, Thurman SM Hutapea; Deputy for Law and Human Rights Coordination of the Coordinating Ministry for Polhukam, Sugeng Purnomo; and Member of Commission III of the House of Representatives, Taufik Basari; and Moderator and Head of Criminal Law Studies STH Indonesia Jentera, Anugerah Rizki Akbari. The discussion was held online with the theme "Extinguishing Lapse Fires: A Comprehensive Evaluation of Indonesia's Criminal Justice System Policy.

Based on the results of research from the Institute for Criminal Justice Reform (ICJR) regarding the overcrowding situation as of March 30, 2020, the number of prisoners and prisoners in Indonesia reached 270,721 with a total capacity of only 131,931 people. "If allowed to
The Relevance of Convict Punishment in Sukamiskin Class 1 Prison, Bandung

overcrowding, it will complicate the process of supervision, prison maintenance, to the process of rapid evacuation in the event of a disaster such as a fire," (Discussion with Eddy Maidina, 2021, speaker in a discussion organized by the Indonesian College of Law Jentera on Tuesday, September 21, 2021).

Based on observations made on December 3, 2022 with students and Mr. Simon in class in the Indonesian Prison Sociology course and the source of registration SDP data as of May 20, 2021, data on WBP people has been obtained consisting of crimes (General Criminal 64 WBP People, Special Crime 323 WBP People) and nationality (Indonesian Citizen 387 WBP People, Foreigners do not exist).

With the infrastructure fulfilled in Sukamiskin Class I Prison and the condition of prisoners in accordance with direct observation into the prison, the author compiled this paper with the title "The Relevance of Convict Punishment in Sukamiskin Class 1 Prison, Bandung." The research would like to contribute to a wider knowledge of the subject discussed.

METHOD

The qualitative approach and method of literature review were employed by the researcher. The study generated the data from a variety of documents and other sources, mainly from scientific articles discussing relevant legal issues and relevant books. The researcher then conducted 3-stage process from Miles and Huberman (2014), which involves data reduction, data display, and conclusion drawing/verification.

RESULT AND DISCUSSION

Corruption comes from the Latin corruption from the verb corrumpere which means rotten, broken, shaken, twisted, bribed. In general, corruption is an unnatural and illegal behavior to enrich oneself or enrich those close to the perpetrator by abusing the public power entrusted to them. Corruption according to Huntington (1968) is the behavior of public officials who deviate from the norms accepted by society, and this deviant behavior is aimed at fulfilling personal interests.

Corruption is a social disease that mushrooms in various aspects of public life in Indonesia and damages the joints of the nation's life. Therefore, efforts are needed, both to overcome and prevent the occurrence of criminal acts of corruption. In Indonesia, the resolution of corruption cases is still selective and the implementation of the law is still often not optimal. Many obstacles are still faced in handling corruption cases, both from the procedural and technical levels, and especially in terms of actors who are increasingly good at covering up the acts of corruption committed.

Corruption is also a crime that is increasingly difficult to reach by the rule of criminal law because of its covert nature and almost part of the culture (Artello & Albanese, 2022; Dinanti et al., 2019). In facing such characteristics of corruption, criminal law means are needed as a criminal policy tool to prevent and reduce crime, in addition to strategies in examining and awareness of the surrounding community to eradicate corruption (Dewantara et al., 2021; Paterson et al., 2019). However, the paradigm that is still the legal basis for the eradication of corruption and the
punishment of corruption perpetrators is still based on the retributive justice paradigm that prioritizes the physical punishment of perpetrators. This then becomes less in accordance with the purpose of eradicating corruption where the return of state losses then only becomes an additional crime that can be replaced with imprisonment.

The norms for eradicating Indonesian corruption are contained in Law Number 31/1999 which was later amended by Law number 20/2001 concerning the Eradication of Criminal Acts of Corruption. Systematically, existing legal norms do not yet reflect the goal of eradicating corruption to protect state assets by the establishment of a mechanism for returning state losses by fraudsters. In addition, in some cases, the type of fine penalties contained in the formulation of articles contained in corruption laws are often not commensurate with the amount of losses suffered by the state due to the occurrence of these acts of corruption. Departing from this thinking, it can be seen the importance of exploring the restorative justice paradigm approach in the punishment of perpetrators of corruption crimes to be applied in Indonesia. For example, the consideration of hiring corruption perpetrators in fields based on the expertise of the perpetrators can lead to the process of recovering losses suffered by the state. In addition, other methods can also be considered as part of efforts to foster perpetrators in addition to religious guidance, such as national mental development and psychological coaching to strengthen the deterrent effect.

Referring to the process of observation, interviews, and data obtained by the group in Sukamiskin Prison, physically the prison conditions look very good and tend to be luxurious when compared to the conditions of other prisons in Indonesia. It can also be observed, the number of facilities and workshops of various types that can be used by residents to channel hobbies, talents and interests of residents. Some of them are like the completeness of sports facilities, ranging from gym, tennis to badminton, besides that there are also workshops such as printing workshops, to barbershops. There are also places of worship such as mosques, churches, as well as places of worship for Hinduism and Buddhism. Furthermore, in the hallways of the block cells inhabited by one napikor per cell are also equipped with TVs and small cubes for residents to sit back and relax and enjoy entertainment at designated hours.

Some other things that can be considered that show the mechanism of punishment based on retributive justice that prioritizes the deprivation of physical independence is the acquisition of data regarding the absence or lack of rehabilitation, reintegration or assimilation programs for prisoners. In addition, coaching in terms of strengthening the nation's mentality and psychological intervention which is expected to function as a way to prevent recidivism and re-adaptation of prisoners into society is also not carried out. According to the results of the interview, the psychological consultation carried out is also only limited if the prisoner concerned needs help regarding mental health recovery. Looking at this condition, it can be said that there have been no processes that lead to the concept of the restorative justice paradigm, especially in this case looking at the mentality and concept of nationality napikor.

One interesting thing that stands out is the fact that prisons are mostly inhabited by perpetrators of corruption crimes. This if then viewed from the perspective of social learning theory can lead to the exchange of information and experiences from criminal acts committed so
that there is a process of 'learning' between fellow prisoners. Social Learning Theory (SLT) or social learning theory is one of the main explanations of criminal behavior which states that, a crime can be learned and is more likely to occur when individuals socialize with people who have involvement in crime, experience high exposure to the crime model, and have a perspective on the benefits greater than the punishment received for crime that is done, in addition, has an agreement or environmental norms that are more supportive of the commission of the crime (Ward & Brown, 2015). Thus, departing from the understanding of SLT and the data obtained from the results of the Lapas visit, the lack of guidance both faith, as well as the mental strengthening of the nation and psychologically necessary interventions, this 'learning' process is very possible. Instead of deterrence, this can be the root of recidivist behavior. Looking at the context of the type of crime committed, where the criminal act committed results in great losses to the state that has the potential to violate the human rights of other Indonesian people, it is important to consider efforts both at the procedural and technical levels to develop a punishment mechanism that is more based on the paradigm of the concept of restorative justice.

CONCLUSION
The author's initial hypothesis before direct observation to Sukamiskin Class 1 Prison is that Sukamiskin Prison is Overcrowding and the basic rights of Assisted Citizens are not fulfilled like prisons in Indonesia in general. This makes the author conceptualize that there are roots of the problem that have not been resolved and also the concept of restorative justice that reduces prison occupancy and overcrowding. However, due to direct observations during the visit of Sukamiskin Class I Prison on December 3, 2022, material presentation and discussion with Kalapas, namely Drs. Elly Yuzar, M.H, an interview with Mr. Dudi Jucom, the distribution of questionnaires to 10 prison-assisted residents, and some of the author's explanations in this paper, it can be concluded that all assisted residents get quite good basic rights in the basic management of coaching for fostered residents, then there is a need for a special rehabilitation program by taking into account the social, economic background that is different from other prisons in Indonesia, and the need to expand the scope of crime in restorative justice regulations so that the potential of assisted residents can benefit the community in accordance with all the complete facilities obtained by assisted residents in Sukamiskin Class 1 Prison.

REFERENCE
character humanist and law-compliant. *Jurnal Civics: Media Kajian Kewarganegaraan, 18*(1). https://doi.org/10.21831/jc.v18i1.38432


