

# Policy Guidance for Prisoners in Perspective of Law Number 12 of 1995 concerning Prisons: Comparative Study of Cianjur Prison and Magelang Prison

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**Abstract-** The paradigm shift of the prison system to correctional institutions replaces the term prisoner to be a Citizen. One form of guidance for the Guided Citizens is spiritual formation as practiced by Cianjur Class II B Prison and other forms of life skills training in accordance with the policy in Magelang Class II A Prison. This study uses a comparative method between the Class II B Cianjur and the Magelang Class II A Prison policy model with the intention of knowing about the background of each Prison, applying the policy model, and the problems and solutions to implementing the policy as one of the ingredients improvement in the implementation of the correctional system in Indonesia in the future. The results and discussion in this study are in implementing the policy model both in Cianjur Class II B Prison with spirituality and the Magelang Class II A Prison policy model with skills that needs to be carried out sustainably and intensively for the Assisted Alumni through stakeholders and parties to develop life programs skills so that they can be accepted by the community and benefit the surrounding environment. In conclusion, the role of the Regional Government and Private Parties is an ideal model in the development policy that prepares the Foster Citizens to be accepted by the community and is beneficial to the surrounding environment by becoming technology-based entrepreneurs to face the challenges of the 4.0 industrial revolution.

**Keywords-** Policy, Prison, Assisted Citizens.

## I. INTRODUCTION

Penitentiary (prison) is a place to provide guidance for prisoners and correctional students, in Indonesia lately the prison perspective has shifted from the place where punishment of those who commit crimes has been changed to a marketing institution, so its function is not solely to punish the people who commit crimes but rather the correctional efforts of the convicted means that the place of convicts is well prepared so that after the sentence is over they will return to the community with certain skills [1].

Correctional Institutions, hereinafter referred to as Prisons, are places to carry out coaching of Prisoners and Students [2]. In Indonesia lately the prison perspective has shifted from the place where punishment of people

committing crimes has been changed to marketing institutions, so the function is not solely to punish those who commit crimes but rather to correct prisoners means that places of convicts are well prepared so that later after the sentence is over, they will return to the community with certain skills. The development of the correctional system policy is in accordance with the substance of Article 2 of Act Number 12 of 1995 concerning Correctional Services

The development of the correctional system policy is in accordance with the substance of Article 2 of Law No. 12 of 1995 concerning Importance, dealing with the correctional system in its implementation in line with the principle of punishment in accordance with Article 5 stating that the Penitentiary Coaching system is carried out based on the principle: a. protection; b. equality of treatment and service; c. education; d. mentoring; e. respect for the dignity and human dignity; f. the loss of independence is the only suffering; and g. guaranteed rights to stay in touch with family and certain people. '

Through the implementation of the penal system, the model of prisoner formation in Indonesia is of course based on a humanitarian situation that is in line with the values of Pancasila and the 1945 Constitution as the basis of the nation's view of life, one of which is recognizing prisoners' rights.

The development of the marketing system is mentioned above, then interpreted by various policy models such as the Cianjur Regency Prison Chief Class II B policy that applies the local wisdom of Cianjur Regency as the 'Tatar Santri' city, so that Cianjur prison implements the 'pesantren system' with the term or calls to the inmates are 'santriawan' and 'santriawati', through this call it is hoped that the negative stigma of being a prisoner becomes positive as a *santri* thus the *santri* is expected to be finished implementing crimes in the community and not repeating mistakes like in the past then.

While the coaching model applied in Magelang Class II A prison is through the provision of life skills to the assisted citizens involving the parties including the Regional Government, the Ministry and the Private Sector so that the assisted citizens are preoccupied with a variety of positive activities which are expected as soon as they are finished fostered can apply the knowledge that has been obtained while in prison so that it does not repeat the mistakes that have been done in the past.

The above is in line with the existence of Correctional Institutions as the spearhead of the implementation of the principle of protection as a place to achieve the above objectives through education, rehabilitation, and reintegration. The Correctional System in addition to aiming to restore Correctional Guidance as a good citizen also aims to protect the community against the possibility of repetition of criminal acts by Correctional Assistance Residents, and is an application and an integral part of the values contained in the Pancasila [3].

## II. LITERATURE REVIEW

### A. Basic Arrangements for Correctional Institutions

In accordance with Law No. 12 of 1995 concerning Correctional Institutions and how the model of prisoner development [4]. Based on the foregoing, there is a need for guidance contained in (Article 5 of Law No. 12 of 1995 concerning Corrections), namely: a) Protection; b) Equations of treatment and service; c) Guaranteed the right to stay in touch with family and certain people; d) Education; e) Guidance; f) Respect for human dignity; g) Loss of independence is the only suffering; h) Guaranteed the right to stay in touch with family and certain people.

Prisons have a dual function: as educational institutions and development institutions [5]. The concept of penitentiary in essence plays a role in development, so that he is also part of the Education and Development Institute. Open and productive Correctional Functions which are abbreviated as "Open Public Service" are as Educational Institutions that educate prisoners in order to create human quality and Development Institutions that include human prisoners into productive human development. With these characteristics, the Penitentiary not only has to change in the pattern of coaching that is done but at the same time also has to change its orientation from consumptive institutions to productive institutions [6].

### B. Criminal Justice System in Indonesia

The development and enforcement of law, especially criminal law has begun with the enactment of Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHP). The Act has caused fundamental changes both

conceptional and implementational to the procedures for settling criminal cases in Indonesia. This law is a substitute for the 1941 Het Herziene Inlandsch Reglement (HIR) Staatsblad number 44 which is no longer in line with the ideals of national law [7].

As a system, the criminal justice system has organizational components, including police, prosecutors, courts, and prisons, that all of which are interconnected and are expected to have an integrated partnership. The criminal justice system can be seen from various perspectives, including the perspective of the Police, Prosecutors, Judges, Suspects/Accused or Prisoners and Victims of crime. Correctional Institution is an institution of criminal justice sub-system having strategic functions as prison and also as a place for developing prisoner as mandated in Law Number 12 Year 1995 about correctional institution [8]. The prisoner development in the prisoner according to the Research Team of the Research Center of Justice and Human Rights Department of the Republic of Indonesia Year 2003 is implemented by the following method:

1. Developing direct interaction that is familiar between officers and prisoners;
2. Providing persuasive development that is aimed at improving the pattern of behavior through examples and exemplars;
3. Placing prisoners as human beings who have potentials and self-esteem with rights and duties similar to other humans;
4. Implementing planned, continuous, and systematic development program;
5. Doing individual and in groups approaches [9].

## III. METHOD

This research was carried out by using a comparative method, namely comparing the model of coaching policy in Class II B prison in Cianjur Regency and Class II A Magelang prison according to the guiding system principles contained in Article 5 of Law No. 12 of 1995 concerning Correctional Services. By identifying problems: 1) What is the background in implementing the policy of fostering the Guided Citizens in Cianjur prison and Magelang prison?; 2) What are the problems and solutions in implementing policies in Cianjur prison and Magelang prison?.

## IV. RESULT AND DISCUSSION

The issue of prisoner guidance policy in Indonesia has historically experienced a significant change from the prison paradigm which refers to the Prison Regulations 1917 Number 708 to the penal paradigm. The term prison with a prison system that used to seem haunted and frightening as a place of punishment has become more

friendly and humane after being replaced with the term Correctional Institution. The name of the prisoner was replaced with the Assisted Citizen [10].

Correctional guidance according to Law No. 12 of 1995 concerning Corrections, based on the principles of the penal system to care for, foster, educate and guide the assisted citizens with the aim of being good and useful citizens, then as a technical procedure for the policies of each penal institution of the law, Regulation Government No. 32 of 1999 concerning the Terms and Procedures for the Implementation of Correctional Assistance for Citizens, as concrete guidelines.

One form of guidance that is vital for the inmates is a model of coaching through mental guidance in spirituality and religious education as well as a model of providing various life skills activities for the assisted citizens. This is especially in preparing the inmates to return to the community and not repeating the crimes that they have committed depending on the process of coaching that he lived while in prison.

In an effort to optimize coaching and guidance for assisted citizens, many models are implemented by the prison. One model developed by Class II B Cianjur prison and a Class II A Magelang prison model.

#### A. *Background to the Guiding Model Policy in Class II B Prison in Cianjur and Class II A Magelang Prison*

The abolition of the prison system by the penal system makes treating prisoners as fostering and educating [11]. The purpose of the correctional system as regulated in Law Number 12 of 1995 concerning Corrections, Article 2 affirms that: Correctional systems are held in order to establish Correctional Guidance in order to become fully human, aware of mistakes, improve themselves, and not repeat crimes so that they can be accepted back by the community, can actively play a role in development, and can live naturally as a good and responsible citizen.

Thus the Background Policy Model Guidance in Class II B prison Cianjur Regency and Class II A Magelang prison have referred to Law No. 12 of 1995 concerning Correctional Services.

#### B. *Problems and Solutions for Application of Policy Models in Class II B Prison in Cianjur Regency*

The idea of the At-Taubah Islamic Boarding School class II B Cianjur prison can be used as a model to be tried in other prisons need to be translated into concrete and implementative forms. The At-Taubah Islamic Boarding School has implemented several problems, namely: first, related to the position of the pesantren in Lapas. Where is the position of the pesantren in the institution of the prison, is it separate or part that is integrated with the prison management program.

Secondly, the problems related to organizing religious education in the At-Taubah Islamic boarding school. These problems are related to the portrait of education in the At-Taubah Islamic boarding school, including: initiators, caregivers and teachers, santri, curriculum and learning models, infrastructure, and financing [12].

Furthermore, solutions that need to be carried out continuously and intensively for the alumni of the At-Taubah Islamic Boarding School, namely through safekeeping to local leaders, MUI, pesantren (especially Islamic boarding schools that develop life skill programs), so that alumni can be truly accepted by ordinary citizens and beneficial to the surrounding environment [13].

#### C. *Problems and Solutions for the Application of Life Skills Models in Magelang Class II A Prison*

The idea of self-reliance and personality development with each of the inmates is required to make crafts that have been determined by the Prison Trustees, for example making coffins, some problems arise including even though they have been ordered but not all inmates have the skills because of unsustainable orders and different long detention period of the inmates.

Furthermore, solutions that need to be carried out continuously and intensively for the alumni of II A Magelang prison, namely through stakeholders and parties to develop a life skill program, so that alumni can truly have the ability of independence and personality skills that can be accepted by ordinary citizens. and beneficial to the surrounding environment.

### V. CONCLUSIONS

The background of the implementation of the policy of fostering the Assisted Citizens in Cianjur Prison and Magelang Prison is: a. To be able to actively play a role in development; b. To be able to live naturally as a good and responsible citizen.

Problems and solutions in the implementation of policies in Cianjur Prison and Magelang Prison are fostering policies through the participation of the Regional Government and Private Parties to be the ideal model in assisting the assisted citizens as well as the challenge of being able to be accepted by the community.

Thus it is necessary to optimize the guidance policies of the inmates in Cianjur Prison and Magelang Prison with the guidance needed to be ready to become entrepreneurs, and optimization of coaching policies with the participation of the Regional Government and Private Parties in technology-based Cianjur Prison and Magelang Prison in order to face challenges era of industrial revolution 4.0.

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