

Privatization of Correctional Facilities as a Model of Efficient and Effective Inmate Empowerment

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Abstract. The imprisonment system which emphasized revenge and detention was removed and changed with the concept of social rehabilitation and reintegration. The Correctional system aims to improve inmates' behavior and restore correctional inmates as good citizens who can be accepted well by the community. The harmony and balance of relations between officers, inmates, and the community are the prerequisites for achieving the goals of the Correctional system in Indonesia. The problems in this study are first, how the development of inmates in Correctional facility is now; second, how the privatization of Correctional facility as a model of efficient and effective inmate empowerment is done. The paradigm in this research is the constructivism paradigm. The approach used is the socio-legal approach. The research was conducted at Bengkulu Class II A Correctional facility and Bengkulu Class II B Correctional facility. The results of research and discussion show that the training of inmates in the correctional facility is currently carried out through intramural and extramural guidance. The ways how the privatization of Correctional facility as a model of efficient and effective inmate empowerment are the provision of inmates' coaching facilities, partnerships/cooperation between the government and third parties / private parties in conducting inmates' guidance, treatment and profit-based inmates' guidance, and a guarantee of getting the job for skilled inmates.

Keywords: *privatization, correctional facility, inmates, efficient, effective*

INTRODUCTION

Pancasila and the 1945 Constitution of the Republic of Indonesia adopted a prismatic or integrative concept that combines the principles of legal certainty and justice [1]. As a state law of Pancasila, the state's obligations are to provide guarantees to all citizens, provide protection, appropriate treatment, and fair enforcement of the law for the community, this is under human rights. Providing human rights protection without having to differentiate the nationality, ethnicity, race,

religion, gender, social status, and legal status of a person.

Recognition of human rights in basic law is also followed by statutory regulations under the 1945 Constitution, including Law Number 12 of 1995 concerning Corrections [2]. The enactment of this law has changed the prison system which is a product of the Dutch government into a correctional system.

Since the establishment of the correctional system by Sahardjo, the concept of the prison system in Indonesia has changed. The idea from Sahardjo relating to Treatment of Offenders, The idea of Sahardjo relating to *Treatment of Offenders*, that the concept of correctional is a rehabilitation using Treatment of offenders which is multilateral oriented. Correctional facilities have a significant role since they changed the penal system pattern to the Correctional system of conducting inmate guidance and rehabilitation [3]. The execution of inmate rehabilitation in the correctional facilities puts more emphasis on reintegrating the inmates Sahardjo stated ten principles of correctional, in point 6 "Work given to inmates and protégés must not be merely a time filler, nor should work be given to fulfill the needs of the ministry or the interests of the country at any time. The work given must be the same as the work in the community and which supports efforts to increase production". [4]

Based on the ten correctional principles above, especially in point 6, namely the work given to inmates is not just a time filler and the interests of the state but must be given a job that later after leaving the correctional facilities they can get an appropriate job to continue their lives going forward, so that the training program of inmate skills is successful and useful for inmates' future after leaving correctional facilities, so it is necessary to consider the privatization of correctional facilities as a model of empowering inmates to be efficient and effective in supporting the ultimate goal of punishment, which is to reintegrate prisoners with the community.

The movement to privatize correctional institutions has gained considerable momentum as the need to reduce the cost of incarceration to public agencies has become more critical. The empirical evidence regarding whether private prisons are more cost-effective and whether they

provide a higher quality of confinement to inmates [5].

METHOD

The paradigm in this research is the constructivism paradigm. The approach used is the socio-legal approach. The research was conducted at Bengkulu Class II A Correctional facility and Bengkulu Class II B Correctional facility.

RESULT & DISCUSSION

1. Guidance of inmates at the Correctional facilities at this moment.

a. Guidance of inmates at Correctional facility Class II A Bengkulu

Guidance of inmates at the Correctional facility Class II A Bengkulu is carried out through two types of coaching, namely intramural treatment and extramural treatment. Intramural treatment is guidance aimed at improving and increasing devotion to God Almighty, intellectual, attitude, physical, and spiritual health behaviors carried out in correctional facilities. Whereas extramural treatment is carried out outside the correctional facilities, which aims to improve and develop innate abilities while they are in correctional facilities, including providing assimilation, family visiting leave, leave before release, and parole.

Based on the explanation of the Head of Care and Community Guidance Sub-Section Afzel Fismar, stated personality development in Class II A correctional facility Bengkulu included:

- 1) Fostering religious awareness
- 2) Fostering national and state awareness by holding ceremonies every Monday,
- 3) Fostering the Development of intellectual abilities
- 4) Fostering the Development of legal awareness
- 5) Physical/bodily guidance

Furthermore, fostering independence includes 2 aspects, namely:

- 1) Skills to support productive work, including brick-making, doormats, carpentry, sewing, hair shaving, screen printing, electric welding, folding mattress manufacturing, shoes / slipper sewing, composting, plantation, recycling, and hydroponics.
- 2) Environmental cleanliness, including cleanliness of rooms and residential blocks, landscaping blocks, and office environment, cleanliness in the office, cleanliness of the yard outside the office.

b. Guidance of inmates at the Women's Correctional facility Class II B Bengkulu

Guidance of inmates at the Women's Correctional facility Class II B Bengkulu is also carried out by intramural treatment and extramural treatment. Based on the explanation of the Head of the Guidance Section for Inmates / Protégés and Ely Ernawati's Work Activities, stated that the implementation of intramural inmates in Class II B Women's Correctional facility was carried out:

- 1) Personality fostering, namely fostering religious awareness, fostering national and state awareness, and fostering intellectual abilities (intelligence).
- 2) Self-help development, namely training for sewing, salon, scouting, cooking, cultivation of ornamental plants, batik, screen printing, embroidery, ribbon embroidery, knitting, recycling, and hydroponics.

Extramural guidance is carried out outside the correctional institution, which aims to improve and develop the ability of inmates while in Correctional facilities, including providing assimilation, family visiting leave, leave before release, and parole.

Based on both intramural and extramural guidance in Bengkulu Class II A Correctional facility and Bengkulu Class II B Correctional facility, there is no guidance and empowerment of inmates in Correctional facility, and there has been no cooperation with third parties in empowering inmates, so far there are only results from inmates. Inmates' skills are distributed to third parties/communities through the supervisors in the correctional facilities.

2. The privatization of Correctional facilities as a model of empowering efficient and effective inmates.

Privatization is a policy the government such policies to foster a new division of labor between the public and private sectors in a bid to order, increase the efficiency and contribution to the development of both sectors and good policy measure, which must be pursued with vigor, truth, sincerity, and transparencies. [6]

In the United States, seek to increase privatization of the industry by promising more efficiently run prison at lower costs, safer prisons, and better facilities and outcomes for prisoners. [7]

The author's privatization is the government's policy in conducting privatization of cooperation carried out by the government and private parties in the effort of guiding inmates. It can be seen here that the

participation of private companies to help improve government performance. In this case, the private party as the executor of guidance in correctional institutions with the aim of re-popularizing inmates, and the government acts as supervisors, regulators, policies, and permits in terms of inmates' guidance.

Like the Chinese government which has implemented the privatization of prison in terms of fostering inmates. In the practice of criminal reform, China pays special attention to applying humanitarian principles. Inmates are not only provided with the right living conditions, but the dignity of inmates' humanity is also respected. Therefore, based on a comparative study conducted by researchers, which examines the formation of prisoners in Indonesia and China.

Arrangements regarding correctional facilities in China arranged in "Order No. 35 of the President of the People's Republic of China on December 29, 1994, concerning the Prison Law of the People's Republic of China". The following will describe the description of fostering inmates in China as follows:

Implementation of guiding/reforming prisoners through work.

Based on Articles 61, 62 and 64 of Order No.35 of the President of the People's Republic of China on December 29, 1994, concerning the Prison Law of the People's Republic of China, which reads:

"Article 61: In the education and reform of prisoners, the principle of suiting education to different persons and cases and persuading prisoners through reasoning shall be implemented and the method of combining collective education with individual education and combining education by the prison with education by the society adopted."

"Article 62: A prison shall carry out ideological education among prisoners in legality, morality, current situations, policies, and outlook on their futures."

"Article 64: A prison shall carry out occupational and technical education among prisoners by the needs of production in the prison and of employment after their release. If a prisoner has passed due examination and verification, the labor department shall issue him the corresponding certificate of technical grade."

China has productive inmates doing work and benefiting both the inmates themselves and correctional facilities which are the meaning of combining punishment with reform or

combining the role of government with third parties / private sector in reforming inmates. This can be seen from: [8]

- 1) Productive labor helps criminals realize that social wealth does not come easily, fosters a love for work and helps them become accustomed to it, instills the idea of "no work, no food" in their minds, and helps them overcome bad habits such as sloth, aversion to work and hedonism. At the same time, working gives them a sense of social responsibility and a law-abiding spirit in addition to improving self-discipline.
- 2) Having inmates engaged in an appropriate form of labor enables them to stay physically fit, which helps to ward off depression, listlessness, demoralization, and even thoughts of escape, suicide, or further criminal activity, ideas which spring from the monotony of correctional facility life over many years.
- 3) Productive labor enables inmates to acquire productive skills and knowledge which makes it possible for them to earn a living when they have served their sentence. This makes it unlikely they will return to crime because of lingering bad habits or lack of job skills.
- 4) Having the prisoners engaged in labor in a situation and format similar to those of normal society helps to install the habit of working and cooperating with others in an organization in society. This enables them to adapt to a normal social environment as quickly as possible when they are returned to society.

Based on the comparison of the Chinese State regarding the pattern of fostering inmates in correctional facilities it can be seen that the idea of privatization of correctional facilities can be used as a solution in overcoming weaknesses in fostering in correctional facilities today.

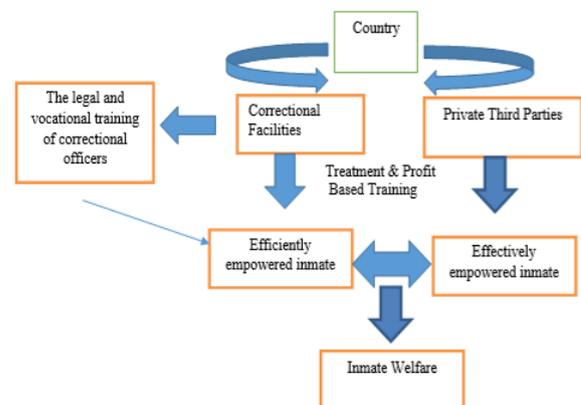


Figure 1. Correctional facility Privatization

Referring to the diagram above, the privatization model that must be carried out by the government is that the state/government issues a policy regarding the involvement of third parties / private parties in guiding inmates, namely the responsibility of third parties or private parties in guiding inmates based on efficient and effective empowerment. Training efforts are carried out with a partnership system, namely cooperation between the government and third parties / private parties in guiding inmates. In this case concerning:

1. Provision of inmates' coaching facilities.
A separate room is needed for inmates' work skills in correctional facilities. So, to improve inmates' work skills, the correctional facilities provide a special workshop room/workshop for inmates.
2. Partnership/cooperation between the government and third parties / private parties in guiding inmates, which includes:
 - a) The third-party conduct inmates' training in terms of job training in correctional facilities by supplying the necessary production equipment, namely by providing machinery/equipment for the development of skills and raw materials.
 - b) The production that inmates have made/produced is marketed by third parties/companies.
3. Guiding inmates based on treatment and profit.
To realize the formation of inmates based on treatment and profit, the steps that must be taken are:
 - a) Strict enforcement of sanctions for undisciplined inmates who follow the training program.
 - b) Correctional officers and guards must receive special legal and vocational training and obtain certificates before serving in Correctional facilities so that training can run optimally.
 - c) The policy on rehabilitation through work, which contains rules on who hires and the number of wages for inmates employed so that there are no human rights violations.

Regarding the granting of wages/premiums for work done, the amount of wages/premiums is:

- a) During the training process (the period of undergoing a criminal offense) in a correctional facility, the amount of wages/premium received is like an internship wage.
 - b) After the inmate leaves (completes his criminal period) and is employed by a third party/private company, the amount of wages/premium received is the same as the employee who works at the company or at least the Minimum Worker's Wage.
4. Guarantee of getting the job for skilled inmates

Correctional facilities privatization is an effort to provide opportunities for third parties / private companies to participate in developing skills, namely in terms of job training in correctional facilities and can make productive and skilled inmates so that after the inmate leaves or completes his criminal period (ex. inmate) employed in a company/investor industry outside the correctional facilities.

Concerning privatization, private companies can play a role in the management of correctional facilities, namely in terms of fostering inmates in correctional facilities. The aspects that must be privatized are the aspects of correctional services, the provision of facilities, and the development of work skills.

To improve the performance of the company's value, the products produced by inmates must be based on the minimum quality standards of goods. With the idea of privatization increasing the benefits for the state and society, it must be explicit, especially regarding the provision of inmates' rights, which must be made explicitly who employs and the number of wages for inmates employed so that there are no violations of human rights.

The privatization of Correctional facilities in line with the objectives in the criminal justice system that are goal-oriented (purposive behavior) [9]. There are 3 measures to assess success in the criminal justice system, namely the success of the criminal justice system creating rehabilitation and resocialization for convicted persons, the success of the criminal justice system in preventing crime, and the success of the criminal justice system in creating social welfare.

So, with the privatization, it is hoped that the goals of guiding inmates can be achieved in correctional facilities to improve performance and increase community participation which also supports the ultimate goal of fostering in correctional facilities, which is to reintegrate inmates with the community.

CONCLUSION

Based on the results of research and discussion, conclusions are obtained: (1) Guidance of inmates at the Correctional facilities is currently done through intramural and extramural guidance. (2) Privatization of correctional facilities as a model of empowering inmates that is efficient and effective, namely providing inmates' training facilities, partnerships/cooperation between the government and third parties/private parties in conducting inmates' guidance, treatment and profit-based inmates, and guarantee of getting the job for skilled inmates. In this case, to achieve empowerment of inmates to be efficient and effective, the need to enforce strict sanctions on inmates who are not

disciplined in the guidance program, before serving in correctional facilities, the need for special legal and vocational training for Correctional officers and having a certificate of inmate guide, policy regarding rehabilitation through productive work, which contains rules on who employs inmates and wages for inmates employed, correctional facilities and third parties/private parties through the labor service performs several job preparations for skilled inmates before they will be released from correctional facilities.

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