

# Preventing Coronavirus in Overcrowded Prisons in Indonesia

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## ABSTRACT

Coronavirus (Covid-19) is a very dangerous virus that is classified as a respiratory disease. The spread of the Covid-19 is so rapid that more than 530.000 Indonesian people have been infected by the end of November 2020. Various methods are used by the Indonesian Government to avoid the spread of the Covid-19, but in fact the cases of the coronavirus have continued to increase drastically. The Covid-19 pandemic is having a significant impact on the nation's prison system, causing higher rates of infection and death compared to the general population. Prisons are amplifiers of infectious diseases such as the Covid-19 because social distancing is impossible inside and movement in and out of facilities is common. Quick action is necessary for some reasons such as prison overcapacity and the fact that correctional staff and incarcerated populations are already testing positive. Some people behind bars are known to have health conditions, which makes them to be more vulnerable, and the resources required to make policy changes would have been depleted long before the pandemic peaks. Criminal justice officials have the power to reduce the number of deaths by Covid-19 by taking meaningful steps to protect people behind bars. This research analyzes the strategy taken by the correctional official in preventing the spread of the Covid-19 into overcapacity prisons in Indonesia. This is descriptive qualitative research through literature studies and articles related to Covid-19. Based on the research, 7 (seven) strategies are found in preventing the spread of Covid-19 into prisons; ceasing external visits to the prison, providing booths for spraying antibiotics and disinfectant fluids for visitors, postponing the admission of new prisoners, postponing trials, releasing the number of prisoners during the assimilation period, eliminating unnecessary face to face for coaching activities for inmates, and prohibiting the transfer of prisoners. However, there are still problems encountered in implementing these strategies such as lack of prison facilities, lack of awareness of prisoners and prison officers, and lack of community support.

**Keywords:** prevention, coronavirus, overcapacity prisons, correctional official, Indonesia.

## 1. INTRODUCTION

The coronavirus outbreak, also known as Covid-19, was first detected in Wuhan City, Hubei Province, China. This viral infection is associated with many wild animal markets in the area. Patients infected with Covid-19 can easily spread the disease to others [1]. Therefore, patients infected with this virus are recommended to be immediately isolated in the hospital or at personal residence. Coronavirus can spread through droplets released when exhaling, sneezing, or coughing. Water droplets are the main source of coronavirus spread. In general, the transmission of the coronavirus is

more susceptible to people who already have an initial illness with symptoms of cough, fatigue, fever, muscle aches, breathing difficulties, and others [2].

By the end of November 2020, Covid-19 had infected more than 530.000 people in Indonesia.



Figure 1. Data of Covid-19 Case

(Sources: <https://covid19.go.id/peta-sebaran> November 2<sup>nd</sup>, 2020)

From these data, 454.879 people have recovered, while 17.081 people died. In humans, this virus can cause respiratory infections.

By far, no vaccine has been able to cure the Covid-19 virus in Indonesia. Therefore, the best way to avoid infection is by preventing direct contact with others and by washing hands with soap or water (containing at least 60% alcohol) for at least 20 seconds after traveling from a public place. Covering nose when coughing and sneezing and, avoiding contact with eyes, and nose, or mouth with an unwashed hand, avoiding contact with people who are sick or feared to have been infected, keeping distance from others, avoiding crowded gatherings, and wearing mouth coverings are some precautions that can be done to prevent the spread of Covid 19.

As a result of the Covid-19 outbreak, several countries imposed territorial restrictions, closing industrial sectors, shopping places, sports venues, places of worship, including correctional institutions. The condition of prisons in Indonesia is already over capacity by 176.7%. For example, a room to accommodate 10 people can be filled with 30 people or more. This has a significant impact on the health of prisoners, especially if there is an infectious disease.

## **2. RESEARCH METHOD**

This research is conducted by a qualitative approach method which analyzes both primary and secondary data. Qualitative data analysis used by researchers to make sense of their data, comes in a variety of approaches which tend to be aligned with particular conceptual frameworks and methods [3]. The primary data is any policies concerned to prevention steps by the government while the secondary data consist of literature, journals, and articles related to Covid-19. This research not only compiles the materials such as theories, concepts, principles, and regulations of law dealing with the topic, but also explains the reality phenomenon for the subject. The data are analyzed qualitatively by doing a deep analysis. The interviewees are chosen purposively from selected backgrounds categorized as government, practitioner, and academics. The proportion of people interviewed for each group include 10 (ten) representatives from the Directorate General of Corrections of Indonesia, 15 (fifteen) correctional

officers in the West Java area, and 9 (nine) lecturers of Polytechnic of Correctional Science Indonesia.

This research is aim at investigating:

1. Government's strategy in anticipating the spread of Covid-19 Virus in overcapacity Prisons in Indonesia.
2. Constraints faced in the process of preventing the entry of Covid-19 Virus in overcapacity prisons in Indonesia.

## **3. FINDINGS AND DISCUSSION**

### **3.1. Prisons Overcapacity**

Overcapacity is when the amount of space available is unable to accommodate the high number of people in it. The International Committee of the Red Cross (ICRC) recommends the minimum space needed for prisoners or detainees to sleep, including:

1. 1.6 square meters for the sleeping area but does not include a toilet and bathroom.
2. 5.4 square meters per person for a single residential cell.
3. 3.4 square meters per person for shared residential cells including using divan beds.

The application of this density specification also depends on the actual situation in a particular context in a country. The average prison in the countries of the world experiences overcapacity, even overcapacity is a special feature for modern prisons that have stood since the 19th century [4].

The world's prisoner population has increased by 25-30%, showing an increase of around 6%. Based on data from the Institute for Criminal Policy Research, in 2018, more than 10.35 million people in the world are in prison. This shows that prison population density is increasing in any country [5].

In Indonesia, the definition of overcrowded prisons is applied when the number of prisoners exceeds the capacity of the prison set by the government. Referring to the Circular of the Director-General of Corrections No: E-PS.01.10-31 of 2015, it is state that each prisoner must occupy a room of space of 5,4 m<sup>2</sup>, with the formula that the capacity of residential rooms is  $X (\text{room area}) / 5.4 \text{ m}^2$ , while for the capacity of the bed is  $2\text{m}^2$  ( $p = 2\text{m}$  and  $l = 1\text{m}$ ). While the formula for the bed is  $Y (\text{area of occupancy room}) / 2\text{m}^2 = n (\text{person})$ .

By considering the formula above, we can draw the conclusion that the average prison in Indonesia

has exceeded capacity. This can be seen from the following table:

**Table 1. Prison capacity in Indonesia**

| No | Year | Inmate  | Capacity | Overcapacity |
|----|------|---------|----------|--------------|
| 1  | 2015 | 176.754 | 119.797  | <b>147%</b>  |
| 2  | 2016 | 204.551 | 119.797  | <b>170%</b>  |
| 3  | 2017 | 232.081 | 123.481  | <b>188%</b>  |
| 4. | 2018 | 256.273 | 126.273  | <b>202%</b>  |
| 5  | 2019 | 269,846 | 130.512  | <b>206%</b>  |

(Sources: Correctional database system, January 10<sup>th</sup>, 2020)

Overcrowded prisons create various obstacles in the form of an ineffective process of guiding implementation for inmates and the emergence of security and order disturbances. This is due to the unbalanced amount of human resources, the lack of facilities and infrastructure used to support activities in prisons [6]. Overcapacity in prisons is caused by several things as follows:

1. The addition of prisoners is not balanced with prisoner release. There are several types of release of prisoners, such as the release of prisoners because of parole, the release of prisoners for conditional leave, and due to normal release. According to Government Regulation No. 99 of 2012, the release of prisoners is more stringent, especially for cases such as drugs, corruption, terrorists, and money laundering.
2. Criminal rates increased. It impacts the number of prisoners and detainees who enter prison. Law enforcement officials give more priority on putting the prisoners in jail rather than for restorative justice purposes [7]. Other alternative punishments can be used by law enforcement such as payment of fines, diversion or social punishment, and restorative justice policies for small criminal cases. Prisons and detention centers should argue to minimize the overcapacity problem. Moreover, the negative stigma from the community towards prisoners was not easily erased. Prisoners are still considered ex-criminals who are always ostracized and set aside in relationships. This is a trigger for ex-convicts to return to do crime and anti-social [8].

In addressing the overcapacity problem in prisons, the government of Indonesia has issued several policies as follow.

1. Transferring prisoners from overcapacity prisons to other prisons. For example, transferring prisoners from the overcapacity prison in Jakarta to the Nusa Kambangan Prison, Gunung Sindur Prison or others.
2. Speeding up the release of prisoners with the Crash Program. Crash Program is a program issued by the Director-General of Corrections to speed up the release of prisoners, through conditional requirements, parole, or leave before release. This program has been implemented several times and has succeeded in reducing the overcapacity problem in prisons and detention centers.
3. Carry out diversion and restorative justice programs especially for child prisoners. This program can reduce the number of children who will be sent to prison for successfully finding a win-win solution between victims and the community, so that this process does not have to go to court.
4. Prisons should have balanced criteria of their facility. The number of prisoners and its room, blocks and cells, staff resources, infrastructure, accommodation, and the rights of prisoners as well. If all of these criteria cannot be balanced, the coaching programs cannot be implemented properly. Additionally, the rights of the inmates cannot be fulfilled, and other issues such as the emergence of disease will arise.

The philosophy of Correctional is a criminal system that has moved far away from the philosophy of retributive (retaliation), deterrence, and resocialization. Correctional is in line with the philosophy of social reintegration so that punishment is aimed at reuniting the convicted person with the community (reintegration).

Based on the correctional philosophy, there are 10 (ten) correctional concepts in Indonesia [9]:

1. Protecting and providing provisions for life so that they can carry out their role as good and useful citizens.
2. Dropping a crime is not revenge from the state as the only suffering experienced by inmates is the loss of independence.
3. Penance cannot be achieved through torture but with guidance.
4. The state has no right to make someone worse than before he entered the Correctional Institution.
5. During the loss of freedom of movement, prisoners must not be exiled from society.

6. Work given to prisoners must not merely fill up free time and is intended only for the benefit of the State at any time.
7. Guidance must be based on Pancasila.
8. Everyone is human and must be treated as a human, even if he is lost.
9. Prisoners are only sentenced to loss of freedom of movement.
10. For guiding the prisoners, the necessary means are provided.

**3.2. Impact of Covid-19 on Overcapacity Prison**

Overcrowded prisons are very vulnerable to the emergence of disease due to the imbalance of residential facilities and infrastructure compared to the increase in the number of prisoners. As a result, rooms become crowded and more vulnerable to diseases, especially infectious diseases. This is compounded by the limited clean water and air ventilation, causing poor air circulation. This results in dark, damp, and poor lighting conditions. This will lead to the development of various infectious diseases in prisons and detention centers. The following data were collected from one of the overcapacity prisons in Bogor, West Java Indonesia, with the number of inmates is 1.443.

**Table 2. Disease data at Bogor Prison**

| No           | Types of diseases   | Amount      |
|--------------|---------------------|-------------|
| 1            | Skin disease        | 555         |
| 2            | Digestive ailments  | 269         |
| 3            | Respiratory disease | 300         |
| 4            | Scabi               | 63          |
| 5            | Blood circulation   | 92          |
| 6            | Others              | 308         |
| <b>Total</b> |                     | <b>1587</b> |

*(Source: Bogor Prison, West Java, Indonesia, Feb 2020)*

Based on the table above, we can see that the spread rate of infectious disease in Bogor prison is very high. Skin disease is an infectious disease with the highest level of susceptibility, 555 people infected, followed by respiratory disease, digestive disease, and others. It can be predicted that if infectious diseases shall be detected within prisons, these are classified as very dangerous such as Covid-19 as it will easily spread through interactions between prisoners. The method of preventing the spread of coronavirus in prisons is different from one outside prisons. For example, the Social Distancing Program, which maintains social distance, may not be carried out because of the limitations of prisons as part of the total institution. A total institution is a place for people with the

same background, the same treatment, and the same rules for a certain period, and being separated from the community.

Correctional Institutions, as part of the total Institution, affects inmates because of their togetherness in the same room space, uniform, and facilities, and infrastructure. It will certainly have a bad influence if an inmate is infected with Covid-19. This is in line with Contagion Theory, where a crowd can cause a hypnotic effect on an individual. The concept of contagion emerged in the sixteenth century by Giralomo Fracastoro (1478-1553), an epidemiologist, who distinguished three types of contagion, namely:

1. Types of contagion that can be transmitted through direct contact, touching, kissing, and sexual relations.
2. Types of contagion that are transmitted through intermediate objects for example through clothing, towels, and handkerchiefs.
3. Types of contagion that can be transmitted at long distances.

According to this concept, pain occurs because of the contact process that intersects with the source of the disease. The concept of transmission at that time did not recognize germs or bacteria, but the mechanism of transmission according to the contagion was similar to the method known today in the era of bacteriology. This theory can be proven by the overcapacity condition in which one room contains 40-50 people, with such a dense room will facilitate the spread of infectious diseases, through contact between inmates with other prisoners.

Prison overcapacity which exceeds 300% or even 500% is still commonly found in Indonesia.

**Table 3. Overcapacity in Prison**

| No | Name of Prison     | Overcapacity |
|----|--------------------|--------------|
| 1  | Banjarmasin Prison | 644%         |
| 2  | Tarakan Prison     | 650%         |
| 3  | Labuan Ruku Prison | 640%         |

*(Sources: Correctional database system, January 10<sup>th</sup>, 2020)*

Banjarmasin Prison, for example, with the capacity of 366 people, is inhabited by 2,688 people (over capacity of 644%). Similarly, the Tarakan Prison, with the capacity of 155 people, is inhabited by 996 (over 650% capacity). Labuan

Ruku Prison with the capacity of 300 people inhabited by 1,770 people (over 640% capacity), and there are still many prisons with similar conditions.

The atmosphere of a crowded room will make the prisoner's room into a sick building (Sick Building Syndrome). Sick Building Syndrome (SBS) is a term used to describe situations where buildings with acute health problems and the effects caused when in a building with acute health problems. This is identical to the condition of overcapacity prison with conditions of a dense atmosphere, lack of lighting, limited water, humidity, and others [10]. There are 6 (six) categories of diseases caused by Sick Building Syndrome:

1. Irritation of mucous membranes.
2. Nasal irritation.
3. Neurotoxic disorders (nerve disorders).
4. Lung and respiratory disorders.
5. Skin disorders, dry skin, itching.
6. Disorders of digestive diarrhea.

The vulnerability of the disease in overcapacity prisons became the way for the spread of the Covid-19 virus. A weakened immune system will be more easily infected by Covid-19 Virus. The symptoms of Covid-19 can be unseen, but when the immune system is weak, they can experience more severe symptoms and may transfer the virus to others.

The government should have an important role to prevent the spread of Covid-19. It is important because prisons and detention centers can be an incubator of Covid-19 spread. If it is left unchecked, it will become a mass grave for prisoners.

### **3.3. Strategies in Preventing Covid-19 in Indonesian Prisons**

#### **3.3.1. Stopping of Visits for Prisoners**

The prohibition of visits is an attempt to break the chain of virus transmission from visitors or prisoners. Although this is very hard to accept for prisoners who are accustomed to welcoming family visits, this policy must be understood for the common interest and well-being. The large number of visitors each day may lead to the rapid transmission of Covid-19. Therefore, the government needs to take steps to control visiting hours.

Prisoner's visit is a form of coaching that involves the community directly to prisoners. It brings prisoners closer to their families or also called inward assimilation. Proximity of prisoners to their families will certainly be a motivation for prisoners to always behave while serving their sentence. It also makes them aware of the regulations as well.

To maintain communication between prisoners and their families, several prisons and detention centers provide telephone or video calling facilities. This facility can reduce prisoner tensions due to the impact of Covid-19 on their family visits. Some prisons that use video call facilities include Bali Kerobokan Prison, Tanjung Gusta Prison, and so on. The Head of Tanjung Gusta Prison said that this policy was implemented because of the lock down as part of the anticipation of preventing Covid-19 in prison. However, this policy causes disappointment for both prisoners and families.

#### **3.3.2. Providing booths for disinfectant**

It is necessary to provide *disinfectant* booths to officers, guests, and whoever visits the prison. It disinfects bacteria and viruses that may be attached to the human body. This is based on the policy of Director General of Corrections No. PAS-08.OT.02.02 of 2020 concerning the prevention, handling, control, and recovery of Covid-19 in prisons and detention centers. It instructs spraying disinfectant routinely in the prison area, residential blocks, porter rooms, visiting places, and other public areas, including toilets, children's playrooms, and nursing rooms.

#### **3.3.3. Temporary Postponement of Prisoners Admission**

Every day, prisons and detention centers receive new prisoners from the police, Attorney General's Office, or Court. New prisoners who enter prison or detention can become Covid-19 carriers. The postponement of acceptance of detainees and prisoners aims to reduce the density of prisons and detention centers. The Minister of Law and Human Rights also supports this policy by writing to the Attorney General's Office, the Police and the Supreme Court to temporarily stop hearings for detainees.

Based on data from 2 (two) Detention Centers in Jakarta, it can be seen that the average admission of new prisoners in Salemba Detention Center, with a residential capacity of 4.159 people, is 25 people each day, while 165 people receive daily visits. For Cipinang Detention Center, with a residential capacity of 3.773 people, the average number of new prisoners is 30 each day and the average of 400 daily visitors. Based on the data, it is known that detention centers have many new prisoners and visitors every day. This is very dangerous and very vulnerable to Covid-19 disease.

According to the Minister of Law and Human Rights policy, the action to temporarily suspend the visit of prisoners is a form of attention from the government to protect its citizens without any discrimination, and prisoners are also human beings that must be treated appropriately. This is in line with the ten Principles of Corrections, which state that prisoners are human and must be treated as humans, and the nation has no right to make prisoners worse than before their entry to the prison. It shows that Indonesian government paid more attention in preventing the spread of Covid-19 in prisons and detention centers.

#### *3.3.4. Postponement of Trial*

The Indonesian government has taken a formal step to the Police, Prosecutors, and Courts to postpone the trial. The trial process is very vulnerable to Covid-19 spread because it must issue a large number of prisoners each day to the court. For example, Salemba prison-issued 120 inmates for hearings in the Central Jakarta, West Jakarta, and North Jakarta Courts. In the implementation, there was the possibility of inmates carrying the Covid-19 virus during the trial trip.

#### *3.3.5. Initiate Early Release of Prisoners*

The assimilation period is the time that prisoners socialize with the community, under the condition that they have served half of their sentence. The aim is to familiarize the prisoners with the community before being released. It is expected that the prisoners can re-interact with the community. Prisoners can show to the community that they have transformed to a better person, by also hoping that the community accepts the

prisoner. In the pandemic conditions, assimilation was carried out with a different purpose. Assimilation activities during the Covid-19 period required the prisoners to stay at home only, and undergo all government programs related to anticipation of Covid-19 spread.

The release of prisoners to carry out assimilation at home is also the policy of the Indonesian government in order to reduce overcapacity in prisons and detention centers. But in its implementation, the community needs to be well socialized. Some people assume that the exemption was carried out unconditionally, and it raises negative sentiment to the community. In fact, the release of prisoners to take assimilation does not apply to all prisoners, only for prisoners who have fulfilled certain conditions. This is based on Director General of Corrections Rule, No. PAS. 947. PK. 01.04.04 - 2020 concerning the release of prisoners and children through assimilation and integration in the context of preventing and controlling the spread of Covid-19 in prisons and detention centers. Indonesian government has released more than 38.000 prisoners to undergo assimilation and Integration process.

There is a difference between assimilation and integration activities. The release for assimilation is temporary and in case it violates the rules of assimilation, the prisoner can be immediately taken back to prison. Whereas the release of integration was carried out after the prisoners served 2/3 of their criminal sentences. This is supervised by probation officers and the Prosecutor's Office.

#### *3.3.6. Temporarily stop prisoner's coaching programs*

In the implementation of coaching for prisoners are involves third parties from outside, such as scouting, recitation for Muslim, and services for Christian. This activity is certainly prone to the spread of Covid-19 because the coaching activity is carried out by gathering and interacting between the prisoners.

#### *3.3.7. Prohibit transfer of prisoners to other prisons*

Transfer of prisoners is routine activities in prisons. The transfer of prisoners is usually carried out to prisons that are not yet dense either inside or outside the city. These activities should be prohibited for a while for the sake of healthy prison. It will increase the chances of the spread of

the corona virus due to the very frequent movement of prisoners.

Other government policies that might be applied against the spread of the Covid-19 in prisons include washing hands, and wearing masks in the area. Because of its huge impact on prisoners, families, and officers, it should always be supported and socialized.

Another government policy related to preventing the spread of Covid-19 is by issuing Regulation No. 21 of 2020, concerning Social Distancing. This policy, strengthened by the Minister of Health, is about guidelines for the implementation of massive social restrictions in order to accelerate the handling of Covid-19. In general, it regulates the following matters:

1. Restrictions of educational activities at school.
2. Restrictions on religious activities.
3. Restrictions on public facilities.
4. Limitation of transportation modes.
5. Limitation of social cultural activities.
6. Limitation of other activities in the aspects of security and defense.

However, not all of these policies can be implemented in prisons because of its density and its possibility to keep a distance between inmates.

#### 4. CONCLUSION

Based on the discussion above, it can be concluded that to prevent Covid-19 in prisons and detention centers in Indonesia, some strategies can be used. First, family visits for prisoners must be terminated. Second, faster release of the prisoners by assimilation and integration procedure should be considered. Third, postpone the admission of new detainees from other law enforcers. Fourth, postpone the court proceedings. Fifth, make sure that health protocols are enforced, by providing booths for disinfectant, face mask, hand washing and cleaning soap in the open area. Sixth, temporarily stop prisoner's coaching programs. Last, prohibit transfer of prisoners to other prisons.

Constraints faced in preventing the spread of Covid-19 in overcrowded prisons are lack of prison facilities, lack of awareness of prisoners and prison officers, and lack of community support.

There are several recommendations for the government in preventing the spread of Covid-19 in overcrowded prisons. The government should synergize in making policies by involving experts, asking community participation, involving practitioners and correctional departments. This

will provide understanding to the public and stakeholder, and also avoid the emergence of negative perceptions. In addition, the policies must be formulated technically in the procedures so that it does not cause doubts for officers in the field.

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