

The Implementation of Online Visits in Prison

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ABSTRACT

The role and function of correctional institutions in providing the rights of prisoners, especially the right to communicate, has become a hot issue during the Covid-19 pandemic. Prisoners who are in correctional institutions need to be able to communicate with their families; this is a problem considering the face-to-face spread of the virus is prone to occur in overcrowded prisons. Referring to the Instruction of the Director-General of Corrections concerning the Prevention, Handling, Control, and Recovery of Covid-19, there are efforts to replace the prisoner's direct visits with video calls to prevent the spread of Covid-19 in prisons. This research method is conducted by empirical legal approach through field research by seeing and observing what is happening in the field and applying these regulations in practice in society. This research analyzes the implementation of online visits to grant communication rights to prisoners and prevent the spread of Covid-19 in prisons/detention centers. Based on research conducted, we need to focus on several points: the facilities and infrastructure for the operation of the online visits are still not optimal, the number of cellphone units is still not enough, and the duration of the video call service is insufficient.

Keywords: Online visit, video call, prisoner, right to communication, human rights, Covid-19.

1. INTRODUCTION

A prison is a place for people to carry out their sentence while still maintaining their rights, including the right to communicate with people [3]. Basically, prisoners only lose their freedom of movement. In Law Number 12 of 1995 concerning Corrections article 14, prisoners get other rights in accordance with applicable laws; other rights referred to include communicating with people.

During the process of coaching prisoners, communication has an important role to play. However, the communication that takes place in the prison is very limited. Prisoners can only communicate with 3 (three) parties, namely fellow prisoners, visitors, and officers. Limited communication, especially the existence of superior and inferior boundaries between officers and prisoners, certainly has an effect on communication during the coaching process [4]. Prisoners have the right to communicate with their families; the right to communicate is maintained in the prisons through granting visitation rights and telephone booths [5].

The overcrowded prison conditions are also another problem in prisoners' visits. According to data from the Directorate General of Corrections in March 2020, the number of prison inmates has been overcapacity, 270,415 inmates with a prison capacity of 132,531.

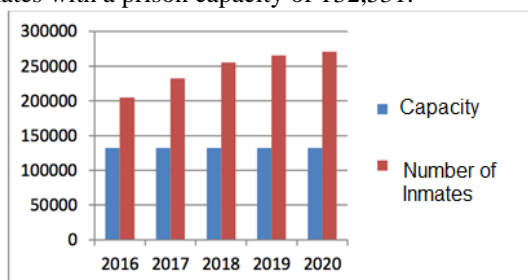


Figure 1 Correctional prisoner data of 2020

Coronavirus (Covid-19) is a very dangerous virus that is classified as respiratory disease. Covid-19 can spread through droplets released when exhaling, sneezing, or coughing. Water droplets are the main source of coronavirus spread. In general, people who already have an initial illness with symptoms of cough, fatigue, fever, muscle aches, breathing difficulties, and others are more susceptible to the transmission of the Covid-19. [10]



Figure 2 Data of Covid-19 Case in Indonesia (Sources: <https://covid19.go.id/peta-sebaran> May 26th, 2021)

From the data, 1.642.074 people can be cured, and 49.627 people have died. Covid-19 can spread through droplets released when exhaling, sneezing, or coughing. Water droplets are the main source of coronavirus spread. In general, people who already have an initial illness with symptoms of cough, fatigue, fever, muscle aches, breathing difficulties, and others are more susceptible to the transmission of the Covid-19. [10] Therefore, the best way to avoid infection is to avoid contact with others, covering the nose when coughing and sneezing, avoid touching the eyes of the nose or mouth with an unwashed hand, avoid contact with people who are sick or infected, distance ourselves from others, avoid mass collection activities, and wear mouth coverings.

As a result of Covid-19, 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 overcapacity; this has a significant impact on the health of prisoners, especially if there is an infected person who spreads the virus, then all prisoners will be infected more quickly. Referring to the Instruction of the Director-General of Corrections Number: PAS-08.OT.02.02 of 2020 concerning the Prevention, Handling,

Control, and Recovery of Covid-19, there are efforts to replace direct visits of citizens with online visits calls to prevent the spread of Covid-19.

Prison Telephone Booths provides telecommunication services for prisoners and is part of a public telephone in the prison environment. It is intended to provide services for inmates who want to make telephone calls with their family and relatives. As social beings, humans always want to be in touch with each other. Humans always hope that they can know their surroundings, even want to know what is going on in them. This curiosity forces humans to communicate [1]. Experts consider that communication is a very fundamental need for everyone in social life. Communication and society are two words that cannot be separated from one another [2].

There are problems that occur because of the rules regarding limiting the activity of visiting prisoners' families during the Covid-19 pandemic. Families of prisoners are prohibited from visiting the prison until an undetermined time; this creates anxiety for families who have been able to visit directly to communicate with families in prison but now cannot. The public telephone provided by the prison cannot be an alternative solution because of the limited number of facilities, the cost of calls, the inability to see directly, etc. There are efforts to replace direct visits of citizens with online visits calls.

This study will look at the benefits of implementing online visits in prisons, the constraints faced in terms of infrastructure, and their implementation to provide communication rights to prisoners and prevent the spread of Covid-19 in prisons.

2. RESEARCH METHOD

This research method is conducted by empirical legal approach through field research by seeing and observing what is happening in the field and applying these regulations in practice in society. The phenomenon analyzed was the implementation of online visits based on video calls as an effort to provide communication rights to prisoners and prevent the spread of Covid-19 in prisons. Researchers collect information from informants and through relevant documentation [6]. In conducting interviews, researchers used the purposive sampling method in determining informants and case studies [7]. Qualitative data analysis used by researchers to make sense of their data comes in a variety of approaches that tend to be aligned with particular conceptual frameworks and methods. In this study, the authors used 2 (two) data sources, namely:

1. Primary data source, data that researchers directly collect from the first source. The primary data sources in this study are the Head of Prison, Head of Security, and inmates at Tebing Tinggi Prison.
2. Secondary data source is directly collected and taken by the researcher as support for the first source. The secondary data consists of literature, journals, and articles related to topics.

This research compiles the materials such as theories, concepts, principles, and regulations of law dealing with

the topic and explains the reality phenomenon for the subject. That data is analyzed qualitatively by doing a deepen analysis. The interviewees are chosen purposively from selected backgrounds.

The interview instrument was prepared based on references from books, journals, and related research. Some examples of interview instruments are as follows:

Table 1. Research instrument examples

Dimension	Question
Benefits to inmates	1. What benefits will you get from online visits? 2. Does the use of online visits affect the prisoners' social conditions?[8]
Attitude towards inmates	What do you think about the use of online visits using video calls here?[9]
Etc.	

3. FINDINGS AND DISCUSSION

The prison has implemented temporary restrictions on visiting services for each prisoner since the time the Covid-19 pandemic emerged. The policy to temporarily close visiting services for inmates is carried out to stop the spread of Covid-19 into prison [10]. As an alternative, they have used video call technology as a substitute for visiting services. Video calls replace direct visits to prevent the spread of Covid-19 in prisons, detention centers, and juvenile prisons as an effective communication medium in the Covid-19 pandemic conditions [11]. In using video calls, prisoners are limited to a maximum of 5 minutes to avoid long queues.

Telephone booths aim to guarantee the right to communicate with the assisted residents, the needs of the assisted residents in relation to their presence in prison, requiring family or relatives for purposes such as leave management, parole, and other matters. From a psychological point of view, prisoners need to communicate with their families to meet their psychological needs. This is a necessity for every citizen in accordance with the Dependency Theory. [8]. This theory explains mass communication; the more a person depends on a medium to meet his needs, the more important the media becomes for that person.

1. Benefits of online visit

There are 5 (five) correctional officers who are directly responsible for the operation of video call services in prisons: Head of the Security and Order Administration Section as the chairperson in charge, Head of Sub-section acts as a supervisor, and two staffs are in charge of providing and controlling the operational video call to all prisoners in prison.

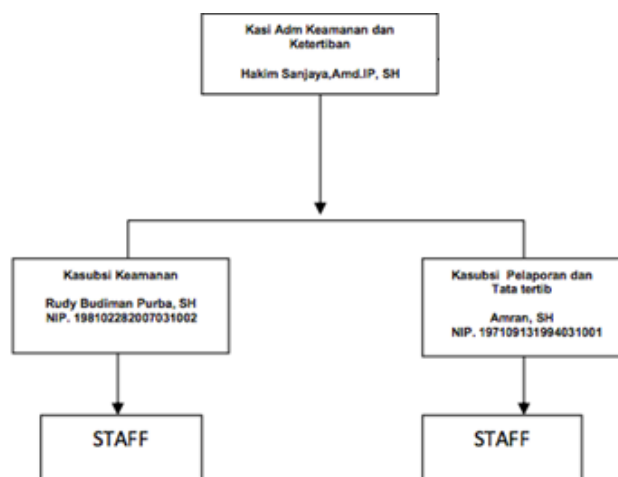


Figure 3 The officer in charge of online visits in Tebing Tinggi Prison

The following are the duties of each person in charge based on the table above:

1. Responsible Chairman
Chairperson is fully Responsible for the online visit, in charge of sending reports on the use of video calls to the Head of Prison.
2. Head of Sub-Section as Supervisor
The Head of the Sub-Section is in charge of overseeing the operation of the service on target and not being abused.
2. Field Staff in charge
The staff is responsible for monitoring security in the use of video calls and anticipating things that are not desired.

An example of an online visit facility in Tebing Tinggi Prison:

Table 2. Online visit facility in Tebing Tinggi Prison

No	Communication Devices	Number
1	Oppo A37	1
2	Oppo A37	1
3	Xiaomi Redmi 4x	1
Total		3

(Source: Head of the Security and Order Administration Section)

Based on the table above, there are 3 (three) cellphones used by officers. The time given for each assisted citizen to use this service is 5 minutes. This video call is placed in the prison canteen area to make it more controlled and comfortable. The schedule given by the prison is from 9:00 to 11:30 am. Then it reopens from 1.30 - 3.00 pm.

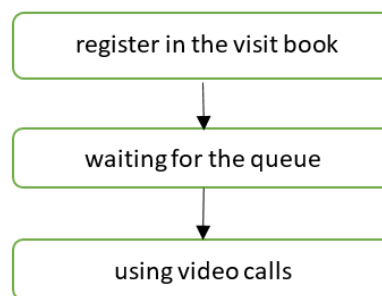


Figure 4 The registration flows.

First, prisoners register themselves with officers in the field. Then the prisoner wrote a visiting book containing the destination number, destination name, duration, description, date, and time of use. This is to prevent unwanted things from happening; the data provided must be clear and correct. Second, prisoners have to wait in a queue; this service is in great demand by inmates so that they must be ordered to maintain safety and comfort. Third, prisoners are only given 5 minutes of use at the stage and are directly supervised by officers.

Based on the results of the author's interview with the officer:

"For supervision, we do it in an orderly manner so that unwanted things do not happen. We always record the destination number to call and see who they are communicating with. So we have to be observant in watching them so they don't do things that are unexpected".

Based on the results of the author's interview with inmates:

"We are happy with this service. Because the current condition is still in Covid-19 pandemic and visiting services are also not available. So with this video call, we can treat our homesickness, seeing our family. Even though with the video call we felt it helped but there were not many cellphones here so we had to wait a long time for there were quite a lot of people who wanted to use this video call".

The following is an example of data on the online visit book:

Table 3. The example of online visit data

NO	NAMA WBP	NO TUJUAN	NAMA TUJUAN	DURASI	KETERANGAN	TANGGAL	JAM
1	ARI	82133478976	DODI	5 MENIT	ANAK	23 JULI 2020	09.00 s/d 09.05
2	AGUS	89867865434	ANDI	5 MENIT	ANAK	23 JULI 2020	09.05 s/d 09.10
3	FEBRI	87745367899	DINI	5 MENIT	ISTRI	23 JULI 2020	09.10 s/d 09.15
4	KISAS	81356748976	PUTRI	5 MENIT	ISTRI	23 JULI 2020	09.15 s/d 09.20
5	UDIN	82109878908	KIKI	5 MENIT	KAKAK	23 JULI 2020	09.20 s/d 09.25

(Source: Tebing Tinggi Prison)

In conducting online visits based on video calls, there is a notebook containing the names of the assisted residents who use this service. Online visit based on video call operates every day except Sunday. According to direct interviews with officers:

"There are quite a lot of enthusiasm for video calls, so we provide this service every day except in Sundays and if there is an event that does not allow it to operate, we will

temporarily close it. This service is supervised by officers and records the names of prisoners who use it, so that its use is controlled and systematic".

Online visits using video calls have been running well and orderly, and there is much enthusiasm, especially during the current pandemic. The need for communication with family is dire to relieve stress and treat homesickness with family.

According to the interview the author conducted with the officer, it was stated that:

"The data collection here is neat, because we are diligent in writing down every prisoner who wants to use a video call. So that our data is complete".

Based on the data obtained in the field, the authors conclude that:

1. Online visits using video calls have been running systematically and smoothly.
2. Prisoners find it easy to communicate with their families.
3. The spread of Covid-19 into prisons can be minimized.
4. The psychological needs of prisoners can be overcome because they can still meet their families, even only by video call.
5. Prevent disturbances of security and order. On-site visits often provide opportunities for visitors to bring items they are not supposed to.

2. Constraints of online visits

Overcapacity prisons create various obstacles in the form of an ineffective process of service for prisoners, 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. We can see that the prisons in Indonesia have exceeded capacity. This can be seen from the following table:

Table 4. Prison capacity in Indonesia

No	Year	Prisoner	Capacity	Overcapacity
1	2015	176.754	119.797	147%
2	2016	204.551	119.797	170%
3	2017	232.081	123.481	188%
4.	2018	256.273	126.273	202%
5	2019	269.846	130.512	206%

In addressing the overcapacity problem in prisons, the government has issued several policies; one of them is stopping visits for prisoners. The prohibition of visits is an attempt to break the chain of virus transmission from visitors or from prisoners. Although this is very hard to accept for prisoners accustomed to welcoming family visits, this policy finally brings about a common good. A large number of daily visitors would have a significant impact on the transmission of Covid-19. Therefore, the government needs to take steps to stop visits to prisoners within a certain time.

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

In order to maintain communication between prisoners and their families, a number of prisons and detention centers provide telephone or video calls as an online visit. This facility can reduce prisoner tensions due to the impact of Covid-19 on their family visits. Some prisons that use video call facilities such as Bali Kerobokan Prison, Tanjung Gusta Prison, and Tebing Tinggi Prison. The Tanjung Gusta Prison Head said that this policy was implemented due to the lockdown as part of the anticipation of preventing Covid-19 in prison. However, this policy causes disappointment for both prisoners and families. Moreover, there are inhibiting factors for online visits:

1. Lack of cellphone units in prison resulted in queues.
2. Many families of prisoners do not answer the phone; not all families of prisoners stand by with their own cell phones. This resulted in prisoners having to call back to the same number by queuing again.
3. Lack of time given in implementing video calls. Prisoners feel that the prison does not give enough time. This is related to the small number of mobile units that can be used for video calls.

Online visits based on video calls are expected to break the chain of spreading Covid-19 into prison and provide the best service for all inmates. The lack of cellphone units in prison can be resolved by involving a third party or by using confiscated cell phones in prison. Furthermore, another problem is the prisoner's family, who does not pick up the phone to answer the call from the prisoner. Therefore, the prisoner must make an appointment with his family to always stand by on their cellphone at the specified time. Then it is necessary to increase the time in conducting video calls so that the prisoners have enough time to communicate with their families.



Figure 5 Video call activity (Source: Tebing Tinggi Prison)

Another problem in carrying out these online visits is the issue of prisoners' privacy when making video calls. This happens because there is no special room for online visits. The prisoners sat in line with video call facilities that could be seen and heard by both prisoners and officers.

This raises the issue of privacy for the prisoners; although data collection regarding the purpose of the telephone is recorded, the content of the conversations between prisoners is private. The right to communicate and the element of privacy should be a concern for policy organizers, especially in prisons.

The right to privacy is personal freedom. One example of the right to privacy is the right to be able to communicate with other people without being known by the public. However, this right to privacy is a derogable right so that its fulfillment can be reduced. For example, the reduction of the right to privacy in communication is related to the regulation on wiretapping in Law no. 36 of 1999 concerning Telecommunications. For the purposes of criminal justice processes, telecommunications service providers may record information sent and/or received by telecommunications service providers and may provide necessary information at the request of investigators for certain criminal acts in accordance with the applicable law.

Law 36 of 1999 does not use the terminology of privacy rights but personal rights. The stipulation reads as follows "Basically, information owned by a person is a personal right that must be protected." In the context of inmates' online visits, it should be protected because it is not included in the needs of the criminal justice process. So that in the future, it must be considered to provide rooms and other infrastructure facilities to protect the right to communicate for prisoners.

4. CONCLUSION

Based on research conducted, it can be concluded that the implementation of online visits based on the Instruction of the Director-General of Corrections Number: PAS-08.OT.02.02 of 2020 concerning the Prevention, Handling, Control, and Recovery of Covid-19 is very useful for prisoners. The prisoners find it easy to communicate with their families. But there are problems faced regarding the facilities and infrastructure; for example, the cellphone unit is still limited, the duration of the video call service is insufficient, and the place to provide online visits is not proper well. Moreover, the issue regarding the right to privacy for prisoners, to be able to communicate with other people without being known by the public, should be guaranteed by prison.

Finally, it is recommended to organize facilities to support the operation of online visits and add the services' duration. The prison could synergize involving experts, community representatives, and correctional departments. This will provide understanding to the public and stakeholders, the importance of this service. In addition, the policies must be formulated in detail so that it does not cause hesitation for officers in the field.

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