

# Criminology Perspectives of Criminal Acts in Correctional Institutions

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## ABSTRACT

This study aims to determine and analyse the factors that cause the occurrence of crimes in correctional institutions (Lapas), especially those that occur in Class II B Prison in Merauke. This research is a type of normative juridical research which bases its analysis using a statute approach accompanied by a conceptual approach and literature review related to the problems under study. The results showed that the problems that occurred in LAPAS in Merauke Regency, Papua Province, which on May 8, 2021 in Merauke Class IIB LAPAS, there was a criminal act of maltreatment in the form of beatings by the inmates of other inmates using a sharp weapon, which resulted in 2 residents. The assistants passed away. These problems can be caused by 3 (three) factors, namely; 1) The legal substance, namely, there are laws and regulations which cause overcapacity which implies that criminal acts are committed by fellow assisted citizens, as in the Criminal Code, the regulation of imprisonment is still the main solution in giving sanctions to criminals In the Criminal Procedure Code the requirements for detention and long detention periods are lax and other special laws; 2) Factors of the legal structure of law enforcers who are often negligent in carrying out their duties, lack of knowledge of duties, welfare of officers and a strong desire of prisoners to get freedom / concessions, unfair competition, and social jealousy and facilities and infrastructure in Lemabaga Inadequate correctional facilities; 3) Factors of legal culture law enforcement officers still have a paradigm of prison is the main drug (premium remedium) which is the most effective to impose sanctions on criminals, the community also still has bad stigma against former convicts, so that ex-convicts find it difficult to accepted by society.

**Keywords:** criminology, crime, correctional facilities.

## 1. INTRODUCTION

The State of Indonesia is a state based on law, this is clearly stated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia (UUDNRI) which states that "Indonesia is a state based on law", meaning that the law becomes a guide in implementing various life as a nation and state in Indonesia. Indonesia, in line with that, the law also plays a role in protecting the interests of each individual by allocating a power to him to act in his interests. Such power is known as a right. Rights and Obligations attached to citizens of the state, on the one hand the citizen has rights that must be obtained, while on the other hand the citizen has obligations that he must carry out.

Law is inseparable from human life because law is a rule to regulate human behaviour in life because without law it is very difficult to create an orderly and orderly community life.

In carrying out legal functions to fulfil the rights and protection of the community, there are law enforcement officers who are members of the criminal justice sub-system, including the Police, Attorney General's Office, Courts and Correctional Institutions or what is commonly referred to as (LAPAS). One of the sub-systems supporting the criminal justice system or criminal law enforcement that the author is currently discussing is the Penitentiary.

Prison as the last sub-system in a criminal justice institution has the main function as a place for execution or execution of crimes for prison and prison inmates on the basis of a judge's decision. The correctional system is a series of criminal law enforcement units. Therefore, its implementation cannot be separated from the development of a general conception of the criminal system. This means that the correctional system is closely related to the implementation of imprisonment

which is backed up by the criminal system as a punishment.

In its development, the correctional institution is charged with the task of realizing the objectives of the criminal justice system, namely:

- a) The short-term goal is the system to rehabilitate, socialize or improve the perpetrators of criminal acts
- b) The medium-term objective, namely as the function of the criminal justice court and the special function of criminal law is to create general order and control crime to the lowest point.
- c) The long-term goal, namely the criminal justice system, aims to create social welfare in society [3].

In achieving the lofty goals of the criminal justice system mentioned above, of course it is not easy because there are hopes and goals of an integrated criminal justice system which is supported by the pillars starting from the police institution, the Attorney General's Office and the Court. These expectations and goals can be in the form of aspects of guidance to assisted residents or residents of a correctional institution. Apart from that, as the last stage in the criminal justice process, the Correctional Institution is also burdened with various expectations from the community to foster and condemn the inmates so that when they leave after serving their sentence, they will become a better person and especially not to repeat their actions again.

Penitentiary is a place and residence for the Correctional Assistance (WBP) who have been found guilty by the court or temporary custody because they have committed a violation of the law, either in the form of a crime that is detrimental to the state or other people. When a person has been found guilty and enters LAPAS, his / her right to freedom as a citizen will be temporarily revoked and can no longer be as free as a community outside LAPAS. So that as members of the community who are fostered in LAPAS will be temporarily revoked and they can no longer be as free as people outside LAPAS.

This is also emphasized in Law No. 12 of 1995 concerning Corrections Article 1 paragraph (1) states "Correctional is an activity to carry out the guidance of the Correctional Assistance Citizens (WBP) based on the system, institutions, and methods of guidance which are the final part of the criminal system in the criminal justice system".

However, in practice, there are many problems in the prison body itself. Among the problems that occur in LAPAS are riots between prisoners, the treatment of prison officers against inmates, escape of prisoners, persecution of fellow inmates, murder of fellow prisoners, drug trafficking, harassment. sexuality, over

capacity and various other negative things that are often heard from behind these bars.

The aforementioned problems often characterize the living conditions in various LAPAS in Indonesia. Some of the deprivation experienced by prisoners during their sentence at LAPAS and the existence of a subculture of narrative funds are the causes of various existing problems, for example the process of prisocialization of prisoners at LAPAS. If the discussion is around prisoners and LAPAS in carrying out the objectives of punishment, there will be discussions of various deprivation experienced by the prisoners, the process of prisonisation, as well as the failure of the criminal system process, especially imprisonment which is still ongoing and still exists on this earth. Every time and every time, there are always changes and events in LAPAS [4].

Besides that, it often happens, prisoners who at first do not really know rough life which should be socialized through guidance at LAPAS, but after undergoing a sufficient period of punishment to be able to accept the process of prisoners' prisonization, in fact have a behavior that leads to a harsh and abusive life. the main feature of most of the inmate subcultures. So that we often hear that LAPAS is a school place for inmates who want to go to a higher level of crime.

Several cases as evidence of problems in the LAPAS body that have occurred in Indonesia are such as:

- a) Riot of Assisted Residents at the Brimob Corps Headquarters detention center, Kelapa Dua, Depok, West Java, Tuesday night, May 8, 2018.
- b) Riot of Class I LAPAS Assisted Citizens, Cirebon, 21 March 2018
- c) Riot at LAPAS Class II A Banda Aceh, 29 November 2018
- d) Riot at Kerobokan Prison, Bali, 2016

No exception to the problems in Merauke Regency, Papua Province, which some time ago to be precise on May 8, 2021 at LAPAS class IIB Merauke., The incident was in the form of acts of persecution carried out in the form of beatings by assisted residents against other inmates using sharp weapons. , causing 2 (two) Assisted Citizens to die.

If seen in some of the cases mentioned above, especially when seen in the cases that occurred in the Class II B LAPAS in Merauke, namely the criminal acts of maltreatment committed by the Assisted Residents to other Assisted Residents which caused 2 (two) Assisted Residents (victims) to die as the author says. explain above, then the problems in correctional institutions at this time are indeed very many and need special attention, especially those related to criminal behaviour committed by fellow assisted citizens, because it requires serious attention because it seems that criminal acts in LAPAS

are things that are considered commonplace. Even though we all know that the purpose of the criminal process itself is so noble, namely so that the assisted citizens will no longer commit criminal acts.

Based on the foregoing, the writer then intends to analyse the factors that cause the occurrence of crimes in LAPAS and efforts to overcome them based on the view of criminology, criminology itself is a science that studies the factors that cause crimes, criminals and the efforts to overcome them. Thus, according to the author, by analysing the causal factors and the efforts to overcome them, it will get a good barometer of law enforcement related to efforts to prevent criminal acts in LAPAS in general and in particular at Class II B LAPAS Merauke.

## 2. RESEARCH METHODS

This research is a type of juridical normative research which bases its analysis on the prevailing laws and regulations and is relevant to the legal issues under study. by using a statute approach accompanied by a conceptual approach and literature review. Primary legal material as positive, secondary and tertiary law and the information is then analysed in a qualitative juridical manner in depth in order to obtain an overview. The data collection technique used is literature study by looking at the related laws and looking at the cases that have occurred. The results of the literature study and case studies are then analysed qualitatively, that is, a juridical analysis is carried out. meaning that the conclusions are not based on statistical figures but are concluded based on the relationship between legal principles, legal principles and legal theory with the phenomena of cases that occur in society (through juridical interpretation).

## 3. DISCUSSION

When talking about the factors that cause criminal acts in LAPAS, the authors try to see from the point of view of law enforcement based on law enforcement theory, because according to the author a criminal act can occur or not all depends on the law enforcement process, if law enforcement is good then a criminal act will be less likely to occur, but if it is the opposite, then a criminal act is more likely to occur.

Law enforcement is an effort to bring legal ideas and concepts that are expected by the people to become a reality. Law enforcement is a process that involves many things [6].

As a systemic process, the enforcement of criminal law appears as the application of criminal law (criminal law application) which involves various structural sub-systems in the form of police, prosecutors, courts and prisons. This includes, of course, legal advisory bodies. In this case, the application of the law must be viewed from 3 (three) dimensions:

1. The application of law is seen as a normative system, namely the application of all legal rules that describe social values supported by criminal sanctions.
2. The application of law is seen as an administrative system that includes the interaction between various law enforcement officials who are a sub-judicial system above.
3. The application of criminal law is a social system, in the sense that in defining a criminal act, various perspectives of thought that exist in society must also be taken into account.

The factors that influence law enforcement according to Lawrence M. Friedman, also known as effectiveness theory are: [8]

1. The legal substance is the entire rule of law (including legal principles and legal norms), both written and unwritten, including court decisions. Also related to norms and patterns of real human behaviour in the system. So, the substance of the law concerns the prevailing laws and regulations which have binding power and serve as guidelines for law enforcement officials.
2. Legal structure is the entire institution and its law enforcement officers, including the police and the police, the prosecutor and the prosecutors, the courts with judges and so on, including the Penitentiary and the existing infrastructure in the agency to support enforcement or effectiveness. law. Structure is a pattern that shows how the law is carried out according to its formal provisions. This structure shows how the courts, lawmakers and legal entities and processes run and are run.
3. Legal culture is the habits of ideas, attitudes, hopes and opinions about law, ways of acting and ways of thinking that direct social forces or it can be said as living law adopted in a society. Legal culture concerns the legal culture which is the attitude of humans (including the legal culture of law enforcers) towards the law and the legal system. No matter how good the legal structure is to carry out the stipulated legal rules and no matter how good the quality of the legal substance made without the support of legal culture by people involved in the system and society, law enforcement will not run effectively.

In connection with criminal acts committed in LAPAS by assisted residents and associated with the theory of legal effectiveness or law enforcement by Friedman, the author's analysis is one of the main factors is the overcapacity or excess capacity to accommodate the assisted residents that exceeds the standard, in this regard the authors review based on law enforcement theory as follows:

a. Legal Substance Factors

In this factor, the things that will be the main focus are the laws and regulations. In the practice of law enforcement in the field, there are times when there is a conflict between legal certainty and justice, this is because the conception of justice is an abstract formula, while legal certainty is a procedure that has been determined normatively. So that the unclear rule of law or legislation causes the implementation stage to be not yet optimal.

Several statutory regulations which according to the author are a factor in the occurrence of criminal acts in LAPAS or are ineffective factors in law enforcement, including the following:

Based on Article 10 of the Criminal Code (KUHP), imprisonment is one of the main penalties most often given by judges in court proceedings because imprisonment is the most commonly regulated sentence in the Criminal Code and other laws. However, the use of imprisonment in an effort to control crime does not always provide effective and efficient results. The use of criminal law policies actually leads to criminalization of public actions which tends to create over-criminalization. Overcrowded prisons are a serious problem and a phenomenon that is difficult to understand. Density appears to represent a characteristic that has troubled the modern prison since its discovery in the 19th century. Policies that should be given as the last step or ultimatum remedium, are used as remedium premiums in an effort to control the level of crime in society [11].

The current Criminal Code still provides a very large space for every criminal act, even though the criminal act is punishable under 7 years or 5 years, but there is still a big chance to be given imprisonment. This is very risky to overcapacity. This can be seen from the formulation of criminal law in the Criminal Code and the development of criminal law formulations outside the Criminal Code. Article 10 of the Criminal Code stipulates the main types of crime, namely capital punishment; imprisonment; imprisonment, imprisonment and fines. Of the several types of crimes, the regulation of criminal threats in Book II of the Criminal Code can be described as follows: 1) The death penalty is used 10 times; 2) Imprisonment was used as much as 485 times; 3) The punishment of imprisonment is imposed 37 times; 4) and fines are used 123 times.

From this description, it can be seen that the type of crime that is widely used in book II of the Criminal Code is imprisonment which reaches 485 (74%), both as a basic criminal, as an alternative or as a substitute punishment. Imprisonment in a matter of years as the main penalty is used 274 times; with a count of years or a lifetime of 292 times; as an alternative to other criminal threats 26 times. If detailed based on the length of

imprisonment, it can be described as follows: 1) imprisonment of less than 5 years 227 times; 2) imprisonment of 5 to 10 years 126 times; 3) 10 to 15 years were formulated 46 times; imprisonment for 20 years is formulated 7 times; and imprisonment for life 23 times [12].

In criminal law regulations outside the Criminal Code, up to 2007 alone it was recorded that imprisonment was used in the formulation of 143 articles. Judging from the length of life imprisonment 21 articles, 10 years imprisonment 42 articles, 12 years imprisonment 10 articles. At least up to now more than 150 laws use imprisonment as a threat to violators.<sup>16</sup> This number becomes large when it is included. the threat of imprisonment in the Regional Regulation. Because basically, imprisonment must also be carried out in the civilization institute. As a result, criminalization occurs by using imprisonment as a threat, so it cannot be avoided that in its implementation many imprisonment is imposed [13].

Therefore, according to the author, when there is more criminalization, the more actions are punishable by punishment, and when the type of crime chosen for violation of the norms of criminal law is imprisonment, the consequence is that more violations of the criminal law are punishable by imprisonment, so that when There is a violation of these norms at the application stage, the prosecutor and judge will apply the threat of imprisonment.

With regard to fines, the formulation of criminal penalties in Book II of the Criminal Code is formulated once and as alternative crimes 122 times which are preceded by the phrase 'or fines'. Whereas in Book III of the Criminal Code, the formulation of fines as an alternative to imprisonment is used 35 times. Although fines can be used as an alternative to imprisonment, in practice, fines are very rarely applied as regulated in the Criminal Code [14].

This is because, first, it is related to the low value of the threat of fines, so and that prosecutors and judges perceive it as not providing a sense of justice a deterrent effect. In this regard, since the formation of the Criminal Code (KUHP), the penalties of fines have been added to the value of fines several times, most recently by Supreme Court Regulation No. 2 of 2012. Based on Article 3 of this regulation, the maximum amount of fines threatened in the Criminal Code, except for Article 303 paragraph (1) and paragraph (2) and Article 303 bis paragraph (1) and (2) is multiplied to be 1000 (one thousand) times.

Second, the imposition of fines is related to the convict's financial capacity, so that in the event that the convict is unable to finally apply torture in lieu of fines, which must also be carried out in the prison / detention center. Another weakness of criminal fines is that the

concept of a fine is not like compensation that must be paid to the victim. Because fines are paid to the state, it creates injustice for the victims.

Given these weaknesses, the imposition of fines as an alternative to imprisonment for violations of the Criminal Code is still rare. In contrast to fines in criminal law regulations outside the Criminal Code, in practice it has often been applied. This is in addition to the high value of fines, the formulation of the threat of fines is also formulated as a cumulative or alternative cumulative. In the case of imprisonment and an alternative penalty, a fine can be an alternative to imprisonment, but in the case of being punished cumulatively, it does not reduce the number of imprisonment imprisonment, so it does not contribute to reducing the overcapacity of LAPAS [15].

In Articles 20-31 of the Criminal Procedure Code regulates the authority of detention by investigators, public prosecutors, high courts, district courts, high courts and the Agung Court which are part of the trial process. In the pre-trial stage in Indonesia, there are 2 processes, namely the stage of investigation and prosecution. In the investigation stage, detention orders are given for up to 20 days and can be extended for 40 days. After the files are submitted to the prosecutor's office, the detention can be extended back to 50 days. So when combined, the pre-trial detention of detainees can reach up to 110 days [17].

According to the author, this is one of the factors of overcapacity which can lead to various problems, especially which can lead to criminal acts in LAPAS, because under Article 20 of the Criminal Procedure Code, for the purposes of investigation, prosecution and examination in court, investigators or assistant investigators, public prosecutors and the judge has the authority to carry out detention. The length of detention greatly affects prison capacity. Therefore, the longer the prison term, the more tight the burden on prisons / detention centres. The period of detention starts from the level of investigation, prosecution and examination in district courts, high courts and the Supreme Court, as regulated in Article 24 Criminal Procedure Code to Article 29 Criminal Procedure Code.

If we detail each stage of the criminal justice process, it can be seen that, at the stage of investigation as regulated in Article 24 paragraph (1) and paragraph (2) of the Criminal Procedure Code, if the total length of detention is added to the maximum length of detention, it can reach 60 days. In the prosecution phase as regulated in Article 25 paragraph (1) and paragraph (2) of the Criminal Procedure Code, if the maximum length of detention is added together with the maximum length of detention extension, it can reach a total of 50 days. Whereas at the stage in the Court, both in the District Court as regulated in Article 26 paragraph (1) and (2), the High Court as regulated in Article 27 paragraph (1) and paragraph (2), and also the Court of Cassation as

stipulated in Article 27 paragraph (1) and paragraph (2). regulated in Article 28 paragraph (1) and (2). If totalled over the three three stages of examination in court, the total length of detention can be 290 days. In the three stages, whether from investigation, prosecution to court examination, if the total length of detention in the three stages is added up, it will reach a total of 400 days of detention period provided by the Criminal Procedure Code.

In addition to the problems related to the Criminal Procedure Code above, based on data recorded in the correctional database system (SDP) of the Directorate General of Pas as of March 2021, the number of special narcotics convicts in all Regional Offices in Indonesia is 113,894 out of a total of 150,714 people. So that if you look at the report, this shows that 75.5% of the special prisoners at Regional Offices throughout Indonesia are narcotics crimes which should be processed through rehabilitation institutions.

Starting from the data above, according to the author, one of the causes of overcapacity is Government Regulation no. 99 of 2012 which regulates the requirements and procedures for the implementation of the rights of the Correctional Assistance to terrorism convicts, narcotics with a sentence of 5 (five) years is one of the causes of the overcapacity condition. The imposition of additional conditions in the provision of remissions and parole for these cases causes the objectives of the correctional system to be not optimal due to overcapacity.

This is also supported by Edward Omar Sharif Hiariej's statement as Deputy Minister of the Ministry of Law and Human Rights of the Republic of Indonesia, in a public lecture at Makassar State University on April 8, 2021, stating that for narcotics cases there are still many court decisions convicted of narcotics cases. has an average sentence of 5 (five) years with evidence below 0.7 grams He gave an example of cases like what happened in the Cipinang Prison, Salemba Prison, Cipinang Prison where the capacity of the assisted residents was 1,200 people, 3,000 residents of the 3,000 residents there were 2,700 drug cases, 2,500 were users and 2,400 users had an average sentence of 5 (five) years with evidence below 0.7 grams. According to him, this is what also causes overcapacity, because the Narcotics Law currently has regulations that can impose imprisonment on users even though the cases are only small or zero point a few grams [18].

Basically, crimes that occur in society are the product of a policy formulation / criminalization (actions that were not crimes before but later turned into crimes in a statutory regulation) for certain acts. In addition, one of the factors in the problem of prison overcapacity is the result of criminal law policies. In material criminal law, there is over-discrimination by using imprisonment. On the other hand, alternative imprisonment such as fines

and conditional sentences are deemed less effective in encouraging prosecutors and judges to impose imprisonment. In formal criminal law the requirements for detention and long terms of detention are lax. In the implementation of imprisonment, there are regulations that limit the provision of remissions in addition to sub-optimal coaching.

But on the other hand, the increasing number of crimes contributed to prison overcrowding. Therefore, where the crime rate is high, there is overcrowding in prisons, so that if there is overcrowding one of the bad effects of this is that there is a big potential for criminal acts to occur between fellow assisted residents in prisons.

**b. Legal Structure Factor**

In this factor, the things that will be the main spotlight are related to law enforcement officers in this case the Police, Prosecutors, Judges, Advocates and Correctional Institutions, including also regarding facilities and infrastructure to support good law enforcement in tackling criminal acts in LAPAS carried out by fellow assisted residents. One of the many causes of the commotion, unrest or crime that occurred in LAPAS, the author will focus on the discussion of overcrowding which is supported by data from credible or reliable sources, namely official data that the author has also included. Peulis highlighted the main focus on overcrowding because according to the author, this overcrowding will cause many serious problems and even worse, can lead to criminal acts in LAPAS.

This is confirmed by Sarwono's statement which argues that the density of occupancy in prisons causes various health problems such as respiratory problems, abnormal physical development, psychologically causing a person to experience mental pressure which interferes with the development of his personality. Thus, the conditions of the residents experience many disturbances both physically, socially and psychologically in a prison environment which can be said to be completely limited.

To further explain about overcrowding, the authors provide data on the overcrowding status at the Papua Regional Office as shown in the table below:

**Table 1.** Number of detainee and convict in the regional office of papua per-march 2021

NO	STATUS	AMOUNT
1	Detainee	446 People
2	Convict	1.872 People
3	<b>Total Detainee + Convict</b>	<b>2.318 People</b>
4	<b>Prison Capacity</b>	<b>2.267 People</b>
5	<b>Over Capacity (%)</b>	<b>102%</b>

Source: <http://smslap.ditjenpas.go.id>

From the data in the table above it can be seen that per-month of March 2021 there is overcrowding, both as detainee and as convict who are in each task force unit (UPT) at the Papua Regional Office, the amount of

overcrowding is very large, reaching 102% with the elaboration of the maximum load capacity of each UPT is 2,267 people, but in fact the number of occupants exceeds the maximum standard, reaching 2,318 people or an excess of 51 people.

In addition to seeing the condition of each UPT in the Papua Regional Office, the author also examines the overcrowding data at the Merauke Class II B LAPAS, namely the criminal acts of maltreatment committed by the Assisted Residents to other Assisted Residents which caused 2 (two) Assisted Residents (victims) to die as follows: which the authors explain in the background above as shown in the following table:

**Table 2.** Number of detainees and convict of class ii b prison merauke per-march 2021

NO	STATUS	AMOUNT
1	Detainee	65 Orang
2	Convict	260 Orang
3	<b>Total Detainee + Convict</b>	<b>325 Orang</b>
4	<b>Prison Capacity</b>	<b>319 Orang</b>
5	<b>Over Capacity (%)</b>	<b>2%</b>

Source: <http://smslap.ditjenpas.go.id>

The same thing in the table above can be seen that per-month of March 2021 there is overcrowding both as prisoners and as prisoners who are in each Class II B LAPAS Merauke, the amount of overcrowding is not too large but is still at a level that includes Over Capacity scale, which is 2% with the elaboration of the maximum load capacity of 319 people, but the number of residents exceeds the maximum standard, which is 325 people, the total number of landlords and prisoners, in other words 6 excess.

According to Mulyadi Alrianto Tajuddin, overcrowding has a very bad impact because it has a negative impact and is very worrying when viewed from various aspects, according to him, for example, one room should only contain 3-4 Assisted Citizens, but instead they have to accommodate 6 or more Assisted Residents. one room. The condition of the number of assisted residents who are not ideal with the size of the room or room is very vulnerable to causing individual conflicts that lead to fights even though peace usually occurs quickly, this is certainly not a good right if it continues to occur, besides that with overcrowding this can cause certain groups in prisons who are hostile to each other [20].

According to the author, overcrowding has a very bad impact on the comfort, health and even the safety of the residents themselves, besides that it will greatly impact the development system of the Community Institution itself which will not run optimally.

In Article 8 of Law no. 12 of 1995 concerning Corrections, it is stated that "Correctional officers are functional officers of security, and guidance of prisoners of the correctional facility". Based on these provisions

regulate the fields which become the duties of correctional officers, namely in the field of guidance, security and guidance of community assisted citizens with the aim that the implementation of guidance for prisoners is efficient and effective. In providing guidance to prisoners, it is necessary to include a Correctional Officer as a companion, who acts as a facilitator, communicator, and motivator during the process of guiding prisoners [21].

One of the constraints in coaching in the correctional institution is that there are too many prisoners who do not match the capacity of the correctional institution and the imbalance between the coach and the assisted residents makes coaching ineffective, the number of comparisons between prison officers and prisoners who have an unequal or unbalanced ratio . In other words, the number of LAPAS residents is far more than LAPAS officers.

This is what is experienced by LAPAS Class II B Merauke, in which the number of LAPAS officers is far less than prison residents, especially LAPAS officers who serve as supervisors are very few compared to LAPAS residents. To further explain this, the following authors provide data the number of comparisons between LAPAS officers and residents in Merauke.

**Table 3.** Comparison of number of detainee and convict with class ii b prison officers merauke

NO	STATUS	AMOUNT
1	Detanee and Convict	325 Orang
2	Prison Officer	65 Orang

Source:<http://smlap.ditjenpas.go.id>

From these data it can be seen that the ratio of the number of Prisoners and Prisoners of 325 people with only 65 Class II B prison officers in Merauke, the greater the number of LAPAS occupants compared to the number of prison officers, in other words if you look at the comparison, then for 1 LAPAS officer is responsible for providing guidance and guarding for 5 LAPAS residents.

Of the total 65 people, it is divided into five sections, namely structural, security unit, supervisor, technical and health support, with details of the total number of 12 people, currently only 39 security officers are tasked with securing 325 Assisted Residents, there are only 6 coaches who are tasked with fostering 325 assisted residents. It can be concluded that the number of correctional officers, especially security and guidance officers, is not proportional to the total number of assisted residents at LAPAS Class II B Merauke.

Other problems that exist in Merauke Class II B LAPAS are, this LAPAS is a LAPAS that handles the guidance of criminals who come from 3 districts in southern Papua, namely Merauke Regency, Asmat Regency and Mappi Regency. In other words, the Class II B LAPAS of Merauke is the only correctional facility

in Southern Papua that directly handles assisted residents from the 3 districts. This is one of the main factors in the increase in the number of assisted residents which is quite large and not proportional to the estimated number of LAPAS.

Apart from the aforementioned problems, another factor that also causes the occurrence of criminal acts in LAPAS is the lack of maximum supervision by prison security officers due to the number of security officers who are not ideal with the number of prison residents. The number of one team of security guards, which is 8 people, must supervise the prisoners, which number 325 people.

This shows that the number of prison guard officers is not ideal with the number of prison residents. So that the not optimal supervision can result in the smuggling of goods that are not permitted, usually this smuggling is carried out during visits by families, but this is anticipated by carrying out inspections at the gates and inspections by security officers. Inadequate supervision of officers is a criminogenic factor that can lead to crimes in prisons [22].

Apart from that, other problems that lie in the legal structure factor are the uneven understanding of the job descriptions and human rights values by LAPAS officers, the implementation of duties tends to be based on habits, and there is a lack of respect for the needs of prisoners.

The welfare of officers and the strong desire of prisoners to get freedom / leniency, give rise to a tendency for the development of personal relationships that are treated, unfair competition, and social jealousy. Monotonous and prolonged situations and conditions, resulting in continuous boredom and stress, apathetic treatment, laziness, disobedience, absence of supervision of development in correctional institutions makes the implementation of guidance looser and the lack of number and capacity of human resources for correctional officers to guide prisoners to become obstacles in coaching prisoners in prisons. As well as various other things which according to the author have a big influence on the occurrence of criminal acts committed by fellow assisted citizens in the Penitentiary.

c. Factors of Legal Culture

One of the factors that also affects the occurrence of criminal acts in prisons as well as a factor in various other problems in LAPAS is the factor of legal culture. In this factor, there are several things which according to the author are very influential on overcapacity which can result in violence in LAPAS, some of which are as follows.

There are still law enforcement officials who think that prison is the main drug (premium remedium) or the single most effective way to give sanctions to criminals, so often law enforcement officials impose imprisonment

on criminals even though the crimes are very small even though they still exist. Other alternatives that can be given to the perpetrator such as fines or conditional penalties or optimizing problem solving through mediation or other non-penal means. According to the author, if it continues to greatly affect the occurrence of overcapacity and result in criminal acts in LAPAS

Apart from the cultural or habitual factors of law enforcement officers, another thing from the culture in society is that society is still unable to accept ex-convicts back into society, and often ex-convicts are ostracized. In fact, the community should be involved and play a role in accepting and guiding these ex-convicts so that they can integrate with the community and can interact again as good and responsible citizens.

Lack of community participation in order to participate in the development of prisoners. This is due to the lack of public concern for prisoners because some members of the community are still reluctant to accept ex-convicts again. So that this causes the purpose of punishment has not been achieved, namely to re-popularize prisoners into society.

Whereas in Law No. 12 of 1995 concerning Corrections, Article 1 paragraph (2) has stated that "the Correctional System is an arrangement regarding the direction and boundaries and methods of fostering Correctional Assistance Citizens based on Pancasila which is carried out in an integrated manner between the coaches, those who are fostered, and the community to improve the quality of the Correctional Assistance Citizens in order to realize mistakes, improve themselves, and not repeat criminal acts so that they can be accepted back by the community, can actively play a role in development, and can live naturally as good and responsible citizens " With the lack of concern and community participation, according to the author, it will greatly affect the achievement of the objectives of punishment to reintegrate prisoners with society..

The negative stigma attached by the community to former prisoners has also become a culture in the community so that it makes people reluctant to interact with ex-convicts, this is also an obstacle to the development of prisoners in various prisons, including the Class II B Penitentiary of Merauke, that almost all people not being able to accept former prisoners back, this is due to the public's concern that ex-convicts will repeat the mistakes they have committed. So that the negative understanding of ex-convicts by the community is an obstacle in coaching, as a result, ex-convicts will be isolated and eventually return to committing criminal acts.

The negative perception of ex-convicts by society causes the public to be more careful about ex-convicts, because there is a concern that ex-convicts will repeat

their mistakes in the form of violations of order and security in society.

Based on the author's explanation regarding the three factors above, it can be concluded that these three factors greatly influence the achievement of guidance in correctional institutions to achieve the truly noble goals of punishment, resulting in various complexities of problems that occur in prisons and one of the most basic problems. This is the overcapacity in LAPAS which causes various conflicts among LAPAS residents, from the existence of these conflicts it has resulted in violence, murder, persecution, or criminal acts committed by fellow assisted residents as happened in Class II B LAPAS Merauke, which was previously written by the author. explain in the background above.

Therefore, it can be said that the factors of the occurrence of criminal acts committed by fellow assisted citizens in the Correctional Institutions which in this case occur in Class II B Merauke Prison, can be seen from various factors, namely legal substance, legal substance, legal structure. (Legal structure) and legal culture (legal culture) and to overcome it, a concrete solution is needed in an effort to optimize the development of prisoners so that in the future there will be no more criminal acts such as those that occurred in Merauke Class II B Prison or other criminal acts.

#### **4. CONCLUSION**

Criminal acts such as that which occurred on May 8, 2021 at LAPAS class IIB Merauke, an incident occurred in the form of acts of maltreatment carried out in the form of beatings by the Assisted Citizens using a sharp weapon, resulting in 2 (two) of the Assisted Residents died. These problems can be caused by 3 (three) factors, namely; 1) The legal substance, namely there are still statutory regulations which is a factor causing overcapacity which can have implications for criminal acts committed by fellow assisted citizens, such as in the Criminal Code there are cases where imprisonment is the main solution in providing sanctions for criminals, on the other hand, other alternatives such as fines and conditional sentences are still ineffective, encouraging prosecutors and judges not to impose imprisonment. In the Criminal Procedure Code the loosening of the requirements for detention and long detention periods as well as other laws and regulations outside the Criminal Code are also contributing factors; 2) The factor of the legal structure of law enforcers who are often negligent in carrying out their duties or who have a lack of knowledge of their duties, the welfare of officers and the strong desire of prisoners to get freedom / leniency lead to the tendency for the growth of treated personal relationships, unfair competition, and social jealousy. as well as the very limited facilities and infrastructure in the Correctional Institution which is still very limited is one of the factors that also triggers criminal acts in LAPAS;

3) Factors of legal culture, There are still law enforcement officers whose prisons are the most potent premium remedies (premium remedium) to impose sanctions on criminals, so often law enforcement officers impose imprisonment on criminals even though the crimes are very high. small even though there are other alternatives that can be given to the perpetrator, such as fines or conditional penalties. The community also still gives bad stikma to ex-convicts, so that it is difficult for ex-convicts to be accepted by society.

Therefore, according to the author, it is necessary to reform criminal law through decriminalization for certain types of criminal acts that have contributed greatly to the overcapacity of prisons such as narcotics crimes which are very high in number and other criminal law policies both material and formal such as imprisonment which is still being used. options most often used to punish perpetrators of criminals as well as the detention process which needs to be reexamined. Related to this, it is also necessary to support the policy of fulfilling detention room facilities at correctional institutions / detention and reducing the crime rate. Socialization is also needed to foster a sense of public concern so that they no longer have negative stikma to former prisoners but must be able to accept and nurture them.

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