

Effect of Pattern Formation of Prisoners in The Correctional Institutions of Recidive (Case Study in Class II B Correctional Institution of Majalengka)

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Abstract. To implement the penal system for prisoners needed community participation both during development and acceptance of returned prisoners who have completed their criminal past. Commitments on at least can be a positive contribution to the process of coaching inmates who in turn can minimize the repetition of criminal acts. Connecting to the problems above who want revealed in this research is how development patterns inmates at Correctional Institution IIB of Majalengka classes and how the influence of development patterns against the repetition of crime (Recidive). The research is qualitative research in the form of descriptive analysis using sociological juridical approach. Types and sources of data used are primary data and secondary data. Data collected through the study of literature and interviews, while the juridical analysis using qualitative analysis. From the research we concluded that the pattern of development in the Penitentiary correctional IIB of Majalengka class represents the continuum of criminal law enforcement practice can not be separated from the development of general conception of the criminal prosecution. While the influence of development patterns prisoners against the repetition of criminal offenses (recidivism) on Prison Class IIB of Majalengka is still a lack of mental development also coaching skills to inmates that resulted in former inmates do not have the mental well and the skills needed to live her life outside of Prison Class IIB of Majalengka so the prisoner repeated his evil deeds.

Keywords: Pattern Development, Prisoners, Recidive.

1. Introduction

Coaching prisoners in Indonesia implemented a system called with the penal system, the correctional system has been conceived and applied since 1964, but the settings on the system systematically in the form of laws and devices supporting regulations will be realized in 1995, through Law Republic of Indonesia Number 12 of 1995 concerning Corrections. Regarding the purpose of the penal system, in Article 2 of the law established that: "The penitentiary system organized in order to form the prisoners in order to be fully human, realized the error, repairs itself and not repeat the criminal act that can be accepted back by environment of society, can actively participate in the development, and can be normal life as a good citizen and responsible"²

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² Aris Irawan, "Effectiveness Research Proposal Development Pattern Prisoners in Masyarakat Kelas IIB biar Institute (Studi Keberadaan Mantan Inmate di Masyarakat)", Blog Aris Irawan, <https://arisirawan.wordpress.com/2010/09/08/penelitian-tentang-pembinaan-inmate> (20 November 2016).

In principle, in accordance with the nature of criminal law as a goal of public law staple holding of criminal law is to protect the interests of society as a collective of acts that threaten or harm even whether it comes from individuals or groups of people (an organization). Various interests of the community are among other things is the tranquility, peace and order in society.³

The function of the law as a tool to "face" crimes through a series of long historical experience and developmental changes, from the way that is "retaliation" against those crimes, which turned into a tool to protect the individual from interference of other individuals, and protection of the public from crime disorder will continue to change as the container for the return of coaching convicts into society.⁴

Prisons is one of the last subsystem that runs the criminal justice correctional system for criminals. Penitentiary, known as prison is a place where inmates undergo a criminal past. Imprisonment is a punishment in the form of restrictions on freedom of movement of a convicted done by closing the convict mentioned in a Correctional Institution, by requiring the convicted person to comply with all rules and regulations that apply within the Penitentiary of the To foster the inmates to be able to hang back by society as normal.⁵

Principle substantially in the correctional system is a continuum of criminal enforcement in accordance with Act No. 12 of 1995 on the Penal contain values that basically the correctional system is directed at the order of the direction and limits as well as ways of coaching prisoners in an integrated manner between the builder, who fostered and community.

The repetition of criminal acts is nothing new in the world of law, because where there is evil there is also no repetition of crime and repetition of the crime is considered as continuation of malicious intent as expressed by Bartolus a lawyer, that "*Humanum enim est peccare, angilicum, seemendare, diabolicum perseverare*" or crime and repetition of the crime is considered as continuation of malice, it is certain that the practice of repetition of the crime itself is as old as the practice of crime.⁶

This opinion put forward to explain the importance of the position of the repetition of a crime in the criminal law science. This is evidenced by the inclusion of the repetition of criminal acts into the essence of the teaching part of criminal law in the various countries. Recidive happened in the case of a person who committed the crime and was sentenced by a judge's decision that has binding (inkracht van gewijsde), then committing a crime again.⁷ Just like in *concursum relais*, in recidive been some crime. But in recidive has been no court decision was final and binding.

Criminal punishment to the offender initially serves to give deterrent effect to the offender, so that the offender will think again if you want to do something that is against the law. However there are times when the offender instead of being a

³ Ardy , "Tujuan Hukum Pidana" <https://tanahberu2.wordpress.com/2010/10/11/tujuanhukum-pidana> (31May 2018)

⁴ Soedjono Dirdjosisworo, *Sejarah dan Azas Penologi*, (Bandung:Armico, 1984), p.115

⁵ Andi Hamzah, 1993, *Sistem Pidana dan Pemidanaan di Indonesia*, Pradnya Paramita, Jakarta, p 27

⁶ Abidin Zainal Farid, *Hukum Pidana I*, Sinar Grafika, Jakarta, 1995, p. 432.

⁷ "Repetition Crime (Recidive)" http://syariah.uinsuka.ac.id/file_ilmiah/7.%20Recidive.Pdf, accessed on May 31, 2018 at 18:30 pm

deterrent, even committing the same crime, even though he had been convicted of crimes. This condition is called a repetition of crime (residive).

Many factors could encourage recidive. Among them there are social environmental factors are always stigmatize poor ex-convict, less the workings of one subsystem effectively from one of the criminal justice system (criminal justice system) in Indonesia, Condition Correctional Institution in Indonesia, which does not support that development can not be run effectively and internalized, economic hardship, personal satisfaction is even a network that find or new friends from prisons.

In the Indonesian Penal Code, offense repetition (recidive) absent from the general rule, but in chapter 486-488, regulates the application of recidive elements in the Special Rules (Book II or Book III). Chapter XXXI of the Criminal Code repetition of criminal acts are known only in the form of special recidivist, with no limit to the number of repetitions. In principle limit a grace period to determine if someone qualifies as a recidivist or hung on a period of years between sentence being undertaken in an offense against her. It looked if within a period of under five years of a person who committed the same crime re-do it, then he is a man to watch.

Coaching and mentoring inmates include and conseling coaching program in the form of activities and events build independent personality development. All this is done that convict an Indonesian from own nation community who have rights that should be met, such as a right to live, right to protection and freedom from threats.

Rights owned by prisoners should be given with their personality development directed at mental coaching and character order inmates to be fully human, devoted and responsible to self, family, community, while fostering independent on coaching talent and skills that will convict the role as a member of society that is free and responsible.

Inmate purpose of fostering development is closely related to the purpose of coaching is conseling. The goal of prisons, can be divided into three areas:

- Once out of prison no longer commit crime.
- Human being useful, active and creative role in build the Nation.
- Being able to get closer to god almighty one and bring happiness in the world and in the hereafter

Coaching prisoners now do in fact no longer relevant to the development of the value and nature of the growing community. In this case that is not in accordance with the development of the value and nature of life that growing community means in coaching convict the conseling officer inmates sometimes do irregularities in performing their duties less or not based on the law as mandated by Article 14 paragraph (1) of the penal about inmates rights and the provisions of Regulation No.31 / 1999 on the Citizens coaching Patronage of Corrections, is the basis of human regulated with how convict in a criminal system are integrated.

Allowing a prisoner without providing rehabilitation and good coaching will not change the inmates, because prisoners are particularly vulnerable to repeat the deed he had done, the repetition of such offenses will always happen if the inmates were not taken seriously, the inmates actually are human beings who still have the potential to be developed in a positive direction and able to transform into a more useful and better than before a sentence. This potential will be very useful for those inmates with good

coaching, effective and sustainable consistent and implemented carried out by the builder who has a good faith, dedication, high spirits, and experts in the field.

Based on the description above, the writer interested to do research with title "Effect Of Pattern Formation Of Prisoners In The Correctional Institutions Of Recidive (Case Study In Class II B Correctional Institution Of Majalengka)".

Based on the background of the problems described problems can be formulated as follows: How does the pattern of development in the Correctional against recurrence crime (Recidive)?; What are the obstacles in the process of coaching against recidivist prisoners?

Research Methods

This type of research used in this research is the field qualitative research. Qualitative research is a study aimed at described and analyze the phenomena, events, social activities, attitudes, beliefs and thoughts of people individually or in groups. Some description used to discover the principles and explanations which leads to the conclusion. The research approach used in this study is juridical Sociological, where the study was conducted by reviewing the problems examined from law by reviewing legislation and associate with the fact that in the implementation to describe an activity or event activities in daily practice in the community.

2. RESULTS AND DISCUSSION

2.1. Effect of Development Pattern Repetition Prisoners Against Crime In Prison Class IIB of Majalengka

From interviews conducted by the author with some recidivists in Prison Class IIB of Majalengka of inmates who return to crime after serving of punishment in Prison Class IIB of Majalengka it can be concluded that the cause of the inmates become recidivists due to two factors: Factor development patterns of prisoners in Prisons and prisoners factor of the self and the environment.

2.1.1. Factors development patterns of prisoners in the penitentiary.

Less than optimal in coaching inmates at the Correctional Institution Class IIB of Majalengka of prisoners it is causing a lot of inmates who return to crime after serving criminal prosecution. Where this was due to a lack of cooperation between the Penitentiary with society, but to achieve a good coaching system participation not only from officers, but also of society in addition to the inmates themselves.

In an effort to provide the participation, the correctional officers should always act in accordance with the principles of correctional services. A correctional officer should be able to participate with the attitude, action and wisdom that reflects the aegis of both the community and to the prisoners.

2.1.2. Factors of the inmates

From interviews conducted by the author with some recidivists in Majalengka Prison Class IIB of the cause of prisoners return to crime after serving of punishment, then the answer posed by this recidivists can be concluded that the cause is as follows:

- Educational factors.
- Factors lack of employment
- Factors skills
- Economic factors
- Religious factor
- Environmental factor

As mentioned above factors that cause an inmate become recidivists is due to low levels of education. This causes difficulties for inmates in finding a job because they do not have a diploma as what is specified by the company. Because of this condition making it easier for them to fall into lives of crime and is very easy to drift around a poor neighborhood. Economic pressures, the influence of friends, as well as the difficulty of getting a job, everything stems from the lack of education recidivists.

Another factor is where recidivists have less religious values and the lack of opportunity to learn the religion (ie to follow the teachings, or follow other religious activities). Other than that, the process of religious learning has started to decrease its region as a result of a shift in values, norms and culture in the area where the convicts stay.

The attitude of the public in the neighborhood inmates less receptive to ex-prisoners and ex-prisoners attitude that cast a burden psychologically for the former detainees, so that the soul and misconduct relapse. Which former prisoners were to repeat his actions again later re-arrested in Majalengka Prison Class IIB.

In the Class IIB Penitentiary Majalengka trouble distinguishing between recidivists and not a recidivist prisoners were gone, so as to know the data recidivist in Majalengka Prison Class IIB mentioned by the head coaching that in Majalengka Prison Class IIB no recidivists. This is because the same pattern and coaching them equal status. where either convict or not convict gets the same treatment both in terms of getting remission or other.

Based on what is given by the head coaching also they (inmates) to repeat his actions again because they have no education, poor environment and the lack of jobs for them (prisoners). While the relationship development patterns inmates with no repetition of criminal acts. Because of development patterns in Prison Class IIB of Majalengka provide good guidance for inmates when inmates come out of Prison Class IIB of Majalengka. Guidance provided include skills, education package (A, B and C) and others.

3. Closing

3.1. Conclusion

- Correctional development patterns in Prison Class IIB of Majalengka is a continuum of criminal law enforcement practice can not be separated from the general conception of the development of criminal Majalengka Prison Class IIB. As the spearhead of the implementation of the principle of shelter is the place to achieve that goal. To achieve the above objectives in a manner through education, rehabilitation and reintegration.

- Influence development patterns prisoners against the repetition of criminal offenses (recidivism) on Prison Class IIB of Majalengka is where there is still a lack of mental development also coaching skills to inmates that resulted in former inmates do not have the mental well and the skills needed to live her life outside of Prison Class IIB of Majalengka so the prisoner repeated his evil deeds.

3.2. Suggestion

- To overcome the problem of criminalization need for cooperation with the community for prisoners to be more sociable after serving his sentence.
- Need for supervision (control) was good and tight or inherent supervision of each leadership of law enforcement officers, in addition to the horizontal surveillance carried out well. Implementation of the Correctional system in Indonesia at this time referring to Act No. 12 of 1995 concerning Corrections. General Explanation of Penal Law which is the basis of juridical philosophical about the implementation of the penal system in Indonesia should be implemented as well as possible.
- The public should not exclude and be not accept the presence of ex-convicts, however, because the former inmates are human beings who have the desire to get back to do good and be useful to society.

4. Bibliography

- [1] Aris Irawan, "Proposal Penelitian Efektifitas Pola Pembinaan Inmate di Lembaga Pemasyarakatan Kelas IIB biaro (Studi Keberadaan Mantan Inmate di Masyarakat)", Blog Arisirawan, <https://arisirawan.wordpress.com/2010/09/08/penelitian-tentang-pembinaan-inmate> (20 November 2016).
- [2] Ardy, "Tujuan Hukum Pidana" <https://tanahberu2.wordpress.com/2010/10/11/tujuanhukum-pidana> (31 Mei 2018).
- [3] Soedjono Dirdjosisworo, *Sejarah dan Azas Penologi*, (Bandung: Armico, 1984).
- [4] Andi Hamzah, 1993, *Sistem Pidana dan Pemidanaan di Indonesia*, Pradnya Paramita, Jakarta.
- [5] Abidin Zainal Farid, *Hukum Pidana I*, Sinar Grafika, Jakarta, 1995.
- [6] "Pengulangan Tindak Pidana (Recidive)" http://syariah.uinsuka.ac.id/file_ilmiah/7.%20Recidive.Pdf, accessed on May 31, 2018 at 18:30 pm