

Guidance of Prisoners Overcapacity in Lapas class II at Pekanbaru

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Correctional institutions as one of the guiding institutions for prisoners, also function as institutions that can increase added value for prisoners, by providing spiritual and independence training programs in the form of skills training and other guidance, as provisions for prisoners to return to the community. However, in reality the correctional institution is no longer a forum for guidance, because of the poor condition of the prison system as well as the excess number of inhabitants inside the penitentiary. The role of penitentiary officers is very important in providing guidance to someone who has been convicted of a crime so that they can return to be a good citizen and obey the rule of law.

Key words: *Overcapacity, prisoners, correctional institutions.*

Introduction

Changes occur all the time, either slowly, so that they almost escape the usual review, or occur so quickly that it is difficult to state with certainty the existence of a permanent penitentiary. Likewise, the community along with the progress experienced by the community in various fields, also increases the legal regulations. The addition the rule of law cannot be prevented because people expect that by increasing the regulation, life and security will improve even though the number of violations of the regulations may increase. (Marpaung, 2009) Prison sentences are sentences that originated approximately 200 years ago (Yulia, 2010). Past prisons were places where people received sadistic punishment in the form of torture, mutilation, or execution by hanging or burning. At this time, prison is a model of punishment which was enthusiastically introduced as a substitute for brutal physical punishment.

The term prison or penitentiary taken from Latin, is widely used as a synonym for the word prison, originally used to describe the place where a person was sent to atone for his sins against the community. Prison sentences serve as means of punishment aimed at improving the behaviour of perpetrators of crimes. One example of the legendary prison is the Walnut Street jail building in Philadelphia in the United States, said to be the first prison to come from a detention house. It can be said at the detention centre in the past, there was no difference in the

treatment of perpetrators based on age, sex, sick or healthy, or detention status or convicted; all were collected in the same place (Josias Simon, 2011).

Criminal punishment is explained as a misery or sanctions that are different from other branches of legal science. The types of punishment systems that exist and are known in Indonesia in the Criminal Law Act in article 10, consist of:

1. Principal crime consists of: capital punishment, imprisonment, confinement, fines.
2. Additional crimes consist of: Revocation of certain rights, confiscation of certain items and announcement of the judge's decision.

The prison system was born based on the prison regulations. The place for imprisonment is a prison house that is used for people imprisoned or sentenced. The imprisonment system in Indonesia initially did not differ much from in some other countries, strongly emphasising the element of revenge and imprisonment accompanied by a "wall" building. Changes were gradually introduced, in line with the change in the concept of punishment towards the concept of rehabilitation and social reintegration, so that prisoners are aware of their mistakes (Josias Simon, 2011).

Prison crimes basically have the same nature and foundation as the nature of criminal law, which has a role to guarantee the security, peace and welfare of the community. Guaranteeing security in the sense of the word, the criminal law provides boundaries of what citizens may do, so that a sense of security, and all activities of life will arise as long as they do not violate existing restrictions. (Harsono, 1995)

The phenomenon of problems in prison institutions has basically become a classic problem that has been in the spotlight for a long time; not only in Indonesia but in many countries. Prisons in the past were often described as places where the dehumanisation process took place. (Zulfa, 2011) One of the highlights of the problems at the penitentiary is the excess capacity of prisoners (over capacity).

Correctional institutions, as one of the guiding institutions for prisoners, also function as institutions that can increase added value for prisoners. This is through providing spiritual and independence training programs in the form of training in various skills and spiritual guidance as provisions for prisoners to return to the community. Coaching of prisoners includes care, religious education and skills. But in reality, the penitentiary is no longer a coaching institution, because of the poor conditions of the prison, along with the excess of the occupants of existing penitentiaries and almost all penitentiaries in Indonesia.

The police have the responsibility to establish a situation that is conducive to citizens. In general, the police institution has 3 (three) functions based on the Police Law, namely:(Heni Susanti, 2019)

1. maintaining security.

2. community service.
3. criminal justice.

Correctional institutions are known as a place of formation of prisoners and have become witnesses to all the problems that occur in it; institutions that are firmly established against the ups and downs of life that occur on earth (Josias, 2012). Although many things have been tried in the context of fostering inmates during their crimes, the psychological impact of imprisonment is still apparent and requires thorough thinking. However, the psychological impact of imprisonment itself is very pronounced. So, in fact a prisoner is not only physically convicted, but also psychologically. Criminally, psychology is a heavy burden for every prisoner.

A prisoner during a sentence will lose his personality and self-identity, due to the rules and procedures for living in a penitentiary. Prisoners are treated the same or almost the same as one inmate to another inmate. This fact will form a distinctive personality too, namely the convict's personality. The method of treatment of prisoners by penitentiary officers leads to a lifestyle of feudalism, so that certain classes occur in the social structure of the penitentiary. The prisoners' community is divided into social stratification, including the officer class (priyayi ruler), assistant prisoner class employees (tamping, leaders), prisoners with the class type of hard crime (robbery, murder), and a class of prisoners of minor crime (thieves, fraud) (Harsono, 1995).

During their incarceration, prisoners are always under the supervision of officers. Someone who is constantly watched will feel less safe, feel always suspicious, and feel always unable to do something or act, for fear that his actions are a mistake that could result in punishment or sanction. Supervision is carried out every time a prisoner becomes hesitant in acting, lacks confidence, his soul becomes unstable, misbehaves or is unable to make good decisions. (Harsono, 1995) The problem of the density of prisoners or overloaded inmates in prisons is a problem that was born out of a prison system that tends to be the same in every country. The impact that arises from the excess number of occupants compared to inadequate space capacity will lead to cases of harassment, health problems and violence problems. This leads to the coaching process which actually triggers the problem of repetition of a crime or the problem of labelling or stigmatisation for a former convict.

One of them is the Pekanbaru Class, A Correctional Institution, which was built in 1976, which should only accommodate 771 people but in fact accommodates as many as 1660 prisoners (Fernandes, 20 November 2018). One of the causes of excess occupants is because the rate of growth of Lapas residents is not comparable with existing Lapas settlement facilities.

The percentage of new prisoners input with prisoners' output is very unbalanced, with a comparison of new prisoners' inputs far more than the output of prisoners who have finished

serving their prison terms. This condition is caused by a criminal justice system factor that is more concerned with imprisoning someone in prison rather than freeing him.

Some forms of the consequences of the Advantages of Occupants in Penitentiary Class II A Pekanbaru, among others, is the confiscation of fellow prisoners' goods, theft in the room, fights, hazing, especially for new residents who enter. Classification based on ethnicity, homosexuality and code of ethics to protect each other's secret. One problem that arises from the excess occupants is the existence of violence and mental disorders, due to the tightness of the existing space and resulting in prisoners who cannot stand in prison so that prisoners flee from the penitentiary. This is what happened at Class A Penitentiary Institution A Pekanbaru. In general, the number of inmates in penitentiaries and detention centres has exceeded the required capacity. Like for example a room that is intended for a maximum of 20 people is filled up to 45 people. This will cause problems in the penitentiary, which will cause riots in the detention room.

Extortion, oppression and mobilisation of prisoners for political purposes in Lapas still thickly colours prison life today. These officers feel themselves as if the determination institution of the lives of prisoners are able to meet with family and become a ticket home to freedom. Collaboration between prison officers and prisoners also takes place, such as drug transactions, which results in the coaching that is not functioning and useful, so that riots and crimes occur within the penitentiary. From the description above, the writer is interested in conducting research with the title "Guiding prisoners over capacity in Lapas class II A Pekanbaru".

Principal Problem

1. What is the implementation of guidance for prisoners with excess occupants in Class II Penitentiary Institutions Pekanbaru?

Discussion

1. Implementation of Guiding Prisoners with Excessive Residents in Class II A Penitentiary Institution Pekanbaru

Correctional Officers play an important role in fostering prisoners and this coaching is held in the context of forming correction, fostering citizens so that they become fully human, aware of mistakes, improve themselves and do not repeat criminal acts so that they can be re-accepted by the community. The prisoners can actively play a role in development and can actively live naturally as a good and responsible citizens. Based on the understanding of the correctional system and its implementation, the fostering program for prisoners in prison and the Guidance of Correctional Guides by BAPAS is emphasised on the activities of fostering personality and fostering self-reliance activities. Personality coaching is directed at mental and character development to be responsible to oneself, family and society. While fostering independence is

directed at fostering talents and skills, so that inmates can return to acting as members of the community who are free and responsible. There is an integration from the implementation of guiding the prisoners as determined in the articles of Law Number 12 of 1995, concerning corrections. In an effort to ensure that perpetrators of crime do not repeat their crimes, the Correctional Institution as a system of formation called the correctional system, is applied. Basically, the enforcement of the penal system in Indonesia is more due to disappointment with the prison system, which was previously applied.

In reality the prison system, has not been proven to prevent crime. In addition, the system has been in conflict with Human Rights in its application (Susanto, 2004). Prisoners are often used as objects, so they often experience physical violence (Gunakaya, 1988). On that basis, later in 1964, the prison system was changed to a penal system (Gunakaya, 1988). In the penitentiary system, prisoners are not only treated humanely but are also given guidance so that after leaving prison, these prisoners can return to live in a peaceful society.

The penal system is only for someone who is sentenced to prison (Priyatno). Basically, imprisonment is a crime of limiting someone's independence. The limitation is done by imprisoning someone within a certain time limit, so that prison officers can easily carry out guidance for prisoners. Also, so that other people are not affected by the evil nature of inmates. Thus, imprisonment causes suffering for the convict within a certain period including for the future improvement. Basically there are three main ideas to be achieved by a coaching implementation, namely: to improve the personality of a criminal and to deter people from committing crimes (PAF Lamintang, 2010).

Prison crimes cause suffering and on the other hand it is acknowledged that coaching is carried out on prisoners in prison is an effort, so that convicts repent and become part of a useful Indonesian socialist society in the future (Sudarto, 2010). One of the efforts made by penitentiary officials is by bringing religious officers to spiritual guidance of inmates and conducting various other forms of guidance. This shows that by using the penitentiary system, prisoners are fostered in a good direction. So that in the future, it is expected to prevent crime as expected by the criminal justice system.

Correctional officers are required to follow the principles of the guidance system, including protecting the treatment of Correctional Fostered Citizens in order to protect the public from the possibility of a repeat of criminal acts by the Correctional Prisoners, as well as providing provisions for Correctional Guidance Citizens to be useful citizens in the community (Priyatno, Training Material at the Ministry of Law and Human Rights, 2000).

Based on the results of the author's interview with the Head of Lapas Klas II A Pekanbaru, (Sahruza, 20 November 2018), the condition of Lapas exceeds the capacity (over capacity). This can cause problems of its own. Especially in the sense of discomfort of incarcerated residents. Whereas the facilities are only available for 361 people, but must be used to meet

the needs of 1418 people (i.e. with details of 1398 prisoners plus 20 prisoners) (Fernandes B., November 20, 2018).

Based on the data above, there were an excess of 889 in correctional facilities. The prisoners are not only prisoners but also prisoners who are entrusted by the state prosecutors.

The role of penitentiary officers is very important, bearing in mind the duties and functions of correctional officers who are to be able to change the behaviour of inmates in accordance with the norms and rules that live and develop in the community. The forms of guidance carried out are:

Individual Coaching (Individual Treatment)

Individual guidance is given to individual prisoners by the guiding officer. Individual coaching does not have to be separate individually, but can be fostered in a group together and handled individually. As in education in kindergarten, a kindergarten teacher will use the guidance of students, as a group, but also individually. This is due to the level of maturity of each student is not the same. Likewise, in the intellectual, emotional, and logical coaching of each prisoner is not the same. This inequality requires individual coaching to be implemented.

Individual coaching can arise from the following matters:

a. From within yourself

Willingness to foster oneself can arise from a prisoner's personal awareness. If a person is not yet aware of himself and does not know himself then it is difficult to foster them. A prisoner must have a strong desire to change himself. This will be facilitated by Lapas and Lapas will provide the facilities and infrastructure needed by prisoners.

b. From outside yourself

Individual development of inmates can be done by the coaches, both the supervisors from prison / remand centre, or the coaches from outside, namely religious coaches, community groups or non-governmental organisations. Coaching from outside oneself can be coaching derived from or in accordance with the needs of fostering inmates or is considered by the coach that needs to be done. External coaching can be in the form of general coaching, meaning the material is general material such as the observance and practice of Pancasila, legal awareness, ethics, religion and so forth. Whereas coaching specifically, can take the form of personal consultation, psychology, legal fostering, ethics, education and other skills.

Coaching from outside oneself can be in the form of written skills courses, for example studying English, studying at an open University, accounting courses and so on. This can be done if the Penitentiary / Detention Centre does not have the facilities and infrastructure for it. One of the coaching methods done at the Correctional Institution, is to bring religious officers for the spiritual guidance of prisoners, which is a clear proof that prisoners at the Correctional

Institution are fostered towards a better direction. Therefore, there is no doubt that imprisonment can be used to educate and guide inmates to become useful human beings

Coaching in Groups (Classical Treatment)

In addition to individual coaching, prisoners can also be fostered in groups, either according to the needs of coaching determined by the coach, or coaching in accordance with the coaching needs felt by inmates. Coaching in groups can be done by lecturing, question and answer, simulation, role playing, or team building. The choice of method depends on the material to be presented, and the objectives to be achieved from the coaching process. The method used does not have to stand alone, but can be combined according to the conditions of coaching and its purpose.

According to the Head of Class II A LP Pekanbaru (Sahruza, Interview with the Head of Class II A Lapas, 20 November 2018), the training carried out was in accordance with Article 6 of Law No. 12 of 1995, concerning Correctional Facilities. Guidance is carried out without discriminating the treatment of all prisoners, who are treated equally without discrimination between one prisoner and another inmate. The pattern of coaching is also the same as other inmates, which is divided into two stages, namely as follows (Ginting, 20 November 2018):

1. Intramural, namely coaching in Corrections Institutions, which consists of:

a. Early stage coaching

Every prisoner who enters the correctional facility is subject to research to find out everything about him/her, including the reasons he/she committed the violation, and all the information about him/her that can be obtained from their family, their former employer, co-workers and victims, as well as other officers who handle his/her case. Early stage coaching includes observing, researching and introducing the environment to determine planning for the implementation of a personality and independence training program, which starts when the person concerned is in prison for up to 1/3 (one third) of his criminal period. Coaching at this stage is still carried out in correctional institutions and under maximum supervision.

b. Coaching the next stage

If the process of fostering the prisoners concerned has been going on for 1/3 (one third) of the actual criminal period and according to the Penitentiary Observation Team (TPP) has made progress, among others, showing conviction, improvement, discipline and obedience to the regulations in force in Correctional Institutions, the prisoners concerned are given more freedom and are placed in correctional facilities through medium supervision.

c. Coaching the second advanced stage
If the guiding process of inmates has been served 1/2 of the actual criminal period and according to the Correctional Observer Team, has achieved enough physical and mental advances and also in terms of skills, then the coaching process container is expanded by

worship, work, going to school or participating in other activities in correctional institutions with minimum supervision. In the prison process the prisoners are recognised as human beings who need physical and spiritual care (Petrus Irwan Panjaitan, 2019)

2. Externally the mural is outside the penitentiary

a. Final stage coaching

The implementation of the penal system has the ultimate goal of creating self-reliant prisoners or building independent human beings. Penalties are corrective, therefore ideal punishment has three functions, namely: retributive, corrective and preventive (Sudirman, July 2002). The criminal justice system within the framework of the system is a series of activities carried out in the context of enforcing criminal law and maintaining social order, carried out by starting the work of the police in conducting criminal investigations, prosecution by the public prosecutor examining cases in court and carrying out sentences in prison (Penitentiary) and detention centres (detention houses). The entire series of activities must support each other in synergy, to support the objectives of the operation of the criminal justice system. If the coaching process has reached 2/3 (two-thirds) of the actual period or at least 9 (Nine) of the actual criminal period, this coaching period is called the final stage of coaching, i.e. activities that begin from the end of the advanced stage until the end of the criminal period of the inmate concerned. Guidance at this stage for prisoners who fulfill the requirements, is given conditional leave, whose training is done outside the Correctional Institution by the Correctional Institution. Then the correcting client counsellor becomes involved.

b. Personality development consisting of:

Fostering religious awareness

In the prison process the prisoners are recognised as human beings who need spiritual care, as well as their physical needs. (Chairijah, 2008)

- 1) Development of national and state awareness
- 2) Development of intellectual abilities
- 3) Development of legal awareness
- 4) Coaching integrates with the community

c. Fostering Independence includes

- 1) Skills to support independent business, for example crafts, home industry, machine repair, electronic equipment, car and motorcycle wash, refill drinking water, haircuts, and so on.
- 2) Skills that are in accordance with their respective talents such as coaching in Sanggar for example, band group training, etc.

d. Skills to support the business of the agricultural industry by using technology such as chicken farms, duck farms, goat farms, fish ponds breeding and oil palm plantations in Rumbai which become a means of productive and effective work activities.

The training that was carried out at the Lapas Klas II Pekanbaru, was in line with the opinion of Djisman Samosir, who said that in prison, prisoners should be given spiritual guidance and various skills such as computer courses, mechanics, sewing, cutting hair, making trellises and carpentry. By bringing religious officials to the Penitentiary, it is intended to foster prisoners to grow confidence in the prisoners that they are also members of the community. (Samosir, 2012) The correctional system is an order regarding direction and boundaries, as well as how to foster prisoners based on Pancasila, which is carried out in an integrated manner between the coaches, who are fostered within the community (Marlina, 2011). From the series of coaching patterns carried out by Lapas Klas IIA Pekanbaru, both intra-murals and extra murals, at first glance it can be seen that Lapas Klas IIA Pekanbaru is truly involved in coaching, but in practice there has been an increase in the number of prisoners from year to year. This of course raises the question of all parties, who must be immediately be answered by the Lapas as to why this happened, so as not to create a perception in the midst of society that the Lapas Klas IIA Pekanbaru has failed to carry out its duties and functions to provide guidance for inmates. This is evidenced by the inability of Lapas in making deterrent factors and the community in general, so that there is an increase in the number of prisoners from year to year. This of course results in not achieving the main objectives of the prison.

Based on the results of a questionnaire distributed, that in general the correctional officers have tried to carry out their duties, it has not been optimal and the implementation of imprisonment with the aim of correctional facilities is not in accordance with the correctional principle, because not all prisoners are trained. At Pekanbaru, how to foster prisoners with excess occupants is certainly different from the ideal. In this case, not all prisoners in class II A prison in Pekanbaru are fostered. This is due to the imbalance in the number of prison officers with prisoners. If forced by all prisoners to be fostered it will be dangerous, such as the escape of a prisoner, then those who are fostered are prisoners who have good behaviour and are not dangerous, so that when removed from cells, they do not cause problems (Ginting B. E., 20 November 2018). Criminals on the one hand are to give suffering to violators so that they are deterred, but on the other hand, so that they can return to live in society (Suparni, 2007). Essentially, the main objective of the penitentiary is to provide guidance for prisoners based on the system, institutions and ways of coaching as the end of the criminal system and criminal justice system. In the penitentiary, various training programs are prepared for prisoners, according to the level of education, sex, religion and type of criminal acts committed by the prisoner. The training program for prisoners is also adjusted to the length of sentences spent by prisoners, in order to achieve the set targets, namely so that they become good citizens in the future (Samosir, 2012).

To achieve perfect coaching based on the social principles that become the pattern and training program in Class II A Penitentiary Pekanbaru, it must be supported by adequate and quality

facilities and infrastructure. The facilities and infrastructure referred to, are those needed by Class II Correctional Institutions in Pekanbaru in carrying out guidance, so that inmates who later leave the Correctional Institution will become fully accepted human beings by the community. In reality, obstacles encountered by correctional officers are found in fostering prisoners with excess occupants in Class II A Penitentiary, Pekanbaru. namely: (Ginting E. S., As Section Head of Binadik, Lapas Klas II A, 20 November 2018) limited penitentiary personnel, lack of facilities and infrastructure, narrowing of Penitentiary Locations, and a lack of the number of rooms for prisoners.

Conclusion

Correctional officers have a very important role in fostering inmates. The implementation of this coaching is carried out in an integrated manner between the coaches and the fostered persons, in order to form correctional fostered citizens, so that they become whole human beings, aware of their mistakes, improve themselves and do not repeat criminal acts, so that they can be re-accepted by the community. This coaching is done by individuals in a group way. In reality, there are obstacles in fostering prisoners with excess occupants (over capacity), namely:

- 1) Limited correctional personnel;
- 2) Lack of facilities and infrastructure;
- 3) The narrow location of correctional institutions;
- 4) Lack of cells (rooms) to accommodate inmates.

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