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## **The Efforts in Preventing Escaped Prisoners at Correctional Institution Class I Surabaya**

**Zainal Mustofa<sup>1\*</sup>, Anggrita Esthi<sup>2</sup>**

<sup>1</sup>[mustofazainal753@gmail.com](mailto:mustofazainal753@gmail.com), <sup>2</sup>[a.danoeanggrita@gmail.com](mailto:a.danoeanggrita@gmail.com)

Universitas Bhayangkara Surabaya

\*Corresponding Author: Zainal Mustofa

Email: [mustofazainal753@gmail.com](mailto:mustofazainal753@gmail.com)

### **ABSTRACT**

*Polemics over the accuracy of correctional system implementation and the non-conductive environmental impact have triggered violations by prisoners to commit acts of escapes from correctional institutions. The lack of explicit regulation of this act has led to the increasing number of escape attempts made by prisoners. The prisoners' escape attempts also occurred at the Correctional Institution Class I Surabaya. Therefore, this research was conducted to find out and analyse the efforts and constraints in preventing escape attempts by prisoners. The method of approach used in this research is juridical sociological by examining Law No. 12/1995 on Corrections, Correctional Institution Guarding Regulations of 1975, and Decree of the Director General of Corrections No. E.22.PR.08.03 of 2001 on fixed procedures; and analysing the implementation of security systems in correctional class I Surabaya in actual conditions. There are 2 legal material sources in the research, such as (1) primary data from interviews with the officers of correctional institution class I Surabaya; (2) secondary data from official documents, law books related to the research topic. Preventive and repressive efforts have been implemented by the correctional institution class I Surabaya. However, they have faced several constraints in implementing these efforts, such as over-capacity of inmates, the mismatch between the number of prison staff and inmates, the absence of strict sanctions, and the lack of welfare of correctional institution class I Surabaya staff.*

**Keywords:** Correctional Institution, Escape, Prisoners

## INTRODUCTION

The correctional system in Indonesia is regulated by Law No. 12/1995 on corrections. The regulation explains that imprisonment, which was used as a punishment, has been transformed into a coaching concept. In Article 2 and 3 of Law No. 12/1995, it is stated that the purpose of the development system for convicts is to transform them into better human beings so that they can become responsible human beings in the community.<sup>1</sup> The Law No. 12/1995 on corrections is incompatible with the legal development of society and does not fully represent the needs of correctional system implementation, which needs to be replaced by Law No. 22/2022 on corrections.<sup>2</sup> Based on the latest regulation of Law No. 2/2022, correctional officers must be able to provide supervision to prisoners so that they can improve their integration and have qualified skills when reintegrating into society. Unfortunately, these efforts are not optimal in several correctional institutions in Indonesia, which causes many prisoners trying to escape. The implementation of security is regulated in Articles 64-72 of Law No. 22/2022 on corrections. Efforts to provide security and order are absolute in the implementation of supervision of prisoners in correctional institutions or detention centres.<sup>3</sup>

The criminal justice system in Indonesia adheres to the functional differentiation principle, which means that each institution holds different functions and authorities.<sup>4</sup> In the Indonesian criminal justice system, there are various judicial stages that ended at the execution stage. The execution of court decisions is the duty of the prosecutor's office. However, the execution of corrections institution is under the authority of the Directorate General of Corrections under the supervision of the Ministry of Law and Human Rights.<sup>5</sup> Therefore, if there is a prisoner who escapes from the corrections institution, the authority to conduct a search is the corrections institution itself. Prosecutors as executors only have supervisory authority regarding the implementation of the Directorate General of Corrections.<sup>6</sup> The head of the correctional institution as the executor in the field also does not have pro-justice authority to prosecute prisoners who have escaped. In addition, the police

<sup>1</sup> Presiden Republik Indonesia Soeharto, *Undang-Undang Republik Indonesia Nomor 12 Tahun 1995 Tentang Pemasyarakatan* (Jakarta, 1995).

<sup>2</sup> Presiden Republik Indonesia Joko Widodo, *Undang-Undang Republik Indonesia Nomor 22 Tahun 2022 Tentang Pemasyarakatan* (Jakarta, 2022).

<sup>3</sup> Ikhsan Nugroho, "Implementasi Pengamanan Pada Rumah Tahanan Negara Dikaitkan Dengan Pasal 28D Ayat 1 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Amandemen Ke IV (Studi Penelitian Di Rumah Tahanan Negara Kelas IIb Tanjung Pura)" (Universitas Pembangunan Panca Budi, 2020).

<sup>4</sup> M. Yahya Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP Penyidikan Dan Penuntutan*, 2nd ed. (Jakarta: Sinar Grafika, 2014).

<sup>5</sup> Presiden Republik Indonesia Soeharto, *Undang-Undang Republik Indonesia Nomor 8 Tahun 1981 Tentang Hukum Acara Pidana* (Jakarta, 1981).

<sup>6</sup> Yohana Anggieta Sormin, Herry Liyus, and Nys Arfa, "Peranan Jaksa Dalam Melakukan Pengawasan Terhadap Narapidana Yang Mendapat Pembebasan Bersyarat," *PAMPAS: Journal of Criminal Law* 2, no. 3 (2021): 95–108.

are also not authorised in the implementation of court decisions. The police only have the authority to investigate and prosecute in the criminal justice system.<sup>7</sup> However, the police also cannot implement this authority if there are no allegations of a criminal offence. Since the act of escaping from a correctional institution is not a criminal offence, it is difficult for the police to implement their authority. Based on this statement, it can be known the complexity of law enforcement in the case of escape committed by prisoners.<sup>8</sup>

Some cases of escape committed by prisoners that have occurred, for example the case that occurred at Cipinang Class I Correctional Institution on October 29, 2022, reported that the person concerned escaped from Cipinang Correctional Institution when other residents were praying maghrib in congregation at the prison mosque. After the incident, the prison immediately coordinated with the Security and Order Coordinator of the Directorate General of Corrections and Cibinong Police to find and recapture the person concerned. This indicates legal insecurity in the act of escaping from correctional institutions. Therefore, this research was conducted to find out and analyze the efforts and constraints in preventing escape attempts by prisoners with the case of Correctional Institution Class I Surabaya.

## RESEARCH METHODOLOGY

The approach method used in this research is juridical sociological. The juridical sociological approach is a research approach that studies the impact of society on the law, the degree of the symptoms that exist in society that can affect the law and contradict the paradigm of empirical science.<sup>9</sup> The juridical research method is conducted to understand Law No. 12/1995 on corrections, Correctional Institution Guarding Regulations (PPLP) of 1975, and Decree of the Director General of Corrections No. E.22.PR.08.03 of 2001 concerning fixed procedures. While the sociological approach comes from actual conditions in Corrections regarding the implementation of the security system and the rules in Correctional Institution Class I Surabaya. There are 2 legal material sources in the research, such as (1) primary data from interviews with the officers of correctional institution class I Surabaya; (2) secondary data from official documents, law books related to the research topic.

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<sup>7</sup> Armunanto Hutahaean and Erlyn Indarti, "Lembaga Penyidik Dalam Sistem Peradilan Pidana Terpadu Di Indonesia," *Jurnal Legislasi Indonesia* 16, no. 1 (2019): 27–41.

<sup>8</sup> Muhammad Fatahillah Akbar, "Politik Hukum Pidana Terhadap Perbuatan Narapidana Melarikan Diri Dari Lembaga Pemasyarakatan Di Indonesia," *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 20–34.

<sup>9</sup> Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2013).

## RESULT AND DISCUSSION

### **The Efforts of Correctional Institutions in Preventing Escaped Prisoners at Correctional Institution Class I Surabaya**

The classification of criminal law protection basically has two forms of legal protection consisting of preventive and repressive legal protection.<sup>10</sup> Therefore, Correctional Institution Class I Surabaya applies both legal protection efforts to prevent prisoners from escaping from the Correction Institution. Preventive legal protection is the initial stage that must be done by correctional officers to prevent escaped acts from correctional institutions by providing moral value development to prisoners through a personal approach in fulfilling the rights of prisoners while serving their sentences. One of the preventive efforts conducted by Correctional Institution Class I Surabaya, such as educational assistance for prisoners who have not completed their education in the form of pursuing packages A, B, and C; providing work and skills assistance such as training in making nigarin tofu, crystal ice cubes, sewing courses, laundry, furniture, agriculture, and plantations. In addition, these are the preventive efforts implemented by Correctional Institution Class I Surabaya such following below:

1. Physical Security, which means that an effort to secure objects by applying security on the device/media used. In this case, physical security refers to correctional institution building, such as (1) there are 4 doors which have different functions (1st door as prison access, 2nd door as an entry point for checking the belongings of visiting guests, 3rd and 4th door as an area allowed to pass by prisoners if there is a need for either administration or visitation); (2) there are 9 monitoring post towers; (3) main tower as sterile boundaries between pass-through areas and non-pass-through areas for prisoners.
2. Socialisation of Applicable Sanctions, which means socialising the sanctions that will be imposed if there is an offence committed by the prisoners, such as seclusion and deprivation of prisoners' rights.
3. Create a Conducive Environment, such as providing proper food and beverages for prisoners, face-to-face and in-kind visits, sports facilities and amenities, worship place, and providing space to express competence and skills.
4. Social Reintegration, building harmonious relationships amongst prisoners and with correctional officers is the ultimate objective of social reintegration. Correctional Institution Class I Surabaya attempts to make each prisoner's mind as relaxed as possible in addition to fostering a positive environment among the prisoners. This effort is conducted by taking a personal approach to each prisoner.

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<sup>10</sup> Sulaksono, "Legal Culture Deconstruction in Indonesian Legal System," *IUS POSITUM (Journal of Law Theory and Law Enforcement)* 2, no. 1 (2023).

5. Additional Assistance, such as counseling. Counseling provides prisoners with additional support. The prisoners are given additional activities or extra counseling during this session, such as religious and spiritual activities or sports competitions.
6. Improving Correctional Institution Security, such as periodic inspection or installation of razor wire on prison walls, ceremony for all prisoners which are conducted 3 times a day, periodic and routine inspections of prison blocks, supervise and inspect every person entering and leaving the correctional institution, and check or maintenance of the correctional institution security officers' firearms once a month.

Repressive legal protection is the final protection against offences to prevent them from being repeated by the same or different people. This protection is usually in the form of sanctions imposed on the perpetrator to provide a deterrent effect. On the other hand, Correctional Institution Class I Surabaya is also implemented repressive efforts in preventing its prisoners from escaping, such as coordinating between the correctional authorities, the Security and Order Coordinator of the Directorate General of Corrections and Police before conducting a pursuit; and coordinating with external parties such as the court and prosecutor's office for further handling.

There are several standard operating procedures that must be implemented by each correctional officer at Correctional Institution Class I Surabaya such following below:

1. Standard Operating Procedure for the Head of Security Department
2. Standard Operating Procedure for Security Team Members
3. Standard Operating Procedure for Main Entrance Guard Duties
4. Standard Operating Procedure for Locking Block and Residential Rooms
5. Standard Operating Procedure for Guarding the Upper Post
6. Standard Operating Procedure for the Goods Inspection Task
7. Standard Operating Procedure for Vehicle Inspection Tasks
8. Standard Operating Procedure for the Implementation of People Inspection Tasks
9. Standard Operating Procedure for Making Escort Warrant
10. Standard Operating Procedure for Investigation of Code Infractions

### **The constraints of Correctional Institutions in Preventing Escaped Prisoners at Correctional Institution Class I Surabaya**

Overcapacity is a common issue in correctional institutions and detention centres in Indonesia. According to the data, there are currently 1,572 inmates inhabiting the Correctional Institution Class I Surabaya, which has a holding capacity of only 1,050, indicating that the facility is overcapacity by 518 inmates.

The performance of an institution may not be optimal or maximised due to overcapacity.

The unbalanced comparison between officers and prisoners who must be guarded and supervised in Correctional Institution Class I Surabaya is that there are only 166 officers while the number of prisoners is 1,572, it can definitely be compared to 1 out of 100 and this is not optimal in the process of guarding and supervision in the correctional institution.

The law that regulates the act of escape is only regulated in Article 223 of the Criminal Code which is intended for people who help the offender escape, while those who escape are not subject to criminal sanctions, but only disciplinary sanctions and are relative according to the policies of each prison. However, Article 47 Paragraph 1 of the Law on Corrections states that the Head of the Correctional Institution has the authority to impose disciplinary punishment on prisoners who violate the rules. Although Article 47 Paragraph 2 also mentions the type of punishment and the length of the sentence, the punishment is only the form of seclusion and reduction of rights as a prisoner.

The Correctional Institution Class I Surabaya was established in 1997 and opened in 2000. It was built approximately 27 years ago, and the building is already outdated. The correctional institution has undergone a number of renovations. However, they have all been strictly for maintenance and room extensions; the exterior of the prison wall has not changed since it was first constructed. Prisoners will undoubtedly find it easier to escape in this situation.

The welfare of correctional officers is perceived to be inadequate with relatively small salaries, even though the work performed by officers is a service to the state, especially in guiding, fostering and caring for prisoners or correctional students. The concern is that the lack of employee welfare levels can lead to a lack of discipline so that the level of security is not going well and moreover also trigger prison officers to commit irregularities in prison, one of which is illegal levies.

## **CONCLUSION AND SUGGESTION**

### **Conclusion**

The classification of criminal law protection basically has two forms of legal protection consisting of preventive and repressive legal protection. Therefore, Correctional Institution Class I Surabaya applies both legal protection efforts to prevent prisoners from escaping from the Correction Institution. One of the preventive efforts conducted by Correctional Institution Class I Surabaya, such as educational assistance for prisoners who have not completed their education in the form of pursuing packages A, B, and C; providing work and skills assistance such as training in making nigarin tofu, crystal ice cubes, sewing courses, laundry, furniture, agriculture, and plantations. On the other hand, Correctional Institution Class I Surabaya is also implemented repressive efforts in preventing its prisoners

from escaping, such as coordinating between the correctional authorities, the Security and Order Coordinator of the Directorate General of Corrections and Police before conducting a pursuit; and coordinating with external parties such as the court and prosecutor's office for further handling.

In preventing prisoners from escaping several obstacles experienced by Correctional Institution Class I Surabaya. First, there is an over-capacity of residents, namely with the number of residents 1572 out of a capacity of 1050. Second, the comparison of the number of employees and prisoners is considered less than optimal. Third, the absence of sanctions; the only law governing escape is Article 223 of the Indonesian Criminal Code, which only applies to those who aid the perpetrator in escaping. Those who manage to escape are only subject to disciplinary sanctions, which vary depending on the policies of each correctional institution.

### **Suggestion**

There are several suggestions for further research, such as (1) increasing the capacity and restoring the function of the prison is very important due to the number of residents exceeding the capacity limit; (2) strict sanctions are imposed for violations of the rules, especially violations of escaping from correctional institutions; (3) it is required to increase the staff to alleviate and assist the duties of prison staff in providing guidance to prisoners and maintaining the security and order of the prison; and (4) improving the welfare of prison staff so that they can do their tasks properly and responsibly.



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