The Role of Correctional Institutions in the Implementation of Prisoner Development in Class I Correctional Institution Surabaya through the Perspective of Legal Sociology

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ABSTRACT

The state has no right to treat a prisoner as worse or more cruel than before he or she was admitted to a prison or correctional institution. The existence of correctional institutions is needed to protect inmates against the possibility of reoffending by the inmates. Therefore, this research aims to identify several inmate development measures conducted by Class I Correctional Institution Surabaya, and to find out the implementation of the Correctional Institution's development measures to its inmates. This type of research is empirical research combined with factual, humanitarian, and expertise approaches. Based on the research findings, it can be concluded that Class I Correctional Institution Surabaya has conducted its duties as a prisoner development institution. This can be observed from the establishment of several independence development programs, intellectual ability programs, national insight, legal awareness, and religious personality programs. However, Class I Correctional Institution Surabaya is one of the prisons that has over capacity and some constraints in implementing prisoner development. The deradicalization program is also conducted on some prisoners who were involved in terrorism crimes to change their mindset for the better.

Keywords: Legal Sociology, Prisoner, Role of Correctional Institutions
INTRODUCTION

According to old decisions, imprisonment was unknown along human history until French law was modified in 1670. The only cases where imprisonment occurred were when hostages were retrieved in exchange for money or when the death penalty was substituted before it was decided with other forms of mitigation. The law of church confinement in cells and the traditional form of imprisonment at Bridewell (mid-16th century) were known in medieval England (1200-1400), which was followed by imprisonment for forced labor under the Acts of 1576 and 1609 and imprisonment for confinement under the provisions of the Act of 1711 (Wahyuni, 2017). Before the correctional term was introduced, Indonesia was already familiar with the prison system from the Dutch colonial era. Currently, convicts serving their sentences are forced to work, and even convicts who get more than five years in prison are chained to prevent them from escaping. The evolution of imprisonment in Indonesia can be divided into two distinct periods, each of which has different characteristics and is affected by socio-cultural, political and economic factors. The period of penal practice after the independence of Indonesia (1872-1945) can be divided into four distinct periods, such as the period of forced labor, the period of regional central prisons, the period of Dutch East Indies imprisonment, and the period of penal practice in Indonesia during the rule of the Japanese army. The second phase is Indonesian prison period, independence movement and national prison characteristics (1945-1963), which is divided into three parts, consists of the imprisonment period of the Republic of Indonesia, the independence war period, and the national imprisonment era (Wilsa, 2020).

During the independence era, the concept of correctional was suggested by Sahardjo in his speech when he received his Doctor Honoris Causa degree in law from the University of Indonesia on 5 July 1963. In his speech, he gave a statement about the purpose of imprisonment. In addition to causing pain to the convict due to the loss of movement freedom, Sahardjo stated that imprisonment also leads the convict to repent and educates the convict to become a responsible citizen for the Indonesian society. On the other hand, the purpose of imprisonment is correctional, which implies that not only the society is protected from the repetition of criminal acts by convicts, but also those who have been misguided, provided with life supplies in order to become valuable citizens of the Indonesian socialist society (Shafira et al., 2022). While the prison system in Indonesia has changed to a correctional system, the same goes for the institution that supports it. The prison was initially referred to as a prison and then changed to a correctional institution. The change was in accordance with the Instruction Letter of the Head of the Directorate of Corrections No. J.H.G.8/506, on 17 June 1964. In 1995, with the issuance of Law No. 12/1995 concerning Corrections in the State Gazette of the Republic of Indonesia No. 77/1995 as a replacement for the Prison Regulations of 1917, the term convict also changed to prisoner (Kusuma, 2013).
The latest Law No. 22/2012 on Corrections in Article 1 Paragraph 1 also defines the definition of correctional system, that correctional system is a subsystem of criminal justice that organizes law enforcement in the development of detainees, children, and prisoners. While in Article 1 Paragraph 2, the correctional system is an order regarding the direction, limits, and ways of organizing the correctional function in an integrated manner. Correctional institutions serve as the final stage in the criminal justice system. The criminal justice system consists of four sub-systems, such as police, prosecution, court, and penitentiary. Correctional Institutions are responsible for providing development to prisoners, especially in cases of freedom deprivation. The successful achievement of the objectives of the criminal justice system, such as rehabilitation and resocialization of prisoners in the short term, crime reduction in the medium term, and community welfare in the long term, is affected by other sub-systems of the criminal justice system, such as the police, prosecution, and courts. In addition, the achievement of these objectives is also highly dependent on the assistance provided by prisons in the implementation of deprivation of liberty, especially imprisonment.

The institution seeks to realize an integrative punishment, that is, guiding and restoring the unity of a good and valuable social life. On the other hand, the correctional institution implements rehabilitation, reeducation, resocialization, and protection of both prisoners and society in the implementation of the correctional system. The correctional system as the basis for the pattern of inmate development in the correctional institution is expected to successfully achieve the goals of resocialization and rehabilitation of inmates/correctional students, which can reduce crime and improve the welfare of society as the purpose of the criminal justice system (short term, medium term and long term). Thus, the success of the correctional system in the implementation of guidance for prisoners in prisons/detention centers will affect the success of achieving the objectives of the criminal justice system. In addition, community participation is also very much needed, both by cooperating in development and showing a willing attitude to accept the return of prisoners who have completed serving their sentences (Rotinsulu et al., 2023).

Based on previous background, this research is needed to identify several inmate development measures and to find out the implementation of the Correctional Institution’s development measures to its inmates in Class I Correctional Institution Surabaya.

LITERATURE REVIEW

Theory of Legal Effectiveness

If the purpose of law is simply to seek justice, then the difficulty is that justice itself is subjective, highly dependent on the subjective intrinsic values of each person. This point is also mentioned by Syamsudin Pasamai, that legal effectiveness
has a very close relationship with the issue of application, implementation of law in society in order to achieve legal objectives. In relation to the morphology between legal effectiveness and the problems around society, it is still not effective enough. According to L.J. Van Apeldoorn, legal effectiveness means the success of a law in regulating community life (Agus, 2013).

**Theory of Roles**

A role is the effect expected of a person in a social relationship; a certain social status; and occurs when a person exercises his/her rights and obligations in accordance with their status. Basically, the role exists because of a person’s social status whose personality affects how the role is implemented (Lantaeda et al., 2017).

**Theory of Social Control**

According to Soerjono Soekanto (2015), social control is a planned or unplanned process, which aims to invite, encourage or even force citizens to comply with applicable values and rules. The object (target) of social control is the behavior of society itself. The purpose of supervision is to ensure that community life can continue based on patterns and rules that have been mutually agreed upon. In social control, we can see social control proceeding in three patterns including the following (1) group control over the group, (2) group control over its members, and (3) personal control over other individuals (Yani, 2015).

**RESEARCH METHODOLOGY**

This type of research is empirical legal research with a factual approach, humanitarian approach, and expertise approach. This research uses primary data sources and secondary data sources, with data collection techniques through interviews and literature studies. The data analysis method used is the qualitative descriptive analysis method. This research is empirical legal research, which focuses on primary data as the main data and secondary data as supporting data. The focus of this research is the sociology of law or sociological jurisprudence. This research adopts an empirical approach by conducting on-site research directly to obtain and collect data.

**RESULT AND DISCUSSION**

**Prisoners**

Considering to Law No. 22/2022 on Corrections, prisoners mean convicts who are serving imprisonment for a certain period of time and for life or death sentences pending the execution of a verdict, who are undergoing guidance in correctional institutions. In correctional institutions, prisoners are commonly
referred to as correctional foster residents. Based on Article 9 of Law No. 22/2022 concerning Corrections, prisoners are entitled to the following rights:

a. Practicing worship in accordance with their religion or beliefs;
b. Receiving medical treatments, both physically and mentally;
c. Receiving education, teaching, recreational activities, and opportunities to develop potential;
d. Receiving proper health services and meals in accordance with nutritional needs;
e. Obtaining information services;
f. Receiving legal counseling and legal support;
g. Submitting complaints or concerns;
h. Obtaining reading materials and consuming mass media broadcasts that are not prohibited;
i. To be treated humanely and protected from torture, exploitation, neglect, violence, and any action that harms physical and mental health;
j. Receiving work safety guarantees, wages, or work premiums;
k. Receiving social services and
l. Accepting or refusing visits from family, advocates, companions, and the community.

According to Article 10, Paragraph 1, prisoners also still have several rights. In addition to the rights as referred to in Article 9, prisoners who have fulfilled specific requirements without exception are also entitled to remission, assimilation, leave to visit or be visited by family, conditional leave, leave before release, parole, and other rights in accordance with the provisions of laws and regulations. The obligations of prisoners are regulated in Article 11:

a. Following the rules of discipline;
b. Participating in the guidance program in an orderly manner;
c. Maintaining a clean, safe, orderly, and peaceful way of life; and
d. Respecting the human rights of everyone in their surroundings.

The following are some of the restrictions on prisoners while in the correctional institution, as outlined in the Regulation of the Minister of Law and Human Rights No. 6/2018 on the Code of Conduct of Correctional Institutions and State Detention Centers:

a. Has a financial relationship with other prisoners or with correctional officers;
b. Committing immoral acts or sexual deviations;
c. Making an attempt to escape or helping an escape;
d. Entering the Sterile Area or certain places determined by the Head of the Correctional Institution or Detention Center without permission from authorized correctional officers;
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2. Guidance and Rehabilitation

One of the main objectives of correctional institutions is to guide and rehabilitate prisoners in order to change their personalities after committing offenses. This is conducted through education programs, skills training, counseling, positive attitude development, and social reintegration. These efforts are taken to help them prepare for life in society after completing their sentence.

3. Community Protection

Correctional institutions are also in charge of protecting the community from the dangers and threats that may occur due to prisoners who may potentially re-offend. Through proper supervision and treatment, correctional institutions seek to prevent further crime and ensure the safety and security of the community.

Prisoners Guidance

According to the Great Dictionary of the Indonesian Language, prisoner guidance is a process or activity to improve or develop the physical, mental, moral, and skill abilities of prisoners in order to prepare them to return to society after serving a prison sentence. Meanwhile, according to Mangunhardjana in Pratama (2018), guidance is a learning process by releasing things that are owned and learning new things that are not yet owned, with the aim of helping people who undergo it to correct and develop new knowledge and skills to achieve the goals of life and work more effectively. Guidance can be an action, a process, or a statement of purpose, and it is evidence for the renewal of something (Machmud et al., 2020).

Prisoner guidance is a system. As a system, prisoner guidance has several components that work interrelatedly to achieve a goal. The guidance system includes several scopes:

   a. Direct, family-based interaction between the guide and the guided;
   b. Persuasive and educative;
   c. Planned, continuous, and systematic;
   d. Maintenance and enhancement of security measures adapted to the level of the situation at hand.

The meaning of guidance for prisoners is an element that is organized and works in an interrelated manner with the aim of achieving a purpose. An arrangement of guidance for prisoners has components in it, such as the legal foundation, philosophy, objectives, classification, system approach, actions taken for prisoners, building forms, prisoners, the initial introduction of guidance, remission, the characteristics when guidance takes place, the family of the prisoner and the guide in the institution or the relevant government.

The process of prisoner guidance must begin with the prisoner’s own awareness, which means that the prisoner must have the desire to undergo the guidance process. In addition, the family has an active role in the prisoner guidance
system. Families are expected to participate in guiding prisoners because they are the closest persons in the lives of prisoners. Furthermore, the community, as part of the prisoner’s previous environment, has an equally important position as the family. The community is expected to participate in guiding prisoners by not ostracizing them and not considering prisoners as bad people. In addition, the role of correctional officers, government, and community groups are considered the most critical elements in determining the success of prisoner guidance because they are the ones who are directly involved in providing guidance to prisoners. The guidance carried out in the correctional institution consists of personality guidance and self-reliance guidance. Personality guidance includes fostering national awareness, fostering intellectual abilities (intelligence), fostering legal awareness, and fostering integration with society. Meanwhile, self-reliance guidance includes skills to support independent businesses, skills developed in accordance with their respective talents, and skills to support industrial businesses or agricultural activities using intermediate or high technology.

According to Sasmita, as quoted by Sari (2021), fundamentally, guidance can be interpreted as a constructive activity that can provide better values and results for a prisoner so that later they are aware of the problems that have been committed so that they become self-introspective regarding the conditions experienced so that they are able to improve themselves and not repeat actions that can harm them. Another role is that prisoners are able to participate in playing an active role in society in building their country. As stated in Government Regulation of the Republic of Indonesia No. 31/1999 concerning Guidance and Guidance of Prisoners Article 1 Paragraph 1 and Article 2 Paragraphs 1 and 2:

1. Article 1 Paragraph 1:
   “Guidance is an activity to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and spiritual health of prisoners and correctional residents.”

2. Article 2 Paragraphs 1 and 2:
   1) The guidance and mentoring program includes guiding and mentoring activities for personality and self-reliance.
   2) Guidance Program for Prisoners and Correctional Residents.

The development of the purpose of prisoner guidance is closely related to the purpose of punishment. Punishment refers to the state’s efforts to safeguard the needs and interests of the public, which are the needs and interests of individual or collective citizens that cannot be entirely carried out by themselves. If a person feels harmed by others and is not allowed to retaliate, then their needs and interests are represented or carried out by the state. Punishment, which takes the form of imprisonment, aims to guide convicts in order that after their sentence is completed, they can return to society in a better condition. The guidance carried out includes
physical and mental aspects, general education, health, and many others (Harsono, 2021). The purpose of guidance in corrections can be divided into three things:

a. No longer commits a criminal offense after being released from the correctional institution;

b. Become a helpful human being, play an active and creative role in building the nation and the country;

c. Able to get closer to God Almighty and find happiness in this world and in the hereafter.

According to the contents of Article 3 of Law No. 22/2022 on Corrections, in carrying out the guidance of prisoners must also be in accordance with the following principles:

1. The Principle of Protection
   The principle of protection intends to protect the community from the possibility of repetition of criminal acts by prisoners, as well as providing life supplies to prisoners to become valuable citizens in the community as a form of protection to create public security and order.

2. The Principle of Nondiscrimination
   The principle of nondiscrimination intends to implement the correctional system by not distinguishing treatment on the basis of ethnicity, race, religion, ethnic group, class, politics, social and economic status, and gender.

3. The Principle of Humanity
   The principle of humanity intends to implement the correctional system based on the protection and respect for the human rights and dignity of prisoners.

4. The Principle of Mutual Cooperation
   The principle of mutual cooperation intends to implement the correctional system collaboratively between prisoners and correctional officers, law enforcement officials, government officials, and the community to achieve the objectives of organizing the correctional system.

5. The Principle of Self-Reliance
   The principle of self-reliance intends to implement a correctional system that aims to develop self-potential based on or by taking into account the abilities of prisoners so that prisoners may develop self-quality.

6. The Principle of Proportionality
   The principle of proportionality intends to create a balance of treatment adjusted to the needs, rights, and obligations of prisoners.

7. The Principle of Losing Freedom as the Only Suffering
   What is meant by “the principle of losing freedom as the only suffering” is that the state must not make the condition of the person being served
or guided worse than before they were deprived of their freedom. The loss of freedom should be filled with efforts aimed at improving and enhancing their quality as members of society.

8. The Principle of Professionalism
    What is meant by “the principle of professionalism” is that the correctional system is implemented based on transparent and accountable governance.

    The principles of guidance include three correctional thoughts, which are goals, processes, and methods:
    a. As a goal means that with correctional guidance, it is expected that prisoners can realize their actions and return to being citizens who obey and comply with applicable laws;
    b. As a process means various activities that must be carried out during the guidance and mentoring takes place;
    c. As a method, is a way that must be taken to achieve the purpose of guidance and guidance with the correctional system.

    The stages of prisoner guidance are carried out from the beginning of the prisoners serving their sentence in the Penitentiary until the prisoners finish serving their sentence. It is explained in Article 9 of Government Regulation of the Republic of Indonesia No. 31/1999 on the Guidance and Mentoring of Prisoners that the implementation of prisoner guidance goes through three stages, which are the initial stage, advanced stage, and final stage. The explanation of these stages of guidance is stated in Article 10 of Government Regulation of the Republic of Indonesia No. 31/1999:
    1. Initial stage guidance as referred to in Article 9 Paragraph 1, includes:
       a. a period of observation, familiarization, and environmental research for at least 1 (one) month;
       b. personality and self-reliance guidance program planning;
       c. implementation of personality and self-reliance guidance program; and
       d. early stage guidance program implementation assessment.
    2. Advanced stage guidance, as referred to in Article 9 Paragraph 2, includes:
       a. advanced guidance program planning;
       b. advanced guidance program implementation;
       c. assessment of the implementation of the follow-up guidance program; and
       d. planning and implementation of the assimilation program.
    3. Final stage guidance, as referred to in Article 9 Paragraph 3, includes:
       a. integration program planning;
b. integration program implementation; and

c. termination of the final stage of guidance implementation.

The implementation of the initial and advanced stages of guidance is carried out at the Correctional Institution, while the final stage of guidance is carried out at the Correctional Center. The stages of guidance given to the prisoners aim to prepare the prisoners to be able to integrate healthily with the community so that they can play a role as free and responsible members of society. The best guidance for the success of the prisoners in serving the punishment and being able to return to society and not repeat their actions again is the guidance that comes from the prisoners themselves. The implementation of prisoner guidance activities indeed cannot be implemented by the Correctional Institution alone but requires third parties who have an interest in improving the quality of the process of implementing a guidance program for prisoners.

**Class I Correctional Institution Surabaya**

The Class I Correctional Institution Surabaya, also known as Kalisosok Correctional Institution Surabaya initially, was built in 1908 by the former Governor-General of the Dutch East Indies, Herman Willem Daendels. At the beginning of Daendels’ reign, the institution took nine months to build. The Daendels legacy building still stands strong today. Some of its watchtowers are still standing tall. The foreground also retains the splendor of the colonial architectural style of its era. This historic building occupies an area of 3.5 hectares. By the Dutch colonial government, the building functioned as a prison for indigenous people who committed criminal acts or those who fought against the Dutch colonial government at that time. Inside the facility, there are two indigenous graves as witnesses to the struggle against the Dutch colonial government. Kalisosok Class I Correctional Institution with the address on St. Penjara No.7 around 1987, changed to St. Kasuwari 7 Surabaya.

In the course of the development of Surabaya in 1997, Kalisosok Surabaya Class I Correctional Institution was provided with a new building in Kebonagung Village, Porong District, Sidoarjo Regency, on an area of 170,000m². As a result of an agreement between the East Java Regional Office of the Ministry of Justice and PT Fairco Jaya Dwipa Jakarta, Kalisosok Class I Correctional Institution in Sidoarjo was officially occupied on April 20, 2000. Class I Correctional Institution Surabaya is a technical implementation unit directly responsible to the Regional Office of the Ministry of Justice and Human Rights of East Java under the auspices of the Directorate General of Corrections of the Ministry of Justice and Human Rights of the Republic of Indonesia. Currently, Class I Correctional Institution Surabaya has a capacity of 1050 people (Mustofa & Esthi, 2023).
The Role of Class I Correctional Institution Surabaya in Guiding Prisoners

Based on the results of the researchers’ observations, the implementation of prisoners’ guidance in Class I Correctional Institution Surabaya has been well executed. This is proven by the implementation of several guidance programs as follows:

1. Guidance for Prisoners in the Field of Religious Awareness
   The guidance in the context of religious awareness or spirituality aims to enable prisoners to foster their faith and devotion in worshiping God Almighty. For those who are Muslim, the activities carried out are in the form of reading the Quran, performing mandatory prayers and Friday prayers in congregation, reading Yasin and tahlil every Thursday in each residential block, performing tarawih prayers, breaking the fast together, praying Eid al-Fitr and Eid al-Adha in congregation, slaughtering sacrificial animals, and several activities on the celebration of Islamic holidays. As for prisoners who are Christians, several worship services and Christmas celebrations are held at the correctional church. These religious activities are held in collaboration with volunteers from churches in Sidoarjo and Surabaya.

2. Guidance for Prisoners in the Field of Nation and State Awareness
   This guidance is useful for increasing the awareness of prisoners to the nation and state. This guidance includes scouting activities, flag ceremony activities in commemoration of national holidays, competition activities, and the provision of remission when celebrating the independence day of the Republic of Indonesia.

3. Guidance for Prisoners in the Field of Legal Awareness
   This guidance aims to make prisoners understand their rights and obligations in social life through counseling on legal awareness in social life. In this program, Class I Correctional Institution Surabaya cooperates with the Porong Sector Police, Sidoarjo Resort Police, and the East Java Regional Police.

4. Guidance for Prisoners in the Field of Intellectual Ability
   This guidance is carried out to improve the knowledge and thinking ability of prisoners. In Class I Correctional Institution Surabaya itself, it is carried out with the Study Group of Packages A, B, and C (National Senior High, Junior High, and Elementary School Equivalency) program in collaboration with the Sidoarjo Regency Education Office and Sekar Mentari. In addition, there are also digital libraries and mobile libraries that can be utilized by prisoners to increase information on the outside world.

5. Guidance for Prisoners in the Field of Self-Reliance
   This guidance is carried out with skills training and work guidance in order to develop the skills, potential talents, and interests of prisoners.
This year, Class I Surabaya Correctional Facility has held 3 trainings, such as batik making training, haircut training, and carpentry training. These trainings are the result of cooperation with CV Indah Jasa Mandiri and with the Sidoarjo Regency Vocational Training Center. In addition to several trainings, there are also skills trainings that have been conducted, such as sewing skills, laundry services, dragon fruit, chili, and eggplant plantations, making crystal ice cubes, furniture, and making nigarin tofu. From some of the skills trainings that have been conducted, prisoners also get a premium from the sale of these products. Besides that, they also contribute to the state through Non-Tax State Revenue (PNBP).

Managing Prisoner Guidance Between One Another

The management of guidance between one prisoner and another in Class I Correctional Institution Surabaya is treated equally in accordance with Article 3b of Law No. 22/2022 concerning Corrections, which is the principle of nondiscrimination. The principle of nondiscrimination explains the implementation of a correctional system that does not distinguish treatment on the basis of ethnicity, race, religion, group, class, politics, social status, economic status, and gender. This implies that in carrying out guidance, prisoners are treated equally with the same rights and obligations with no exception.

Particularly for terrorism prisoners, there is a deradicalization stage. This stage aims to make terrorism prisoners abandon radical ideas and return to the right way of thinking. The deradicalization program has been implemented at Class I Correctional Institution Surabaya. In 2015, the deradicalization program at Class I Correctional Institution Surabaya became a pilot project for correctional institutions throughout Indonesia as a pioneer of terrorism prisoners who are willing to swear allegiance to the Unitary State of the Republic of Indonesia. This program was established as a policy by the Directorate General of Corrections to be followed in correctional institutions throughout Indonesia.

CONCLUSION AND SUGGESTION

Conclusion

Based on previous discussion, the role of Class I Correctional Institution Surabaya in developing inmates has been optimized to create a safe and conducive situation. In overcoming the handling of terrorism inmate development, Class I Correctional Institution Surabaya held a deradicalization program where many terrorism inmates at Class I Correctional Institution Surabaya were released by pledging allegiance to the Republic of Indonesia.
**Suggestion**

The researcher would like to provide suggestions to the Class I Correctional Institution Surabaya in order for the implementation of prisoner development to be optimal. It takes the role of the Ministry of Law and Human Rights of Indonesia as the main organization to overcome the obstacles that occur, such as by adding educators and supervisors, providing budgets as needed so that the implementation of development can be done continuously and immediately overcome the problem of overcapacity in the correctional facility.

**REFERENCES**


