

# Analysis Of Local Government Responsibilities in Implementing Prisoner Guidance In Correctional Institutions

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**Abstract :** In the process of coaching prisoners, the participation, support and control of the community and local government are needed in order to restore and improve the self-image of prisoners because prisoners are an inseparable part of society. This study aims to examine, analyze and find the responsibility of local government in implementing prisoner development in Correctional Institutions. This study is a normative legal study, the legal materials used are primary legal materials, secondary legal materials and tertiary legal materials. While the problem approach used is the Statute Approach ( Statuta Approach), conceptual approach and historical approach ( historical approach) The results of the study show that the responsibility of the regional government in implementing the prisoner development program in Correctional Institutions which aims to improve the quality and effectiveness of prisoner development that supports their social reintegration into society, has not been implemented in depth and focused on the program so that its implementation is less than optimal, as well as in the regulations in local government agencies there is no connection, so it has not been implemented optimally. Implementation of local government responsibilities In order to improve the process of fostering prisoners in Correctional Institutions, it is very necessary so that it is necessary to develop a fostering program in which the local government must be responsible because the prisoners in correctional institutions are citizens of the local community itself. The establishment of a fostering program based on the characteristics of the local community and the involvement of the local government is very necessary to recreate prisoners to be independent and useful for the community, nation and state.

**Keywords:** Guidance, Prisoners, Correctional Institutions

## 1. INTRODUCTION

LAPAS is one of the technical service units in the ranks of the Ministry of Law and Human Rights which has the main task of implementing the correctional system for prisoners/children. One of the functions of LAPAS is to carry out the function of guidance which is a process of the correctional system as a realization of criminal reform which was formerly known as prison, also a guidance process that views prisoners/children as God's creatures, individuals and members of society. The implementation of prisoner guidance based on the correctional system aims for prisoners to become whole human beings, as has become the direction of national development, through an approach to strengthening faith and fostering them to be able to interact naturally in group life while in LAPAS and life in society after completing their sentence.

Attention to prisoners in various countries began to grow especially after the establishment of the "Standard Minimum Rules for the Treatment of Offenders" in one of the United Nations congresses on The Prevention Of Crime And The Treatment of Offenders in 1955. In the Standard Minimum Rules for the Treatment of Offenders, among other things, it is determined "It is not permitted to treat prisoners on the basis of differences in ethnicity, religion and social status of prisoners. Thus, the development of prisoners must be based on the principle of equality without discrimination. The term "Correction" itself was first introduced in Indonesia by Sahardjo in his speech entitled "The banyan tree of Panjasila-manipol law protection/Usdek"<sup>1</sup> when the University of Indonesia awarded him an Honorary Doctorate in Law on July 5, 1963, the essence of which was that the purpose of imprisonment, besides causing suffering to the convict because of the loss of freedom of movement, was also to guide the convict to repent and educate him to become a good member of society.<sup>2</sup>

Law Number 22 of 2022 concerning Corrections (PAS Law) Article 1 paragraph (2) defines the Correctional System as: a system regarding the direction and boundaries as well as methods for implementing the Correctional function in an integrated manner. The implementation of guidance for prisoners is specifically aimed at re-establishing their self-esteem and confidence, gaining knowledge/skills, becoming law-abiding people and having the soul and spirit of devotion to the nation and state, so that the implementation of the correctional system as an effort to guide prisoners is also an effort to prevent crime, repetition of crimes or other violations.<sup>3</sup> According to Soejono Dirjosisworo: "What is meant by prisoner development is all efforts to improve the

<sup>1</sup>Suharjo in his speech at the ceremony for the award of an honorary doctorate in law, delivered on July 5, 1963'

<sup>2</sup>Ibid

<sup>3</sup>. Hamzah.A and Rahayu Siti, *A Brief Review of the Criminal System in Indonesia, Jakarta, Akademika Pressindo. 1983. Page 127*

welfare of citizens or prisoners with the intention of directly and minimally avoiding repetition of behavior, LAPAS has a correctional task and functions in providing guidance to prisoners or students, providing guidance, preparing facilities and managing work results, maintaining security and order, and carrying out household administrative affairs of LAPAS. The correctional system is also identical to reintegration, convicts are not only objects but also subjects in development.<sup>4</sup>

As a subject in the development during the correctional process, prisoners are given personality and independence development by paying attention to various aspects of the prisoners' lives so that they have independence and a strong personality along with the increasingly complex social life that prisoners will face after returning to society, so that there is a need to increase the role of the LAPAS as a means of infrastructure for the development in question. In its implementation, This stage of the coaching process requires participation, community support and control that significantly determine the success of the process itself. Guidance for prisoners in general includes care, general education, religious education, and skills/work education related to the community. At the time of the conception of the correctional system which was born 50 years ago, This is considered a fundamental change in the philosophy of punishment, changing into a philosophy of development marked by the recognition of the dignity of prisoners as human beings, restoring the dignity of prisoners and preparing them to return to society. An important issue to question about this philosophy is what method of development is appropriate for today's prisoners and the conditions in society.

The UU PAS regulates the rights and obligations of prisoners and convicts as explained in Article 7, which include; The right to practice worship according to their religion or beliefs, receive treatment, both physical and spiritual, receive education, teaching, and recreational activities, as well as the opportunity to develop potential, receive health services and adequate food according to nutritional needs, receive information services, receive legal counseling and legal assistance, submit complaints and/or grievances, receive reading materials and follow mass media broadcasts that are not prohibited, receive humane treatment and be protected from acts of torture, exploitation, neglect, violence, and all acts that endanger physical and mental health, receive social services and accept or reject visits from family, advocates, companions, and the existence of guarantees for prisoners and children, including to receive education, health, employment, and protection from violence.

Based on Government Regulation Number 31 of 1999, guidance and mentoring of correctional inmates is carried out in the following stages:

1. The initial stage, which begins when the person concerned has the status of a convict up to 1/3 (one third) of the sentence.
2. The advanced stage is divided into two, namely:
  - a. First advanced stage of development
  - b. Second advanced stage/Advanced stage of development
3. Final stage coaching

The stages of prisoner development stated above are a means for correctional officers to monitor the level of development of the prisoner's awareness. The level of development of the prisoner's awareness is one of the important factors in determining the model of development for the prisoner. Prisoner development must pay attention to the prisoner's background, such as education level, crimes committed, and socio-economic level, so that the objectives of development can be realized properly.

As we all understand, the government has tried to educate prisoners in various ways such as: personality development including religious awareness, morality and ethics, national and state awareness, national defense, increasing intellectual abilities, legal awareness, integrating with society and deradicalization as well as skills development which includes skills training to support independent businesses and industry, job training and development of talents. However, on the other hand, there are still some people who do not care, who are suspicious, and even do not want to accept the prisoners. However, it must be admitted that prisoners are an inseparable part of society. In this case, the involvement of local governments in returning prisoners to society is absolutely necessary.

The implementation of guidance for prisoners in the previous UU PAS, namely according to article 9 paragraph (1) of Law Number 12 of 1995, concerning Corrections, guidance can be carried out in collaboration between related government agencies, other community organizations or individuals whose activities are in line with the implementation of the correctional system. The related government agencies referred to include the Ministry of Religion, Ministry of Agriculture, Ministry of Education and Culture, Ministry of Social Affairs, Ministry of Health, Ministry of Manpower, Ministry of Industry, Regional Government BP7 and others. Therefore, this article provides an opportunity for the relevant ministers to establish cooperation which is then further regulated by Government Regulation.

Government Regulation Number 57 of 1999, concerning Cooperation in the Implementation of Guidance and Mentoring of Correctional Inmates, Article 2 states:

That cooperation can be carried out together with government agencies that are functional in nature, meaning that it is adjusted to the main tasks and functions of each department, as well as cooperation with community organizations and individuals that are partnerships, namely cooperation that is based on the principle of mutually beneficial willingness by imposing balanced tasks and obligations according to the conditions of the local Correctional Institution.

U U PAS Number 22 of 2022 was promulgated in Jakarta on August 3, 2022, where Article 89 states:

- a. In the context of carrying out correctional duties, the minister/head of the institution may collaborate with ministries, regional governments, institutions and individuals whose activities are in accordance with the implementation of the correctional system.
- b. Ministries, local governments, and institutions can also provide assistance and support to correctional programs.

Furthermore, in Article 90 it is stated: In carrying out cooperation as referred to in Article 89, the regional government can provide land, infrastructure, and/or funds for the implementation of correctional facilities in its area, of course this is also in line with Article 22 of the Regional Government Law, where there are obligations that the region has, namely:

<sup>4</sup> Soejono.D.Sosio, *Criminology Social Sciences in the Study of Crime*, Bandung: Sinar Baru, 1985, page 235

- Protecting the community, maintaining the press, national unity and harmony, as well as the integrity of the Republic of Indonesia.
- Improving the quality of people's lives
- Developing democratic life
- Realizing justice and equality
- Improving basic education services
- Providing health facilities
- Providing adequate social and public facilities
- Developing a social security system
- Preparing regional planning and spatial planning
- Preserving the environment
- Processing population administration
- Preserving socio-cultural values
- Other mandatory matters mandated by laws and regulations.

The problem faced now is that since the division of authority between the central government and regional governments in connection with the implementation of regional autonomy, several central government agencies have changed their organizational structure to become regional services as elements of the implementation of regional autonomy so that the implementation of cooperation as intended above has not been in accordance with what it should be. For example, the first form of cooperation in implementing training or guidance provided by the Job Training Center (BLK) only lasts for approximately 3 days to one week with the number of participants between 20 to 60 people, after the activity ends there is no further form of follow-up activity carried out by the inmates. Second, there is a budget from the relevant Agency that does not accommodate the implementation of the guidance program for inmates in prisons/detention centers, so that cooperation is broken or becomes unsustainable, the budget used is the budget contained in the DIPA of prisons/detention centers, Third is the non-compliance with the principles of the validity of the law, the absence of implementing regulations that are very much needed to implement the law or the unclear meaning of the words in the law which results in inequality in interpretation and application so that the implementation of guidance activities in prisons has not been felt optimally and is unable to fulfill the responsibility of the regional government to its community as mandated in Article 8 of Government Regulation Number 57 of 1999, concerning Cooperation in the Implementation of Guidance and Guidance for Correctional Inmates and the mandate in Article 89 and Article 90 of the Law on Corrections Number 22 of 2022 which have been described above.

This will certainly raise a question whether the implementation of guidance for prisoners is still the authority of the central government or after a court decision has been made that has permanent legal force, prisoners become fully or partially the responsibility of the Regional Government considering that inmates in correctional institutions are in fact residents of the local community itself so that the guidance provided is continuous, from their presence in prison until they are released and become ex-convicts. It is recognized that the implementation of the principle of deconcentration placed on the provincial area in its position as an administrative area to implement the government authority delegated to the governor as the representative of the government in the provincial area. The governor as the head of the provincial region also functions as the representative of the Government in the region, in the sense of bridging and shortening the span of control of the implementation of the duties and functions of the Government including in the development and supervision of the implementation of government affairs in the district and city areas, then the regional government as the intended connecting bridge has the responsibility for the development of prisoners in the LAPAS. Also related to the word "can" as stated in articles 89 and 90 of the PAS Law Number 22 of 2022, which gives rise to various interpretations so that the implementation of the coaching program for inmates has not been optimal. Therefore, in order to follow up on the issues and problems that occurred above, the author feels the need to conduct in-depth and comprehensive research on this problem with the title of the dissertation "*Analysis of Local Government Responsibilities in the Implementation of Prisoner Guidance in Correctional Institutions*". Based on the background of the problem, the formulation of the problem in this study is formulated as follows: How is the responsibility of the local government in implementing prisoner guidance in Correctional Institutions? Furthermore, the purpose of this study is to study, analyze and find the responsibility of the local government in implementing prisoner guidance in Correctional Institutions to make prisoners independent and responsible citizens.

The uses of research results are as follows:

1. Theoretically, it will provide intellectual contributions to the development of science, especially legal science, and especially for the implementation of guidance for prisoners in this era of autonomy.
2. In practice, it will provide intellectual contributions for those in authority in the ranks of Correctional Institutions regarding the coaching process for prisoners, local governments, related agencies and the community.

## 2. RESEARCH METHODS

### Types of research

The definition of legal research according to Peter Mahmud Marzuki is a process to find legal rules, legal principles, and legal doctrines in order to answer the legal issues faced. Starting from this understanding, this type of research is Normative Legal Research. In this normative research method, it is carried out to determine the responsibility of the local government in the development of prisoners in Correctional Institutions.

### Problem Approach

The problem approach used in this study is the statute approach, conceptual approach, and historical approach. *The statute approach* is used to examine laws and legal regulations related to the legal issues being studied, while *the conceptual approach is used* to obtain legal arguments in answering the problem.<sup>5</sup> *The historical approach* is carried out within the framework of tracking the history of the paradigm shift from the prison model guidance system where the purpose of punishment is deterrence to the correctional model in the form of guidance and mentoring with a continuous process starting from guidance while in prison to outside prison with the involvement and participation of various parties.

### Types and Sources of Legal Materials

The sources of legal materials used by the author include primary legal materials, secondary legal materials and tertiary legal materials.

Primary legal materials are the main legal materials, as legal materials that are authoritative in nature, namely legal materials that have authority. Primary legal materials include laws and regulations and all official documents that contain legal provisions, including :

1. The 1945 Constitution of the Republic of Indonesia
2. Law Number 12 of 1995 concerning Corrections
3. Law Number 23 of 2014 concerning Regional Government
4. Law Number 29 of 2009 concerning Public Services
5. Presidential Regulation of the Republic of Indonesia Number 44 of 2015 Concerning the Ministry of Law and Human Rights
6. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 30 of 2018 Concerning the Organization and Work Procedures of the Regional Offices of the Ministry of Law and Human Rights
7. Government Regulation Number 57 of 1999, concerning Cooperation in the Implementation of Guidance and Mentoring of Correctional Institution Residents,
8. Government Regulation No. 21 of 2007 Concerning Amendments to PP No. 32 of 1999, Concerning Conditions and Procedures for the Implementation of the Rights of Correctional Institution Residents
9. Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PR.07.03 of 1985 concerning the Organization and Work Procedures of Correctional Institutions
10. Decree of the Minister of Justice of the Republic of Indonesia Number M.02-PK.04.10 of 1990 concerning the Pattern of Guidance for Prisoners/Detainees,
11. Instruction of the Head of the Directorate of Corrections number JHG8/506 dated 17 June 1964.

Secondary legal materials are documents or legal materials that provide explanations of primary legal materials such as books, articles, journals, research results, papers and so on that are relevant to the problem to be discussed.

Tertiary legal materials are legal materials that provide guidance and explanations for primary and secondary legal materials, such as dictionaries, internet sites and encyclopedias.

### Legal Material Collection and Analysis Techniques

- a. Primary materials are “data obtained directly from the community. This data is obtained from the first source either through individuals or individuals, such as the results of questionnaires and interviews from sources related to the problem objects raised in this study”. Primary Data “in a study can be obtained through interviews, observations and opinions from various sources and Secondary materials, namely “Data obtained from the literature. Secondary data is primary data that has been further processed and presented. The use of secondary data is “to find initial data or information, obtain theoretical or legal basis, obtain limitations, definitions, meanings of a term”.
- b. Legal Material Analysis

The analysis of the materials used in the study was carried out through qualitative analysis<sup>6</sup>. Qualitative analysis is to describe quality legal materials in the form of sentences that are orderly, coherent, logical, and non-overlapping and effective so as to facilitate the interpretation of legal materials and understanding of the results of the analysis.

## 3.RESULTS AND DISCUSSION

### 1. Institutional Structure of Correctional Institutions

Correctional systems around the world today face a number of problems that affect not only those who are incarcerated, namely how to pay attention to social, physical and mental needs, but also influence the community they return to after leaving the Correctional Institution.

During the transition period, the management of the Correctional Institution was still guided by the Prison Regulations (*Gestichten Reglemen*) Staatblad Number 708, which came into effect on January 1, 1918 and circulars and instructions for the implementation and techniques of correctional institutions issued by the Directorate General of Corrections until the issuance of the Correctional Law Number 12 of 1995 (later replaced by the issuance of the Pas Law Number 22 of 2022) the treatment of prisoners still felt elements of imprisonment and degrading human dignity. However, currently the treatment of prisoners is very humane by prioritizing the Correctional System which aims to restore the unity of the relationship of life, life and livelihood of prisoners.

Correctional Institutions as part of the correctional system that works on post-adjudication, namely institutions that implement court decisions in relation to the deprivation of a person's liberty, there are several principles that need to be used as guidelines in carrying out the duties and functions of correctional institutions and are also the results of the prison conference in Lembang,

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<sup>5</sup> *Ibid*, p.95

<sup>6</sup> *Ibid*

namely:

- 1) Correctional services are not only the goal of imprisonment, but are also about how to treat convicts. Correctional services are a treatment process that adheres to a mutual cooperation system, namely between officers - convicts - the community.
- 2) The aim of Correctional Services is to achieve a unity of life and livelihood relationships between convicts and society.
- 3) The focus of correctional services is not the individual convict exclusively but rather the unity of the relationship between the convict and society.
- 4) Convicts must be seen as people who break the law, not because they want to break the law, but because they are left behind and left behind in following the increasingly complex pace of social life.
- 5) Convicts must be viewed as human beings, creatures of God like other human beings, who have the potential and intention to adapt themselves to life in society.
- 6) All elements involved in the criminal justice process essentially like peace and when the time comes do not hesitate to forgive.
- 7) Correctional Officers must internalize the principles of mutual cooperation and must position themselves as one of the elements in mutual cooperation. There must be no coercion in mutual cooperation, the goal must be achieved through *self-propelling adjustment* and *readjustment approach* and what must be used is *an approach* between fellow human beings.
- 8) Correctional Institutions are for operations to achieve Correctional goals and are not buildings. Buildings are only facilities.
- 9) The ultimate goal of Corrections is justice and prosperity based on Pancasila<sup>7</sup>

Correctional in relation to the treatment of convicts (loss of freedom) means "cultivation" and the term correctional must be interpreted as an interactive word, not as an abstract noun which comes from an active verb ("to socialize") which can be passive ("to socialize") as usual.

If this is the case, then the convict will be made the object of mere correction.

Correctional Institutions as stated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.Hh-05.Ot.01.01 of 2011 concerning Amendments to the Decree of the Minister of Justice Number M.01-Pr.07.03 of 1985 concerning the Organization and Work Procedures of Correctional Institutions have the following duties: carry out the correctional system for prisoners/children. Furthermore, to carry out these tasks, the Correctional Institution has the following functions:

- a. Conducting coaching for prisoners/students;
- b. Providing guidance, preparing facilities and managing work results;
- c. Carrying out social/spiritual guidance for prisoners/students;
- d. Carrying out maintenance of prison security and order;
- e. Performing administrative and household duties.

Correctional Institutions (hereinafter referred to as LAPAS) as stated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-05.OT.01.01 of 2011 concerning Amendments to the Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PR.07.03 of 1985 concerning the Organization and Work Procedures of Correctional Institutions are classified into 4 classes based on capacity, domicile, and place of work activities. The four classes are:

- a. Class I PRISON;
- b. Class IIA PRISON;
- c. Class IIB PRISON; and
- d. Class III PRISON.

Class I (one) prisons as mentioned in the Decree consist of:

- a. Administration Section;
- b. Prisoner Development Sector;
- c. Field of Work Activities;
- d. Security Administration and Public Order Division;
- e. Prison Security Unit.

The Administration Section has the task of carrying out administrative and household affairs of the Prison, having the following functions:

1. Conducting personnel affairs;
2. Conducting financial affairs;
3. Conducting correspondence, supplies and household matters.

The General Administration Section consists of:

- a. The Civil Service Sub-Division has the task of carrying out personnel matters
- b. The Finance Sub-Section has the task of carrying out financial affairs
- c. The General Sub-Section has the task of carrying out correspondence, equipment and household matters

The Prisoner Development Division has the task of carrying out community development for prisoners. To carry out this task, the Prisoner Development Division has the following functions:

- a. Carrying out registration and making statistics and documentation of prisoners' fingerprints;
- b. Providing community guidance;
- c. Manage health and provide care for prisoners.

The Prisoner Development Sector consists of:

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<sup>7</sup> *Academic Manuscript of Draft Law on Amendment to Law Number 12 of 1995 on Corrections*, National Legal Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 2014, pp. 23-25.

- a. Registration Section, has the task of recording and creating statistics and documentation of prisoners' fingerprints.
- b. The Community Guidance Section has the task of providing spiritual guidance and counseling as well as providing sports training, increasing knowledge of assimilation, leave and release of prisoners;
- c. The Prisoner Care Section has the task of managing the health and providing care for prisoners.

The Work Activity Field has the task of providing work guidance, preparing work facilities and managing work results. To carry out these tasks, the Work Field has the following functions:

- a. Providing job training guidance for prisoners;
- b. Preparing work facilities;
- c. Manage work results.

Work activity areas consist of:

- a. The Job Guidance Section, has the task of providing job training instructions and guidance for prisoners;
- b. Work Facilities Section, has the task of preparing work facilities
- c. Work Results Management Section, has the task of managing work results

Article 18 states that the Security Administration and Order Division has the task of arranging the work schedule, use of equipment and division of security tasks, receiving daily reports and minutes from the security units on duty and compiling periodic reports in the field of security and enforcing order. Furthermore, in Article 19, to carry out these tasks the Security Administration and Order Division has the following functions:

- a. Arrange Task Schedule, has the task of arranging task schedule, use of equipment and division of security tasks.
- b. The Report and Rules of Procedure Section has the task of receiving daily reports and minutes from the security units on duty and preparing periodic reports in the field of security and enforcing rules of procedure.

The Prison Security Unit has the task of maintaining the security and order of the prison. To carry out this task, the Prison Security Unit has the following functions:

- a. Carrying out guarding and supervision of prisoners;
- b. Carrying out maintenance of security and order;
- c. Monitoring the acceptance, placement and release of prisoners;
- d. Conducting inspections for security breaches;
- e. Make daily reports and minutes of security implementation.

The organizational structure of Class IIA Prisons is regulated starting from Article 25 to Article 44 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.Hh-05.Ot.01.01 of 2011 concerning Amendments to the Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PR.07.03 of 1985 concerning the Organization and Work Procedures of Correctional Institutions, consisting of:

- a. Sub-Section of General Administration;
- b. Prisoner/student development section;
- c. Work Activity Field Section;
- d. Section for Security Administration and Public Order;
- e. Prison Security Unit.

The Administration Sub-Section has the task of carrying out the administration and household of the LAPAS. To carry out these tasks, the Administration Sub-Section has the following functions:

- a. Conducting personnel and financial affairs;
- b. Conducting correspondence, supplies and household matters.

The General Administration Sub-Section consists of:

- a. Personnel and Financial Affairs, has the task of carrying out personnel and financial affairs
- b. General Affairs, has the task of carrying out correspondence, equipment and household matters

The Prisoner/Protector Guidance Section has the task of providing community guidance for prisoners/protector. To carry out this task, the Prisoner/Protector Guidance Section has the following functions:

- a. Carrying out registration and creating statistics and documentation of fingerprints of prisoners/students
- b. Providing community guidance, managing health and providing care for prisoners/students.

The Prisoner/Protect Guidance Section consists of:

- a. Registration Sub-Section, has the task of recording and creating statistics and documentation of fingerprints of prisoners/students.
- b. The Community Guidance and Care Sub-Section has the task of providing spiritual guidance and counseling as well as providing sports training, increasing assimilation knowledge, release leave and the welfare of prisoners/students as well as managing the health and providing care for prisoners/students.

The Work Activities Section has the task of providing work guidance, preparing work facilities and managing work results. To carry out these tasks, the Work Activities Section has the following functions:

- a. Providing job training guidance for prisoners/students and managing work results;
- b. Prepare work facilities.

The work activities section consists of:

- a. The Work Guidance and Work Results Management Sub-Section has the task of providing guidance and direction for prisoners/students and managing work results.
- b. The Work Facilities Sub-Section has the task of preparing work facilities.

The Security Administration and Order Section has the task of arranging the duty schedule, use of equipment and division of

security tasks, receiving daily reports and minutes from the security units on duty and compiling periodic reports in the field of security and enforcement of order. To carry out these tasks, the Security Administration and Order Section has the following functions:

- a. Arrange task schedules, use of equipment and division of security tasks;
- b. Receive daily reports and minutes from the security unit on duty and prepare periodic reports in the field of religion and enforcing order.

The Security and Order Administration Section consists of:

- a. Security Sub-Section, has the task of organizing work schedules, use of equipment and division of security tasks.
- b. The Reporting and Rules of Procedure Sub-Section has the task of receiving daily reports and minutes from the security units on duty and preparing periodic reports in the field of security and enforcing rules of procedure.

The Prison Security Unit has the task of maintaining the security and order of the prison. To carry out this task, the Prison Security Unit has the following functions:

- a. Carrying out guarding and supervision of prisoners/students;
- b. Carrying out maintenance of security and order;
- c. Monitoring the acceptance, placement and release of prisoners/students;
- d. Conducting inspections for security breaches;
- e. Make daily reports and minutes of security implementation.

The Prison Security Unit is led by a Chief and is in charge of Prison Security Officers who are under and directly responsible to the Prison Head.

The organizational structure of Class IIB Prisons is regulated in Articles 45 to 60 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.Hh-05.0t.01.01 of 2011 concerning Amendments to the Decree of the Minister of Justice of the Republic of Indonesia Number M.01- PR.07.03 of 1985 concerning the Organization and Work Procedures of Correctional Institutions concerning the Organization and Work Procedures of Correctional Institutions which consists of:

- a. Sub-Section of General Administration;
- b. Guidance Section for Prisoners/Students and Work Activities;
- c. Security Administration and Order Section;
- d. Prison Security Unit.

The Administration Sub-Section has the task of carrying out the administration and household affairs of the LAPAS. To carry out these tasks, the Administration Sub-Section has the following functions:

- a. Conducting personnel and financial affairs;
- b. Conducting correspondence, supplies and household matters.

The General Administration Sub-Section consists of:

- a. Personnel and Financial Affairs, has the task of carrying out personnel and financial affairs
- b. General Affairs, has the task of carrying out correspondence, equipment and household matters

The Prisoner/Protector Guidance and Work Activities Section has the task of providing community guidance for prisoners/protector and work guidance. To carry out these tasks, the Prisoner/Protector Guidance and Work Activities Section has the following functions:

- a. Carrying out registration and creating fingerprint documentation statistics and providing community guidance for prisoners/students;
- b. Manage health and provide care for prisoners / students;
- c. Providing work guidance, preparing work facilities and managing work results.

The Prisoner/Protector Guidance and Work Activities Section consists of:

- a. The Registration and Community Guidance Sub-Section has the task of recording, making statistics, fingerprint documentation and providing spiritual guidance and counseling, providing sports training, increasing assimilation knowledge, taking leave and releasing prisoners/students.
- b. The Prisoner/Protector Care Sub-Section has the task of managing the health and providing care for prisoners/protégés.
- c. The Work Activities Sub-Section has the task of providing work guidance, preparing work facilities and managing work results.

The Security Administration and Order Section has the task of arranging the duty schedule, use of equipment and division of security tasks, receiving daily reports and minutes from the security units on duty and compiling periodic reports in the field of security and enforcing the rules and regulations. To carry out these tasks, the Security Administration and Order Section has the following functions:

- a. Arrange task schedules, use of equipment and division of security tasks;
- b. Receive daily reports and minutes from the security unit on duty and prepare periodic reports in the field of religion and enforcing order.

The Prison Security Unit has the task of maintaining the security and order of the prison. To carry out this task, the Prison Security Unit has the following tasks:

- a. Carrying out guarding and supervision of prisoners/students;
- b. Carrying out maintenance of security and order;
- c. Monitoring the acceptance, placement and release of prisoners/students;
- d. Conducting inspections for security breaches;
- e. Make daily reports and minutes of security implementation

The Prison Security Unit is led by a Chief and is in charge of Prison Security Officers who are under and directly responsible to the Prison Head.

Class III Correctional Institutions consist of:

- a. Administrative Affairs;
- b. Admission and Orientation Subsection;
- c. Development Subsection; and
- d. Security and Order Subsection.

Furthermore, Article 60 letter b to letter e of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.Hh-05.Ot.01.01 of 2011 concerning Amendments to the Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PR.07.03 of 1985 concerning the Organization and Work Procedures of Correctional Institutions explains that the Administrative Affairs have the task of carrying out planning, personnel and finance, administration, equipment and household affairs as well as preparing evaluation materials and compiling reports. The Admission and Orientation Sub-Section has the task of carrying out registration and data base, assessment and classification, information services and receiving complaints. The Guidance Sub-Section has the task of carrying out personality development, independence development, community guidance, food and equipment services for prisoners and health services. The Security and Order Sub-Section has the task of carrying out security and order administration, prevention and action against disturbances to security and order.

According to Edwin Robinson and William Leffingwell Office Management can be defined as planning, controlling, and organizing office work, and motivating those who carry it out to achieve predetermined goals. Furthermore, according to George R. Terry Office management is planning, controlling and organizing office work, and motivating those who carry it out to achieve predetermined goals.

According to Millis Geoffrey, office management is the art of guiding office personnel in using appropriate means to their environment in order to achieve set goals. According to Rifhi Siddiq, office management is a method carried out by considering management functions related to previously planned office work. Meanwhile, according to WH Evans, office administration is a function that concerns the management and direction of all stages of company operations regarding the management of information materials, communication, and organizational memory. Thus, in essence, office management is a series of activities of planning, organizing (arranging and composing), directing (giving direction and instructions), supervising and controlling (conducting control) until it is carried out in an orderly manner according to the objectives of a matter or activity. The things or targets affected by the series of activities are generally office work. Office work includes:<sup>8</sup>

- Typing
- Calculating
- Checking (checking)
- Storing documents/archives (filing)
- Telephoning
- Duplicating
- Sending letters (mailing)
- Stage
- Take notes
- Sort

So, if we look at the organizational structure of LAPAS, we can see that LAPAS is only given authority in terms of carrying out its duties and functions without being given more or extra authority in carrying out action, investigations or other authorities.

## 2. Correctional System

Viewing the correctional system as a treatment for prisoners in Indonesia since 1964 with social retrenchment as its goal, of course, cannot be separated from how the prisoner development process is carried out.

The social process, viewed from a security perspective, is divided into 4 (four) stages:<sup>9</sup>

- a. First stage: Maximum security stage, up to 1/3 of the actual criminal term.
- b. Second stage: Medium security stage, up to 1/2 of the actual sentence.
- c. Third stage: Minimum security stage, up to 2/3 of the actual sentence.
- d. Fourth stage: Integration stage, from the completion of 2/3 of the actual sentence until the sentence is finished.

**The first stage: the maximum security stage**, prisoners at this stage receive strict supervision, if necessary armed guards, especially for dangerous prisoners. This stage begins with the admission and orientation stage, namely since entering, being registered, examining the verdict letters, the length of his sentence, calculating when he will be released and so on and conducting research to find out everything about him. The results of this research are very important for the preparation of the next development program, what education/work is suitable, and where he should be planted. The admission and orientation stage lasts a maximum of one month.

**Second stage: medium security stage**, this stage has looser supervision of prisoners compared to the first stage. You can work or exercise outside prison, accompanied by correctional officers. This stage can be 1/2 (half) of the actual criminal term.

**The third stage: minimum security stage**, this stage starts from 1/2 (half) to 2/3 (two thirds) of the actual sentence. At this stage, prisoners can be assimilated out of the prison without escort. This assimilation, for example, is worshipping, exercising, attending education, working outside the prison together with the general public without escort, only the nature of escort and guidance from

<sup>8</sup> <http://chairulhudoosider.blogspot.com/2013/09/definisi-manajemen-perkantoran.html>. Accessed at 20.21 on April 02, 2023.

<sup>9</sup> Bachliar Agus Salim, *Imprisonment in the Criminal System in Indonesia*, Dissertation, Medan, University of North Sumatra, 1985, pp. 188-189



prison officers. At the third stage, prisoners can be assimilated out, namely working outside the prison leaving in the morning and returning to the prison in the evening in order to be independent (working alone) in a fixed place; for example from a barber, or in a private company, for example as an employee of a factory or even in a government agency, for example as a driver.

**The fourth stage:** the integration stage, at this stage, if two-thirds of his sentence has been served and at least 9 months, a prisoner can be proposed to be given parole. At this integrity stage, the prisoner is fully in the midst of society or his family, only later when his parole period has expired (the sentence served while serving parole) he returns to the nearest prison to take care of/complete his release letter/release letter. By getting a release letter from the prison, his status as a prisoner is finished/lost. If in this fourth stage it is difficult or impossible to be given parole (because the requirements may be difficult to obtain, for example a statement letter from the victim beforehand stating that he does not object to being given parole) then he can be given leave before release (CMB) which is the same length as the length (number) of the last remission, but may not be more than 6 months.

The stages described above are only given if the prisoner really follows the rules in prison and follows the guidance given by correctional officers diligently so that his good behavior never receives disciplinary punishment. If he behaves badly then he will not be able to move up to the next stage, for example if he is already at the fourth stage, but he makes a riot, organizes a rebellion in prison, or escapes and is caught again, then he returns to the first stage ( maximum security level ).

In Indonesia, one prison implements all three stages, meaning one prison for maximum security, medium security and minimum security stages all at once, only separated by their own blocks, for example block A for maximum security, block B for medium security and block C for the minimum security stage, this type of prison is called a “ *mufti purpose* ” prison.<sup>10</sup>

Currently, the Government (Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia) has planned a prison that will only be designated for prisoners in the maximum security and medium security stages. This is called the “ *Dual Purpose* ” prison.

According to the Correctional System, prisoners/students are not allowed to leave the “ *dual purpose* ” prison (prisoners/students in *maximum security* and *medium security* stages) without an escort. It is permissible to leave the prison without an escort at the minimum security stage only, namely in the context of assimilation/integration with society.

Romly Admasasmita,<sup>11</sup> responding to the four-phase coaching method, stated that there were several things that were worth mentioning;

**First** , it seems that the initiator and inventor of the coaching method based on the above social process tends to divide the life of prisoners during their sentence based on the time variable. Starting from when the prisoner enters the intensive prison, it is implemented. **Second**, as a consequence of the first point above, it can be said that it will be very difficult for prison officers to assess the mental and behavioral aspects of a prisoner as long as the assessment of the good and bad aspects of a prisoner is still limited by the time limit factor as previously explained. Isn't a person's mentality or behavior not limited by time? This can be proven by an example of how difficult it is to manage the life of a prisoner who has just entered the prison compared to those who are classified as recidivists (those who have repeatedly committed crimes) as experienced by prison officers. In fact, after they are released into the outside community, they commit crimes again. It seems that the assessment of the good and bad aspects of a prisoner must have been considered so that the outside community (in a limited sense) also gives its impressions since a prisoner undergoes assimilation. **Third** , in addition to the four processes, these correctional processes still have weaknesses in terms of coaching methodology and in their management instructions; they also still require the support of targeted and comprehensive laws and regulations. This is clearly seen from the provisions on the correctional process. **Fourth**, in the implementation of the four stages of the correctional process, there are still clashes or lack of understanding and misunderstanding from officers of other agencies such as the police or prosecutors regarding the implementation of correctional services. It appears that here, information and correctional counseling to strengthen the implementation of correctional services in relation to the overall law enforcement process has not been implemented intensively.

The development of prisoners is regulated in Government Regulation Number 31 of 1999 in Article 7 Paragraph 2 (two), that the development of prisoners consists of 3 (three) stages, namely:

- a. Early stage
- b. Advanced Stage, and
- c. The final stage.

In this regard, Article 11 states that:

1. Initial and advanced stages of development are carried out in prisons
2. The final stage of guidance is carried out outside the prison by BAPAS
3. If a prisoner does not fulfill certain requirements, the final stage of the prisoner's development will still be carried out at the prison.

In the General Explanation of the Corrections Law, which is the legal and philosophical basis for the implementation of the corrections system in Indonesia, it is stated that:

1. For the Indonesian state which is based on Pancasila, new ideas regarding the function of punishment are no longer merely imprisonment but are an effort to rehabilitate and reintegrate social prisoners. This has given birth to a system of guidance which for more than 30 years has been known and called the Correctional System.
2. Although there have been various improvements regarding the criminal order (stalsel) such as the conditional criminal institution (Article 14a of the Criminal Code), conditional release (Article 15 of the Criminal Code), and special institutions for determining and punishing children (Articles 45, 46 and 47 of the Criminal Code), the nature of criminal punishment is still based on the principles and system of imprisonment. The imprisonment system places great emphasis on the elements of

<sup>10</sup> *Ibid* , p. 192

<sup>11</sup> Romli Admasasmita, (I) *From Prison to Prisoner Development*, Bandung, Alumni Publisher, 1971, page 60.

revenge and deterrence, so that the institutions used as places of guidance are prisons for convicts and state educational houses for children who are guilty.

3. The imprisonment system which places great emphasis on the elements of revenge and imprisonment accompanied by the institution of "prison houses" has gradually come to be seen as a system and means which are not in line with the concept of rehabilitation and social reintegration, so that prisoners realize their mistakes, no longer wish to commit crimes and return to being responsible members of society for themselves, their families and their environment.

From the author's explanation above, it is clear that the function of punishment is to carry out rehabilitation and social reintegration so that prisoners realize their mistakes and improve themselves so that they can return to being good and useful citizens. The correctional system aims to protect society from the possibility of repeated criminal acts by correctional inmates, and is an application and inseparable part of the values contained in Pancasila.

If we compare the prisoner development system in other countries, for example prisons in Japan, then it can be explained as follows, that the Bureau of Corrections is under the Ministry of Justice of Japan which has the authority and responsibility for the Treatment of Prisoners, Development and Adaptation of the Correctional Law. Correctional institutions" in Japan include prisons for sentenced adults, juvenile detention centers for sentenced children, and detention houses for pre-trial prisoners.

In Japan, there are 62 prisons, 7 juvenile prisons, 52 juvenile classification houses, 52 juvenile training schools, 10 detention centers, 8 regional parole boards, and 50 probation offices. The Japanese justice system considers imprisonment as a punishment that can be imposed with or without prison labor. During incarceration, the Bureau of Corrections uses correctional treatment to support inmates in reforming their behavior, with the aim of reintegrating into society. This effort is supported by the probation and parole system. The Bureau of Corrections considers employment as a major factor in preventing reoffending by providing a steady income and helping released inmates, building stable social relationships so that they become law-abiding and independent citizens, and by offering vocational training and employment assistance to inmates, in cooperation with various public and private organizations, it can reduce unemployment due to inadequate qualifications upon release.<sup>12</sup>

Vocational training in prisons mainly consists of learning new skills and techniques, linked to employment assistance, social contribution activities and even traffic safety. This training is completed in conjunction with educational programs, such as academic training, correspondence courses and life guidance, following the curriculum of the General School Education Act, furthermore, work in general occupies an important place in correctional care in Japan. Thus, Japanese correctional institutions contain a prison industry in which work is divided into three categories, mainly productive work, vocational training and self-maintenance work. The majority of inmates serve their prison sentences by working, which is required by law and is considered to improve inmates' morale and maintain discipline. As a result, working hard during the day is a very common practice for most inmates. General working conditions, such as daily working hours and days off, are determined by the prison warden, which are carried out "in accordance with the standards stipulated by the Ordinance of the Minister of Justice, are paid and inmates can earn extra money according to their achievements in work

The above mentioned objectives are to reintegrate ex-convicts into society by providing them with employment by finding employers and companies to join the service, where participants can post their job advertisements inside the correctional facility to provide a smooth transition for offenders from prison employment to employment outside the facility, other efforts made include working with NGOs, places such as welfare hotels and halfway houses to receive such inmates after their release as well as community involvement in the reintegration process of inmates, other organizations such as the Big Brothers and Sisters Movement and the Women's Association for Rehabilitation Assistance, working with the government to work towards successful reintegration.<sup>13</sup>

Looking at the comparison of the implementation of guidance in Japanese prisons, it looks similar or has similarities with the objectives of prisoner guidance in Indonesia, the involvement of related agencies, government (state), companies, community service institutions and community organizations greatly assists the development process of prisoners to become independent after their release, the difference is; there is no involvement of the regional or district government but more emphasis on cooperation in the private sector so that in Japan there are also known private prisons where correctional institutions are established by the state but their management and operations are run by the private sector.

Article 3 of the Corrections Law Number 22 of 2022 states that the Corrections System is implemented based on the following principles:

- a. Protection;
- b. Non-discrimination
- c. Humanity
- d. Mutual cooperation
- e. Independence
- f. Proportionality
- g. Loss of Freedom is the only suffering;
- h. Professionalism

What is meant by "principle of protection" is protecting society from the possibility of repeated criminal acts by prisoners, children and inmates, as well as providing life provisions to prisoners, children and inmates so that they become useful citizens in society as a form of protection to create security and public order.

What is meant by "non-discrimination principle" is the implementation of a Correctional System that does not differentiate treatment based on tribe, race, religion, ethnicity, group, class, politics, social and economic status, and gender.

<sup>12</sup> UNRISD, *Experiences with Welfare, Rehabilitation and Reintegration of Prisoners*, Switzerland, 2018 p. 39

<sup>13</sup> Ibid, pp. 40-49

What is meant by "humanitarian principle" is the implementation of the Correctional System which is based on the protection and respect of human rights and the dignity of Prisoners, Children and Inmates.

What is meant by "the principle of mutual cooperation" is that the Correctional System is implemented jointly between Prisoners, Children, and Inmates with Correctional Officers, law enforcement officers, government officials, and the community to achieve the objectives of implementing the Correctional System.

What is meant by "principle of independence" is the implementation of the Correctional System which aims to develop self-potential based on or by paying attention to the abilities of Prisoners, Children and Inmates so that they can develop their self-quality.

What is meant by the "principle of proportionality" is a balance of treatment that is adjusted to needs as well as rights and obligations.

Article 4 of Law Number 22 of 2022 states that the Correctional Function includes:

- a. Service;
- b. Coaching;
- c. Community Guidance;
- d. Maintenance;
- e. Security; and
- f. Observation.

According to Article 2 of Law Number 22 of 2022, the objectives of implementing the correctional system are:

- a. Provide guarantees of protection for the rights of detainees and children
- b. Improving the quality of personality and independence of inmates so that they realize their mistakes, improve themselves and do not repeat criminal acts so that they can be accepted back into society, can live normally as good citizens, obey the law, are responsible and can be active in development,
- c. Providing protection to the community from repeating criminal acts

Guidance at LAPAS is carried out:

- a. Intramurally (inside the prison) and
- b. Extramurally (outside the prison).

Intramural guidance carried out in prisons is called assimilation, which is the process of guiding prisoners who have met certain requirements by integrating them into community life. Extramural guidance is also carried out by BAPAS which is called integration, namely the process of guiding WBP who have met certain requirements to live and return to the community with guidance and supervision from the Correctional Center (BAPAS).

### 3. Responsibilities of Local Government

The main tasks of government can be summarized into three essential functions in their implementation, namely: service, empowerment and development. One of the most important main tasks of government is to provide public services to the community. Therefore, government organizations are often referred to as "Public Service". In reality, not all government officials/government administrators realize the importance of service. The low quality of service received by the community and the government's weak understanding of the importance of service so far actually show a lack of responsibility from government officials. In fact, responsibility is one of the important elements of the implementation of good public service. The presence of a country and its tools, namely the government or other state power holders, essentially has a mandate resulting from an agreement between the community and the state. So, the government must have a commitment to do what has been agreed to be its main task. Democracy that is implemented will only have a meaningful meaning if government officials in providing services have responsibility.

The importance of building responsible government services is because the community has the right to receive services that prioritize service effectiveness, service efficiency, service responsiveness, service sustainability and the estuary of all of that is the needs and demands of the community for welfare. This is based on what Kumorotomo has said <sup>14</sup>that state decision makers have certain obligations to citizens because they have indeed obtained part of the rights that were previously individual matters. The community or citizens give up some of their interests to be handed over to the state authorities, and the state through its apparatus obtains the right to regulate part of the life of its citizens.

Building responsible government services will create public welfare as a basis for the formation of a humane society. According to Ratminto and Atik Septi Winarsih, <sup>15</sup>public services or general services can be defined as all forms of service, both in the form of goods and public services which in principle are the responsibility and implemented by government agencies at the center, in the regions, and in the environment of State -Owned Enterprises or Regional-Owned Enterprises, in an effort to fulfill the needs of the community or in the context of implementing the provisions of laws and regulations.

Classification of Government Affairs in Law Number 23 of 2014 on Regional Government Article 9 (1) Government Affairs consist of 3 affairs, namely absolute government affairs, concurrent government affairs, and general government affairs. Absolute government affairs are Government Affairs that are entirely under the authority of the Central Government. Concurrent government affairs are Government Affairs that are divided between the Central Government and the provincial and district/city governments. General government affairs are Government Affairs that are under the authority of the President as head of government.

<sup>14</sup> Komorotomo, Wahyudi, *Ethics of State Administration*, Raja Grafindo Persada, Jakarta, 2014. Page 179.

<sup>15</sup>Hardiyansyah. *Public Service Quality : Concept, Dimension, Indicators and Implementation*. Gava Media, Yogyakarta 2011.p.11

For concurrent affairs or government affairs divided between the Central Government and the Provincial Government and Regency/City Government are divided into mandatory government affairs and optional government affairs. Mandatory Government Affairs are Government Affairs that must be carried out by all Regions. While Optional Government Affairs are Government Affairs that must be carried out by the Region in accordance with the potential owned by the Region. For Mandatory Government Affairs are government affairs carried out by the regional government divided into Government Affairs related to Basic Services and Government Affairs not related to Basic Services, the following is the division of mandatory affairs.

The division of concurrent government affairs between the Central Government and provincial and district/city governments as mentioned above is based on the principles of accountability, efficiency, and externalities, as well as national strategic interests.

Absolute Government Affairs in Article 10 explains;

- (1) Absolute government affairs as referred to in Article 9 paragraph (2) include: a. foreign policy; b. defense; c. security; d. justice; e. national monetary and fiscal; and f. religion.
- (2) In carrying out absolute government affairs as referred to in paragraph (1), the Central Government: a. carries it out itself; or b. delegates authority to Vertical Agencies in the Region or the governor as a representative of the Central Government based on the principle of Deconcentration.

Part Three Concurrent Government Affairs Article 11 paragraph (1) Concurrent government affairs as referred to in Article 9 paragraph (3) which are the authority of the Region consist of:

**a. Mandatory Government Affairs and Optional Government Affairs.**

Mandatory Government Affairs as referred to in paragraph (1) consist of Government Affairs related to Basic Services and Government Affairs not related to Basic Services.

Mandatory Government Affairs relating to Basic Services as referred to in paragraph (2) are: Mandatory Government Affairs, part of the substance of which is Basic Services as referred to in Article 11 paragraph (2) include:

- a. Education;
- b. Health;
- c. Public works and spatial planning;
- d. Public housing and residential areas;
- e. Peace, public order and protection of the community; and
- f. Social.

Mandatory Government Affairs that are not related to Basic Services as referred to in Article 11 paragraph (2) include:

- a. Labor;
- b. Women's empowerment and child protection;
- c. Food;
- d. Land;
- e. Environment;
- f. Population administration and civil registration;
- g. Community and village empowerment;
- h. Population control and family planning;
- i. Transportation;
- j. Communication and informatics;
- k. Cooperatives, small and medium enterprises;
- l. Capital investment;
- m. Youth and sports;
- n. Statistics;
- o. Encryption;
- p. Culture;
- q. Library; and
- r. Archiving.

**b. Optional Government Affairs as referred to in Article 11 paragraph (1) include:**

- a. Marine and fisheries;
- b. Tourist;
- c. Agriculture;
- d. Forestry;
- e. Energy and mineral resources;
- f. Trading;
- g. Industry; and
- h. Transmigration.

It must be admitted that the Correctional Institution itself cannot provide a guarantee that inmates who have been trained will definitely obey the rules and will not commit crimes again, nor is there a guarantee that the program being run will definitely bring satisfactory results so that they can become good people. The targets that need to be trained are the personal and morals of the inmates, who are encouraged to raise a sense of self-esteem in themselves and others, and develop a sense of responsibility to adjust to a peaceful and prosperous life in society, and then have the potential to be noble and have high morals.

Cooperation with law enforcement officers, local governments and several related agencies in overcoming problems in correctional institutions greatly assists in the implementation of prisoners' rights, both in the construction of new correctional institutions, the transfer of prisoners to correctional institutions with fewer occupants and accelerating the release of prisoners

through the fulfillment of prisoners' rights, as well as other matters related to skills that are independent or other development as capital/business that can be developed after prisoners are back in the community .

A person who, despite having the status of a convict, still obtains, has and is not deprived of all the rights inherent to him as a human being. Treatment of suspects, defendants and convicts whose liberty has been deprived must be based on the principle of legal protection and respect for human rights based on Pancasila and

The 1945 Constitution of the Republic of Indonesia

Starting from the 1945 Constitution, Article 27 paragraph ( 2 ), which states that "Every citizen has the right to work and a decent living for humanity" and Article 34, which states that "The poor and neglected children are cared for by the state", then prisoners and former prisoners (and children of the state) both as individuals and members of society also have the right to receive decent treatment in a humanitarian manner and not be isolated from community life.

For this reason, it is necessary to receive treatment that requires the involvement of various agencies, both government and private, so that after completing their criminal sentence in the Correctional Institution, they are expected to become useful, productive, active and creative citizens in the context of the national development process, including development programs implemented by the regional government by involving the entire potential of the community.

Article 7 of Law Number 22 of 2022 on PAS states that detainees and prisoners have the right to:

- a. Carrying out worship in accordance with one's religion or beliefs;
- b. Get treatment, both physical and spiritual;
- c. Get education, teaching, and recreational activities, as well as opportunities to develop potential;
- d. Get adequate health services and food according to nutritional needs;
- e. Get information services;
- f. Get legal counseling and legal assistance;
- g. Submit procurement and/or complaints;
- h. Obtain reading materials and follow mass media broadcasts that are not prohibited;
- i. Receive humane treatment and be protected from acts of torture, exploitation, neglect, violence and all acts that endanger physical and mental health;
- j. Get social services; and
- k. Accepting or rejecting visits from family, advocates, companions and the community.

As a legal basis for implementing policies in the regions or local governments, several joint decisions have been issued between the Minister of Justice and related ministers while referring to Article 7 above, so that several things related to the nature of the responsibility of the Regional Government can be described or explained , including:

### **1. Carrying out worship in accordance with one's religion or beliefs;**

There is a difference between religious education and religious education. Government Regulation (PP) of the Republic of Indonesia Number 55 of 2007 concerning Religious Education and Religious Education , in CHAPTER II article 2, paragraph (2) religious education aims to develop students' abilities in understanding, experiencing, and practicing religious values that harmonize their mastery of science, technology and art. Religious education includes, among others, religious study groups, Al-Quran Education (PA) and other religious studies, while religious education aims to form students who understand and practice the values of their religious teachings.

Zakiyah Darajat stated, "Religious education should be able to color a person's personality, so that religion truly becomes a part of his personality that will become a controller in his life in the future. For religious guidance, religious education should be given by someone who truly reflects religion in his attitude, behavior, gestures, way of dressing, style of speaking, facing problems, and his entire personality, religious education and guidance will be successful if the teachings of religion are alive and reflected in the person's personality."<sup>16</sup>

Carrying out religious worship is a form of fostering devotion to God Almighty, which is an obligation for prisoners to follow and carry out properly. In fulfilling the prisoner's right to worship, prisons are obliged to:

- a. Providing adequate and sufficient places of worship for the worship needs of each religious adherent, if the place of worship facilities are not yet available then the prison is obliged to make efforts to provide a place or room for carrying out worship;
- b. Providing personnel to carry out religious education, and if there are no competent officers for this purpose, then the prison is obliged to cooperate with the local Ministry of Religion or religious institutions that are willing to cooperate in this matter;
- c. Making plans for religious activities in addition to opportunities to carry out religious worship, religious education, commemoration of religious holidays and religious counseling which are carried out periodically;
- d. Make every effort to ensure that all residents participate in religious activities in accordance with their respective religions and beliefs without limiting them to taking turns;
- e. To overcome concerns about security disturbances if all residents perform their religious duties in the available places of worship so that the implementation of their religious obligations is carried out in turns or by representatives, this policy is not in accordance with efforts to increase piety towards God Almighty.

The Ministry of Religion has the task of organizing government affairs in the field of religion to assist the President in organizing the government of the country. In carrying out its duties, the Ministry of Religion carries out the following functions:

1. Formulation, determination and implementation of policies in the field of guidance for Islamic, Christian, Catholic, Hindu, Buddhist and Confucian communities, organization of the Hajj and Umrah, and religious and religious education;
2. Coordination of the implementation of tasks, coaching, and provision of administrative support to all organizational elements within the Ministry of Religion;

<sup>16</sup>Zakiyah Darajat, *Science of the Soul of Religion* , Jakarta: Bulan Bintang, 1996, 1st ed ., p . 107

3. Management of state assets/wealth which is the responsibility of the Ministry of Religion;
4. Supervision of the implementation of duties within the Ministry of Religion;
5. Implementation of technical guidance and supervision over the implementation of the affairs of the Ministry of Religion in the regions;
6. Implementation of technical activities from the center to the regions;
7. Implementation of education, training, research and development in the field of religion and religious affairs;
8. Implementation of halal product guarantees; And
9. Implementation of substantive support to all organizational elements within the Ministry of Religion.

This is what the author then felt that the involvement of religious education was very necessary as an effort to restore the spiritual life of all inmates, and must be responded to seriously by both the central and regional governments.

## **2. Get treatment, both physical and spiritual;**

In P P RI Number 32 of 1999 concerning the Conditions and Procedures for the Implementation of the Rights of Correctional Institution Residents, it states:

Article 7

- (1) Every prisoner and correctional student has the right to receive physical care in the form of:
  - a. providing opportunities for sports and recreation;
  - b. provision of clothing supplies; and
  - c. provision of bedding and bathing equipment.
- (2) The provision of equipment as referred to in paragraph (1) letters b and c is carried out immediately after the Convict and State's Children have been registered.
- (3) Prisoners, juvenile criminals and state children are required to wear the prescribed uniforms.  
attire worn by prisoners typically includes visually distinctive clothing worn to indicate that the wearer is a prisoner \_in clear distinction from civilian clothing. Prison uniforms serve the purpose of making prisoners immediately recognizable, to limit risk through hidden objects and to prevent injury through unspecified clothing items. It can also be detrimental to escape attempts as prison uniforms typically use designs and color schemes that are easily noticed and identified even at greater distances.

## **3. Getting education, teaching, and recreational activities, as well as opportunities to develop potential for prisoners.**

Education, teaching and the opportunity to develop potential are basic human rights for every human being, because education is an inseparable part of every soul that grows and develops. For prisoners, education plays an important role in individual development. In theory, education for prisoners has a function to shape the personality of prisoners, in order to restore their nature as healthy human beings. In addition, the fulfillment of education will also contribute to the growth of a nation's civilization and that is why our country ensures the guarantee of the fulfillment of basic rights to education for its citizens which is expressly stated in the 1945 Constitution in Chapter XA concerning Human Rights, especially Article 28C, and Article 31 Chapter XIII concerning Education and Culture.

Education and teaching provided to Prisoners and Correctional Students in Correctional Institutions today are still far below national standards, namely as stipulated in Law Number 20 of 2003 concerning the National Education System. For example, the Regulation on the education system specifically for school-age children in Special Child Development Institutions (LPKA) includes the Law on the Juvenile Criminal Justice System (SPPA).

In the SPPA Law , it is stipulated that every child in the criminal justice process has the right to receive an education. In addition, LPKA is required to organize education, skills training, coaching, and fulfillment of other rights in accordance with the provisions of laws and regulations. <sup>17</sup>In practice, many LPKA cooperate well with the Ministry of Education, Culture, Research and Technology in creating formal education programs. That way, children in conflict with the law LPKA can receive formal education like children in general. Special regulations regarding the school interests of children in conflict with the law are regulated based on the Regulation of the Minister of State for Women's Empowerment and Child Protection Number 15 of 2010 concerning General Guidelines for Handling Children in Conflict with the Law in Chapter III letter G concerning the Duties and Authorities of the Ministry and other Related Institutions which are written as follows:

1. Field of education ;
  - a. Ministry of National Education The duties and authorities of the Ministry of National Education in ensuring the availability of services and continuity of education for Children in Conflict with the Law (ABH) include the following:
    - 1) Facilitate national policy-making in the field of providing special education services for ABH, both in formal and non-formal education pathways;
    - 2) Facilitate the birth of special cooperation with the Ministry of Law and Human Rights to provide special education services for ABH, both in juvenile detention centers and juvenile prisons;
    - 3) Providing general guidance on the provision of special education services for ABH, both in formal and non-formal education pathways;
    - 4) Facilitate the provision of operational cost assistance for the provision of special education services for ABH, both while in Juvenile Detention Centers and in Juvenile Correctional Institutions;
    - 5) Facilitate the provision of educational facilities/infrastructure support according to the needs of the provision of educational services for ABH which are carried out in juvenile prisons/detention centers;

<sup>17</sup> *Education for children in Special Child Development Institutions* , accessed from <http://m.hukumonline.com/klinik/detail/lt56bd545ec1d07/pendidikan-bagi-anak-di-lembaga-pembinaankhusus-anak-lpka>, on February 03, 2023.

- 6) Adding legal and human rights education facilities in extracurricular activities.
- b. Regional Education Office (Province and Regency/City) The regional education office (province and Regency/City) as the authority holder of education policy in the region, in accordance with its authority and capacity, is obliged to support the implementation of the MoU between the Ministry of National Education and the Ministry of Law and Human Rights (Children's and Women's Prisons) in the field of education service provision for ABH, both those taking place in Children's Detention Centers or Children's Prisons. The education office in collaboration with Children's Detention Centers and Prisons is obliged to play a role in helping to ensure the continuity of education services for ABH in its area. The local education office's facilitation includes:
  - 1) Provision of educational facilities/infrastructure required by juvenile prisons or detention centers in order to provide ABH educational services;
  - 2) Provision of competent or qualified teachers/teaching staff according to the needs of implementing ABH learning both in prisons and in juvenile detention centers;
  - 3) Provision of teaching/learning materials for ABH both inside and outside the juvenile prison or detention center in their area;
  - 4) In collaboration with juvenile prisons/detention centers, facilitate the implementation of every type of ABH learning evaluation, whether carried out outside or inside juvenile prisons or detention centers;
  - 5) In collaboration with prisons or detention centers, parents and the community, facilitate the return of children to regular educational units outside of juvenile prisons/detention centers after the end of the implementation period of the actions carried out by the ABH;
  - 6) Collaborating with juvenile prisons/detention centers to facilitate the provision of companion staff, psychologists, and social workers whose duties include providing companionship both during the detention period and during the period when juveniles are undergoing legal sanctions/actions in prison;
  - 7) Striving to provide support for the provision of education costs for ABH, both through the provincial and district/city APBD and the APBN;
  - 8) In collaboration with parents, prisons/detention centers provide assistance for the return of children to family care after serving their sentence or ABH actions.

#### **4. Next Get adequate health services and food according to nutritional needs;**

Decree of the Director General of Corrections of the Ministry of Law and Human Rights Number PAS.32.PK.07.01 of 2016 concerning Basic Health Care Services, is an effort to provide the best and ideal health services to prisoners, convicts and correctional students in accordance with laws and regulations. Based on the study data, health services for prisoners, convicts and correctional students still need to improve human health resources (doctors / dentists / pharmacist assistants); health facilities and infrastructure; medicines. Furthermore, the prison and detention center polyclinics in the regions do not yet have operational permits, which has an impact on the doctor's practice permit

Furthermore, Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for the Implementation of the Rights of Correctional Institution Residents, Article 14 and Article 20 paragraph (1) part four concerning health and food services states that: "Every Prisoner and Correctional Institution Student has the right to receive proper health services. In every correctional institution, a polyclinic with its facilities is provided and at least one doctor and one other health worker are provided." Meanwhile, Article 20 paragraph (1) states " Prisoners and Correctional Institution Students who are sick, pregnant or breastfeeding have the right to receive additional food according to the doctor's instructions." To further improve the health of prisoners, efforts are made, including through prevention, healing and improving health services, including eradication of infectious diseases, improving prisoner nutrition, improving environmental health, increasing the supply of medicines, health education and adequate medical equipment.

In order to ensure the smooth implementation of the health service program at the prison itself, minimum service standards for prisoner health services have been set, including :

1. In terms of institutionalization, existing health services are still at a simple level, namely doctor and clinic services which are of a first aid nature.
2. Referrals for patients are made as needed, depending on the conditions at each prison.
3. Forms of promotive, preventive, curative and rehabilitative services are carried out systematically.

Efforts that are continuously made in order to improve health services are to strengthen coordination with related agencies (stakeholders) through a Joint Decree of the Minister of Law and Human Rights, the Minister of Health, and the Minister of Home Affairs. This is done to further facilitate cooperation between the Prison and Detention Center polyclinics with the District/City Health Office with the aim of accelerating the proposal for polyclinic permits, according to the author this effort has been carried out in almost all prisons/detention centers and has obtained hygienic certificates and polyclinic permit certificates.

#### **4. CONCLUSION**

The responsibility of local governments in implementing prisoner development in Correctional Institutions aims to improve the quality and effectiveness of prisoner and child development, as well as support their social reintegration into society. However, its implementation in regulations in local government agencies is still minimal or even unrelated, making it difficult to implement optimally. However, the word "can" in Law Number 22 of 2022 on PAS, Article 89 paragraph (1-2), and Article 90 interprets that the regional government's responsibility for coaching can be implemented or not implemented.

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