



PRISONER DEVELOPMENT MODELS TO BUILD UP ECONOMIC INDEPENDENCE IN BATU CLASS I PRISON IN NUSAKAMBANGAN

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Abstract

The change of the prisoner treatment from prison system to correctional institution system with the concept and approach of coaching (treatment approach) provides protection and enforcement of the rights of prisoners in serving their sentences. This study examines the implementation of prisoner development in Batu class I prison in Nusakambangan whether it is in accordance with Law No. 12 Year 1995 about Correctional Institution and how the models of the prisoner development are in order to establish economic independence that can be applied in Batu class I prison in Nusakambangan. This study used normative juridical approach method and descriptive analysis research specification. The result of this research is the implementation of prisoner development in Batu class I prison in Nusakambangan that is in accordance with Law Number 12 Year 1995 about Correctional Institution that includes the process of developing prisoner that is carried out through four stages, namely: maximum security stage, medium security stage, minimum security stage, and integration stage. The development model for inmates in order to establish economic independence is a program of personality development and independence of working activities. The implementation of the prisoner development should be supported by the Government of Cilacap Regency in the formation of SMEs (Small Medium Enterprises) whose products come from Batu class I prison in Nusakambangan.

Keywords: Prisoner, Prison, Development, and Punishment

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INTRODUCTION

The criminal justice system is a system in society to combat crime so that crimes committed in the community are within the limits of public tolerance in order to bring justice. There are two kinds of philosophy of justice in law that has strong influence: justice based on the responsibilities as we try move forward from the moment of crime (restorative justice) that need to be supported by a sense of control (Allison Morris and Warren Young, 2000: 14). In addition, the criminal justice system has the duty of preventing people from becoming victims of crime, resolving the crime so that people become satisfied that justice has been established and the perpetrators have been convicted, and making the people who have committed the crime do not repeat the action again (Teguh Prasetyo dan Abdul Halim Barkatullah, 2005: 116). This is in line with Sue Titus Reid's opinion on the just desert model of justice (Sue Titus Reid, 1987: 352). This shows that the nature of criminal law is not oriented to human actions alone but has a dual purposes of protecting society and rehabilitating, and socializing and integrating convicts into society. According to Ian Dunbar and Anthony Langdon (1998: 8), that there are four aspects in the purpose of giving punishment, namely:

- a. Deterrence (both specific to the individual offender and general to exert a deterrent on the population at large);
- b. Rehabilitation (to reform the offender's character, rather than frighten-ing him into good future behavior);
- c. Incapacitation (preventing the offender from committing crimes in society- normally by locking him up, though banishment and capital punishment are also incapacitating penalties to which we shall make no further reference);
- d. Retribution (making offender suffer punishment because they deserve it).

As a system, the criminal justice system has organizational components, including police, prosecutors, courts, and prisons, that all of which are interconnected and are expected to have an integrated partnership. The criminal justice system can be seen from various perspectives, including the perspective of the Police, Prosecutors, Judges, Suspects/Accused or Prisoners and Victims of crime. Correctional Institution is an institution of criminal justice subsystem having strategic functions as prison and also as a place for developing prisoner as mandated in Law Number 12 Year 1995 about correctional institution (Angksa, 2013: 213). Philosophically, correctional punishment is a punishment system that has moved far away from the philosophy of retributive (retaliation), deterrence (discouraging) and also resocialization. In other words, punishment is not intended to make prisoners suffer as a form of retaliation, is not intended to make prisoners deterrent with suffering, nor to assume the convict as someone who lacks of socialization. Correctional institution is in line with the philosophy of social reintegration that assumes crime is a conflict that occurs between the convicted person and the

community. Therefore, punishment is aimed at restoring the conflict or also reuniting the convict with his community or reintegration.

Decree of the Minister of Justice of the Republic of Indonesia No. M.02.PK.04.10 Year 1990 about the Pattern of Prisoner or Convicted Development, Prison in the Penitentiary System, that have functions as a place to serve a sentence for prisoners, also have some strategic targets in terms of national development. The aims are that prisons have a dual functions: as an educational institution and development institution (Haryanto Dwiatmodjo, 2013: 65). Regarding the function of prisoner development as a process, it should be understood that reintegration with the community or a follow-up program after the prisoners are free to the public, the process should go through a plan made before the prisoners sentenced (Nurul Farida Basir, 2013: 1-13).

In the Standard Minimum Rules for the Treatment of Prisoners it is emphasized that the reintegration process does not begin after prisoners are free but it is an ongoing process that begins since the sentences suspended. This is where Prisons should have instrumentals in making sustainable plans by working with prisons. So that the research of crime, that is conducted since the sentence suspended, can already be used to determine the appropriate coaching program. Similarly, when the admission process of orientation (or the term known today is the Environmental Introduction, the Prison Advisor may play a role in explaining the stages to be passed while the prisoner serving their sentence and the rights they have during the development program, such as parole, conditional leave, free leave until the final stages of the development and sustainable treatment programs after they are free (Mochamad Sueb, 2008: 127).

The change of the prisoner treatment from prison system to correctional institution system with the concept and approach of coaching (treatment approach) provides protection and enforcement of the rights of prisoners in serving their sentences. The correctional institution system is a more human and normative treatment of prisoners based on Pancasila (Indonesian philosophical foundation and state ideology) and characterized by rehabilitative, corrective, educative, and integrative (Adi Sujatno, 2004: 37).

PROBLEMS OF THE STUDY

1. Is the implementation of prisoner development in Batu Class I Prison in Nusakambangan is in accordance with the Law Number 12 Year 1995 about Correctional Institution?
2. How are the models of prisoner development in order to establish economic independence that can be applied in Batu Class I Prison in Nusakambangan?

RESEARCH METHOD

This research used normative juridical approach method, with research specification on descriptive analysis. The types and sources of data used are the

primary data sourced from interviews with the employees of Batu Class I Prison in Nusakambangan and the secondary data as the main data source in the form of legislation, for example; the 1945 Constitution, Law Number 12 Year 1995 about Correctional Institution supported by books and scientific journals. The techniques of data collection and data processing of the data taken from library and field data of Batu Class I Prison in Nusakambangan. Then, a qualitative data analysis was conducted by using triangulation method. Triangulation method is a circular checking model, so that the sources obtained are as accurately as may be accountable for their validity. The research was conducted in Batu Class I Prison in Nusakambangan.

DISCUSSION

The Prisoner Development in Batu Class I Prison in Nusakambangan

Criminal penalty is one of the most important penalties of deprivation of liberty (criminal sanction), which is not allowed to impose a criminal penalty more than what has been stipulated in Article 10 of the Criminal Law. This policy is used as a guideline in determining crime penalty. Policy in Black Law dictionary is explained as follows: "Policy is The general principles by which a government is guided in its management of public affairs, or the legislature in measures ... this term, as applied to a law, ordinance, or the rule of law, denotes its general purpose or tendency considered as directed to the welfare or prosperity of the state community" (Henry Campbell, 1979: 1041).

Furthermore, the Criminal Law policy can be linked to the following actions:

1. The government's efforts to tackle crime with the Criminal Law;
2. How to formulate the Criminal Law to fit the conditions of the community;
3. The government policies to regulate society under the Criminal Law. How to impose a Criminal Law to be regulated in the community in order to achieve a larger goal (Wisnubroto, 1999: 12).

Prisoner development based on the correctional institution system is an effort to prevent crime in the broad sense that is a part of criminal politics, "Criminal policy as a science of policy is the part of larger policy; The law in enforcement policy is in turn part of social policy".

In Article 2 of Law Number 12 Year 1995 about Correctional institution (hereinafter abbreviated as Penal Law), states that: "Correctional institution system is organized in order to form Correctional Citizens to become whole human beings, to realize mistakes, to improve themselves, and not to repeat criminal acts so that they can be accepted by the society, can actively play a role in the development, and can live fairly as good citizens and are responsible."

According to Law Number 12 Year 1995, the correctional people in a correctional institution are the prisoners, correctional prisoners, and correctional clients. In Article 1 paragraph (7) of Law No. 12 Year 1995 about Correctional Institution, it is explained that prisoners are convicts who lost their independence in prisons. The process of prisoner development are implemented through four stages,

namely: maximum security stage, medium security stage, minimum security stage, and integration stage.

The change of the prisoner treatment from prison system to correctional institution system with the concept and approach of coaching (treatment approach) provides protection and enforcement of the rights of the prisoners in serving their sentences. Correctional system is a more human and normative treatment for prisoners based on Pancasila and is characterized by rehabilitative, corrective, educative, and integrative.

The development system is implemented on the basis of:

- a. protection;
- b. equality of treatment and service;
- c. education;
- d. mentoring;
- e. respect for human prestige and dignity;
- f. loss of independence is the only suffering; and
- g. the ensuring rights to remain in contact with certain families and individuals.

Nusakambangan is a name of an island in Central Java well known as the place of several super-maximum security prison in Indonesia. Geographically, the island is located in 7.30' South Latitude - 7.35' South Latitude and 108.53' East Longitude - 109.3' East Longitude, with the length \pm 36 KM and width \pm 5 KM, therefore the total Nusakambangan Island Area is \pm 121 KM².

Beside well-known as security prison that apply Super Maximum Security, it is also often used as a military training ground, such as the one held by Indonesian Special Forces. This is evidenced by the presence of a Indonesian Special Forces monument along with the symbol of a typical gigantic Indonesian Special Forces Knife stuck in the stone located on the coast of Permisan, Nusakambangan Island. In 1996, an agreement was made between the Department of Justice with the Ministry of Tourism to open the island for tourism purposes.

There are 7 (seven) Prisons in Nusakambangan Island which are still actively used. They are Open Prison, Batu Prison, Besi Prison, Kembang Kuning Prison, Narcotics Prison, Permisan Prison, and Pasir Putih Prison. Batu Class I Prison in Nusakambangan is a prison built by the Dutch Government in 1925, the last renovation was done in 2008, the construction of the new blocks was done in 2016 with the capacity of 750 prisoners, that are filled by 357 prisoners.

The blocks consist of 77 rooms with the details are explained as follows:

Block A : 7 Rooms

Block B : 7 Rooms

Block C/Mapenaling Isolation : 18 Rooms

New Residential Block : 48 Rooms

The head of Batu Class I Prison that was appointed since May 31st, 2016, is Abdul Aris. The number of employees working in Batu Class I Prison are 91 people: 87 men and 4 women. The details of the employees data of Batu Class I Prison can be seen in the following table:

Table 1 Number of Employees by Group, Space and Education

No	Task Field	Type/Room			Amount	Level of Education				Amount
		IV	III	II		Magister	Bachelor	Diploma	Senior High School	
1	Head of Prison	1			1	1				1
2	Administration	1	15	5	20		5		15	20
3	Coaching Prisoners	2	12	3	17		10	3	4	17
4	Work Activity		7	3	10	1	4	2	2	10
5	Security and Order Administration	1	6	1	8	1	4		3	8
6	Security Unity of Prison	1	24	6	31	1	12	1	17	31
7	Task force Security and Order		4		4		1		3	4
8	Non-active									
Amount		6	68	19	91	4	40	6	45	91

Source: Profile of Batu Class I Prison in Nusakambangan

Furthermore, the condition in the Batu Class I Prison in Nusakambangan per March 19th, 2017, is described as follows:

Table 2

Type of Prison Sentence	Prisoners/People
Death Penalty	23
Sentenced to Life	67
B I Prisoners (sentenced more than 1 year)	262
B II A Prisoners (sentenced for 1 year)	1
B IIB Prisoners (sentenced for 3 months) - B III S	
Prisoners (replacement penalty fines) 4	
Total	357

Source: Profile of Batu Class I Prison in Nusakambangan

Correctional Institution is the spearhead of prisoner development that is implemented by educating, rehabilitating, and reintegrating the prisoners. The prisoner development will be run smoothly if it is supported by various aspects of both facilities and adequate infrastructures. A convicted and a prisoner need to be mentored and treated through the educational process, and are empowered through rehabilitative and reintegration efforts. The process of coaching and empowering are the focal point and method applied in correctional institution as an effort to minimize the re-occurrence of crime.

The program of prisoner development in prison in Batu Class I Prison in Nusakambangan is explained as follows:

1. Registration
 - a. Capacity: 750 prisoners;
 - b. per March 18th, 2017, were occupied by : 357 prisoners.
2. Personality Development
 - a. Religious Guidance;
 - b. Islamic Guidance, Boarding School “At Taubah”: Reciting and rewriting Al Qur’an, Lecturing, Counseling, and Celebrating Religious Days;
 - c. Christian Guidance; giving service, mass and commemorating the Great Day of Religion;
 - d. Buddhist Guidance; Worshipping, Praying, and Commemorating the Great Day of Religion;
 - e. Arts and Recreation Guidance; Art of Islamic Culture, Music, Karaoke, TV, and Library;
 - f. Sports Guidance; Futsal, Volly, Table Tennis, Chess, Badminton, Fitness.
3. Community Guidance, including: Assimilation, and Parole.

Prisoner Care Program, including: regular health checks by prison doctors, referral care to RSUD Cilacap, VCT Mobile by Public Health Office of Central Java Province in collaboration with NGOs and Health Office of Cilacap Regency and Preventive Health Services, PLHIV care by medical personnel/paramedics, accompanied by counselors and case managers of Batu Class I Prison, Food and Beverage, Clothes and Sleeping Equipment, and Residential Room Hygiene Kits, and Provision of water sanitation, and Waste Management.

In Article 14 of Law Number 12 Year 1995 about Correctional Institution, it is explained that Prisoners are entitled to have their rights to:

- a. perform worship according to religion or belief;
- b. get both spiritual and physical cares;
- c. get education and teaching;
- d. get adequate health and food services;

- e. submit a complaint;
- f. obtain reading material and follow other mass media broadcasts that are not prohibited;
- g. get a wage or salary for the work they do;
- h. get family visits, legal counsel, or other specific persons;
- i. get criminal reduction (remission);
- j. get an assimilate opportunity including family visiting leave;
- k. get parole;
- l. get cuti menjelang bebas; and
- m. obtain other rights in accordance with applicable laws and regulations. The fulfillment of prisoners' rights in Batu Class I Prison in Nusakambangan are granted in accordance with the applicable laws and regulations.

The model of prisoner development to build up economic independence that can be applied in Batu Class I Prison in Nusakambangan

In the aspect of prisoner development, the orientation is a top down approach. The treatment given to prisoners is a defined program and the prisoners must participate in the program. The top down approach is also based on security considerations, limitations of coaching facilities, and the view that the prisoners are merely objects. Therefore, as objects, the contribution of the prisoners to participate in the program to build themselves or their groups are given less attention. The development program is a package coming from above, from the heads and chiefs of the prison. This kind of program often disregard the condition of the region the prisoners come from or the condition of the prison.

As it is known, the success of the development program, the prisoner's protection, held in the prison is highly dependent on other supporting factors, such as: support and participation of the community up to the political will of the government itself. Nevertheless, many obstacles are faced in the process of the prisoner development program in the prison. In his study, Nainggolan revealed some problems that become obstacles faced by prison officers in developing and socializing the prisoners, which are: Lack of rooms to place certain prisoners; Limited facilities on the implementation of the prisoner development program; Lack of experts to support the program (psychologists, sociologists, economists, and religionists); Inappropriate devices to support the program; and The attitude of the people who do not want to accept ex-prisoners.

The same thing also expressed by Deliani, according to the fundamental problems happened in the prison on some facilities that support the prisoner development program: professional personnels who are able to conduct coaching effectively, appropriate administrative and financial means, in this case, they are needed to manage the prison, physical means necessary for the shelter of prisoners who meet the health requirements as well as workshop facilities and are useful for training the prisoners to be skilled in particular jobs, and the absence of some supporting facilities and institutional failures to treat its prisoners that will cause the

ex-convicts commemorate the same crime after being in the community. In addition, the rejection problem from the community. The mark or stigma created by the community against the prison and the prisoner or ex-prisoner is a sign of the failure of the prison in particular and the criminal justice system as a whole (Rakei Yunardhani, 2017: 47).

According to Bambang Poernomo (1986: 94), there are 3 (three) device elements or components that are interrelated to the process of suspended sentence according to the correctional institution system in it, namely:

- a. Prisoner: prisoner is a component of the input system (raw input) that has met the selection and certain qualification requirements to be processed into material output in accordance with the purpose of the system, which is to be a good person and obey the law;
- b. State tools, law enforcers and communities. Every component of the prison, judge, prosecutor and police officers must be able to exercise and be able to give meaning to the law of imprisonment, and with the help of the community can create a common role to support the duties of treating prisoners in accordance with prison imprisonment;
- c. Social environment with all its aspects: Social environment with all its aspects is a component that can be a supporting factor in achieving objectives that need to be taken into account in the process system. Such as environmental factors are, for example, regulation from instructions, local policies, customs, areas, population education, and population density.

The prisoner development in the prisoner according to the Research Team of the Research Center of Justice and Human Rights Department of the Republic of Indonesia Year 2003 is implemented by the following method:

1. Developing direct interaction that is familiar between officers and prisoners;
2. Providing persuasive development that is aimed at improving the pattern of behavior through examples and exemplars;
3. Placing prisoners as human beings who have potentials and self-esteem with rights and duties similar to other humans;
4. Implementing planned, continuous, and systematic development program;
5. Doing individual and in groups approaches (Budiyono, 2009: 225).

Developing prisoners means treating people with prisoner status that are treated to be better personalities. Among the goals that need to be developed are the personalities and characters of the prisoners who are encouraged to awaken the sense of self-worth to themselves and to others, and develop a sense of responsibility to adapt a peaceful and prosperous life in society, and thus have the potential to become humans who are noble characters. The development of the people and their character is done in a particular time, but for the certain time it is enough to give good characters to the prisoners that might be beneficial later in the day they have to face more crimes and obey the laws of the community.

Prisoners undergoing punishment in prisons should receive treatment and development to encourage the re-orientation of their understanding of the values of

life. If the development program is done regularly and procedural it cannot be assessed, it means that the program has not reached the target of the correctional paradigm. This does not mean that the pattern of standard-coaching procedures will result in failure in its implementation in accordance with the correctional paradigm, it needs to be understood that the prison should have different orientations than the Police, Attorney, or Court.

The functions and roles of the prison focuses more on the rehabilitation and resocialization for its every prisoner based on formal provisions as reference materials and parameters in the pattern to develop the prisoners. Prison has an orientation to “coach” its prisoners, hence, the dynamize of the treatment which refers to the real needs and conditions of each prisoner is needed (Bambang Poernomo, 1986: 186-187).

The development program to build up the independence in the working field that have been run in Batu Class I Prison in Nusakambangan are:

- a. Skill developments in the prison, including: 1) Mabelair; 2) Tailoring;
- b. Skill developments outside the prison, including: 1) Husbandry, raising stocks; 2) Fisheries and vegetable farming, the prison’s land area used to raise the stocks are about +/- 1 (one) Hectare.

Featured products from Batu Class I Prison is mabelair. The mabelair made by the prisoners of Batu Class I Prison include cabinets, calligraphy and ashtrays, stone rings. The prisoners need support from various parties in terms of marketing their products. The Government of Cilacap Regency formed SMEs whose products come from Batu Class I Prison in Nusakambangan.

Constraints that impede the program of self-reliance in Batu Class I Prison in Nusakambangan are:

1. Insufficient workshop space;
2. The prisoners of Batu Class I Prison are mostly sentenced for more than 5 (five) years; that makes them lack coaching for self-reliance outside the prison.

CONCLUSION

The implementation of prisoner development program in Batu Class I Prison in Nusakambangan has been in accordance with Law Number 12 Year 1995 about Correctional Institution that includes the process in developing the prisoners and is carried out through four stages, namely: maximum security stage, medium security stage, minimum security stage, and integration stage. The development model for prisoners in order to build up economic independence is a program of personality and independence of work development in the field of developing skills.

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