

## **THE ROLE OF COMMUNITY INSTITUTIONS IN THE FRAMEWORK OF RESIDIVITY DEVELOPMENT FOR INFORMED CITIZENS IN CILEGON CLASS II A COMMUNITY INSTITUTIONS**

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### **ABSTRACT**

This research aims to determine the role of Cilegon Prison in developing citizens in Class II Cilegon Correctional Institutions. The study uses a quantitative descriptive approach and data analysis, with the researcher acting as a "human instrument" to gather data. Results show that training inmates in Cilegon prisons has led to a significant reduction in criminal cases and recidivists re-entering prisons. Banten, which consistently applies criminal law and provides special treatment for recidivist prisoners, is expected to reduce recidivists.

**Keywords:** *recidives, repetition of criminal offenses, recidivism development*

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### **INTRODUCTION**

Correctional institutions are the final criminal justice subsystem that runs the correctional system for perpetrators of criminal acts. The correctional system is a series of criminal law enforcement units, so the substantial principle in Law Number 22 of 2022 concerning Corrections contains the value that basically the correctional system is directed at the order of direction and boundaries as well as a method for developing correctional inmates in an integrated manner between the supervisor and the coached. and society. This can be seen implicitly in the text of Article 1 of Law Number 22 of 2022.

The substantial regulations contained in the Corrections Law are used as a foundation for correctional inmates and supervisors in an integrated manner in one correctional system in Indonesia, so the Corrections Law is a framework based on appropriate behavior and standards (benchmarks) for acting (Soekanto, 2016).

Coaching programs that are regular and carefully prepared and implemented with full awareness and feasibility will guarantee the integrity of the correctional system (Farringer et al., 2021; Polaschek, 2011; Viglione, 2017). If the penitentiary system is understood from the meaning of the word and taken into account at the time the idea was initiated in 1964, and connected with the development of universal prison reform after the sixties, then it can be concluded that penitentiary is a change that involves new efforts to implement prison sentences which are carried out using spirit of humanitarian principles and new treatment of prisoners according to the main provisions of standard minimum rules. One cannot divorce the existence of a coaching model for inmates in correctional facilities from a dynamic that attempts to give inmates, particularly recidivist inmates, greater resources to face life after serving their term (free) (Duguid, 2000; Setyawan & Adies, 2023).

The performance of a prison in implementing correctional services is greatly influenced by several factors, namely the legal basis for training, the quantity and quality of prison officers,

adequate facilities and infrastructure, a training program that is tailored to interests and talents, and the existence of comparability (Crewe et al., 2015; Lipsey & Cullen, 2007; Maina & Mugambi, 2019; MEARS, 2008; Panjaitan & Zarzani, 2023; Simanjuntak, 2023). These factors complement each other.

To eradicate crime, criminals are put in prison. The hope is that the perpetrator will improve himself and not repeat himself crime through the coaching system. However, on the other hand, the fact is that the crime rate has not decreased. Crime is actually becoming more rampant and its methods are becoming more sophisticated. If this is the case, the coaching system must be questioned. Apart from that, in fact there is now an increase in inmate capacity, aka over capacity, in correctional institutions (*Lapas*) in almost all correctional institutions in Indonesia.

In almost all correctional institutions in Indonesia, convict development for recidivists is no different from other general convicts, which is what causes the lack of success in prison development, so that many former convicts still return to prison. There needs to be special guidance or treatment for recidivists so that they return to society as good human beings. Conditions like this occur in the Class IIA Cilegon prison.

The study of the concept of recidivist development is very interesting to discuss. How are recidivist crimes regulated in the criminal law system in Indonesia, what are the forms of guidance for recidivists and the obstacles that hinder the guidance of recidivists at the Cilegon Class IIA Penitentiary.

Researchers have explored coaching for recidivists, with studies such as Torkis F. Siregar's 2009 thesis on Forms of Recidivist Development to Prevent Criminal Acts in Indonesia and Sri Roslina Latif's 2013 thesis on the effectiveness of correctional principles in training recidivist convicts in Gorontalo Class IIA prison. Both studies found that public stigmatization and inadequate correctional conditions contribute to the recurrence of criminal acts among prisoners. Researchers have explored coaching for recidivists, with studies such as Torkis F. Siregar's 2009 thesis on Forms of Recidivist Development to Prevent Criminal Acts in Indonesia and Sri Roslina Latif's 2013 thesis on the effectiveness of correctional principles in training recidivist convicts in Gorontalo Class IIA prison. Both studies found that public stigmatization and inadequate correctional conditions contribute to the recurrence of criminal acts among prisoners.

In contrast to the 2 (two) studies above, this study will specifically discuss how recidivist crimes are regulated in the criminal law system in Indonesia. This is to find out the legal framework for recidivism in criminal law in Indonesia, in addition to examining the form of training for recidivists and Obstacles that hinder the development of recidivists in Class IIA Cilegon Prison.

With recidivists returning to prison, it proves that the guidance carried out so far has not produced any beneficial results, which is not in accordance with the concept of guidance as stated in Law Number 22 of 2022 concerning Corrections. From the description above, this research aims to obtain an overview of the objectives to be achieved in implementing recidivist legal regulations, forms of guidance and obstacles to recidivist guidance in prisons using various secondary data such as statutory regulations, legal theory, and can be in the form of opinions of scholars.

## **METHOD**

The method used in this research is the Normative Juridical and Sociological Juridical methods, namely research that refers to legal norms, contained in applicable laws and regulations as a normative basis, law as law in action is described as an empirical social phenomenon. This normative legal research also uses field research (empirical juridical/field research) with primary data as support.

## **RESULTS AND DISCUSSION**

Changing the term "prison" to "Correctional Institution" certainly has good intentions, namely that providing and protecting inmates is not only focused on punitive intentions (Funitive Intent) but is oriented towards actions that are more humane and adapted to the conditions of the inmates. . Even though the term correctional appeared on 5 July 1963, the principles regarding correction were only institutionalized after the Development of the Directorate of Corrections conference in Lembang, Bandung (West Java) on 27 April 1964 and from the results of the conference it could be concluded that: The purpose of imprisonment not only only to protect society, but must also try to develop law violators so that law violators are no longer called criminals, in the hope of being able to gain maximum benefit from the system of understanding applied to them.

Training for prisoners continues from the first day until the end of their sentence. Various forms of coaching and training techniques for prisoners continue to be carried out so that they can be received well and not repeat criminal acts in the future.

Providing skills and expertise while in prison aims to ensure that the time comes when they return to society to be able to do business, but on average they do not have the capital to put into practice the results of the training so that they are once again labeled as unemployed and in the end, recidivism cannot be lost.

Recidivism in Indonesia in 2020 reached 35,044 people, while in Laspas IIA Cilegon it reached 422 people, tending to decrease by 25.5% compared to 2021 of 567 people.

The success of coaching for prisoners has reduced recidivism rates in prison data throughout Indonesia. On the other hand, the legal framework for regulating criminal acts must always be dynamic in the legal system in Indonesia. The form of the coaching program and the obstacles to coaching recidivists at the IIA Cilegon Prison that need to be followed up immediately.

### ***Regulation of recidivist criminal acts in the criminal law system in Indonesia***

The Criminal Code does not regulate the meaning of repetition in general. However, there are several articles mentioned in the Criminal Code which regulate the consequences of a repeat action. There are two groups that are categorized as repeat crimes, namely:

- 1) Mentions by grouping certain criminal acts with certain conditions under which they can be repeated. Repetition is only limited to certain criminal acts mentioned in Article 486, Article 487 and Article 488 of the Criminal Code.
- 2) Apart from the group of crimes in Articles 386 to Article 388, the Criminal Code also determines several specific criminal acts which can be repeated, for example Article 216

paragraph (3) of the Criminal Code, Article 489 paragraph (2), Article 495 paragraph (2) and Article 512 paragraph (3).

The severity of the crime is regulated in Article 132 of the Criminal Code, namely the maximum severity is one third. One of the elements that determines the occurrence of a recidive crime is based on the time the crime occurred criminal. The limitations used, as long as the indictment describes a tempus delikti which is based on a flexible estimate, which refers to the following benchmarks:

- 1) As far as possible the description of the tempus delikti contains a definite confirmation of the time which contains a positive and absolute explanation of the time, date (day), month and year,
- 2) If such a description cannot be fulfilled, the possibility is open to provide an approximate description of the tempus delikti which is based on conjecture around a certain month and year without being accompanied by an explanation of the specific time and day.

It is possible to make a broad description of the tempus delikti in an alternative form by using words or approximately or around the date, month and year. As long as the requirements are met, the description remains accurate, clear and complete. The basis for the criminal aggravation above lies in the condition of the position and the quality of the perpetrator (official or civil servant). The ratio of criminal aggravation for recidive crimes lies in 3 (three) factors, namely:

- 1) Factor of committing a crime more than once.
- 2) Factors that a criminal sentence has been imposed on the maker by the state because of the first criminal act.
- 3) He has carried out the crime against the person concerned. ”

If a person commits a repeat criminal act within 5 (five) years from:

- 1) “Perform all or part of the principal sentence imposed;
- 2) The main sentence imposed has been abolished; or
- 3) The obligation to serve the basic sentence imposed has not expired.”

However, the provisions regarding criminal aggravation do not apply to children. In the Criminal Code there are Articles 45, 46 and Article 47 which regulate the application of criminal law to children. These articles contain, among other things, the following principles:

- 1) Firstly, in prosecuting a person who is not of legal age for committing an act before the age of 16, the judge can determine: (1) order that the guilty person be returned to their parents or guardian, without being punished; (2) ordering the guilty to be handed over to the Government without punishment; or (3) impose a penalty.
- 2) Second, if the judge orders that the guilty person be handed over to the Government, or a certain legal entity to be educated, this can be done no later than the age of 18 years.
- 3) Third, if sentenced to a criminal sentence, the maximum principal penalty is reduced by one third; Meanwhile, the death penalty or life sentence is not imposed on those who are guilty.

The drafters of the new draft of the National Criminal Code have thought more advanced by including in a special section the types of crimes and actions for children with no less than 17 rules, starting from articles 94-a to 94-q, with the most important rules including the following:

- 1) First, a child who commits a crime and is not yet 12 years old cannot be held responsible.

- 2) Second, criminal penalties for repeating criminal acts do not apply to children.
- 3) Third, a prison sentence imposed on a child can only be carried out in a prison specifically intended for children.

The articles formulated in the text of the new National Criminal Code Bill were prepared by considering, apart from psychological aspects of children (such as emotional, intellectual and mental), also aspects of the social environment that influence the occurrence of criminal acts by children, as well as adjustments with the development of modern law concerning the protection of children's rights.

### ***Form of guidance for recidivists implemented at the Class IIA Cilegon Penitentiary.***

In short, the Correctional System is a consequence of imprisonment which is part of the main punishment in the criminal system for loss of liberty (Bondeson, 2017; Chesney-Lind & Mauer, 2002; Maruna & Toch, 2005). In subsequent developments, the implementation of the Correctional System for more than 35 years has become more stable with the promulgation of Law Number 12 of 1995 which was later updated with Law Number 22 of 2022 concerning Corrections. Article 1 paragraph (2) of Law Number 22 of 2022 states explicitly that the Correctional System is an arrangement regarding the direction and boundaries as well as methods for implementing the Correctional function in an integrated manner. The hope is that the results obtained by the inmates will realize their mistakes, improve themselves and not repeat criminal acts so that they can be accepted again by society, can play an active role in development and can live normally as good and responsible citizens.

The form of training for recidivist convicts carried out by the Cilegon Class IIA prison is generally no different from training with other general prisoners. By improving the development of prisoners in correctional institutions, it is hoped that it can reduce the incidence of recidivism, so various efforts are needed, including training programs for officers and prisoners, regular assimilation programs because this contains benefits not only for prisoners but also for society.

The general indicator of the success of the program for coaching inmates is the absence of repeat offenders returning to correctional institutions. Special treatment for recidivist convicts needs to be differentiated in terms of: coaching where coaching patterns can provide more awareness so that recidivist convicts become fully aware of being better human beings and can be useful for their families and society. This coaching concept is not easy because it requires funds and collaboration with related agencies, family and community. The output is hoped that after the training is held, they will no longer commit a third crime.

### ***Obstacles that hinder efforts to develop recidivists in the Class II A Cilegon penitentiary***

Correctional institutions are the final institutions in a series of sub-sub systems of the criminal justice system based on Law no. 12 of 1995 in conjunction with Law Number 22 of 2022 concerning Corrections. Correctional institutions function as places for the development of prisoners and correctional students. The coaching carried out must be based on the talents, interests and needs of the prisoner, where the coaching needs for recidivist prisoners and non-recidivist prisoners are of course different because recidivist prisoners can be said to have failed to apply the results of the guidance when they first served their sentence in a correctional institution.

However, in implementing this coaching, correctional institutions face several factors that can hinder the success of coaching, including the lack of classification for recidivist and non-recidivist prisoners, their placement, coaching programs such as: granting remissions, conditional release, leave before release, leave to visit family, assimilation, which are allocated for each classification, limited development funds, comparison of the number of officers with prisoners who are less balanced, the attitude of prisoners in participating in coaching, and the lack of government and community participation.

To eradicate crime, criminals are put in prison. The hope is that perpetrators will improve themselves and not repeat crimes through the coaching system. But on the other hand, the fact is that the crime rate has not decreased. Crime is actually becoming more rampant and its methods are becoming more sophisticated. If this is the case, the coaching system must be questioned. Apart from that, in fact there is now an increase in inmate capacity, aka over capacity, in correctional institutions PRISON

in almost all correctional institutions in Indonesia. This means that prisoners' rights are neglected, namely:

- 1) Prison internal circles (bureaucracy) who use calm and security as a measure or parameter for the success and performance of correctional institutions
- 2) Overcrowding is caused by the habit of prolonging prisoners' stay in prison by hampering the process of granting parole, assimilation, leave before release, etc.
- 3) Weak supervision, both inherent supervision by internal prison officials and functional supervision by the Inspectorate General of the Department of Law and Human Rights
- 4) Quality and quantity of human resources for correctional officers
- 5) Minimal budget

In general, several obstacles related to the development of recidivist prisoners can be divided into:

- 1) Funds: Funds are the main factor that supports the implementation of training for correctional students. In its implementation, equipment and materials are needed. Because there is not just 1 (one) type of coaching program but many types according to areas of interest or work or skills that may be needed for the needs and interests of prisoners after they leave prison. Lack or absence of funds is one of the contributing factors which is an inhibiting factor in the implementation of coaching, because it can result in not running and not realizing all coaching programs for correctional students because of the very minimal funds available (Antonius et al., 2023; Heidari et al., 2017; Jonson & Cullen, 2015).
- 2) Officer's attitude/behavior: In coaching, officers have a very important role. The basic thing that can influence the behavioral patterns and actions of officers is of course the level of knowledge, especially those related to the correctional system itself. So officers are required to be able to understand the problems that arise in order to run the coaching process smoothly.
- 3) Facilities/infrastructure in Correctional Institutions: The success of prisoner correctional services cannot be separated from the facilities/infrastructure available. In this case, the facilities in question must also refer to the Standard Minimum Rules, whether it is a bedroom or a ventilated room, water and room lighting. Clean and healthy food, health facilities such as homes such as hospitals and sports facilities. All of this aims to support

the development process. Therefore, the availability of facilities is one measure of the success of a social system.

The lack of equipment or facilities, both in quantity and quality, as well as the large number of damaged equipment, are one of the inhibiting factors for the smooth implementation of the training process for prisoners, because of all this, it is possible that these factors are the cause of unsafe and orderly conditions in the prison.

Limited facilities/infrastructure in correctional institutions can be an obstacle in implementing the idea of individualization as stated in Article 12 of Law no. 12 of 1995. This was stated by community institution officers, that the existing facilities/infrastructure in correctional institutions could be an obstacle in carrying out coaching. Apart from that, prisoners also feel the benefits of the necessary facilities, however if the facilities are not available it is very likely to become an obstacle. The facilities/infrastructure needed by prisoners in correctional institutions, such as hospitals, doctors, skills equipment, sports facilities, and proper food.

- 4) Prisoners: The success of implementing a coaching program for prisoners does not only depend on the factors of the officers, but can also come from the factors of the prisoners themselves who also play a very important role. important. The obstacles that come from prisoners include lack of interest, absence of talent, personal character, and human resources.

Conditions that occur in correctional institutions, the training pattern for ordinary prisoners is not differentiated from the training pattern for recidivists or other prisoners. Apart from the number of officers being disproportionate to the number of prisoners, the quality of the officers is also inadequate to provide guidance. In general, coaching in correctional institutions cannot take place optimally, because officers who double as coaches in correctional institutions do not understand their function as coaches. The lack of knowledge of officers in developing prisoners, coupled with the lack of skills courses given to officers to support the training program, has resulted in the development program taking place based on the knowledge and experience of officers.

The quality and forms of coaching programs are not solely determined by the budget or available means and facilities. However, coaching programs are needed that are creative, cheap and easy to implement, so that they can have an impact as optimal learning for prisoners to equip their skills for the future after leaving prison.

- 5) Officer welfare: It is fully realized that the welfare of correctional officers in Indonesia is still worrying, this is due to limited funds and the ability to provide allowances for correctional officers. So the rewards they receive are not equal compared to the energy they contribute to working tirelessly day and night in prison. However, basically the welfare of officers should not be a factor that causes weak guidance and security and order in prisons.
- 6) Community and victims: Basically, the community is also a factor that influences the implementation of coaching for prisoners, because the community indirectly determines the success or failure of the process coaching in prisons. In terms of guidance in the form of an integration program, there are still obstacles such as in most communities and the victim does not allow him to return to society, even if only for a short time.

***Efforts to Overcome Obstacles in Recidivist Development in Class IIA Cilegon Penitentiary***

Seeing current technological developments, there is an idea that carrying out punishment does not have to be in a correctional institution. However, the punishment is within the community itself so that alternative punishments emerge by doing social work or paying a fine of a certain amount of money to the State.

In general, several obstacles related to the development of recidivist prisoners can be divided into:

- 1) Funds: To overcome the problem of insufficient funds, efforts must be made to increase the budget and look for other parties as investors. Usually financiers train prisoners in skills and the results can be sold. The profits will usually be shared.
- 2) Officer's attitude/behavior: Officers should apply fairly to all prisoners, without distinguishing between social, economic and other statuses, so that prisoners can receive the form of guidance provided by officers. Correctional officers must continually conduct themselves well and discharge their duties in such a way as to set an example for inmates and inspire their respect.
- 3) Facilities/infrastructure in Correctional Institutions: Facilities and infrastructure that support development programs for recidivists and prisoners in prisons should be immediately equipped. Fulfillment of facilities and infrastructure.
- 4) Prisoners: In environmental familiarization activities for prisoners who have just entered a correctional institution, who at that time are given an introduction to the physical environment, they should also be given an introduction to the regulations that exist within the institution, about what prisoners can and cannot do, as well as about their rights and prisoners' obligations.
- 5) Human resources: The quality and forms of coaching programs are not solely determined by the budget or available means and facilities. However, coaching programs are needed that are creative, cheap and easy to carry out, so that they can have an impact as optimal learning for prisoners to equip their skills for the future after leaving prison. Apart from that, you should take part in training held specifically for officers so that they can provide good material to prisoners. Collaborating with other agencies and NGOs to provide coaching materials.
- 6) Officer welfare: It is fully realized that the welfare of correctional officers in Indonesia is still worrying, this is due to limited funds and the ability to provide allowances for correctional officers, so the rewards they receive are not equal compared to the energy they contribute to work day and night tirelessly. in prison. However, basically the welfare of officers should not be a factor that causes weak guidance and security and order in prisons.
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## CONCLUSION

Researchers have explored coaching for recidivists, with studies such as Torkis F. Siregar's 2009 thesis on Forms of Recidivist Development to Prevent Criminal Acts in Indonesia and Sri Roslina Latif's 2013 thesis on the effectiveness of correctional principles in training recidivist convicts in Gorontalo Class IIA prison. Both studies found that public stigmatization and inadequate correctional conditions contribute to the recurrence of criminal acts among prisoners.

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