

Patterns of Corruption Prisoners Development In Indonesia In Realizing The Objective of Corruption

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ABSTRACT

Implementation of Guidance on Corruption Convicts is one of the things that must receive attention in prisons because it is one of the Extra Ordinary Crimes. In addition, most corruption crimes are committed by people who have a high social status, both in terms of their position before staying in prison as well as in terms of education and economic levels. Arrangements regarding the implementation of guidance for corruption convicts in Indonesia are regulated in the provisions of Law Number 12 of 1995 concerning Corrections and are described through Government Regulation Number 31 of 1999 concerning Guidance and Guidance of Correctional Citizens. Regarding the guidance for corruption convicts, it still refers to the provisions of Government Regulation Number 31 of 1999 where there is no difference in terms of the implementation of coaching which is still carried out through three stages, namely the initial stage, the advanced stage and the final stage. To be able to obtain the right to parole, there are special provisions that are applied to Corruption Convicts, namely in addition to having to behave well while in prison, they must also fulfill the obligation to complete the payment of fines or replacement money to be able to submit a parole proposal.

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1. INTRODUCTION

Correctional Institutions are one part of the criminal justice sub-system that plays a role in providing guidance to correctional inmates. The expectation from the implementation of prisoner development as contained in Law Number 12 of 1995 concerning Corrections is how the correctional inmates realize their mistakes and return to being good citizens and can be accepted again by their environment, respecting moral values, caring for others and being obedient to worship. so as to create a safe, orderly and peaceful environment.

Convict development is a very important thing in the law enforcement process in Indonesia. The act of fighting or legal battles carried out by the suspect and the public prosecutor in a trial is an accusatoir character which is included in the principle of criminal procedure.¹ Efforts to foster prisoners by emphasizing on the restoration and unification of relations with the community will have a good impact on prisoners and society in general. With the rehabilitation and social reintegration system, prisoners can return to being responsible people in their environment²

Regulations regarding the development of prisoners are regulated in the provisions of Article 12 Paragraph (1) of Law Number 12 of 1995 concerning Corrections and are described through Government Regulation Number 31 of 1999 concerning the Guidance and Guidance of Correctional Inmates where in Article 7 Paragraph (1) it is explained that the stages of fostering divided into 3 stages, namely the initial stage, the advanced stage and the final stage.

As stated in the provisions of Article 12 Paragraph 1 of the Correctional Law that in the context of fostering prisoners in prisons, classification is carried out on the basis of: age, gender, length of sentence imposed, type of crime and other criteria in accordance with the needs or development of development. The purpose of holding the classification is none other than so that there is no prisonization in the penitentiary.³

The crime of corruption is one of the crimes that are extraordinary crimes because corruption tends to be carried out by those who have good social status when viewed from their position in work before entering prison. For perpetrators of corruption crimes who have obtained permanent legal force, they are obliged to undergo a period of punishment through guidance in correctional institutions. Sukamiskin Prison is a prison inhabited by most of the corruption convicts in it.

Fostering corruption convicts who previously had great political power and influence over the government and had a well-established level of education and economy was not an easy task. Prisons are required to be able to restore their residents to be good people and to be able to live again in the community naturally but on the other hand this role sometimes does not work because the prison residents in Sukamiskin are mostly people who have intellectual intelligence above the prison officers⁴.

Not to mention if in the implementation of coaching, they are faced with quantity and quality problems from correctional officers. The lack of correctional officers as well as the quality or level of knowledge of correctional officers when faced with corruption convicts is certainly not optimal in terms of conducting coaching in prisons. Therefore, the prisoner coaching program cannot be carried out properly in accordance with the coaching activities that have been planned by the prison.

¹ Yoslan K. Koni, Marten Bunga, et.al, (2021). Application of Law Enforcement Due Process System in Law Against Child Crime. *Musamus Law Review*, 3(2), 72-83

² Marwati Riza et al., "The Essence of Fostering Inmates in the Penitentiary System," *Journal of Law, Policy and Globalization* 94, no. 12 (2020): 92–97, <https://doi.org/10.7176/jlpg/94-11>.

³ "Undang-Undang Nomor 12 Tahun 1995 Tentang Pemasyarakatan," n.d.

⁴ Darmawati Darmawati, "Aspek Hukum Pemenuhan Hak Atas Pembebasan Bersyarat Bagi Narapidana Korupsi," *Jurnal Restorative Justice* 3, No.2 (2019) hlm.108
18.<http://garuda.ristekdikti.go.id/documents/detail/1266426>.

As stated in the provisions of Article 12 Paragraph 1 of the Correctional Law⁵ that in the context of fostering the classification on the basis of: age, gender, length of punishment applied, type of crime and other criteria in accordance with the needs or development of development. The purpose of the classification is to prevent imprisonment in correctional institutions.

The results of the initial interview that the author got in the field with one of the corruption convicts stated that during the coaching period in prison, NA did not get any changes, even NA stated that he had been innocent so far, NA did not follow the whole series of coaching in prison because according to him he was not guilty. had a significant impact on him and there was no reward if we actively participated in the coaching program, even the right to get parole could not be obtained because we were unable to settle the payment of the fine.⁶

2. METHOD

This research uses normative-empirical legal research type where this research looks at regulations or norms related to. the problem of coaching by conducting interviews with resource persons and assessing the extent to which the implementation of fostering corruption convicts in correctional institutions is described descriptively.

3. RESULTS AND DISCUSSION

3.1. Definition of Guidance and Legal Arrangements for the Guidance of Corruption Prisoners

According to the Big Indonesian Dictionary, coaching is an effort, action and activity carried out in an efficient, effective manner to obtain better results.⁷ According to Masdar Helmi, coaching is all efforts, endeavors and actions related to the process and organization and management of everything in a systematic and planned manner.⁸

According to Mathis⁹, coaching is a procedure by which people acquire certain skills to achieve the direction of the organization. Therefore, this process is tied to several organizational goals, coaching can be viewed narrowly or broadly. In addition, coaching can also be interpreted as an activity that protects and perfects what already exists as desired. Coaching is a development process similar to education. The purpose of coaching is a procedure for contributing assistance to others to organize, recover and expand the knowledge and expertise already possessed, in addition to obtaining new skills and knowledge that can be used as capital for further improvement in an effective and efficient manner.

Arrangements regarding the development of prisoners. corruption in prisons is carried out thoroughly the same as general prisoners regardless of the type of crime committed as contained in the provisions of Article 12 Paragraph (1) of Law Number 12 of 1995 concerning Corrections that :

- a. Age
- b. Gender

⁵ Muhammad Ali Equatora, "Efektivitas Pembinaan Kemandirian Narapidana Di Lembaga Pemasyarakatan Wirogunan Yogyakarta," *EMPATI: Jurnal Ilmu Kesejahteraan Sosial* 7, no. 1 (2018): 19–26, <https://doi.org/10.15408/empati.v7i1.9648>.

⁶ Interview with Corruption Convicts at Yogyakarta Class II A Prison, December 2018.

⁷ Kementerian Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia* (Jakarta: Balai Pustaka, 2005).

⁸ Masdar Helmi, *Dakwah Dan Alam Pembangunan* (Semarang: Toha Putra, 1993).

⁹ Mathis Robert L.Jackson, *Management Sumber Daya Manusia*, vol. 1 (Jakarta: Salemba 4, 2000).

- c. Length of sentence imposed
- d. Type of Crime, and
- e. Other criteria are in accordance with the needs or development of coaching.

This is a form of formulation regarding the placement of inmates in terms of the interests of coaching in prisons. The approach used in the implementation of the guidance is to use a security approach as the main approach, in this case dividing into 3 classifications, namely maximum security, medium security and minimum security. In addition, it also uses a rehabilitation approach.

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Imprisonment in prisons is based on principles and regulations that have been agreed upon by the international community, including the Standard Minimum Rules for the Treatment of Offenders (SMR) by one of the United Nations congress on The Prevention of Crime and The Treatment of Offenders which was carried out once every five years. The SMR has stipulated, among other things: it is not allowed to treat prisoners on the basis of differences in religion, ethnicity, and social status of prisoners. This principle has been stated in the Correctional Law which is contained in the explanation of Article 5, namely the provision of equal treatment and services to Correctional Inmates without discriminating against people.

The implementation of the development of prisoners in prisons is based on three levels of guidance as stipulated in Article 7 Paragraph (2) of Government Regulation Number 31 of 1999 concerning the Guidance and Guidance of WBP. The stages of the coaching process in question are: Initial Stage, Advanced Stage and Final Stage. In the implementation of guidance, the Head of Prison is obliged to plan, implement and control the activities of the development program

3.2. Implementation of Guidance for Corruption Convicts in Correctional Institutions

Coaching is an action, process, result or statement to be better. In this case, it indicates progress, improvement, growth, evolution, over various possibilities, developing, or increasing something. Here there are two elements of understanding, namely coaching from a goal and secondly coaching can show improvement over something.¹⁰

Article 15 of the Correctional Law requires every prisoner to participate in certain coaching programs and activities in an orderly manner. With respect to the provisions of the article, it can be concluded that prisoners in prisons are required to participate in a whole series of coaching programs.

Based on data from the Directorate General of Corrections, it shows that the number of corruption convicts scattered throughout the Regional Offices of the Ministry of Law and Human Rights is 4,743 people¹¹.

¹⁰ Marlyn Jane Alputila Erni Dwita Silambi, "Efektivitas Pembinaan Narapidana Di Lembaga Pemasyarakatan Kelas IIB Merauke.," *Societas* 4, no. 1 (2015): 81–97.

¹¹ "Sumber Data Dari Dirjen Pemasyarakatan," n.d.

Guidance for corruption convicts still refers to the pattern of coaching prisoners in general because there are no special provisions governing the development of corruption convicts. The stages of implementing prisoner development are divided into three stages, namely the initial stage, the advanced stage and the final stage. The initial stage of coaching starts from the time the inmate enters the prison until he undergoes 1/3 of his criminal period, preceded by a period of admission and orientation and continued with personality and independence development. In the advanced stage, it is divided into the first advanced stage (1/3 to of the criminal period) with advanced personality and independence development programs, while in the second advanced stage (1/2 to 2/3 of the criminal period) prisoners who meet the requirements are entitled to apply assimilation. While the final stage of development is known as the integration program where prisoners have the right to apply for parole, leave before being released, conditional leave.

Early Stage Development

The initial stage of coaching begins with the Admission period and the orientation period. This begins¹² with a period of monitoring¹³, research and introduction to the environment. The Admission and Orientation Period (AO) is also known as Mapenaling. Mapenaling is a program that is carried out in the early stages of coaching when corruption convicts enter and are placed in prisons, namely during registration and registration, introduction, observation and environmental research. This activity is to find out everything about the personal data of corruption convicts. Regardless of the length of the criminal period, every corruption convict and other general convicts are obliged to take part in the examination and be placed in the block of the examination room. The review period usually lasts a maximum of one month. At this stage, the inmates are given an introduction to the environment in prisons, an introduction to prison officers and inmates in prisons as well as an explanation regarding the rights and obligations of prisoners in prisons. New inmates will be introduced into the correctional system as a coaching process consisting of work units. Convicts who are admitted to prison must be registered. This admission and orientation stage is also the initial stage of collecting identity and data related to prisoners since the inmates are accepted in prison, where the results of the data collection will be used as initial guidelines for the next coaching process. In addition, several other activities carried out at this stage are health checks, taking photos and fingerprints as well as making handover reports which are carried out in the registration sub-section. The data resulting from observations and data collection related to the prisoners themselves are used to ensure planning for the implementation of personality and independence development programs.

According to Mrs. Kandi as the convict's guardian, because corruption convicts have a higher stress level than other general inmates, this period of admission and orientation is important to be introduced to corruption convicts so that they can blend in with the prison environment and undergo a series of processes in prison¹⁴

¹² Umi Enggarsasi, "Pola Pembinaan Narapidana Dalam Memberikan Kontribusi Keberhasilan Pembinaan Narapidana Di Indonesia," *Perspektif* 18, no. 3 (2013): 157, <https://doi.org/10.30742/perspektif.v18i3.27>.

¹³ Results of Interviews with Research Data Processors for the Bimaswat Sector as well as Guardians of Prisoners Class II A Yogyakarta, July 15, 2019.

¹⁴ *ibid*

The form of personality development and independence for corruption inmates from the author's interview with the resource person Mr. Suranto at the Class I Sukamiskin Prison, Bandung, stated that until now the form of guidance provided is still the same as coaching other inmates. We continue to provide guidance based on Law Number 12 of 1995 concerning Corrections and Government Regulation Number 31 of 1999 concerning Guidance and Guidance of WBP as well as other implementing regulations related to the implementation of coaching. There is no program specifically designed for corruption convicts in conducting coaching.¹⁵

The first advanced stage is carried out from a period of 1/3 of the criminal period to of the criminal period which is filled with continued personality and independence development.

The advanced stage of coaching is personality development which consists of religious activities and character, in this case, what is taught to corruption convicts is not only knowledge about religion but how to practice these practices.

In addition, activities for fostering national and state awareness are carried out, intellectual ability development activities are implemented for corruption convicts on how to think broadly, as well as physical fitness activities.

Based on the data obtained by the author at the Class II A prison in Yogyakarta that corruption convicts in carrying out skills development activities only act as managerial, where corruption convicts only act as managers in managing funds, the results obtained and then managed back into business capital.¹⁶

According to the author, that the business capital provided by corruption convicts to the prison where he is serving his sentence is not justified even though it is on behalf of a third party because it can affect the system in the prison. If convicts of corruption want to contribute to the Government in terms of improving prisons, the funds should be given to institutions authorized to manage which will later be distributed to prisons whose facilities and infrastructure are still minimal. This is to avoid the practice of buying and selling infrastructure facilities in prisons.

If in the process of fostering the first advanced stage, the prisoner has lived for (half) of his criminal period and from the results of the Correctional Observer Team Session has shown changes and progress, the coaching process is expanded through the second advanced stage (or commonly referred to as assimilation. As for the form of implementation the assimilation of corruption convicts is by employing them to third parties.

Based on the results of the interview with the Makassar Class I Fathers Community Counselor, it was said that sometimes the implementation of assimilation still encountered problems. This is due to the implementation of assimilation which is sometimes carried out simultaneously with parole. Corruption convicts occasionally carry out assimilation only to abort their obligations to existing regulations. Meanwhile, if we look at the purpose of the implementation of assimilation itself, it is to seek assimilation not only to fulfill the implementation of coaching but there must be results obtained from the implementation these activities¹⁷.

Final Stage Development

¹⁵ Results of an interview with the Head of the Administrative Division of the Sukamiskin Prison, Bandung, August 13, 2019.

¹⁶ Results of Interviews with Research Data Processors in the Bimaswat Sector as well as Guardians of Prisoners Class II A Yogyakarta, July 15, 2019.

¹⁷ Interview with the Chairperson of the DPW of the South Sulawesi Indonesian Society of Guidance as well as the Social Advisor of the Class I Correctional Center Makassar, 19 February 2020

The final stage is the process of fostering prisoners who have carried out 2/3 of the actual criminal period or at 9 months. This coaching is called the final stage of coaching, which is an activity in terms of preparation and implementation of the integration program¹⁸ Convicts who have met the requirements as stipulated in the laws and regulations are entitled to leave before release (CMB), parole (PB), conditional leave (CB) whose implementation is carried out outside prisons.

This final stage of coaching program is part of the coaching program to integrate prisoners into community life after meeting the predetermined requirements. According to Ms. Kandi as the Respondent, in order to process the proposal for parole for corruption convicts, in addition to meeting the document requirements as required in Article 87 Paragraph (1) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 3 of 2018 concerning Terms and Procedures In the method of granting remission, assimilation, leave to visit family, leave before release and conditional leave, there are additional provisions that must be met by corruption convicts to obtain parole, namely, they must attach evidence of having fulfilled the obligation to pay fines and compensation as stated in Article 88 Paragraph (2) the said Government Regulation¹⁹.

There are additional requirements for corruption convicts in obtaining their right to parole because corruption has a greater impact and influence than other criminal acts. The crime of corruption is an extraordinary crime that has caused great losses to the state so that the tightening in the provision of parole is nothing but the reason for fulfilling the public's sense of justice²⁰.

The deterrent effect in the implementation of development must be considered but still must pay attention to the return of state losses. The period of one month after the decision is final and binding to make the payment of compensation according to the author's view is too short. The return of state losses through the form of payment of replacement money, in the author's view, requires additional time, where if we look at the existing rules, it is only given a period of one month after the decision to make the payment of replacement money. In addition, to avoid ongoing corruption, the payment of compensation for prisoners should be allocated directly by building facilities and infrastructure that were previously corrupted. Thus, the phenomenon of impoverishing corruption convicts can be achieved.

4. CONCLUSION

The implementation of guidance for corruption convicts is broadly regulated in Law Number 12 of 1995 concerning Corrections and followed up by Government Regulation Number 31 of 1999 concerning Guidance and Guidance of Correctional Citizens. The coaching stage is divided into 3 stages, namely the initial stage, the advanced stage and the final stage. There are obstacles in the implementation of fostering corruption convicts where not all corruption convicts can get the right to parole even though they have good behavior, because they have to meet additional

¹⁸ Equatora, "Efektivitas Pembinaan Kemandirian Narapidana Di Lembaga Pemasyarakatan Wirogunan Yogyakarta."

¹⁹ Interview with the Chairperson of the DPW of the South Sulawesi Indonesian Society of Guidance as well as the Social Advisor of the Class I Correctional Center Makassar, 19 February 2020

²⁰ Ahmad Sanusi, "Evaluasi Pelaksanaan Pembinaan Narapidana Di Lembaga Pemasyarakatan Terbuka," *Jurnal Ilmiah Kebijakan Hukum* 13, no. 2 (2019): 123, <https://doi.org/10.30641/kebijakan.2019.v13.123-138>.

requirements in the form of paying compensation and fines in order to be granted their right to obtain parole.

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