



## Implementation of Assimilation Program in the Form of Social Work Against Corruption Prisoners: Case Study in the Jurisdiction of State Detention Center in Padang Class IIB

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### **Abstract**

State Detention House is the place where a suspect or defendant is detained during the investigation, prosecution, and examination process at the court hearing according to Article 1 number 2 Government Regulation Number 58 of 2010 concerning Amendment to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code. However, the existence of prisoners, especially corruption in the Detention Center Padang Class IIB, is an inconsistency used as a place for guidance. Coaching through assimilation programs in the form of social work is a form of integration to the community. Assimilation of prisoners in the form of assimilation program is a difficult thing to do, especially in cases of criminal acts of corruption. This is because the crime of corruption is a crime that results in huge losses to the State. The regulations governing the application of assimilation are Law No. 12 of 1995 concerning Corrections, Government Regulation No.03 of 2018. Based on the above description, the following problems can be formulated first, How is the implementation of the assimilation program in the form of social work on corruption prisoners in the jurisdiction of Class IIB Prison in Padang. Second, what are the obstacles faced in the process of assimilation program in the form of social work towards corruption inmates in the Class IIB detention area in Padang. The research approach used in this study is empirical juridical. The results of these studies can be concluded that, Class IIB Padang Detention Center has implemented an assimilation program for corrupt prisoners in the form of social work, it's just that the program has not been implemented entirely in accordance with applicable law. Constraints experienced were the socialization of the rights and obligations of detainees and prisoners who were lacking, the absence of coaching budgets, the condition of overcapacity in Class IIB Detention Centers in Padang.

**Keywords:** *Assimilation Program; Prisoners; Corruption Crimes*

### **Introduction**

Corruption in the perspective of criminal law is classified as a very dangerous form of crime, both against the community, and against the nation and state. The financial losses of the state and the economy of the state are the real consequences which are the basis of the justification of the criminalization of

various forms of corrupt behavior in criminal law policies. However, the loss of public trust in the government of a country is actually a far greater and more dangerous consequence than just losses from the financial and economic angle alone.<sup>1</sup>

W. Clifford stated that the increase in crime had attracted enough attention to the inefficiency of the existing criminal justice structure as a crime prevention mechanism. And also a similar statement was raised by Johannes Andenaes, that the higher and increasing average crime rate, is evidence of the failure or inability (impotence) of the existing system<sup>2</sup>.

According to Barda Nawawi<sup>3</sup>, imprisonment is currently experiencing a "period of crisis", because it is included as one of the types of crime that is "less preferred". Many sharp criticisms have been directed at this type of criminal deprivation of independence, both in terms of its effectiveness and in view of the other negative consequences that accompany or relate to deprivation of one's independence.

Prisonization also becomes a negative impact that is harmful to prisoners. The term prisonisation was developed by Donald Clener in 1940 in the book *The Prison Community* which is a process of absorbing the procedures for life in prison<sup>4</sup>. The absorption process is carried out with a learning process in interacting between prisoners. So it is widely known in society that prisons are like crime high schools. So the effort to suppress prisonisation is to provide guidance. But in this study the authors limit only to coaching the Assimilation program.

Herbert L. Parker<sup>5</sup> states "Punishment is necessary but lamentable form of social control. It is lamentable because it inflicts suffering in the name of goals whose achievement is a matter of chance". From Parker's view, there is a dilemma in the use of crime, on the one hand the use of criminal is needed to tackle crime, but on the other hand it is unfortunate because it causes suffering for someone. The form of suffering for people who commit crimes in the form of imprisonment. This prison sentence is a form of crime in the form of loss of independence. So it can be said that so many impacts arising from imprisonment, in fact the psychological impact is a more severe impact compared to the crime itself.

The purpose of coaching in prisons is based on Law No. 12 of 1995 concerning Penitentiary is so that the purpose of correctional purposes is formed so that Penitentiary Guides are aware of their mistakes, improve themselves, and do not repeat criminal acts so that they can be re-accepted by the community, can actively play a role in development, and can live naturally as good citizens and responsible.

The correctional system that is in line with the philosophy of social reintegration assumes that crime is a conflict that occurs between the convicted person and the community. Criminalization in this case is intended to restore conflict or reunite the convicted person with his community (reintegration). Philosophically, the social reintegration embraced by the penal system strongly emphasizes aspects of returning prisoners to the community. The integration of prisoners in this case is to provide more time for prisoners to mingle with the community before the actual criminal period ends.

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<sup>1</sup> Elwi Danil, Elwi Danil, 2011, *Corruption: Concepts, Criminal Acts and Eradication*, Rajawali Press, Jakarta. p. 70.

<sup>2</sup>Ibid, p. 196.

<sup>3</sup>Barda Nawawi Arief, 2014, *Criminal Law Policy (Development of the Compilation of the New Criminal Code Concept)*, Kencana Prenadamedia Group, Jakarta, p. 197.

<sup>4</sup>Nadia Utami Larasati, 2018, *The Effects of Prisonization and the Urgency of Providing Alternative Crimes for First Offenders*, *Journal of Criminology*, Volume 2 Number 1 June 2018, p. 52

<sup>5</sup>Sugeng Riyadin, 2012, *Open Penitentiary as a Sub-System in the Integrated Criminal Justice System (Special Study on Jakarta Open Prison)*, Thesis UI, Jakarta, p. 20.

This is also supported in the criminal justice system. According to Mardjono Reksodiputro, the intended criminal justice system is a system for dealing with crime<sup>6</sup>, because the purpose of this system is

- a. Prevents people from becoming victims of crime.
- b. Resolve the crimes that have occurred, so that the community is satisfied that justice has been upheld and the guilty convicted.
- c. Trying to make those who have committed a crime never repeat their actions.

In order to achieve the objectives of the criminal justice system, one of the sub-systems in the integrated criminal justice system is the correctional institution authorized to provide guidance to prisoners in accordance with the stages of coaching, in this case coaching assimilation.

Assimilation program is a concept of community-based correction or coaching that involves the community (involving the community). The concept of Community Based Correction according to Richard W Snarr is referring to the social reintegration pattern, where the pattern is to use all activities that involve the community in an effort to reintegrate prisoners with the community.<sup>7</sup> As it is known that assimilation is the activity of fostering prisoners and correctional students by mixing prisoners and correctional students in public life.

The assimilation program has been regulated in Law No. 12 of 1995 concerning Corrections in article 14 paragraph (1) letter j which states that prisoners are entitled to assimilation opportunities. In Law No. 12/1995 the assimilation regulations do not bind or require prisoners to participate in assimilation. Regulations regarding the assimilation program in 2012 contained tightening for certain cases. Along with the development of existing law in Indonesia, especially related to inmates who commit criminal acts of corruption which result in large losses to the State or society. The government changes the remission, assimilation, leave before release and parole for special crimes such as criminal acts of terrorism, narcotics and narcotics precursors, psychotropic, corruption, crimes against state security and human rights crimes set out in Government Regulation No. 99 of 2012 concerning the Second Amendment to Government Regulation of the Republic of Indonesia Number 32 of 1999 concerning Requirements and Procedures for the Implementation of Prison-Based Citizens' Rights followed up by the Minister of Law and Human Rights as implementing regulations with Minister of Law and Human Rights Regulation Number 03 of 2018 concerning the terms and procedures for remission, assimilation, family visit leave, parole, parole leave and conditional leave.

In the Republic of Indonesia Government Regulation Number 99 Year 2012 Concerning the Requirements and Procedure for the Implementation of the Rights of Prisoners in Article 43 A Paragraph (1)<sup>8</sup>there is an obligation for Corruption inmates who will propose parole to carry out assimilation in the form of social work. And also explained in article 38 A paragraph (1) the form of social work is by cooperating with social institutions overseen by the Penitentiary.

Assimilation according to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia number 3 of 2018 concerning the Conditions and Procedures for Granting Remission, Assimilation, Family Visit Leave, Conditional Release, Ahead for Leave, and Conditional

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<sup>6</sup> Mardjono Reksodiputro, 2007, *Criminology and Criminal Justice System (Second Book)*, Center for Justice and Legal Service Services (formerly UI Criminology Institute), Jakarta, p. 140.

<sup>7</sup> Hamja, 2015, *Community Based Correction Prisoners Community Based Correction Model in the Criminal Justice system*, Mimbar Hukum Volume 27 Number 3 October 2015, p. 450.

<sup>8</sup> Government Regulations No. 99 of 2012 concerning the Requirements and Procedures for the Implementation of the Rights of Citizenship Guidance in article 43 A paragraph (1): Granting Conditional Release for Prisoners convicted of committing acts of terrorism, narcotics and narcotics precursors, psychotropic, corruption, crimes against state security and gross human rights crimes, as well as other organized transnational crimes, in addition to fulfilling the requirements referred to in Article 43 paragraph (2) must also meet the following requirements: (a) be willing to cooperate with law enforcement to help dismantle criminal offenses committed; (b) has served at least 2/3 (two thirds) of the criminal period, with the provision that 2/3 (two thirds) of the criminal period is at least 9 (nine) months.

Leave is a process of fostering prisoners and correctional students which is carried out by mixing assimilation prison inmates and students in community life. In addition, the assimilation program in the form of social work for corrupt prisoners has the aim of eliminating the prisoner's bad image after receiving the sentence and also preventing public rejection of ex-convicts. But in reality, the application of cooperation with third parties is difficult to do.<sup>9</sup> In addition, social work with third parties is a feared moment for corrupt prisoners because it has a bad image or stigma from the community. And the community does not want to accept inmates to work in the community.

Correctional institutions according to article 1 paragraph (3) of Law No. 12 of 1995 concerning Penitentiary is a place to carry out the formation of prisoners and penitentiary fostered residents. Whereas the State Detention House is the place where a suspect or defendant is detained during the process of investigation, prosecution and examination at a court hearing.

Based on data from the Directorate General of Corrections<sup>10</sup> that the total occupancy of Class IIB detention centers in Padang, which is the Technical Services Unit of the Ministry of Law and Human Rights of West Sumatra region is 736 people consisting of 600 prisoners and 136 prisoners. And there are 3 adult correctional institutions in the West Sumatra region that do not experience overcapacity. Such as Alahan Panjang Class III Penitentiary, Sawahlunto Narcotics Class III Penitentiary, and Pasaman Class IIB Penitentiary. If we look at the data and the detention / prisons function, there are 136 inmates in the prison as many as 136 people, who should be able to be transferred to prisons that are not over capacity. Koccupants over 19%. This will affect the process of implementing the development program, especially the assimilation program.

The Assimilation Program given to corrupt prisoners in Class IIB detention centers also caused polemic among prisoners in Class II B detention centers in Padang. That is due to the specific behavior of corrupt prisoners compared to prisoners and other prisoners in the Padang Detention Center. This can be known in 2018 until 2019 prisoners besides corruption have never been proposed to participate in the assimilation program. The right to get assimilation rights is the right of every prisoner.

In addition, prisoners who are in the Class IIB State Detention Center in Padang become a legal problem that is happening. This is because there is a mismatch in the allocation of prisoners in detention centers, which should have been designated as a place for suspects or defendants to be detained during the investigation, prosecution, and examination process in court hearings. So that it can hamper the guidance process that has the aim to prepare prisoners to be able to integrate with the community outside to become good citizens.

## ***Result and Discussion***

The assimilation program, which is a social reintegration activity, has the goal of assimilating prisoners into the community environment as a form of preparation before being released already seen through the environment. Thus, physically prisoners are no longer confined to bars or walls, as well as to communicate and interact with the surrounding community in their daily lives. These conditions and conditions will provide more opportunities for the community to play an active role and be directly involved in coaching. There are differences when prisoners who are in detention in closed conditions, where the outside community is limited by the existence of walls or bars and access to enter them must be through formal procedures through permission to visit and within a limited time.

<sup>9</sup> Interview with Mr. Moh. Setiahadhi as Kasubsi of the Class IIB Detention Center Services of Padang on October 10, 2019.

<sup>10</sup> <http://smslap.ditjenpas.go.id> accessed on December 17, 2019.

The application of assimilation for prisoners and correctional fostered residents based on Article 15 of the Minister of Law and Human Rights Regulation Number M.2.Pk.04-10 of 2007 concerning the Requirements and Procedures for the Implementation of Assimilation, Conditional Release, Free Leave Leave, and Conditional Leave states that Memorandum of Understanding "Memorandum of Understanding" made by the Head of Prison or Head of Detention and third parties must contain the rights and obligations of each party.

According to article 14 paragraph (1) letter g of Law No. 12 of 1995 concerning Correctional Facilities is correctional prisoners are entitled to wages for work performed. And in article 15 Minister of Law and Human Rights Regulation No. 2.PK.04-10 of 2007 is a cooperation agreement that must contain the rights and obligations of each party, including wages to be received by inmates. While the application of assimilation in the form of social work for prisoners of certain cases such as corruption according to the Minister of Law and Human Rights Regulation Number 03 Year 2018 Regarding Terms and Procedures for Granting Remission, Assimilation, Family Visit Leave, Conditional Release, Leave Ahead, And Article 1 Conditional Leave is an activity carried out by Prisoners to provide services to the community without receiving compensation for services or wages. So that in this case it can be clear the difference in this case the application of assimilation for certain prisoners not to get a wage but towards changing the stigma received by prisoners of corruption in the community. Whereas the assimilation program for public inmates / correctional fostered residents is entitled to wages.

The collaboration between the Padang Class II B detention center and third parties is contained in the Memorandum of Understanding "Memorandum of Understanding". The Memorandum of Understanding between the Padang Class IIB Detention Center and the Humairah Minangkabau Foundation began on April 30, 2017 to April 30, 2020. The collaboration between the Padang Class IIB Detention Center and the third party the Humairah Minangkabau Foundation. The scope of the memorandum of understanding with the Minangkabau Foundation according to article 3 Number: 16-4 / HMR / 2017 and Number: W3.PAS.PAS.25.PK.01.08.03-155 / 2017 is:

- a. Assistance with mental and personality development
- b. Technical support
- c. Funding assistance
- d. Facilities and infrastructure assistance
- e. Marketing assistance and development of works.

So that it can be said in this case the scope of the memorandum of understanding between Class IIB detention center Padang with the Humaira Foundation has fulfilled Article 66 paragraph (2) of the Minister of Law and Human Rights Regulation Number 3 of 2018.

Based on the results of the interview<sup>11</sup>, that the application of assimilation at the Humaira Foundation was held at 09.00 am. - 16.00 pm. So long to carry out assimilation is in accordance with applicable regulations, namely based on Article 64 paragraph (1) of the Regulation of the Minister of Law and Human Rights Number 3 of 2018 that Prisoners and Children who are carrying out Assimilation outside Penitentiary shall be implemented within a maximum period of 9 (nine) hours of the day including time on the trip.

Corruption convicts, Azhar Latif and Karnaini conducted an assimilation program around the Humaira Foundation in the form of community service by working to provide training to the community and help provide funding in shelters. Inmates' shelter in this case to be used as a place for work training, which was previously carried out in a private home owned by Mrs. Nancy. So that in this case it can be said that integration efforts have been made. However, two other corruption convicts, Amrizal and Adri

<sup>11</sup> Interview of the Head of the Humaira Foundation. Ms. Nancy Eradona, January 27, 2020.

Mentawino Sababalat, have not yet implemented integration efforts. That is because of the limited staff of the Humaira Foundation to oversee the prisoner, the application of the assimilation program was carried out in the detention center.

While the collaboration between the Padang II Class II Detention Center Padang Class IIB and the third party of the West Sumatra Tarbiyah Islamiyah Foundation (YASTIS) was stated in the Memorandum of Understanding "Memorandum of Understanding" starting on February 1, 2019 to February 1, 2021. The scope of the application of assimilation in the form of social work at the Foundation Tarbiyah Islamiyah West Sumatra (YASTIS) based on article 3 of the Joint Kesepahaman Memorandum are:

- a. Assistance with mental and spiritual development and personality.
- b. Technical support.
- c. Funding assistance.
- d. Facilities and infrastructure assistance.
- e. Marketing assistance and development of works.

So that it can be said in this case the scope of the memorandum of understanding between Class IIB Prison in Padang with the West Sumatra Tarbiyah Islamiyah Foundation (YASTIS) has fulfilled Article 66 paragraph (2) of the Minister of Law and Human Rights Regulation No. 3 of 2018.

Based on Article 64 paragraph (1) Regulation of the Minister of Law and Human Rights No. 3 of 2018 that Prisoners and Children who are carrying out Assimilation outside Penitentiary carried out within a maximum of 9 (nine) hours a day including time on the trip. And at The application of assimilation for corrupt prisoners of Class IIB Prison in Padang at the West Sumatra Tarbiyah Islamiyah Foundation (YASTIS) was conducted from Monday to Saturday, starting at 08.00 am until 16.00 pm inmates carrying out assimilation to carry out social work. So long to carry out assimilation is in accordance with the provisions of Article 64 paragraph (1) Regulation of the Minister of Law and Human Rights No. 3 of 2018.

On the application in the field of corruption convicts on behalf of Akhiarli conducts activities in the field of mental and spiritual assistance as well as personality and infrastructure. The schedule provided by a third party is Monday to Friday the prisoner works in the administration of the library. And on Saturday the prisoner works in the student department, in this case the prisoner provides experience related to life in prison and related to corruption cases that have been committed against students. According to the West Sumatra Tarbiyah Islamiyah Foundation (YASTIS) chairman<sup>12</sup> these activities have benefits for students namely minimizing corrupt acts for the younger generation. However, this was only done for 7 (seven) days. That is because students have entered the semester break schedule until February and the prisoner will carry out his assimilation program again in March. So that in this case it can be said that integration efforts have been made. And also the application of assimilation for corrupt prisoners of Class IIB Padang Detention in the West Sumatra Tarbiyah Islamiyah Foundation (YASTIS) if it is related to article 66 paragraph (2) of the Minister of Law and Human Rights Regulation No. 3 of 2018 has fulfilled the regulation namely in the oriented field to provide services to the community or humanity.

The implementation of assimilation in the form of social work on corruption inmates at the Yastis Foundation in addition to being the responsibility of a third party, detention center, and also supervised by the Correctional Facility Office. Based on the results of interviews with Padang Class I Correctional Facility Office, aboutn community guidance which handles supervision on inmate Akhiarli at YASTIS, that Bapas Community Research only supervises once during the making of Community Research for

<sup>12</sup> Results of an interview with YASTIS chairman Syafrizal Syofyan, January 21, 2020.

proposing assimilation programs that had previously been assessed needs and risks of coaching in the inmate. The purpose of the Community Research is intended to express the conditions of the Client during undergoing coaching and the feasibility of third parties and family parties related to the evaluation of the proposed assimilation. As for the supervision that should have been carried out when the prisoners began to carry out assimilation, it was not carried out by the Community Guidance in the Correctional Institution. That is due to lack of budget in the Budget Implementation Entry List in the Penitentiary. So that no periodic supervision is carried out at the third party foundation by the social supervisor who handles the prisoner. Whereas supervision by detention centers on corruption inmates is at least once a month. So that no periodic supervision is carried out at the third party foundation by the social supervisor who handles the prisoner. Whereas supervision by detention centers on corruption inmates is at least once a month. So that no periodic supervision is carried out at the third party foundation by the social supervisor who handles the prisoner. Whereas supervision by detention centers on corruption inmates is at least once a month.

According to the memorandum of mutual agreement between detention centers Padang Class IIB and Yastis in article 5 paragraph (2) it is stated that the detention center has an obligation to maintain security and order during the implementation of activities. However, in the field implementation the security officers monitored only the first time the prisoners were escorted to the assimilation site to report to the YASTIS agency. And on the implementation of the assimilation the next day, the prisoner departed using his own vehicle without security from the Padang Detention Center, this indicated that there was no inherent supervision from the officers. As for the results of other studies that have been found, that at 09.00 am-10.00 am the prisoner has not yet come to the foundation. After it was confirmed that the prisoner had time to go home before carrying out social work at the foundation. So, it's too late to start social work. And the event was not followed up by the foundation, because there was no clear written agreement on the things that needed to be obeyed when carrying out social work and the consequences if there were violations at the foundation. So that the incident was the negligence of the officer. When supervision is not available, it can trigger worse events such as the prisoner's chance to escape in the midst of assimilation. Although there is an absent recap of the prisoners who will be sent to the detention center. And the event was not followed up by the foundation, because there was no clear written agreement on the things that needed to be obeyed when carrying out social work and the consequences if there were violations at the foundation. So that the incident was the negligence of the officer. When supervision is not available, it can trigger worse events such as the prisoner's chance to escape in the midst of assimilation. Although there is an absent recap of the prisoners who will be sent to the detention center. And the event was not followed up by the foundation, because there was no clear written agreement on the things that needed to be obeyed when carrying out social work and the consequences if there were violations at the foundation. So that the incident was the negligence of the officer. When supervision is not available, it can trigger worse events such as the prisoner's chance to escape in the midst of assimilation. Although there is an absent recap of the prisoners who will be sent to the detention center. So that the incident was the negligence of the officer. When supervision is not available, it can trigger worse events such as the prisoner's chance to escape in the midst of assimilation. Although there is an absent recap of the prisoners who will be sent to the detention center. So that the incident was the negligence of the officer. When supervision is not available, it can trigger worse events such as the prisoner's chance to escape in the midst of assimilation. Although there is an absent recap of the prisoners who will be sent to the detention center.

The revocation of assimilation rules according to article 136 paragraph 2 of Regulation Number 3 of 2018 can be carried out if inmates:

- a. Violating the rules in prison and recorded in the register book F;
- b. Not implementing the Assimilation program as it should;
- c. Violating the law;

- d. Indicated to repeat a crime;
- e. Cause anxiety in the community;
- f. Going home or other place where the family or relatives live;
- g. Traveling to another place that has nothing to do with assimilation activities; and / or
- h. Receive family visits at the place to run the Assimilation.

If it is related to the application in the field, the Prisoner Akhiarli may be revoked from his assimilation program because he visited his family during the process of implementing social work at YASTIS. But in reality, it is not revoked, this is because third parties do not know about the sanctions that will be obtained when committing an offense. At the time of the incident, the detention center had re-coordinated with the third party and reprimanded the prisoner. And in this case parties Penitentiary do not conduct surveillance so information about the incident is not known by the parties Penitentiary, so there is no revocation of assimilation from Penitentiary.

Based on Article 280 paragraph (2) of the Supervisory and Observation Judicial Criminal Procedure Code has the task of oversight in the guidance program namely, Supervisory Judge and Observers make observations for research materials for the sake of provisions that are beneficial to the penalties obtained from the behavior of prisoners or the formation of Correctional Institutions as well as the mutual influence on prisoners. inmate during his criminal course. So in this case it can be interpreted that the Wasmat Judge should have observed the prisoners during their criminal period<sup>13</sup>. And judges will also be able to know the extent to which court decisions produce good or bad impacts on inmates. However, in the implementation of the training program, especially assimilation in the jurisdiction of Class IIB Padang Detention Center in collaboration with third parties, the Judge as Supervisor and Observer in this matter was not involved.

The implementation of the assimilation program with third parties is an opportunity for prisoners to interact with the community. The transfer of the construction location from a closed place such as a detention center / correctional facility that is closed with iron bars to a third party, namely an open place, is to support the reintegration of prisoners to the community. The opportunities given to prisoners to interact with the community mean more and more, this is in addition to achieving social integration in the community. Also, to minimize the bad image for prisoner itself.

If it is linked between the application of the assimilation program to corruption inmates and Lawrence M. Friedman who argues that effective and successful law enforcement depends on three elements of the legal system, namely the structure of law, the substance of the law and the culture of law (legal culture). The legal substance is related to the regulations governing the application of assimilation to corrupt prisoners, namely Government Regulation Number 99 of 2012, the legal structure is the law enforcement apparatus implementing the regulations namely detention officers, correctional facility office and the third parties of the Humaira and YASTIS foundations, and the legal culture of the community in accepting these regulations.

Based on the research results in terms of legal substance, namely Government Regulation Number 99 of 2012 and Minister of Law and Human Rights Regulation number 3 of 2018 on the application of the assimilation program for corrupt prisoners which is a tightening circular for special prisoners, not yet fully known by all law enforcement officials and his colleagues, namely third parties in the organization of social work. The regulation is not explained in detail regarding the guidelines or procedures for making a Joint Memorandum of Understanding with third parties. So that uniformity in the format of the Memorandum of Understanding is needed in each Detention House and Penitentiary in order to reduce irregularities that can occur in the future.

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<sup>13</sup> Dessi Perdani, 2010, Implementation of Duties of Supervising Judges and Observers in Supervision and Observation of Prisoners (Study in Class II Correctional Institutions in Purwokerto A), Journal of Legal Dynamics, Vol. 10 No. May 2, 2010, p. 95.



If viewed in terms of the legal structure of the application of assimilation for corruption inmates. Law enforcement officials such as state prison, correctional institution office and third parties are not doing well in monitoring the implementation of assimilation. This can be seen based on research in the field of YASTIS foundations, there are corrupt prisoners who go home to their relatives before carrying out social work activities in Yastis, but this is not known by the Detention Center and Corrections Agency. And third parties only give a warning to the prisoner. The prisoner should be able to revoke his assimilation based on article 136 paragraph 2 of Regulation Number 3 of 2018. However, in the field implementation only received a reprimand from the detention center. This is due to the absence of socialization with third parties regarding the consequences of breaking the rules while carrying out social work. And there is no supervision from Bapas so there is an act of revoking assimilation.

When the legal culture is reviewed from the application of the assimilation program in the Detention Center in Padang Class IIB, it is closely related to the attitudes of corrupt convicts, third parties and the surrounding community. The attitude of corruption prisoners who often feel innocent makes it difficult to follow the application of the assimilation program. This can also be seen by the difficulty of finding third parties as contributors in the implementation of assimilation activities, it is also due to the bad stigma from the community towards prisoners.

The final goal of fostering prisoners in the assimilation stage is so that prisoners can be well received in the community. When prisoners are free from Detention Center / Penitentiary, the role of Detention Center / Penitentiary in this case has a role so that the prisoner can be accepted and integrated with the environment in the community. So, don't commit crimes again.

Based on research that has been carried out on the assimilation program which is a coaching program in the Detention Center Padang Class IIB, there are obstacles found in its application experienced by detention officers and prisoners.

The obstacles found in the implementation of the assimilation program and the efforts that have been made in overcoming these obstacles, namely:

1. Lack of socialization regarding the rights and obligations of detainees and prisoners in the Detention Center Padang Class IIB, especially regarding the assimilation program.

According to the explanation in Law No. 12 of 1995 concerning Correctional Prisoners, Correctional Students, or Correctional Clients are entitled to obtain information through both print and electronic media. So in this case there is an effort from the directorate general of correctional services by distributing Self Service information service tools for Penitentiary Citizens. The tool is a form of government efforts to provide information technology services in a transparency-based manner that protects the rights of prisoners and prevents illegal payments of prisoners. So that with the service the Prison Guidance Citizens do not need to meet and ask the officer and with the Prison Guidance Citizens simply by sticking their fingers on the finger print detection tool, it will automatically appear on the monitor screen about the Correctional Prisoner Citizens personal data. This can reduce illegal payments to Penitentiary Citizens.<sup>14</sup> Self Service Services based on the Correctional Database System in this case also displays information about the period of detention, free dates, rights that can be obtained such as remissions, dates when they can participate in the assimilation and parole program. The self service tool can reduce problems in the Detention Center Padang Class IIB such as problems regarding the lack of socialization regarding the rights and obligations of detainees and detention centers from the results of random interviews with detainees and prisoners, which can be concluded that many do not know about their rights and obligations they know. However, in the Detention Center Padang Class IIB, there is only one self service tool

<sup>14</sup> <http://ditjenpas.go.id/self-service-legitiman-layanan-tanpa-pungli> accessed on May 6, 2020.

available and placed at the front of the office. So that not all prisoners or prisoners can access the device.

Another step taken by Padang Class IIB Detention Center is through announcements or information about the rights and obligations of prisoners and detainees attached in the form of banners and posters. However, it is only in the area of the technical building that is only around the office building of the prison service sub-section officer. So, another method is needed, namely by informing through information media such as by making wall magazines, posters or banners attached to each Residential Block. The formation of a wall magazine in this case becomes important, it is to fulfill the right of prisoners to obtain information. The benefits to be gained from transparency of information in this case are so that the socialization of the rights and obligations of prisoners in Detention Centers Padang Class II B can be achieved properly. Prisoners and prisoners can also know the length of sentence to be carried out and the calculation of expiration, which is knowing 1/3 criminal period, 1/2 criminal period, 2/3 criminal period that is replaced periodically. So by knowing the data, prisoners can find out information when they can propose an assimilation program.

2. There is no Development Budget in Padang II Class Class State Detention House.

Budget Implementation Filling List according to Regulation of the Minister of Finance Number 164 / Pmk.05 / 2011 Concerning the Formulation and Ratification of the Budget Implementation Filling List in Appendix I is a budget implementation document prepared by the Budget User / Budget User Authority and authorized by the Director General of Treasury or Head of Office Region of the Directorate General of Treasury on behalf of the Minister of Finance as the State General Treasurer. Based on the results of an interview with the Finance Department Padang Class IIB detention center on May 15, 2020, the program of activities contained in the List of Implementation of the Budget for Detention Center Padang Class IIB is a community development and management program. The output of activities on the Budget Implementation Entry List owned by Padang Class IIB Detention House in 2020 is a prison service of Rp.30,900,000 (thirty million nine hundred thousand rupiah) and prisons care services of Rp. 5,442,700,000 (Five billion four hundred forty-two million seven hundred thousand rupiah). There is no budget allocation for fostering prisoners in the Detention Center Padang Class IIB. This is because the function of the Detention Center is the place where the suspect or defendant is detained during the process of investigation, prosecution, and examination in court, according to article 1 number 2 Government Regulation Number 58 of 2010 concerning changes to Government Regulation Number 27 of 1983 concerning Implementation of the Law Book Criminal Procedure Law for State Detention Houses. So, there is no cost for coaching activities in the Detention Center Padang Class IIB. The efforts made by the Detention Center Padang Class IIB in overcoming financing in the prisoner guidance program in the Detention Center Padang Class IIB are by cooperating with third parties to implement social work for corrupt prisoners.

3. Over capacity condition that occurs in Detention Center Padang Class II B

State Detention House is the place where a suspect or defendant is detained during the investigation, prosecution, and examination process at the court hearing according to Article 1 number 2 Government Regulation Number 58 of 2010 concerning Amendment to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code. However, the application of Detention Center in Padang Class IIB also functions as a prison that holds 230 inmates 30.21% with 69.77% prisoners. So experiencing overcapacity of 23% with a capacity of 620 people. Overcapacity in the Detention Center Padang Class IIB can affect maintenance and training programs in Detention Center Padang Class IIB. As in the case of the

coaching program it is difficult to apply in the Detention Center Padang Class IIB, this is because there is no coaching budget in the Detention Center in Padang.

With regard to the difficulty of the coaching program carried out at the Padang Detention Center, it will affect the difficulty of achieving the correctional goals namely, realize their mistakes, improve themselves, and not repeat the crime so that it can be accepted again by the community. So the effort that must be made by Detention Centers Padang Class IIB is the need for good coordination and communication with related parties or agencies namely the Regional Office of the Ministry of Law and Human Rights of West Sumatra and Penitentiary Institutions throughout West Sumatra related to the transfer of prisoners at home Padang Prisoners.

4. There was an unenthusiastic attitude from some prisoners in joining the assimilation program.

Assimilation program for corruption convicts according to article 43 A Government Regulation no. 99 of 2012 and article 86 of the Minister of Law and Human Rights Regulation No. 3 of 2018 became mandatory, because it is a condition for proposing the Conditional Exemption program. Thus, in the application of the field many prisoners are not enthusiastic about participating in the assimilation program. That is because it is difficult to meet the requirements in the proposed assimilation program. As in the case of one of the administrative requirements in proposing an assimilation program is paying off fines and compensation in accordance with court decisions. So that it caused an unenthusiastic attitude from several inmates in the Detention Center Padang Class IIB.

The unenthusiastic attitude of some prisoners in participating in the assimilation program caused the coaching program that was being implemented could not run well in the Detention Center Padang Class IIB. This is because the assimilation program that is being run is only considered as a formality as one of the requirements to get the Conditional Exemption Program. To overcome this, all Detention Officers can provide motivation to inmates related to coaching programs that will be lived during the criminal period. Because the criminal process he undertakes is only a loss of independence.

5. Difficult to find a third party to work together in the Assimilation Program.

The difficulty of finding a third party to work together in implementing the assimilation program in the Detention Center Padang Class IIB is due to the community's stigma about inmates being criminals. The efforts made by Detention Center Padang Class IIB are conducting explorations with the community, private offices and government offices in the city of Padang. But in the application given the difficulty of cooperating with private offices and government offices because the office or company is afraid of the occurrence of crime back where he worked. So that it can worsen the image of companies and government offices in the eyes of the public.

And at this time the Detention Center Padang Class IIB is collaborating with the West Sumatra Tarbiyah Islamiyah Foundation (YASTIS), based on a memorandum of understanding together with Number: 031 / A.07 / STAI-YASTIS / 2019 and Number: W3.PAS.PAS.25.PK.01.08.03 / 116-2019 regarding Guidance and Training for Citizens of Detention Center Padang Class IIB. Another effort that needs to be done is to coordinate within government offices such as the West Sumatra Provincial Government and the West Sumatra Province Manpower Office in terms of the socialization of the aim of fostering the assimilation of corrupt prisoners in the community is to confuse prisoners in the community. So that it can reduce the bad stigma by the form of rejection from the community.

## 6. Lack of Supervision of Assimilation Development for Corruption Prisoners.

Based on article 1 paragraph (5) Regulation of the Minister of Law and Human Rights Number M.2.PK.04-10 of 2007 Concerning Requirements and Procedures for the Implementation of Assimilation, Conditional Exemption, Leave Ahead, and Conditional Leave supervision is a step or activity that serves to prevent the occurrence of irregularities in the application of Assimilation, Parole, Free Leave, and Conditional Leave including evaluation and reporting activities. The assimilation training program is supervised by the Detention Center, Corrections Agency and third parties. However, in the field application, supervision by the Detention Center, Correctional Institution and third parties is lacking. This can be seen based on the inaccuracy of prisoners' time in the implementation of the assimilation process in YASTIS. Based on the results of interviews with the Correctional Institution of Padang Prisoners Class I who handle supervision of Akhilarli inmates at YASTIS, that the Correctional Institution of Correctional Institutions only supervises once during the making of the Correctional Research for the proposal of assimilation programs that had previously been assessed needs and risks of guiding inmates. The purpose of the Community Research is intended to express the conditions of the Client during undergoing coaching and the feasibility of third parties and family parties related to the evaluation of the proposed assimilation. As for the supervision that should have been carried out when the prisoners began to carry out assimilation, it was not carried out by the community guidance in the Correctional Institution. That is due to the lack of budget in the Budget Implementation Entry List at the Penitentiary. So that no periodic supervision is carried out at the third party foundation by the social supervisor who handles the prisoner. Whereas supervision by detention centers on corruption inmates is at least once a month. This can create opportunities to escape from third parties. As for other efforts that can be carried out is a supervisory collaboration involving Supervisory Judge and Observer Judge in the assimilation fostering program for corrupt prisoners, the existence of observations is expected to prevent violations and the assimilation program can be beneficial. So that no periodic supervision is carried out at the third party foundation by the social supervisor who handles the prisoner. Whereas supervision by detention centers on corruption inmates is at least once a month. This can create opportunities to escape from third parties. As for other efforts that can be carried out is a supervisory collaboration involving Supervisory Judge and Observer Judge in the assimilation fostering program for corrupt prisoners, the existence of observations is expected to prevent violations and the assimilation program can be beneficial. So that no periodic supervision is carried out at the third party foundation by the social supervisor who handles the prisoner. Whereas supervision by detention centers on corruption inmates is at least once a month. This can create opportunities to escape from third parties. As for other efforts that can be carried out is a supervisory collaboration involving Supervisory Judge and Observer Judge in the assimilation fostering program for corrupt prisoners, the existence of observations is expected to prevent violations and the assimilation program can be beneficial. This can create opportunities to escape from third parties. As for other efforts that can be carried out is a supervisory collaboration involving Supervisory Judge and Observer Judge in the assimilation fostering program for corrupt prisoners, the existence of observations is expected to prevent violations and the assimilation program can be beneficial. This can create opportunities to escape from third parties. As for other efforts that can be carried out is a supervisory collaboration involving Supervisory Judge and Observer Judge in the assimilation fostering program for corrupt prisoners, the existence of observations is expected to prevent violations and the assimilation program can be beneficial.

## 7. Safeguard Standards for Assimilation of Assistance Programs for Corruption Prisoners That Do Not Yet Exist.

Based on the Memorandum of Understanding between YASTIS and the Detention Center Padang Class IIB in article 5 paragraph (2) letter c that the Detention Center Padang Class IIB is

obliged to maintain security and order during the implementation of the activities. And in article 64 paragraph (3) Minister of Law and Human Rights Regulation No. 3 Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Family Visit Leave, Parole, Free Leave and Conditional Leave stated that the Leader of Detention Center Padang Class IIB is responsible for the security of the implementation of Assimilation. However, in the field application, the surrender of corruption convicts was carried out in front of the Detention Center Padang Class IIB without any escort from Padang Detention Center Padang Class IIB officers heading to the assimilation site or after carrying out assimilation at a third party. If related to Article 11 paragraph (1) letter c Minister of Law and Human Rights Regulation No. 33, that there is escort for prisoners who carry out assimilation. However, the regulation does not mention in detail about the extent of security provided. So related to escorting corruption inmates in the Detention Center Padang Class IIB, there is a discrepancy with these rules.

So to overcome this, periodic supervision of the Head of Detention Center is needed. In addition, to prevent deviant behavior in the process of securing corruption prisoners, a standard or detailed guideline is needed in safeguarding prisoners of corruption and sanctions if they do not comply with the security procedures.

8. There is a non-uniformity of the Joint Memorandum of Understanding.

Based on article 63 paragraph (1) and (2) Regulation of the Minister of Law and Human Rights No. 3 of 2018 that the application of assimilation must be based on cooperation agreements and contain the rights and obligations of the parties in accordance with statutory provisions. However, in the field implementation there is a lack of uniformity of cooperation agreements between Penitentiary Technical Services Units in West Sumatra with third parties. That is because there is no detailed regulation in Government Regulation Number 99 of 2012 concerning the second amendment to Government Regulation Number 32 of 1999 concerning Requirements and Procedures for the Implementation of Prisoners' Rights as well as Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Family Visit Leave, Parole, Pre-Free Leave and Conditional Leave regarding rights and obligations when collaborating with third parties. And to overcome the uniformity of the memorandum of understanding is to make arrangements regarding the Guidelines for the Memorandum of Understanding with the assimilation with third parties. And carried out more in depth socialization of third parties regarding sanctions when violations occur.

### ***Conclusion***

1. The Detention Center Padang Class IIB has carried out an assimilation program for corrupt prisoners in the form of social work, only that the program has not been implemented in accordance with the applicable law. The application of assimilation for corruption prisoners in collaboration with the Humaira Minangkabau Foundation has not been fully implemented in the integration effort with the community and the application of assimilation in collaboration with YASTIS foundations has fulfilled efforts for integration with the community. Thus, the social work assimilation program for corruption inmates in the Detention Center Padang Class IIB from October 2018 to January 2020 on the purpose of correctional services has not yet been fully achieved. Whereas only 60% of corruption convicts achieved from a total of 6 corruption convicts.
2. Constraints experienced in the process of implementing the assimilation program in the jurisdiction of Detention Center Padang Class IIB namely the socialization of rights and obligations for detainees and prisoners in Detention Center Padang Class IIB that is lacking, especially regarding the assimilation program. Class II B Padang State Prisoners, Overcapacity conditions in Detention

Center Padang Class IIB, There are unenthusiastic attitudes of some prisoners in participating in the assimilation program, Difficulties in Finding Third Parties to Work Together in the Assimilation Program, Low Supervision of Assimilation Guidance for Corruption Prisoners , Security Standards Against Assimilation Guidance Program for Corruption Prisoners That Does Not Exist Yet, There Is A Common Memorandum of Understanding.

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