



## The Essence of the Correctional System in the Effort of Recovering the Correctional Assisted Resident

A. Marwan Eryansyah<sup>1</sup>; Musakkir<sup>2</sup>; Syamsul Bachri<sup>2</sup>; M. Arfin Hamid<sup>2</sup>

<sup>1</sup> Doctoral Law Student at Hasanuddin University, Makassar, Indonesia

<sup>2</sup> Professor of Legal Science, Faculty of Law, Hasanuddin University, Makassar, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v7i8.1971>

---

### Abstract

The essence of correctional system in the effort of recovering the correctional assisted resident is a rehabilitation and social reintegration in the implementation of correctional system. The nomenclature changes from the prison system to correctional system, is a progressive step that is conducted to make a new image in the correctional agency.

**Keywords:** *Correctional System; Rehabilitation; Social Reintegration*

### Introduction

Recurring crime (recidivist) increasingly create a fear in themselves on the community when government issues assimilation and integration policies for the prisoner during the Covid-19 pandemic that hit not only Indonesia, but also the whole world. Recidivism in the general understanding, known as one of the wide terms that referring to relapse of criminal behavior, including *rearrest*, *reconviction*, and *reimprisonment*<sup>1</sup>. Recidivist also known as person who made a recurring crime.<sup>2</sup> While recidivism known as individual or group tendency to repeating the despicable act even though they have been punished for those acts. But as a concept on criminal law, a person can be called as recidivist or do a recidivism if the person has done a recurring crime with certain conditions that can be affected on the punishment.

Various rule regarding on recurring crime with different punishment make the current recidivism quite complicated. Those concept in the practice sometimes made a different perception between law enforcer. Even though the problem about recidivism concept in Indonesia criminal law is quite rarely used as a discussion, but in the real practice sometimes made a multi interpretation. The term of *recidive* is an act of a person that repeat the criminal act after being sentenced to a punishment by a judge decision which has a permanent legal force because of criminal act that he has committed earlier. A person who often commit a criminal act, and because of his or her action has been sentenced to punishment is even

---

<sup>1</sup> Fazel S dan Wolf A, 'A Systematic Review of Criminal Recidivism Rates Worldwide: Current Difficulties and Recommendations for Best Practice', *PLoS ONE* 10 (6): 0130390. 2015, p. 1-8 <doi:10.1371/journal.pone.0130390>

<sup>2</sup> Aruan Sakidjo dan Bambang Poernomo, 'Hukum Pidana Dasar Aturan Umum Hukum Pidana Kodifikasi', Ghalia Indonesia, 1990, p. 181

more often sentenced to be criminalized, known as *recidivist*. If *recidive* pointing on recurring criminal act, then *recidivist* is pointing on the person that do a recurring criminal act.<sup>3</sup>

As one of the legal terms, repeated offender or recidivists also known with the term of “*bromocorah*”. Andi Hamzah in his book “*Terminologi Hukum Pidana*” explain *bromocorah* as “person whose done repeated offense within the period determined by laws; for example, the act of committing another offence within a period of 12 years since the judge decision has a permanent legal force or since the entire sentence has been served, or so on.”<sup>4,5</sup>

In the criminal law doctrine, *recidive* can be detailed as follows:

1. *Algemeene recide/General Recidive*, that is not observe the characteristic of the repeated crime. As long as the defendant commit any kind of criminal incident.
2. *Speciale Recivide/Specific Recidive*, namely the repeated crime of a similar with the crime that has resulted in the imposition of a crime.

Beside those two systems there’s also known as the *Between System/Tussen System*, namely with several crime according to the nature considered the same, grouped in one group (*groeps recidive*). Apart from doctrine, in the modern criminal law, it is introducing the other detail of recidive: *Accidentele recivide/Repeated coincidence (forced)* and *Habituale recidive/repeated habit*.<sup>6</sup> The level of recidivism in Indonesia not yet known for sure because there still no study about recidivism level nationally. Several studies have been conducted but in a small scope, for example on a recidivism in Makassar Correctional Institution Class I, showed between 2008 until 2014 the number of recidivisms is increased. The study said the increasing number of recidivists from year to year is one of the bad achievements for the guidance in the correctional institution, the correctional system which is expected to give a positive contribution to the scheme of development in the correctional institution does not appear to be running according to the expectation of the correctional law.

Generally, it is known that a prison is an institution that has been designed to “imprison” or “change” also “to reintegrate” the inmates. The prison known to made an inmate character or behavior to the better life after being imprisoned. Therefore, ideally the prison is an institution that have ability to give a treatment and development to the inmate, with a hope to decreasing the recidivism risk. Reintegration in a form of treatment and development is one of the keys to decreasing recidivism, as it is state by Ksenija Butorac in a journal about recidivism crime as follows:

*The behaviour of re-offenders can often be linked to substance abuse, mental illness, lack of job skills, learning disabilities and lack of education. Prison sentences for less serious crimes often result in shorter sentences. Thus, even if prisons offer treatment and support for offenders while indetention, less time in prison can limit access to these services. In order to stop the cycle of recidivism what is crucial is reintegration programmes which offer treatment and support to these prisoners after their release.*<sup>7</sup>

Seeing the overcrowded condition that happen in prison and jail all over Indonesia, of course it has a big influence on the success of development and guidance of the correctional system, so it can be

<sup>3</sup> Mahrus Ali, ‘Dasar-dasar Hukum Pidana’, Sinar Grafika, Jakarta, 2011, p. 139

<sup>4</sup> Andi Hamzah, ‘Terminologi Hukum Pidana’, Sinar Grafika, Jakarta, 2009, p. 25

<sup>5</sup> Prianter Jaya Hairi, ‘Konsep dan Pembaruan Residivisme dalam Hukum Pidana di Indonesia (Concept and Reform of Recidivism in Criminal Law in Indonesia)’, *Jurnal Negara Hukum*, 2018. p. 202 <<https://doi.org/10.22212/jnh.v9i2.1048>>

<sup>6</sup> Ibid. p.203

<sup>7</sup> Ksenija Butorac et all, ‘The Challenges in Reducing Criminal Recidivism’, *Public Security and Public Order*. 18, Zagreb Croatia, 2017, p. 155-131.

concluded that there is no significant difference between development for all members of the correctional facility. Several factor that can made it difficult to give a difference on development and guidance are:

1. Budget/funding
2. Human Resource in quantity and quality, which the lack of educators and understanding by each officer in providing guidance to the classification of prisoners.
3. Facilities and infrastructure, which the lack of facility and infrastructure that is needed to support all the guiding activities that is carried out.
4. Supervision, which the lack of supervision from superior on every activity that occurred so that the development and mentoring that is provided are not in accordance with the predetermined rules.

This risk factor is different with static factor risk (such as age, gender, criminal record, and age when first time being arrested). With dynamic risk factor and main factor, they cannot change it easily. Many study and meta-analysis has identified three factors as the most dynamic risk factor that can cause the repeated act (recidivism). Several factor that is related with the repeated act have relation with limited or none at all with the recidivism such as pride, personal/emotional stress, main mental health and physical health problem.<sup>8</sup>

In the Blueprint for Reforming Correctional System Implementation, it is stated that social reintegration is a punishment philosophy that underlies the implementation (system) of correctional; “philosophically correctional is a criminal system that has been moved far away from the philosophy of retributive (retaliation), deterrence, and resocialization. In other word, the punishment is not intended to make suffering as form of retaliation, it is not intended to deter suffering, nor does it assume the convict is someone who lacks socialization. The correctional is in line with social reintegration philosophy that assume a crime is a conflict that happened between the criminal and public. So, the conviction is aimed to restore the conflict or to unify the criminal and public (reintegration).<sup>9</sup>

The rampant on law violation in society, in the form of minor crime such as theft, or other crime such as persecution or murder, up to serious crime such as terrorism, narcotics, and other transnational crime. There are many incidents, make the number of prisoner and convicts languishing in the correctional institution (*Lapas*) and State Detention Centers (*Rutan*), need a special attention. The riots that occurred in prison and detention center, the rampant circulation of narcotics involving the inmate and correctional officer, even the practice of bribery and gratification that happen in late July 2019 in Sukamiskin Correctional Institution, Bandung, are believed to be the result of inability of correctional institution and detention center to accommodate their residents.

According to the data that is collected by Directorate General of Corrections, Ministry of Law and Human Rights on 13 July 2018, there are only 4 from 33 regional offices throughout Indonesia which are free from overcapacity problem. The living capacity that can only accommodate around 124.262 peoples of community assisted residents, which is contained on 519 correctional institution and state detention center in Indonesia, now accommodating around 253.702 correctional assisted residents.<sup>10</sup> A significant increase occurred in the data obtained in January 2020, at the level of overcapacity to only 3 regions out of 33 regional offices throughout Indonesia. Likewise, the addition of 523 technical implementation units was not the main factor in reducing excess capacity, but instead added to the burden on the state budget. With the addition of the technical implementation units, the available capacity is

---

<sup>8</sup> Hadi M. and Wan Azlinda Wan Mohamed, ‘Reformation of Offenders in Nigerian Correctional Institutions’, *Pertanika Journal Soc. Sci. & Hum.* 25 (S): Universiti Putra Malaysia Press, 2017, p. 143

<sup>9</sup> Peraturan Menteri Hukum dan Hak Asasi Manusia RI Nomor: M.HH-OT.02.02 Tahun 2009 Tentang Cetak Biru Pembaharuan Pelaksanaan Sistem Pemasyarakatan

<sup>10</sup> Direktorat Jenderal Pemasyarakatan, [smslap.ditjenpas.go.id](http://smslap.ditjenpas.go.id)

131.327 people, but the correctional assisted residents that is accommodated is 266.577 with an over capacity rate of 103% throughout Indonesia.

If a comparison is made between the Human Resources of employees with a total of 35,325, who have tasks in the field of guidance as many as 6,214 and security officers as many as 20,066, it is still very far from the ideal impression, to optimize the guidance and security programs. This condition also results in the low level of supervision carried out by prisons and detention centers, given the irrational comparison of prison and detention residents. Apart from this, negative excess arose on the prison and detention management, including the narcotics circulation, policies outside of the procedures, all of which lead to illegal fees. The increasing in number of prisoners assisted in prison, which has an impact on overcrowded in prison and detention centers, has an opportunity for the emergence of recidivists, when compared with the number of employees who are assigned to provide guidance to prisoners in prison, as well as guiding for correctional client. Therefore, this paper will be focused on the discussion of the nature of the correctional system as an effort to recovering the prisoners.

### **Research Method**

Type of this paper is a normative research method, which focuses on primary and secondary legal research to elaborate the issue of this paper.

### **Discussion**

#### **The Essence of the Correctional System in the Efforts of Recovery of the Correctional Assistants**

The history of correctional system in Indonesia is first coming from prison system, that is held with an aim to deterrent the lawbreaker, because it is become a disease in society so that must be put in prison. The development of imprisonment in Indonesia has its own era and distinctive feature, which consist of *socio cultural*, politics, and economy aspects. The implementation of criminal execution in Indonesia took effect before the proclamation of Indonesia independence which began in 1872 to 1945. Furthermore, the period of the Indonesia prison system, during the struggle for independence and the characteristics of the national prison from 1945 to 1963.

The history of correctional care after independence in Indonesia divided into 3 periods, namely:

- a. First period on 1963 until 1966. This period was marked by the new concept that submitted by Dr. Saharjo, S.H which the concept of national law that is showed with a Banyan Tree which symbolize protection and new thinking about the purpose of imprisonment is for correctional facility. On the Correctional Directorate Service Conference in Lembang, Bandung 1964, there was a change on the term of *Pemasyarakatan* (Correctional) where before it is mean as a part of society that is useful become restoration of integrity of life-livelihoods.
- b. Second period on 1966 until 1975. This period was marked with the establishment of community guidance offices and alleviation of children (BISPA) which until 1969 was planned 20 pieces. This period has showed the trial and error in the correctional field, a symptom that commonly occurs at the beginning of the transition from the old situation, was marked with the change of the correctional become *bina tuna warga*
- c. Third period on 1975 until now. This period was started with the correctional evaluation system workshop 1975 which discussed about statutory and implementing the regulations as a structural basis that was used as the basis of correctional operation, personnel facility, financial facility, and physical facilities. In the organizational structure, there is a name restoration from *bina tuna warga* become its original name, correctional facility.

In the next development, the implementation of correctional system was strengthened with The Law No. 12 of 1995 concerning of Correctional. With this correctional law, the efforts to realize the vision of the correctional system are increasingly strong, as an order regarding the direction and boundaries and methods of fostering Correctional Assistants based on Pancasila, which carried out in an integrated manner between the mentor the correctional assisted resident, and the society to improve the quality of the assisted citizen are aware of their mistakes, improving themselves and not do a repeated criminal acts so that they can be accepted back by the society, can actively play a role in development and can live naturally as good and being a responsible citizen.

The main task (system) of correctional is the act toward the prisoner and convict, and the client in the terminologies of mentoring, caring, and, guiding in the scope of human rights. Therefore, what will be the philosophy (system) of correctional will depart from this main task.<sup>11</sup> The main task (system) of correctional is the treatments on prisoners, convict (and client), then the philosophy that underlies the emergence of theory and practice regarding the treatment of offender. However, the main task of correctional system in form of act on the lawbreaker need to be supported by the correctional administration.

Vernon Fox on Iqraq about the administration of this correctional system, define:<sup>12</sup>

*“Correctional administration refers to the organization and management of a system that brings the basic necessities and the treatment programs of the correctional institutions or agencies to the correctional clients.”*

With using this framework, in simple term it means that the administration (system) refer to the organizational and management aspect that facilitate the treatment process of detainees, prisoners, and clients. In this case, the administrative aspect is supporting the core business (system) of corrections. Ideally, the format and the administrative process that will be established are able to properly facilitate mentoring, maintenance and mentoring processes. About this last thing, Fox emphasized that;

*“The correctional administrator who knows management and the objectives of the correctional function, and is in tune with the power-oriented political structure, is in a strong position to effect the delivery of correctional services to the offender in his (her) charge.”*

The Indonesian Correctional System which adheres to a reintegrative philosophy is in fact very adaptive to community-based corrections. The correctional views that the development is not only carried out within the institution, but requires a certain phase in which inmates interact with the community until they are reintegrated, even though they are still in a criminal period. Interaction and reintegration are an effort made to increased public willingness to accept the prisoner back and minimize the stigma, so that when they are free, they are expected to be able to live normally again as a part of society. If we see further mode on the reintegrative philosophy which emphasizes about the restoration of the convict's relationship with society, the punishment can basically carry out outside the prison. Regarding the essence of the reintegration which trying to restore the conflict, then the punishment can be done outside the prison (an alternative to imprisonment), with bringing the perpetrator to the society without any criminal justice process (an alternative to conviction). United Nation office on Drugs and Crime (UNODC) explaining that a number of reasons behind the emergence of thoughts towards the community-based correction, namely; the imprisonment of very minor criminals is counterproductive and if the perpetrators are a vulnerable group; deprivation experienced by the convicted person; to the high cost of imprisonment. This conclusion of course based on the empirical reality in many prisons in the world that face these problems, including Indonesia.<sup>13</sup> The development from prison system to the correctional

<sup>11</sup> Iqraq Sulhin, Filsat (Sistem) Pemasarakatan, *Jurnal Kriminologi Indonesia* Vol. 7(I), 2010. p. 138

<sup>12</sup> Ibid.

<sup>13</sup> Ibid., p. 148

system until the birth of the correctional system in 1995 which is contained in the Correctional Law can be seen in the table below:<sup>14</sup>

**Table 1. Difference Between the Prison System and Correctional System**

No.	Component/System	Imprisonment	Correctional (Sahardjo Idea, 1964)	New Correctional (Correctional Law)
1	Philosophy	Liberal	Pancasila	Pancasila
2	Legal Basis	<i>Gestichten Reglement</i>	<i>Gestichten Reglement</i> with the change	Correctional Law
3	Aim	deterrent	Development with the Admission /Orientation/Development, Assimilation Stage	Improve the convict awareness with self-introspection and self-development(Human Resource Development)
4	Approach System	Security Approach	Security Approach	Consciousness Approach
5	Classification	Maximum Security	Maximum Security Medium Security Minimum Security	High Consciousness Half Consciousness Low Consciousness
6	Classification Approach	<i>Maximum Security</i>	Maximum Security Medium Security Minimum Security	High Consciousness Medium Consciousness Minimum Consciousness
7	Treatment of Prisoners	Object	Subject	Subject/Object
8	Development Orientation	Top Down Approach	Top Down Approach	Bottom Up Approach
9	The Orientation Characteristic	Exploitation	Train to work	Independent/Confidence to improve self-ability/Human resource development
10	Remission	Grace (1917 – 1949)	Rights (1950 – 1986)	Rights and obligation (1987 until there's a change)
11	Form of building	Prison	Prison (old building), new building still not fully showing the Correctional Institution	Need to be specially designed
12	Convicts	Left behind/ not given any guidance, mentoring	Give a guidance	Introducing to himself, giving a motivational technique for self-motivation or for other/groups. Ability to self-development, human resource development.
13	Family	Given less opportunity to participate in the development. Imprisonment is not open. The role of family is neglected in participating in fostering the prisoners.	Given more chance to participate in development (paid leave, etc.)	Full opportunity,the family will be informed about the staged of development carried out by Correctional Institution for the inmates.The development of consciousness of the prisoners who are still a sibling.
14	Supervisor Government	/ Emphasized to deter prisoners so they did not commit those criminal acts again. Because he was deterred from going to prison	As a supervisor, directing the prisoner to at least not commit any other crime after leaving prison	Role Model. As long as the correctional institution officer are not able to be role model, it is better if they resign from their duties.The officer must have ability to motivate the prisoner and develop the prisoner personality completely.Must always think positively and constructively

Sumber: C.I.Harsono dalam bukunya “Sistem Baru Pembinaan Narapidana”.

<sup>14</sup> C.I.Harsono, Sistem Baru Pembinaan Narapidana, Djambatan , Jakarta, 1995, p. 7

According to the table above it can be seen that the development of correctional in Indonesia is first enforced by a prison system. This concept is coming from Europe, brought by Netherland to Indonesia and it is implemented by applying the *Gestichten Regrement Stbl 1917 No. 708* before the Correctional Law is enforced. If it seen from the aim, inside the prison system the prison was aimed to giving a conviction just for giving a deterrent effect so the convict will not do a repeated crime. While in correctional system, the aim of the conviction is to developing and guiding, with an admission/orientation steps, and assimilation. Therefore, in guiding the convict there are two perspectives such as:

- a. Guidance scheme that are more oriented into the fulfillment of those who mentoring the prisoner as a reflection of meeting the needs of society (official perspective). This scheme is usually called rehabilitation scheme.
- b. Guidance scheme that are more oriented toward the fulfillment of the needs of those who need to be guided (consumer perspective). This scheme called social reintegration scheme.<sup>15</sup>

Rehabilitation and social reintegration are a scheme as the object of the correctional system in the implementation of guiding the prisoners, where this scheme will be restoring the life, and livelihood of the prisoner to become the whole human beings, realize that they made a mistake, improving themselves and their behavior, not to do a repeated criminal acts and can be play an active role in society.

### **Rehabilitation**

The Correctional Institution is a place to do a guidance for convict and correctional protégé, is an institution for people processing organizations that is an organization that processing an incoming input that resulting an output in the form of ex-convict who return to obey the law and norms in society.

To made an output as how the goal of the correctional in the correctional law which made the correctional assisted resident to be aware of their fault, improving themselves, and not doing a repeat criminal act so they can be accepted again in the society, can be actively act in the development and can live as a good citizen and have responsibility. The correctional assisted resident, are essentially a human being and human resource that need to be treated properly and humanely in an integrated guidance system

The correctional institution run a correctional program that cover the guidance of personality and independence. Generally, those programs were run under the behavior acts that used learning theory principles. the concept of learning is a process of relatively permanent change in understanding, behavior, knowledge, information, abilities and skill through experience. The concept of learning according to behavior theory is the bonding process between stimulus-response. This approach considered very appropriate to change the behavior.

While serving the sentence in correctional institution, the correctional assisted resident was given a stage of program which aims to form a correctional assisted resident to have a good behavior and return to obeying the existing laws and regulation. As example for the program, such as guidance for personality and independence or can be in a form of rules and regulation that need to be obeyed by the correctional assisted resident. Those stage of program is expected for the correctional assisted resident to give a positive response with following the given programs and obeying the rules and regulations. To increase the response, then they were given an award such as assimilation, remission, parole, a day off (paid leave), and etc. Otherwise, if the correctional assisted resident gave a negative response such as not obeying the rule and regulations and didn't follow any guidance programs then they will get a punishment in order to decreasing those negative acts. Those punishment is in a form of recording in a Registration F

---

<sup>15</sup> Didin Sudirman, 'Reposisi dan Revitalisasi Pemasarakatan Dalam Sistem Peradilan Pidana di Indonesia', *Pusat Pengkajian dan Pengembangan Kebijakan Departemen Hukum dan HAM RI*, 2007, p. 106

or silence closure. Therefore, the process to made a good behavior in the correctional institution has used the behavior approach.

The implementation of correctional system through the model of the guidance programs for the convict currently meaning to treating someone with the prisoner status to be built in order to rise as a better person. Among the target that need to be nurtured are the personality and the character of the prisoner, which encourage to generate a sense of self respect and to other, and then to have a potential to made a noble personality and high moral human being. The guidance toward the personality and the character of the convict is unlimited, but during certain time it will train the convict so in the future they will not made any crime and obeying the rules that applied in society.<sup>16</sup>

Rehabilitation is one of the guidance sequences for the convict from a healing process with a certain period of time with aim to change the mindset and behavior of the convict.

The rehabilitation scheme showed that the existence of the guidance programs has been exist before by the prison authority. Therefore, the prisoner that is mentored is placed in a state where he has no choice except what has been planned for him by the authorities. In this rehabilitation scheme, the convict is treated in *apriori*, which they seen to have a problem or some other personal shortcoming then other society at large, it is the same with people who have a disease.<sup>17</sup> In other words, this view placed the convict need to be healed from a disease with giving a guidance such as behavior change, physical and spiritual education, and etc. The focus point is aimed exclusively at the individual convict.

The convict that serve a sentence in correctional institution has to get a treatment and guidance that can push their understanding orientation on the life values and support them to improve their own productivity. If the guidance is based on the routine and procedural then it can be concluded that the guidance scheme still not reaching the goals and main paradigm of the correction. This does not mean that the standard of the procedural guidance scheme will result in failure to implement the correctional paradigm.

The structure of this rehabilitation scheme is not that different with the convict treatment scheme of the convict based on deterrence because the rehabilitation scheme is oriented toward the mentoring activities focused within the prison environment which prioritize the closure of the convict (prioritizing the imprisonment of prisoners).<sup>18</sup> Hence, many experts has arguing that the rehabilitation scheme with mentoring activities that is focused on the prison environment cannot restore the unity of relationship, live, and livelihood of the prisoner. In relation, Bambang Poernomo stated that the imprisonment can made a prisonerization, stigmatization and recidivists.<sup>19</sup>

The rehabilitation scheme is used as the benchmark of the success of the correction that is determined by how far the prisoner is rated good by the officer that handle (official perspective) or how far the prisoner can identify themselves to the prison authority. The implementation of this guidance cannot be separated from the research on society that is held by the social advisor in collecting, processing, analyze, and presentation of the data which conducted systematically and objectively in order to assess the correctional assisted resident.

## Social Reintegration

Correctional as a system that have an act in law enforcement, because it is part of an integrated sub-system of criminal justice. That act is not only seen on the post-adjudication but also on the pre-

---

<sup>16</sup> Bambang Poernono, *Pelaksanaan Pidana Penjara Dengan Sistem Pemasyarakatan*, Liberty, Yogyakarta, 2007, p. 186

<sup>17</sup> Heru Susetyo, 'Laporan Tim Pengkaji Hukum Tentang Sistem Pembinaan Narapidana Berdasarkan Prinsip *Restorative Justice*', *Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM RI*, 2012, p. 119

<sup>18</sup> Ibid. p.119

<sup>19</sup> Bambang Poernomo, *Op.Cit*, p. 78



adjudication and adjudication. The philosophical values of guiding the convict must always be based on the Pancasila and The Constitution of Republic of Indonesia 1945.

The correctional system is an arrangement regarding the direction and boundaries and a way to guiding the correctional assisted resident based on Pancasila which is carried out in integrated manner between the supervisor, the assisted resident, and society to increase the correctional assisted resident so they can aware about their offense, improving themselves and not to repeat the crime that is commit and also can be accepted back in the society. This can be seen that in the implementation of correctional on the convict, the supervisor in this case should be guiding the convict based on the Pancasila precepts and using Pancasila as the based of moral or norm because the source of value in society, nation, and state are based on Pancasila. The benchmark of the behavior of the convict can be seen from how they act on doing something where it has to be related with the precepts of Pancasila.

In the correctional system, every correctional assisted resident deserves to get a guidance and their rights must be guaranteed such as right to praying, the right to have a connection with outsider, the right to get information from printed media or electronic media, the right to get education, and etc. The existence of correctional law emphasizes about the importance of treatment toward the correctional assisted resident with social reintegration approach. This approach to be seen from the philosophy background that is maintain a positive relation with society with leaving the negative value behind. The most important element in society on the positive approach through the family approach.

The integration between correctional assisted resident with society can be achieved if in this case the Correctional Institution can give the best treatment to the correctional assisted resident. The form of the treatment includes service activities, guidance, and mentoring that is held systematically and continuously with prioritizing the principles of protecting the human rights that is owned by the correctional assisted resident.

The social reintegration is a final step in the guidance toward the convict that has undergone the development and mentoring process in the correctional institution so they can adapt in the society. The correctional is in line with the social reintegration philosophy that assuming the crime is a conflict between the convict and society. Therefore, the conviction is aim to recover the conflict or also to reunite the convict with society or reintegration.<sup>20</sup>

The process of guiding the correctional assisted resident in correctional institution has to integrated the correctional assisted resident and maintain a positive relationship with society. The correctional institution is a place to give a guidance to the correctional assisted resident and it has to be able to give the best treatment and service to the correctional assisted resident. Furthermore, in the process of guidance the correctional assisted residence, the correctional institute have to give a room for society and the correctional assisted residence to interact each other so they can internalize the value and the norm that is applied in society. In this case, society have a responsibility to reach the goal that is has to be reached in Correctional Law.

Correctional system as a treatment system for the correctional assisted resident which is carried out based on the function of the correctional which include services, guidance, community guidance, care, security, and observation by upholding respect, protection and fulfillment of human rights. The implementation of the convict correctional system in correctional institution is implemented based on the principle:<sup>21</sup>

---

<sup>20</sup> Direktorat Jenderal Pemasyarakatan. '40 Tahun Pemasyarakatan. Mengukir Citra Profesionalisme'. Dirjen Pemasyarakatan, 2009, p. 11

<sup>21</sup> Undang-Undang No.12 Tahun 1995 Tentang Pemasyarakatan, Art. 5

a. Protection (*Pengayoman*)

The protection principle is an act toward the correctional assisted resident in order to protecting the society so the convict will not do any repeated crime, also giving a provision of skill to the correctional assisted resident so they can be useful to the public as a form of protection to achieve peace in social life and to achieve unity of life relationship. This principle is in accordance with the philosophy as it is stated on Article 28 A of The Republic of Indonesian Constitution 1945 that is guarantee the right to live for every citizen and to defend his life. The protection principle is referring to two things that supporting the mentoring process in correctional institution, namely:

1. To protect society from possibility of repeated crime that is ever done by the correctional assisted resident. This is in line with the purpose of criminal law that is to protect the society interest from threats or possibility of criminal act. The conviction is not only creating public protection and protect the law order, but also to protect the resident as a useful people in society.
2. Providing a provision for the correctional assisted resident so they can be a useful person in society. This principle is directed toward the creation of a skilled independent human being and could have a job. This is in line with the social reintegration to achieve the unity of life in relationship.

b. Equality of treatment and service

The equal treatment and service principle is referred as an equal treatment and services to the correctional assisted resident or it is commonly referred as non-discrimination principle.

Discrimination is every limitation, harassment, or exclusion directly or indirectly based on a differentiation between human based on religion, ethnicity, race, groups, class, social status, economy status, gender, language, political interest, which in result of the reduction, deviations, or the elimination of recognition, implementation or use of human rights and basic freedoms in both individual and collective life in politics, economic, legal, social, culture, and other aspects of life. This principle is in accordance with the philosophy in the Article 28I of The Republic of Indonesia Constitution 1945 that implies every person shall have the right to be free from discriminative treatment on any basis regardless of the ethnicity, race, religion, ethnic group, class, politics. Related to the correctional, discrimination is not allowed which mean there is no difference in the treatment of the prisoners in fulfilling their rights in prison.

c. Education and guidance

The principle of education and guidance is intended that the implementation of education and guidance is carried out based on Pancasila, including the cultivation of a family spirit, skills, spiritual education, and an opportunity to praying. This principle is requiring the correctional assisted resident in undergoing the social reintegration process, can become an independent and productive person. This principle is needed in the development and mentoring process to develop the potential ability of the correctional assisted resident that they have.

d. Respect on human dignity

This principle is referred as a person who lost, the correctional assisted residents shall be treat as human.

e. Losing freedom is the only suffering.

This principle mean that the correctional assisted resident should be in the correctional institution for specified time in period so the state can have a full chance to guiding them. During the process of

guidance in the correctional institution, the correctional assisted resident still has their rights as a general human.

This principle is important so the correctional assisted resident on serving a sentence still have their own right as a general human. It means that their civil rights are still protected such as right of health, eat, drink, clothing, bed, the right to obtain treatment, skills training, recreation, or sports.

The state cannot make the guided convict condition to be worse than before their freedom is deprived. In this condition, the convict should fill their time with showing the improvements of their own quality as a part of society and should not be exiled.

f. Guaranteed to keep in touch with family or certain peoples.

This principle is the only suffering, which implies that the state must not make the conditions that are in correctional to be worse than before the convict is deprived of his freedom. The correctional assisted resident in this condition should be guided and provided with an aim to improve himself and improve the correctional assisted resident quality as a part of society and cannot be exiled.

The development of dynamic society has built an awareness of the community for the importance of the guidance process in the scope of correctional duties. The society in this case have a hope to the correctional institution as an institution that can carried out their duties and function optimally. Other than that, society also hoping that in the process of guiding the correctional assisted resident it needs a protection and respect to the law dan human rights, remembering that the correctional assisted resident should be nurtured and given a guidance and supervised as a provision for their life after finishing their sentence in correctional institution.

The benchmark of the successful reintegration scheme of prisoner development and mentoring are determined by the extent to which law breaker can be accepted back in society in the sense of restoring the unity of the relationship of life and livelihood. The aspect of life is defined as relation between human and their creator (god), the aspect of life is defined as the relationship between fellow humans, while livelihood aspect is defined as the relationship between human and their natural environment (which is manifested as the relationship between human and their job).

As for the strategy that is used by the convict so they can be accepted back to the society is an internalization strategy. Internalization is a process of absorbing values by the law breaker to re-interact with the community. Therefore, the process of convict reformation will be different with other because the need of the guidance is also difference between other. In criminal law, this phenomenon is known as a criminal individualism that also the latest development of criminal law.

The internalization strategy in the practice is more effective if those process got a support from the society. Therefore, the participation of the society got a very central role in correctional system that applied social reintegration scheme. In this case, the participation of society can be realized with a support, participation, and supervision.

Thus, the focus of correctional attention is not only individual convict, but also extends the community environment where the convict is. The officers have an interest in the community as a forum for guidance to always be conducive to the development and mentoring process that is being carried out. Hence, the officers ideally are demanded to guiding (coordinate) the society so the process of correctional is running smoothly. The smoothness of this development and mentoring process, is also measures of the extent to which the restoration of the life and livelihood relationship between the offender and the community has been achieved.

The failure (rejection) of society toward the process reflects that integrity has not yet recovered. So that the officer should re-evaluate the process to known where the mistake is. Most important thing is

the openness of the officer to accept the social control from society. The society refusal must be addressed by the officer as a reflection of the tarnished sense of community justice.

The purpose of this paper is for recovering effort toward the correctional assisted resident related to the scheme and the treatment in the implementation of convict treatment, the convict guidance, and client supervisory. As it is understood that the term of prison concept, where the original goal of this system is to create a deterrent effect to the perpetrators, the prisoner is treated as an object of guidance that leading into exploitation. Seeing the prison system in the past when it is related to the system theory it is in line with the current correctional goals, where this theory is viewing the law as a system which is the result of communication process, therefore law becomes the subject of the same problem in transferring and receiving messages, such as another communication system. A legal system is not only consisted of norm but also institutions including facility and process.

Along with the time, in 1964 through Sahardjo idea, he introduced the correctional system where this system is an institution that carried out a process that aim to guiding through admission/orientation/mentoring and assimilation stages. This correctional system is treating the convict as a subject with the nature of the correction that giving a training facility to the prisoner.

Generally, correctional system still used the prison reglement as the legal basis. Therefore, in 1995 the Correctional law was made as the basis for government to give a correctional for the prisoner. This law will eliminate the entire Dutch colonial treatment with the aim to be achieved by the implementation of guidance to increase the awareness of the prisoner through the stage of introspection, motivations, and human resource development. The prisoner treatment in this system is a subject and object where the prisoner is trained to be independent/confidence in developing their own abilities and human resource development after they leaving the correctional facility.

The system theory that stated the law will not work properly if it doesn't fit the social context, explaining that "the legal adaptation to change the social condition is a part of their work through reaffirmation of legal boundaries, in line with that giving a sanction and punishment to the person who commit a crime is a must but must pay attention to the moral improvement of the perpetrators of the crime." Moreover, this theory also has features in term of resocialization of actors so that it is expected to be able to restore the social quality and moral of the community so they can re-interact into society.

Correctional as a sub-system in integrated criminal justice system is an orderly arrangement, a whole that consist of a part that related each other, it is arrange according to the plan or a scheme, the result of a writing to achieve a goal, to give a protection to the society also as a place to guiding and rehabilitation of the prisoner awareness that is including the character building, education, counseling, spiritual refreshment, and building a creativity and skill. A development and mentoring of the correctional assisted resident is an important thing that is the spearhead of the correctional existence. If the old conviction paradigm in the past is more oriented to giving a deterrent effect and protection to the society, then the present paradigm is also including a guidance to the convict so they can be aware of their mistake from rehabilitation programs and could be accepted in society from social reintegration programs.

Along with the rise of various existed crime, both general crime and extra-ordinary crime, according to the view of the authors if we analyze by using the system theory from Lawrence M Friedman that stated, from the structure side, it is necessary to have a support from a human resource that have a certain quality in jail, correctional institution, and correctional hall considering that the correctional assisted resident who will be given a guidance and mentoring currently has a high education and economically stable. The integrity of the correctional institution leader and official authority still need an improve more so they will not affect by bribes from the prisoner. In addition, the lack of correctional staff that is coming from Correctional Science Academy (AKIP) which now become a Correctional Science Polytechnic (POLTEKIP) so that additional education and training is needed for correctional staff in order to have the ability to the position that have a task and function related to the functional services based on certain expertise and skills.

Right now, there are a certain specific functional position on correctional hall, that is social supervisor position that have a scope of duty, responsibility and right to do an activity in correctional guidance field, thereby there also a specific functional position on health (medical personnel) that which is present on jail and correctional institution, but there still no specific functional position in the field of development as a main purpose of the correctional system. This thing should get more attention specifically toward the officer that will be run their duty and a development function, also on additional officer, medical personnel, and psychologist, considering the number of officer which not proportional to the number of prisoner and the participation of psychologist in the implementation of developing and mentoring for the correctional assisted resident is very influential to see the extent of change in the correctional assisted prisoner. The recruitment of the correctional officer can be done with seeing the qualification and competency of the employee that is an expert in Correctional Science so that the human resource who will later manage the prison, correctional institution, correctional hall, and state storehouse for seized goods is a high-quality resource. The officer that is assigned to do the development and mentoring the correctional assisted resident must be done specially with a specific functional position, so they will be choose according to the integrity, competency, and skill that is more than the regular officer that have a duty as a general functional officer. A special training is required for the officer to be able to serve as a specific functional position before carrying out their duty and function according to their field. The recruitment of the correctional officer is also expected to have a professional competency, andragogy competency and integrity competency. Professional competency, namely mastering the guidance material, both in the field of religion, science, technology, and art according to their respective capacities. Andragogical competency is having a knowledge and skill to applying the methods in developing, and integrity competency which giving an example through the attitudes, real behavior as he conveyed (there is a unity between speech and behavior). In addition, from the institutional structure aspect, synchronization of work with other law enforcement is needed, an assessment is needed to act as a facilitator between institution to give a recommendation related to the scheme of the development and mentoring the correctional assisted resident.

In terms of substance, the current correctional law is deemed necessary for a reform in terms of the implementation of the development and mentoring the correctional assisted resident. The current correctional law is just regulating in general and there is no separation in terms of practice of the development and mentoring. In addition, the scheme of development and mentoring which is regulated in Government Regulations No. 31 of 1999 still not regulating about the specific practice of the development and mentoring by the specific functional position. Therefore, the authors views that the practice of development and mentoring that has to be done by a specific functional position in accordance with their duties and function should be distinguishable, also synchronization to the act of a specific functional position so the goal of the correctional system as an effort to recover the correctional assisted resident can be achieved. A classification is needed with an assessment to applied the level of risk and the need of the correctional assisted resident so the development and mentoring activities that is held can be measure because the correctional institution is divided in accordance with its type and have an obvious program. Therefore, a regulation is needed in a form of technical guidelines and the instruction related to the ideal development and mentoring for the correctional assisted resident in order to achieve the goals of the correctional system.

In cultural side, the aspect of culture is the most important aspect that is need to be rebuild both from the correctional assisted resident and the correctional officer. A good culture obviously will create a good attitude and behavior so the officer will have an integrity and professionalism in running their duty and function in accordance to the applicable standards and guidelines. This culture aspect is the thing that support the structure and substance aspect so that the practice of the development and mentoring could run well.

## Conclusion

The essence of the correctional system as an effort to recover the correctional assisted resident mean rehabilitation and social reintegration in the practice of the correctional system. This is in line with the nomenclature change from the prison system to the correctional system. The meaning contained in it is how the services of the prisoner that undergoing a treatment at jail, prisoner who undergoing a guidance at correctional institution, a mentoring for the correctional client in correctional hall are expected to experiencing a change in their mindset, mental, and behavior of the prisoner so they are aware about their mistake, make self-improvement and not repeat the criminal act so they can be accepted back in the community and can live naturally as a good and responsible citizen.

## Reference

- Ali, Mahrus, 'Dasar – Dasar Hukum Pidana'. Sinar Grafika, 2011.
- Butorac, K., et. al., 'The Challenges in Reducing Criminal Recidivism', in Public Security and Public Order, 18 (2017).
- Direktorat Jenderal Pemasyarakatan, Accessed from [smslap.ditjenpas.go.id/](http://smslap.ditjenpas.go.id/)
- Direktorat Jenderal Pemasyarakatan, '40 Tahun Pemasyarakatan: Mengukir Citra Profesionalisme'. Dirjen Pemasyarakatan, 2009. 11.
- Hairi, P. J., 'Konsep dan Pembaruan Residivisme dalam Hukum Pidana di Indonesia (Concept and Reform of Recidivism in Criminal Law in Indonesia)', *Jurnal Negara Hukum*, 2018. <<https://doi.org/10.22212/jnh.v9i2.1048>>
- Hamzah, Andi, 'Terminologi Hukum Pidana'. Sinar Grafika. 2009.
- Harsono, C. I., 'Sistem Baru Pembinaan Narapidana'. Djambatan, 1995. 7.
- Kementerian Hukum dan Hak Asasi Manusia, 'Cetak Biru Pembaharuan Pelaksanaan Sistem Pemasyarakatan', M.HH-OT.02.02 (2009).
- M. Hadi, and Wan Azlinda Wan Mohamed, 'Reformation of Offenders in Nigerian Correctional Institutions' *Pertanika Journal Soc. Sci. & Hum*, 25.S (2017). HAM RI. 2007. 106.
- Poernomo, B., 'Pelaksanaan Pidana Penjara Dengan Sistem Pemasyarakatan', Liberty, 2007. 186
- Sakidjo, A., and Poernomo, B. 'Hukum Pidana Dasar Aturan Umum Hukum Pidana Kodifikasi', Sinar Grafika, 2011.
- Seena, F., Achim, W., 'A Systematic Review of Criminal Recidivism Rates Worldwide: Current Difficulties and Recommendations for Best Practice', in *PLoS ONE*, 2015. <<https://doi.org/10.1371/journal.pone.0130390>>
- Sulhin, I., 'Filsafat (Sistem) Pemasyarakatan', *Jurnal Kriminologi Indonesia*, 7.I (2010). 138.
- Susetyo, H., 'Laporan Tim Pengkaji Hukum Tentang Sistem Pembinaan Narapidana Berdasarkan Prinsip *Restorative Justice*', Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM RI. 2012. 119.
- Undang – Undang No. 12 Tahun 1995 Tentang Pemasyarakatan, Art. 5.

## Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).