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RESEARCH ARTICLE

INMATES GUIDANCE SYSTEM IN REALIZE THE COMMUNITY-BASED CORRECTION.

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Abstract

This study aims to identify and analyze the formulation of guidance systems inmates in national law, to know and find guidance systems prisoners in countries that implement community based corrections, and to find and implement the ideal reformulation of inmates guidance system in creating community based corrections. This study uses normative and empirical studies type with dogmatic approach, conceptual, philosophical, and comparison. This research was conducted in the city of Makassar, Denpasar and Jakarta. The types and sources of data use primary data and secondary data by interviewing, documentary studies and questionnaires or questionnaire system. Data obtained in subsequent studies described in accordance with the subject matter being studied by qualitative descriptive. The results showed that the inmates guidance system in national law that consists of personality development and self-reliance, assimilation and social reintegration at the Correctional Institution Class I Cipinang Correctional Institution Class IA Gunung Sari and Correctional Institution Class IIA Kerobokan has mirrored the community based corrections and has referred to the provisions of the existing legislation, but there are still many obstacles in the process of coaching in the Correctional Institution. That the implementation of community based corrections on the inmates' guidance system which held in the Common-Law state system (New Zealand) and the Civil Law state system (French) are very exemplary and it can be reference for inmates guidance system in Indonesia. That the ideal reformulation of inmates' guidance system in creating community based corrections, namely the classification of inmate recidivism, sanctions reward system, and a comprehensive guidance system.

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Introduction:-

National development is the implementing of Pancasila values and the 1945 Constitution which is aimed at improving the dignity and human capabilities in order to realize a just and prosperous society. In realizing the welfare of citizens' life, the Republic of Indonesia emphasizes the realization of a just and prosperous society equally. This means that the state of the Republic of Indonesia is committed to the welfare of the whole nation of Indonesia.

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Maintain security, order and peace of the country becomes the main task of law enforcement agencies to enforce the law without discriminate the social status. Anyone who violates the law will be prosecuted and punished in accordance with applicable law.¹ The purpose of criminal sanctions in the Indonesian criminal law is to deter offenders not in retaliation. Such views and understanding are in accordance with the life view of Indonesian Nation that contained in Pancasila values that uphold human values.

Correctional Institution is a technical unit under the Ministry of Justice and Human Rights of the Republic of Indonesia which is an institution to carry out correction on correcting citizen. It is a long process from the punishment system prevailing in Indonesia. In the prison system, lawbreaker who has been found guilty and received a criminal will be punished as an implementation of the theory of retaliation and a philosophy of classical punishment, and now it is no longer popular.

The prison system that adopted in various legislation of colonial heritage is deemed irrelevant for use because it is contrary to the 1945 Constitution and Pancasila philosophy that focuses on the development and protection. The prisoners as citizens as mandated in Article 28C paragraph (1) of the 1945 Constitution that:

"Everyone shall be entitled to develop themselves through the fulfilment of their basic necessities, receive education and benefit the science and technology, art and culture, to improve the quality of their life and for the welfare of the mankind."

United Nations' (UN) organization is also very concerned about this issue, where the world body has set standards that must be followed as listed in *the Standard Minimum Rules for Treatment of Prisoners*. The standard is guideline of imprisonment renewal that is recommended to the members of the United Nations, which must contain the spirit of the principles of humanity and inspired by *the Universal Declaration of Human Rights*.

Prisoner is not only as an object, but also as subjects that do not differ from other humans who sometimes can make mistakes or negligence that may be subject to criminal, so factors that may cause the prisoner to do things that are contrary to law, morals, religion, or other social obligations must be eliminated or destroyed. Therefore, in the penitentiary, correction efforts are oriented to the change of behavior and mental attitude of prisoners.

Seeing efforts to eradicate crime, correctional position is very important that can measure the success or failure of repressive eradication of crime is highly dependent on the result of the correction process at stage of the correctional practices. Although the police managed to arrest the perpetrators, the attorney institution managed to prove the prejudgment and the judiciary has to decide the case in the fairest, but if after punished at the correctional institution to release, but again committed a crime, then all series of tasks *integrated criminal justice system* that absolutely no meaning or failed.

According to Mardjono Reksodiputro,² the main purpose of the criminal justice system, in this context is correction, to keep the offenders not repeat the criminal act (reintegration). In terms of prisoner correction, the Correctional Institution is the frontline as the place to achieve the purpose of punishment itself, whose activities as educational, rehabilitation and reintegration.

Without the right correction and should be done by the Correctional Institution as the level of prisoner development is impossible the initiators' ideals of the correctional to be achieved due to the malfunction of the correction and even after release from the correctional, he/she would repeat the act because they feel the Correctional Institution is education home to perform the same act (*recidivists*), even the high contempt of court level.

However, in reality the Correctional Institutions in Indonesia in recent years have experienced a lot of problems that are very troubling. Lately the community is complicated by a variety of bad news in the Correctional Institution such as *overcapacity*, riot, escape of prisoners, increasing number of recidivist until the unfolding of a prisoner on death that could run his/her drug business from behind the prison.

¹Herdiansyah Hamzah. (2016). Legal Policy of Legislation in the Field of Natural Resources in Indonesia. *Hasanuddin Law Review*, 1(1), 108-121. doi:<http://dx.doi.org/10.20956/halrev.v1n1.218>

²Romli Atmasmita, *Sistem Peradilan Pidana (Criminal Justice System): Perspektif Eksistensialisme dan Abolisisme*, (Jakarta: Bina Cipta, 1996) Page. 15

Based on the data in the Correctional Database System of the Directorate General of Correctional, the Ministry of Law and Human Rights per August 2016 as many 196.384 prisoners undergo a process in the Correctional Institution. Whereas the capacity of prisons is only able to accommodates 119.161 prisoners. Number of prisoners is also increased over the last 5 years. Even the data obtained from SDP the Directorate General of Correctional, the Ministry of Law and Human Rights indicates overload as much 165%. The data shows that the increase in the number of prisoner is occurred significantly, so the adding of the Correctional Institution did not have a positive effect in overcoming overcapacity. Though, the number of prisons over the years also has to be added by the Ministry of Law and Human Rights.

Furthermore, data which obtained through the Directorate General of Correctional the Ministry of Law and Human Rights, from 33 Regional Office of the Ministry of Law and Human Rights in Indonesia, only in 7 provinces there is no overload that is in Yogyakarta, Maluku, North Maluku, Papua, West Papua and West Sulawesi. And others occurs overload and greatest in Riau is 183%.³

This condition is not ideal given the problems in the prison is very complex from forming groups based on the block and ethnicity, facilities, food and other. On the other hand, building prisons that overcapacity becomes susceptible individuals experiencing mental and psychological disorders such as anxiety, irritability, and restlessness. The condition is certainly not conducive felt, crowded, and the smell will easily trigger a riot inside the prison.

Fixing the Correctional Institution was like enforcing twist thread because the complexity of this problem in the prisons. Not just a matter of overcapacity and riots. Many other problems such drug trafficking inside the prisons. Other issues were also very disturbing that is still often seen, heard, and read about their perpetrators relapsed or better known by the term *recidivist* which is a separate issue that requires handling by various parties, particularly the Government.

Based on the facts above, it is clear that there are a lot of problems at the Correctional Institution in Indonesia in the last few years. The problem of the Correctional Institution is very complex because it is associated with the legal system and the purpose of punishment. The purpose of criminal law itself whether to punish those guilty or to give correction. Based on this, the authors felt it needed a further study and deeply about correction system at the Correctional Institution in realizing the community-based correction.

Method of the research:-

Type of the Research:-

In legal research, there are 2 (two) types of research known are normative-legal and empirical-legal research. Peter Mahmud Marzuki⁴ provide a definition of normative-legal research as a process to find a rule of law, principles of law, as well as legal doctrines to address legal issues faced. As for empirical-legal research by Soerjono Soekanto⁵ is a research that associate the law with human's real behavior so the scope of empirical legal research is the degree of law effectiveness, that is to what extent the law really applies in reality social life. In relation to this study, the authors use the both model. The author uses both models because in addition to the author want to study the norms on issues related to prisoner correction at the Correctional Institution, the author also wants to see the facts directly occurs on the field and how its implementation.

Research Approach:-

The author will use several approaches in this dissertation, among other: 1) *statute approach*, it used to look the norms of the legislation/statute, doctrines, court decisions relating to the prisoner correction system; 2) *conceptual approach*, it is used to examine and analyze the concepts related to the prisoners correction system which will further conduct reformulation of prisoners correction system in realize the community-based correction; 3) *philosophical approach*, it is used to conduct reformulation of the prisoner correction system at the Correctional Institution in realize the community-based correction. This approach is closely associated with the philosophy of correctional that is rehabilitation and social reintegration; 4) *comparative approach*; it is used to conduct a comparative study of

³Source: Directorate General of Corrections - The Ministry of Justice and Human Rights of the Republic of Indonesia. Available online from: <http://www.ditjenpas.go.id/category/kabar-lapas/> Accessed on Sept 1, 2016.

⁴Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 35

⁵Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2005), 32.

prisoner correction system in other countries so that it can be recommended in drafting the ideal concept of the prisoner correction system in Indonesia.

Research Site:-

In conducting the research, the authors chose sites in Makassar, Denpasar and Jakarta, especially at the Correctional Institution Class I Makassar, the Correctional Institution Class IIA Kerobokan, the Correctional Institution Class I Cipinang, and the Directorate General of Correctional, the Ministry of Law and Human Rights of the Republic of Indonesia. The author chose these sites because it is relevant to the study to be observed by the authors as well as to represent the whole of Indonesia territories.

Population and Sample:-

The population was all the Correctional Institution in Indonesia. Then, samples taken by the author, includes the Correctional Institution Class I Makassar, the Correctional Institution Class IIA Kerobokan and the Correctional Institution Class I Cipinang, the author assumed that it can represent all the Correctional Institution in Indonesia, where the third of the Correctional Institution belongs to the overcapacity.

Result and Discussion:-

Prisoner Correction System in the National Law:-

The Correctional Institution is a new designation that is more lenient and humane to the prison. It is an institution to correct criminals are caught and processed in accordance with the provisions of the law, which is commonly referred to as prisoner. Correction is done in order for them to realize his/her mistake and that they will be able to return to the community as good and useful members of society.⁶

The Correctional Institution is one part of the Criminal Justice System that it contains a systemic motion of supporting subsystems, namely: the police, prosecutors, courts and the Correctional Institution, which as a whole and a unity (totality) seeks to transform the input into outputs, as a purpose of the criminal justice system in the form of re-socialization of criminals (short-term), prevention (medium term) and social welfare (long-term).⁷

Correctional is a process of prisoner correction as by the judges' decision to undergo its criminal and placed in the Correctional Institution. The correction of prisoner through the correctional process, a process of correction based on the principle of Pancasila as the philosophy that sees prisoners as Gods' creatures, individuals and members of society. As human beings, prisoners cannot be separated from society because the presence of prisoner in correctional institutions is only temporarily. In time going back to the middle of the community. The return of prisoners to the society need to be given a strong mental and skill as a breadwinner and the ability of high society, so that they can become good members of society and independent.

In principle, the concept of prisoner correction can be seen from the imprisonment in the Correctional Institution as implemented through a process since admission to release. The process includes the processes that occur within the building (institutional processes) and take place in full in the middle of society.

The correction of prisoners is known as correctional. The successful of prisoner correction in the Correctional Institution is main goal as the end of the criminal justice system in Indonesia. The aim of the correctional system is after prisoners follow the entire correction program, it is expected they will realize his/her mistake, to improve themselves, and not to repeat the criminal act that can be received by the community, can play an active role in the development, and can be normal life as a citizen good and responsible.

According to Abraham Maslow, a correction program in the Correctional Institution should be viewed as a requirement for prisoners, not as an obligation that must be carried out by prisoners during their imprisonment. This is related to self-actualization for each prisoner, namely the urge to be person as their ambition that includes growth, potential achievement and self-fulfillment.⁸

⁶E. Koswara, *Motivasi, Teori dan Penelitiannya* (Bandung :Angkasa, 1989), pg. 189.

⁷Muladi, *Kapita Selekta Sistem Peradilan Pidana* (Semarang: Badan Penerbit Universitas Diponegoro, 1995), pg vii.

⁸Stephen P. Robin, *Perilaku Organisasi* (Jakarta : PT Indeks Kelompok Gramedia, 2006), pg. 214.

There are 2 (two) approaches in correction, as correction needs of prisoners, namely:⁹*First, top down approach*. In this correction, correction materials derived from the corrector or correction packages for prisoners. Prisoners are not will determine the type of correction that will be lived, but just receive correction from the corrector. This correction practice is the most widely used in the Correctional Institution. *Second, bottom up approach*. It is a way of prisoner correction or learning needs of prisoners. Not all prisoners have the same learning needs, same interests to learn. All depends on the personal of prisoner and facilities owned by local correctional institution. Often a prisoner does not know what needs correction for him/herself or learning needs. This is due to the prisoner does not know or does not know himself/herself.

Prisoner correction is adjusted to the principles of Pancasila, the 1945 Constitution of the Republic of Indonesia and the *Standard Minimum Rules (SMR)* which is reflected in the ten principles of correctional. SMR is *The First United Nation Congress on the Prevention of Crime and the Treatment of Offender* held in Geneva on August 30, 1955, and approved by the Economic and Social Council (ECOSOC) with resolution number 663 C (XXIV), July 31, 1957 and 2076 (LXII) on May 31, 1977.¹⁰

Basically, the pattern of the correctional system adopted in Act No. 12 of 1995 concerning correctional have been widely adopted *the Standard Minimum Rules for the Treatment of Prisoners (SMR)*. One concept of correctional that refers to SMR is seen from the final destination of correctional, where the correction of prisoners leading to the integration of life in society. In the preamble of Act No. 12 of 1995 concerning Correctional clearly states that the readmission by the community and the involvement of prisoners in development is the end of the implementation of correctional services. The correction process that applies in the correctional system emphasizes the principles of recognition and treatment is more humane than the imprisonment system that emphasizes revenge and deterrent effect.

Based on interview with Djarot Sugiharto who is the Head of Sub Directorate of Personality Correction, Directorate General of Correctional on December 9, 2015, in practice, to implement correction programs as mentioned above is not easy. For that needed support from various parties, such as the quality and quantity of the Correctional Institution officers, community participation, especially family members of prisoners and prisoners themselves. In addition, support facilities and funding is also a factor that will determine whether a number of training programs that have been programmed realized or not.

Correction programs in the third of Correctional Institution as author studied is a further implementation of the correction patterns that have been set by the government. However, considering the situation and condition that existed at the third of the Correctional Institution, not all programs that have been outlined can be implemented so normally the Correctional Institution cannot be realized the whole of the correction programs.

Based on interview dated 10 December 2015 by the Head of Correctional Class I Cipinang, Chandran Lestyono states that overcapacity is a major problem that inhibits correction process. In general, the Correctional Institution with overcapacity for accommodating prisoners, so stagnant in the correction process. Hence, the Correctional Institution lacks officers to be able to overcome the problem of managing, planning to implement correction.

Based on the observation of author in the third of the Correctional Institution as site of study, the low level of activity of correction is also associated with the performance of Correctional Observer Team that actually have to start work when prisoner entered the Correctional Institution to determine and evaluate the correction program applied to prisoners. However, the Correctional Observer Team did not session regularly and only conducts session when someone proposed to conditional release.

In general, the Correctional Institution experiencing some factors that inhibit the process of correction, in addition to the imbalance of the inhabitants of the Correctional Institution, the problems in the Correctional Institution cannot be resolved easily given the lack of funds to build a new Correctional Institution and the limited of land could be used to build new Correctional Institution.

⁹C.I Harsono, *Sistem Baru Pembinaan Narapidana*, (Jakarta : Djambatan. 1995), pg. 344.

¹⁰Petrus Irwan Pandjaitan and Chairijah, *Pidana Penjaradalam Perspektif Penegak Hukum*, *Narapidanan Masyarakat*, (Jakarta : IHC, 2009), pg. 26.

The Correctional Institution Class IIA Kerobokan Denpasar and Class I Cipinang Jakarta were selected as the research sites, these sites has overcapacity until now and experience some factors that inhibit the process of correction for prisoners. The problem of overcapacity becomes difficult to be solved given the high level of criminality and the limited funds to build a new Correctional Institution.

Conduct correction for prisoners is not an easy thing and a challenge from time to time for each the Correctional Institution in Indonesia. The Correctional Institution is institutions which play an important role in re-socializing prisoners as final part of the criminal justice system in Indonesia. The inhibiting factors the implementation of correction for prisoners summarized by the author in the third of the Correctional Institution as the research sites of author, namely:

- a. The Correctional Institution condition experiencing overcapacity
- b. Not all prisoners are willing to follow the correction that is programmed in the Correctional Institution.
- c. Limited facilities and infrastructure that support the correction process
- d. Lack of corrector, it is due to the lack of Human Resources (HR) in the Correctional Institution.
- e. Ineffective performance of Correctional Observer Team

Associated with the theory of legal system by Lawrence M. Friedman, where the legal system consists of three components, namely the legal structure, legal substance, and legal culture, these elements cannot be fulfilled so that the implementation of correction at the Correctional Institution has not been effective. Based on this, the necessary revision of the rules relating to the correction patterns for prisoners that oriented to the minimum standards for rights fulfillment of prisoners and also need to revise the manual of correctional and harmonization with the instruments of International Human Rights and also governs the procedures address the overcapacity in the Correctional Institution.

The Ideal Prisoner Correction System;-

Classification of Prisoner Recidivists:-

Referring to Article 2 of Act No. 12 of 1995 concerning Correctional stating that the correctional system held in order to form prisoners to be fully human, realized the mistake, improve ourselves and not to repeat the criminal act that can be received by the community, can be active participate in the development, and can be normal life as a good citizen and responsible. In this case, the Correctional Institution can make a person become even worse or even become a better person. Still many ex-prisoner reentered causing the goals of the correctional system cannot be realized.

Prisoner recidivists are community members due to their mistakes have violated the law repeatedly within a certain time. Usually people have a different view of them, even reluctant to re-accept them it is of course a distinct obstacle for the correctional process.¹¹ Recidivists itself comes from French language is *re cado*. *Re* means again and *cado* means falling, so in general can be interpreted as re-act criminal that previously could do after sentenced.¹²

Recidive or re-act criminal implies that the criminal happened in the case of a person who has committed a crime and was sentenced to the judges' decision is final (*in kracht van gewijsde*), then committed a crime again. Definition of *recidive* almost similar as someone who commits more than one crime (*concursum realist*), but its difference between them is in the enactment of the judges' decision is still in the form of punishment on criminal acts committed prior or earlier. Someone who commits re-act criminal referred to *residivise*.¹³

As one benchmark the success of prisoner correction can be seen from the number of recidivist in the Correctional Institute. Based on data from the Directorate General of Correctional, there is a significant increase in the number of recidivist during 2011-2015 (Chart 1).

Chart above shows the number of recidivists prisoners in 2011 amounted to 573, 2012 amounted to 1.122, in 2013 amounted to 1750, in 2014 amounted to 3.477 and in 2015 amounted to 6.678. However, based on the observation of the

¹¹DwidjaPriyatno, *Sistem Pelaksanaan Pidana Penjara di Indonesia, Second edition*. (Bandung : Refika Aditama, 2009), pg. 102.

¹²Satochid Kartanegara, *Hukum Pidana, Kumpulan Kuliah Bagian Dua* (Jakarta: Balai lektur Mahasiswa, 1998), pg. 223.

¹³Barda Nawawi Arief, *Sari Kuliah Hukum Pidana* (Semarang: Fakultas Hukum Universitas Diponegoro, 1999), pg. 66.

author, the data recidivist in the field shows that there are still many recidivist prisoners who are not registered in the registration section. The process for receiving and recording recidivist held at the Correctional Institution Class IA Gunung Sari Makassar, Correctional Institute Class IIA Kerobokan Denpasar and Correctional Institute Class I Cipinang Jakarta was not done specifically. Recording recidivist prisoners used only as an administrative requirements for monthly reports.

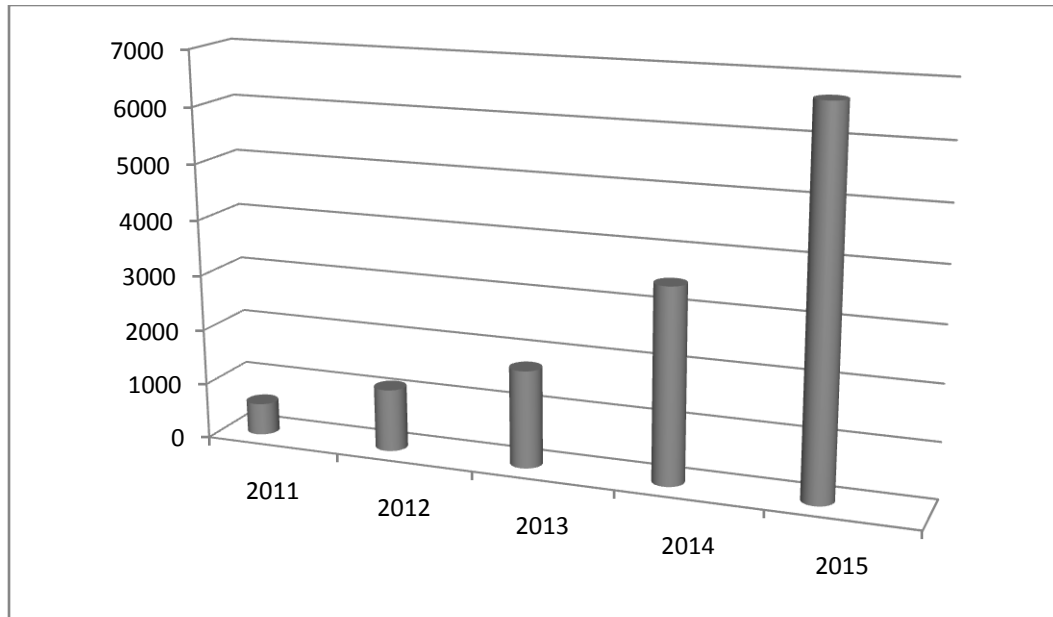


Chart 1:- Number of recidivist prisoners in 2011 – 2015.

The existence of recidivist in the third of Correctional Institute is less noticed by officers and it considered similar as non-recidivists. It is based on various legislation made about prisoner correction did not discuss recidivism, particularly on the rules regarding the granting of remission. Recidivist prisoners deemed to have the same rights to non recidivist prisoners so that data of recidivist is not required.

The increasing number of recidivists in a Correctional Institution is a benchmark for the success of correction in Correctional Institute. Therefore, the data of recidivist is absolutely necessary. Such data can be used as an evaluation for the success of correction programs in general. The lower of recidivism level in a Correctional Institution showed that correction is well conducted and vice versa.

These problems are caused by several factors, as expressed by Bachtiar who is the Section Head of Correctional, the Correctional Institution Class IA Gunung Sari Makassar that the constraint of registration process due to the Correctional Institution cannot get all information that exists outside. For example, the recidivist is ex-prisoners in the Correctional Institution Class IA Gunung Sari Makassar but then committing a crime again in another place and into other prison.

Due to the lack of distinct classification for recidivists so that there are no room separation with non-recidivists. Whereas a recidivist more experienced and better prepared for life in the Correctional Institution than non-recidivists. Recidivist prisoner is more easily and quickly adapt to the officers, other prisoners and the environment of Correctional Institution and look more dominant in many things. Although, separation of prisoners in the implementation of correction is a mandate of the provisions in *the Standard Minimum Rules (SMR) for the Treatment of Prisoner* Chapter I, Article 8 which states:

“The different categories of prisoners shall be kept in separate institution or parts of institution taking account of their sex, age, criminal record, the legal reason for their detention, and the necessities of their treatment.”

Such a provision mandating the importance of the different Correctional Institution for prisoners in different categories based on gender, age, criminal record, the legal reason for his/her detention and the need for their

correction. Glaser, Wilkins and Title¹⁴ stated in theory, classification is the process for the purpose of determining and to show the program according to the needs of prisoners and provision of resources. Classification is the concept of a system where a correctional agency, part unit that determines the distinction supervision and handling of offenders.

The correctional institution should implement the separation of recidivist due to prisoners classified as potential perpetrators that required different special handling with new prisoners who first committed a criminal in accordance with the purpose of punishment to reduce the frequency of crime. With no conducting of separation, have a bad impact on the Correctional Institution where the stigma that the Correctional Institution is schools of crime. Recidivist can exchange ideas with new prisoners so that was just small criminals increased to "big criminal". It is also very visible with the increasing number of recidivist continues to increase within the last 5 years. This means that the correction implemented until now has not been able to reduce the frequency of crime and have not fully awaken people to not conduct crime again.

Reward System of Prisoners:-

Etymologically the word of system comes from the Greek "*sistema*" that means the whole consisting of various section. According to Indrajit that the system implies the sets of components has relation elements between one another.¹⁵ The same opinion was also expressed implicitly in the definitions of Emery and Trist that the system is a group of elements that are interrelated. A system (regular) is considered a subset of interrelated which form one whole. Almost all theorists refer to the main conditions of the structure. The system is an overall, has elements and it have a relationship that forms structure.¹⁶

System has the legal rules or norms for these elements, all of which relate to the source and validity of the rules is higher. These relationships form the classes and the hierarchical-pyramid structures with the rules of basic norms in its top position.¹⁷ As for sanctions by Lawrence M. Friedman¹⁸ are ways to establish a norm or regulation. While the legal sanctions are sanctions outlined or authorized by law. Each legal regulation contains or implies a statement about legal consequences. This meaning indicates that sanctions are related to the punishment, actions and rewards, as well as sanction in criminal law as a separate system or sub-system of criminal law. So sanction system in criminal law is referred to as *trisasi* (three systems of sanctions) that is criminal, action and reward sanctions.

Positive sanctions (rewards) can be in the form of titles, awards, medals, positions of power, smile, handshake, and praise. Everything of value could act as an incentive; a prisoner with his/her actions satisfy the supervisory board, can get an early release.¹⁹ Reward sanction is a stimulus for people to be able to act to reduce crime by not involved in a crime as a whistleblower, or already committed the crime (*justice collaborator*), but in cooperation with law enforcement to disclose key actors and others.

Reward is also an important means of protecting the people from offenders, crime-fighting, and the limitations in understanding a crime. Even this sanction is still imposed for offenders who already have the judge's verdict recognized in criminal law are amnesty, abolition, until remission, all to provide stimulus in the correction process to the offender. In essential, the correction is in addition to imposing sanctions, also give rewards as one of the development efforts.

Types of reward for prisoners actually have been implemented in the Correctional Institution such as remissions, assimilation, conditional release, and conditional furlough and furlough immediately release. However, according to the author, reward still need to be revised for the sake of prisoners to be vying to be the best in the Correctional Institution. In this case, needed acceleration in the granting of assimilation, conditional release, conditional furlough

¹⁴Glaser, Wilkins, Title, *Correctional Institution (Classification of Offenders)* (United States : J.B. Lippincott Company, 1977), pg 21.

¹⁵Indrajit, Analisis dan Perancangan Sistem Berorientasi Object (Bandung : Informatika, 2001), pg 2.

¹⁶Otje Salman and Anton F. Susanto, *Teori Hukum Mengingat, Mengumpulkan dan Membuka Kembali* (Bandung : Refika Aditama, 2004), pg 89.

¹⁷*Ibid.*

¹⁸Lawrence M. Friedman. 1975. *The Legal System: A Social Science Perspective*. (Translated: M. Khozim. *Sistem Hukum: Perspektif Ilmu Sosial*, (Bandung : Nusa Media, 2011), pg. 93.

¹⁹*Ibid*, pg. 102.

and furlough immediately release if the prisoners is qualified for it so it is not necessarily rigid in accordance with existing rules. But must meet certain conditions in which prisoners are already considered very good behavior, achievement and a role model for other prisoners.

Rewards system for prisoners should be socialized in a transparent manner, so that the prisoners became know for certain rights and obligations. With the rewards sanctions that is transparent and not selective, will make the prisoners respectful, disciplined and obedient to follow all correction program at the Correctional Institution. If it can be implemented well, the program has many benefits for prisoners and for the Correctional Institution. Prisoners will be vying to show the change for the better and of course the program can overcome the problem of overcapacity in the Correctional Institution. Rewards sanction is highly relevant to the responsive legal theory as expressed by Nonet and Selznick where the law must be able to respond the social needs.

Comprehensive Correction System:-

The longer a prisoner is in the Correctional Institution, allowing prisoners in imprisonment are socializing less things/not good in the Correctional Institution, where situations, attitudes, and their behavior was formed because a regulation, restriction or placements together in one room. Imprisonment can be done by officers and experienced prisoners to new prisoners. In addition to the placement of prisoners that are not based on the classification of crime, a lot of time that is not used as it should also support imprisonment.

Prisoner correction have a very important role for the correction should improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and mental health of prisoners. Improved quality will be achieved if supported by the planning of correction program as prisoners necessary, organizing of prison staff as the implementer of correction programs, the implementation of correction programs, as well as the control and evaluation both from a correctional institution itself or other relevant agencies.

Directorate General of Correctional has tasks to formulating and implementing policies and technical standardization in the field of correctional services. Basically, all the processes of correction implementation will not run optimally if there is no participation of relevant government. The participation may take the form of a policy that is done in order to achieve the expected goals. Comprehensive correction system as mentioned by author is the overall correction system that covers all aspects of social life that can make a prisoner return to be fully human, no repeat and live as good citizens, responsible and useful to the nation.

Related to the issue of education, prisoners are required to keep getting an education while in the Correctional Institution. For prisoners who do not participate in education have to follow an education package through both formal and informal education. Education level in the Correctional Institution is prepared from lowest to highest levels. As to the problem of less budget and overcapacity cannot be used as justification that life in the Correctional Institution cannot run optimally as the vision and mission of the correctional itself. By the correction process as above, it expected that the Correctional Institution in developing correction can implement correction programs in a practical, systematic, continuous, efficient and appropriate so the Correctional Institution will be a place of education humans are superior and capable of creating works of innovative and creative.

The comprehensive correction system for prisoners meets the third of components of the legal system that argued by Lawrence M. Friedman, among others:

- a. Legal substance that is designed in a comprehensive correction system is substantially effective system to overcome the problems in the Correctional Institution and it is possible to be implemented. In this case, the substances of product produced by people who are in the legal system that includes the decisions they spend, the new rules that they set. The substance also includes living law, not only the existing rules in law books, so there is still the need to revise the rules that exist today with reference to the policy of comprehensive correction system.
- b. Legal structure in this comprehensive correction system is a structural system that determines whether law was implemented or not. Certainly, with well-designed system are expected apparatus that implementing existing legal instruments will also be able to run well too.
- c. Legal culture, in this case a comprehensive correction system is effective efforts to create people's legal awareness, shaping public understanding of law and providing legal services to the public. Legal culture is an attitude of humans (including the legal culture of law enforcement officers) for the law and legal system. As significant as the arrangement of the legal structure of the Correctional Institution to run the rule of law

established and as quality as the any legal substance made on the correction of prisoners without legal culture supported by those involved in the system and the peoples, then it will not work effectively.

The third components of legal system are complementary and are in a functional relationship so as to uphold the rule of law and achieve the goals of the correctional system, the third component must be developed simultaneously and integral. Success correction system for prisoners at the Correctional Institution is relies heavily on the three components.

Conclusion:-

In principle, the correction system of prisoners in the national law that consists of personality and self-reliance corrections, assimilation and social reintegration at the Correctional Institution Class I Cipinang, the Correctional Institution Class IA Gunung Sari and the Correctional Institution Class IIA Kerobokan has reflected community-based correction. Reformulation of ideal correction system to realize community-based correction can be realized by conduct classification of recidivist prisoners, rewards sanction and a comprehensive correction system. In this case, the classification of recidivist prisoner by conduct separation and different handling of recidivist with new prisoners for the first time committing a crime. Further, reward sanctions is an award or prize given to prisoners who had committed as a change for the better in the Correctional Institution.

Indonesia needs to adopt the prisoner correction practices in other states that are considered positive and can improve the implementation of correction system for prisoners in Indonesia in realizing a community-based correction which is certainly not contrary to the purpose of punishment and can solve problems the prisoner at the Correctional Institution. The prisoner correction system in Indonesia had to be immediately addressed. It requires a reformulation of ideal correction system for prisoners that can be a solution to the complexity of the problem at the Correctional Institution which must be based on the philosophy of correctional that emphasizes rehabilitation and social reintegration for the prisoners.

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