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APPLICATION OF DISCIPLINARY PUNISHMENT AGAINST PRISONERS WHO ESCAPE AT CLASS II A TEMBILAHAN CORRECTIONAL INSTITUTION

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Abstract:

The implementation of inmate development in correctional institutions is a way out to foster and also to return prisoners to the right path. The deviant behaviors that they once did are expected not to happen again and they can turn into members of society who behave well. This research is carried out in with the main problems, namely: 1) How is the implementation of the application of sanctions against prisoners who escape in class II A Tembilahan Correctional Facility. 2) How are the efforts made by correctional institutions in preventing prisoners from escaping in Correctional Facility II A Tembilahan. This study uses a juridical approach to sociological juridical research / sociology of law, namely a research approach that studies the influence of society on the law, the extent to which the symptoms that exist in society can affect the law and vice versa and depart from the empirical science paradigm. The results of this study explain that the implementation of the application of sanctions against prisoners who escape is by giving sanctions of severe disciplinary punishment in the form of being placed in a seclusion cell for 2 (two) times 6 (six) days and not given their rights in the form of remission, family visitor leave, conditional leave, assimilation, leave before release and parole. Based on the research, the efforts made by the Prison Institute in preventing prisoners from escaping are by taking an approach, prisoners are given their rights, coaching is held and coaching is given to employees in the form of physical, mental and disciplinary coaching.

Keywords: *Application of Sanctions, Prisoners, Escape.*

I. Introduction

The concept of corrections was first initiated by the Minister of Justice Sahardjo in 1962, where it was stated that the task of the prison service was not only to carry out punishment, but a much heavier task was to

return people who were sentenced to punishment to society (Jacob, 1970). When a prisoner is serving a sentence imposed by the court, his rights as a citizen will be limited or lose independence (Gann & Palmer, 2021). Although prisoners lose their independence,

there are rights that are still protected in the correctional system in Indonesia (Bramandita et al., 2023).

Inhabitants of correctional institutions can be prisoners (napi) or prisoners (WBP) can also be those whose status is still detainees, meaning that the person is still in the process of trial and has not been determined guilty or not by the judge (Agus & Susanto, 2021). Correctional institutions are also inhabited by thieves, robbers, fraudsters, murderers, rapists, users, couriers, dealers, drug dealers and others (Antonopoulos & Papanicolaou, 2018). Inmates of correctional institutions are also very varied, both in terms of age, as well as the length of sentence from only 3 months, life sentence to death sentence (Mauer, 2018).

The current regulation regarding the correctional system is Law No. 12 of 1995 concerning Corrections which was promulgated on December 30, 1995 (Motlalekgosi & Cilliers, 2020):

The correctional system is an order regarding the direction and limits and ways of fostering correctional prisoners based on Pancasila which is carried out in an integrated manner between the fosterer, the fostered and the community to improve the quality of correctional prisoners in order to realize mistakes, improve themselves and not repeat criminal acts so that they can be accepted back by the community, can actively participate in development and can live reasonably as good and responsible citizens'

The development of correctional prisoners must be based on guidelines that have been regulated in Article 5 of Law Number 12 of 1995 concerning Corrections, namely (Hutabarat et al., 2023): a. Protection, b. Equality of treatment and services, c. Education, d. Guidance, e. Respect for human dignity, f. Respect for human rights, and f. Respect for human rights. Guidance, e.

Respect for human dignity, f. Guaranteed right to keep in touch with family and certain people'

According to Article 15 of Law No.12 of 1995 concerning Corrections, prisoners have obligations including the following (Yanto et al., 2019):

- Prisoners are obliged to follow in an orderly manner certain programs and activities;
- Provisions regarding the program as referred to in Paragraph (1) shall be further regulated by Government Regulation'

Article 10 of the Criminal Code explains that punishment consists of principal punishment and additional punishment, namely (Nurozi & Muttaqien, 2021):

- Principal Punishment
- Death Penalty
- Imprisonment
- Confinement
- Penalty
- Additional Penalty

Additional penalties consist of:

- Revocation of certain rights
- Criminal Forfeiture of Certain Goods
- Criminal Judge Decision

The process of guidance in the correctional system in providing guidance through the approach of mental development, religion, Pancasila, and so on as well as guidance in the form of education, production work training and other skills is expected to be an effort to improve themselves for prisoners when returning to society and not re-committing crimes (Worthington, 2022). But in reality there are still problems faced in the process of implementing guidance in the correctional

system through correctional institutions in Indonesia (Hamsir et al., 2019).

Physical suffering, psychological suffering, and even unhappiness is a way of life that is inherent in prisoners while serving their sentences in correctional institutions (Liebling & Maruna, 2013). The pile of suffering experienced often encourages them to commit unexpected actions, such as escaping from the penitentiary or even fighting with fellow prisoners (Kropotkin, 2021).

Based on the latest data, the Class II A Tembilahan Correctional Institution is overcrowded by 412% after the assimilation program implemented in the midst of the current Covid 19 pandemic. If you look at the data, it shows that there is still instability between residents who are more than the residential capacity provided at the Penitentiary and this has a lot of negative impacts on the Class II A Tembilahan Correctional Institution.

Prisoners who escape cause legal problems in the Penitentiary itself, therefore it is necessary to apply sanctions as an effective alternative to overcome this so that the prisoner can have a deterrent effect (Hanif, 2015). Prisoners who have escaped and been recaptured will soon have special cells made for them to provide a deterrent effect to these prisoners (Podmore, 2012).

II. Legal Materials and Methods

To obtain accurate data in this study, the authors used the following research methods:

1) Research Approach

To obtain the information and data needed as material for compiling this thesis, this approach uses Sociology (Budianto, 2020). This research focuses on knowing about the application of sanctions against prisoners who escape (case study of Class II A Tembilahan Correctional Facility in 2021) (Kurniawaty, 2022).

2) Research Objective

The object of this author's research is the application of sanctions against prisoners who escape at the Tembilahan Class II A Correctional Institution (Case Study of Tembilahan Class IIA Correctional Institution in 2021) (Cheong, 2021).

3) Research Location

The object of this research was conducted in the city of Tembilahan, precisely at the Class IIA Tembilahan Correctional Institution, Indragiri Hilir Regency (SILVINA, 2022).

4) Population and Respondents

Population is the total number of objects to be studied that have the same characteristics (Shaftel et al., 2006). Respondents are the parties sampled in the study. The population and sample in this study consisted of (Coppock & McClellan, 2019):

Table 1. List of Population and Respondents

No	Population Unit	Population	Sample	Percentage (%)
1.	Head of Class IIA Tembilahan Prison	1	-	100%
2	Head of Security of Class IIA Tembilaan Prison	1	-	100%

3	Head of Sub-Section of Security and Order Administration	1	-	100 %
4	Head of Subdivision Administration	1	-	100 %
5	Head of Personnel and Finance	1	-	100 %
6	Performers	1	-	100 %

Source: Field processed data Year 2022

Data and Data Sources

In this study, the authors used two data sources, namely (Mongeon & Paul-Hus, 2016):

- Primary data is the main data obtained by the author through interviews that are directly related to the subject matter discussed.
- Secondary data is data that the author obtains indirectly from respondents sourced from books on criminal law, criminal procedure, laws and regulations, legal journals, previous theses and the Internet.
- **Data Collection Tools**

In conducting this research, the authors used data collection techniques by means of interviews, namely data collection by conducting dialog / conversation (question and answer) directly to respondents (Alam, 2021).

- **Data analysis**

After all data has been obtained and collected, both primary data and secondary data, then the data is grouped based on its type from the two main problems studied. Data obtained from interviews is presented in the form of sentence descriptions (Al Hosni, 2014). Then processed and presented by comparing field data with the opinions of experts or with laws and regulations that are used as a juridical basis in research (De Hert & Papakonstantinou, 2021).

- **Inference**

Then the author draws conclusions using the inductive method, namely drawing conclusions from general matters to matters that are specific.

III. Result and Discussion

A. Implementation of Sanctions Against Prisoners Who Escape in Class II A Tembilahan Correctional Facility

Article 15 of Law No. 12 of 1995 concerning Corrections states that prisoners are obliged to follow in an orderly manner the coaching program and certain activities. Another firmer rule is contained in article 4 paragraph 3 of the regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 6 of 2013 concerning the rules of the Penitentiary and State Detention Center, explaining the prohibitions of prisoners in the Penitentiary. If the prisoners violate the rules of order, they will be subject to sanctions in accordance with Ministerial Regulation No. 6 of 2013, which can be classified as follows:

1. Minor Offenses
2. Medium Offense
3. Serious Offenses

Based on the results of the author's interview with the Section Head of Reporting and Discipline, it is concluded that the factors that cause prisoners to escape include mental stress or inner torment, for example there are problems in the household such as a wife asking for a divorce, problems with parents, children, or even debt problems with other

people. In addition, prisoners who used to live in the free world but now they have to lose their independence, causing them to feel bored and bored(Toohey, 2011).

This is what usually disturbs their minds and causes the prisoners to be upset and then the intention to escape arises (Liebling & Maruna, 2013). In this case, the perpetrator of the offense will be recorded in the BAP and a book called the F register book, this book consists of the identity of the prisoner who committed the offense (Biondi, 2016).

Then, based on the results of the author's interview with the Head of the Sub-Section of Security Administration and Order, prisoners who violate the rules such as escaping are given severe disciplinary sanctions(Muvunyi, 2020). This sanction is in accordance with the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 6 of 2013, in the form of placement in a seclusion cell for 2x6 days (Winduastiko & Heri, 2023). However, in its application, the prisoners are placed in a seclusion cell which can increase the time or the time can be 2 weeks, a month or even more because this case is included in a serious offense. In determining the length of sentence for prisoners who escape, the Correctional Observation Team (TPP) first holds a hearing and it is from the results of this hearing that the length of the prisoner's sentence is decided(Kaufman, 2020).

Other disciplinary sanctions also obtained by Prisoners who escape are not getting family visitor leave, conditional leave, leave before release, parole is revoked, and if the Prisoners are being proposed remission (reduction of the criminal period) then the remission is rejected.

This is because prisoners who escape have violated the rules that exist in the penitentiary(Melossi & Pavarini, 2018).

based on this description it can be concluded that prisoners should not violate the rules applied in correctional institutions(Steiner et al., 2014).

In the case of prisoners who escape, it is not only the prisoners themselves who get punishment for what they have done, but the prison guards also get sanctions because they are considered negligent in carrying out their duties. From the results of the author's interview with Rinaldi as Head of Penitentiary Security stated (Rinaldi, 2023):

Before imposing sanctions on the duty officer, it is first investigated, for example block A, block B or block F under whose supervision the prisoner escaped, where he escaped, through what, for example through the wall of post A why the post person could not know if there were prisoners who escaped.

The application of sanctions against guard officers in correctional institutions who are negligent or deliberate has been regulated in an article that explains the application of criminal sanctions against guard officers of correctional institutions against escaped prisoners, namely regulated in Article 462 of the Criminal Code which reads as follows:

- a) Any public servant who is obliged to take care of persons detained by virtue of an order of public authority or a decree or an order of a judge, with deliberate intent allows such person to escape or deliberately releases such person, or with deliberate intent helps such person to escape or releases himself, shall be punished by a maximum imprisonment of four years.
- b) If the person escapes, detaches or releases himself due to the negligence of the public servant, the public servant shall be sentenced to a

maximum light imprisonment of 2 (two) months or a maximum of Rp. 4,500.

However, in Class II A Tembilahan Correctional Institution, Article 426 of the Criminal Code is not applied due to the lack of duty officers at the time of the escape at the Correctional Institution and there is no evidence that the officer on duty assisted the escape. In this case the officer on guard is given a punishment depending on the problem, if it is proven due to his negligence (Kappeler, 2006), the sanction given to the officer on guard at that time is a mild reprimand in the form of a written statement. This is contained in Government Regulation No. 52 of 2010 concerning Civil Servant Discipline Article 7 which reads as follows (Kubheka, 2018):

The level of disciplinary punishment consists of:

- a) Light disciplinary punishment as referred to in paragraph (1) letter a consists of:
 1. Oral reprimand
 2. Written reprimand and
 3. A written statement of dissatisfaction.
- b) Types of moderate disciplinary punishment as referred to in paragraph (1) letter b consist of:
 1. Postponement of periodic salary increase for 1 (one) year
 2. Postponement of promotion for 1 (one) year and
 3. Suspension of rank at a lower level for 1 (year).
- c) Types of severe disciplinary punishment as referred to in paragraph (1) letter c consist of:
 1. Demotion to a lower level for 3 (three) years
 2. Transfer in the context of lower-level demotion

3. Exemption from office
4. Dismissal with honor not on one's own accord as a civil servant and
5. Dismissal without honor as a civil servant

Based on the results of the author's interview with Rian Johari, a Narcotics case with a sentence of 5 years in lieu of 3 months as a prisoner who had escaped because there was an opportunity at that time I was windy (Isolation) to bask in the sun in front of the room so I tried to escape by climbing the fence in front of the room and then running to the roof of the Prison Clinic Building, then to the roof of the office building and jumping over the side of the prison wall but I failed to escape because I was caught and I was given a sanction of seclusion for 2 (two) weeks:

B. Efforts Made by Correctional Institutions in Preventing Prisoners who Escape

From the results of the author's interview with the Head of Class II A Tembilahan Correctional Institution, the efforts made by the prison The case of prisoners who escape often occurs in correctional institutions in Indonesia such as in Class II A Tembilahan Correctional Institution, therefore the author wants to know what efforts are made by Class II A Tembilahan Correctional Institution in preventing prisoners from escaping.

The purpose of the approach is to establish a good relationship between prison officers and prisoners, made as friends, given good service, not treated like in prison, treated like humans, not in slavery. However, prisoners here are still limited in their space, only prisoners who are already in the assimilation stage and have gained trust are employed as office boys, cooking, cleaning services, and prisoners are also given their rights (Beckford et al., 2016).

However, in making decisions on prisoners who escape, they still refer to the applicable SOPs where in addition to applying silent closure punishment, additional measures are taken, namely imposing penalties to delay and / or deny certain rights for a certain period of time in accordance with applicable regulations, such as the right to remission, the right to conditional free leave and the right to conditional leave.

The rights of prisoners which have been regulated in article 14 paragraph (1) of the correctional law, namely:

1. Perform worship in accordance with their religion or belief.
2. Receive care, both spiritual and physical care.
3. Receive education and teaching.
4. Get healthy and proper services.
5. File a complaint.
6. Obtain reading materials and follow other mass media broadcasts that are not prohibited.
7. Earn wages or premiums for work performed.
8. Receive visits from family, legal counsel, or other specified persons.
9. Get a reduction in the period of punishment (premium).
10. Receive assimilation opportunities including leave to visit family.
11. Get parole.
12. Obtain other rights in accordance with applicable laws and regulations.

The next prevention effort is coaching, the intended coaching is to provide activities to the prisoners, such as spiritual programs in accordance with the beliefs of each prisoner, namely Islam, Buddhism, and Christianity (Mahdjoub, 2018).

The prison also provides other activities, such as competitions in the field of sports which are usually held in August when

commemorating the Independence Day of the Republic of Indonesia. Furthermore, Prisoners of Correctional Institution II A Tembilahan get independence coaching in the form of carpentry training, sewing to barbering as provisions in the future. This coaching effort is done so that prisoners are more creative and have provisions after release, and become calmer in the Prison Institution (Maier & Ricciardelli, 2022).

If there has been an act that violates the rules, for example, a prisoner who escapes from the Class II A Tembilahan correctional institution, the pursuit will be carried out immediately. The steps taken are Correctional Officers in collaboration with the Immigration Office in order to intercept, besides that Prison Officers also cooperate with the community and coordinate with the Court, Police, Prosecutor's Office, Regional Office of Law and Human Rights, and the Directorate General of Corrections for further handling.

After the pursuit was successful and the Prisoner was caught, he was given a disciplinary sanction in the form of silent closure or seclusion for 2 (two) times 6 (six) days and did not get the right to receive visitors and did not get remission. With the occurrence of these cases, the correctional institution is more vigilant again by tightening supervision of prisoners by routinely searching the rooms of prisoners so that there are no prohibited objects owned by prisoners such as cellphones, sharp objects or knives and so on, which can be used as tools for escape attempts.

Based on an interview with the Head of the Administration Subdivision, that inadequate building conditions are also part of the escape of prisoners such as buildings or walls that are not equipped with iron chains and barbed wire in prison buildings are still often found so that it can cause or

weaken the condition of the building to make it easier for prisoners to jump and escape from the Correctional Institution so that the Correctional Institution improves buildings and facilities is also an effort made by Correctional officers, by adding barbed wire that is climbed by residents and elevating the barbed wire so that prisoners in prison cannot climb it.

Based on an interview with the Head of Financial Personnel Affairs, namely from the Directorate General of Corrections of the Ministry of Law and Human Rights of the Republic of Indonesia, it requires all correctional facilities in each region including Correctional Institution II A Tembilahan to provide guidance to employees or what is commonly referred to as physical, mental and disciplinary guidance (FMD) activities that can be carried out also vary according to FMD guidance to employees including martial arts training, fitness and shooting. martial arts skills are very useful for employees for self-defense and protection from being pressed on duty. with this training it is hoped that all officers who take part in FMD training activities have the ability to survive when attacked and can work swiftly, ready, and well in any condition

The efforts described above are expected to raise awareness for Prisoners who violate the rules in correctional institution II A Tembilahan (FITRI WAHYUNI, 2021). So this is where the roles of correctional officers are also needed to guide prisoners so that they do not repeat the same actions. So the active role of correctional officers is needed for prisoners so as not to become *recidivists*, they return to society in order to become better human beings and can be accepted back in society.

IV. Conclusion and Suggestion

Conclusion

1. Implementation The application of sanctions against prisoners who escape in Class II A Tembilahan prison is in accordance with the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 6 of 2013, in the form of placement in a seclusion cell for 2 (two) times 6 (six) days. Other disciplinary sanctions are not getting family visitor leave, conditional leave, leave before release, revoked parole, and not getting remission.
2. Efforts made by Class II A Tembilahan Correctional Institution in preventing prisoners from escaping are by holding approaches, prisoners are given their rights, holding coaching, prisoners who escape are given disciplinary sanctions in the form of silent closure or seclusion and are not given their rights and provide guidance to employees in the form of physical, mental and disciplinary guidance.

Suggestion

1. In preventing prisoners from escaping again, it is necessary to revise the Correctional Act by imposing criminal sanctions on prisoners in order to get a deterrent effect so that prisoners are afraid to escape from correctional institutions.
2. The need for counseling to prisoners who are in the Penitentiary, this is expected in order to maintain security and order, so that the creation of prisoners who obey the rules. then the role of the Correctional Institution officers themselves is needed.

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