

CRIMINOLOGY APPROACH IN THE EFFORT OF PRISONER TREATMENT IN THE WOMEN CORRECTIONAL INSTITUTION III KUPANG

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ABSTRACT

The implementation of imprisonment in Indonesia is currently using a correctional system as stipulated in Law No. 12 of 1995 on correctional LAW. According to article 2 of Pas LAW, the correctional system was organized in order to form the correctional community to become the whole person, aware of the mistakes, repair themselves, and not repeat the criminal act so that it can be received again by Community environment, can actively play a role in development, and can live reasonably as a good and responsible citizen. Criminology is a group of science crimes aimed at gaining knowledge and insight into the symptoms of evil with the path of studying and scientific analysis of information, uniformity-uniformity, patterns and causal factors related to crime, criminals, and public reaction to both. The research aims to identify and describe the use of criminological approaches in the efforts to construct prisoners in the civil society of the women's Correctional institution III; and obstacles in the effort to construct convicts in the women's Correctional institution III. The research is an empirical research law, using the technique of interviews with interview data, questionnaires, and literature/document studies. The results showed that the women's Correctional institution III Kupang has not used a criminological approach, because there is no officer who is skilled in collecting the information or inmates concerned in the form of personal, To commit crimes, or their environment. In the implementation of prisoners' construction in the Kupang Women's Institute of Guidance III there are several obstacles, namely: lack of personnel, both quantity and quality; Limited facility and facilities; Negative stigma of society; Limited funds. It is recommended: need to be used criminological approach in the effort to construct prisoners; Need to add personnel who are able to conduct criminological research on inmates in the framework of the prisoners in question; It is necessary to participate in prisoners' development efforts, such as not giving bad stigma to prisoners. Need additional costs in the framework of prisoners' construction.

Key words: *criminology approach, coaching prisoners*

INTRODUCTION

1. Background

The purpose of the state of Indonesia as contained in the fourth paragraph of the Constitution of the Republic of Indonesia 1945, namely protecting all Indonesians and all over Indonesia's blood, advancing the general welfare, educate The life of the nation, and is conducting world order based on independence, eternal peace and social justice. Protecting all Indonesians and the whole Indonesian blood soil means that what is wanted to be built is the whole nation regardless of ethnic, religious, racial and intergroup (SARA) and who wants

to be built is the entire territory of the unitary State Republic of Indonesia. Therefore, no exception are those who are undergoing prison (inmates) prison implementation in Indonesia is currently using a correctional system as stipulated in Law No. 12 of 1995 on The Correctional LAW (hereinafter abbreviated as PAS). Article 2 of the LAW Pas that the correctional system was organized in order to form the correctional community to become the whole person, aware of the mistakes, self-repair, and not repeat the criminal act so that it can be received again by Community environment, can actively play a role in development, and can live reasonably as a good and responsible citizen. Whatever results will be achieved in the implementation of prisoners ' coaching is strongly influenced by planning a good coaching program and appropriate implementation.

According to Wolfgang, Savits, and Johnston, criminology is as a group of science on crimes aimed at gaining knowledge and a defition about criminal symptoms by studying and analyzing scientifically Descriptions, uniformity-uniformity, patterns and causal factors related to crime, perpetrators, and public reaction to both¹⁹. If it is associated with the construction of prisoners then before the construction should be known in advance data or information about the convicts concerned, criminal acts committed, and the public reaction to the construction of the the objective of the inmates. It is necessary considering every convict different background. That's the thing that says the author to do the research with the theme, "Criminology approach in the effort to construct prisoners in the Society Institute III.

2. Problem formulation

The research has two questions to answer. They are; Has it been used criminological approaches in the efforts to construct convicts in the women's Correctional Institution III Kupang? and; What are the obstacles in the effort to construct convicts in the civil society of the women's Correctional Institution III Kupang?

¹⁹ Topo Santoso dan Eva Achjani Zulfa, Kriminologi, PT RajaGrafindo Persada., Jakarta 2001, Hlm. 10

3. Research objectives and uses

Research objectives of this project are; to find out and describe the use of criminological approaches in efforts to construct prisoners in the civil society of the women's Correctional Institution III Kupang; and to find out and describe the obstacles in the effort to construct prisoners in the Women's Correctional Institution III Kupang.

Theoretical use of this research is as a donation of thought in the development of legal sciences, especially criminal law and criminology while the practical uses are; as a contribution to the correctional institution in the effort to construct prisoners; and; as information material for those who want to deepen or research further on the problem of building prisoners.

LIBRARY OVERVIEW

1. Indonesian Correctional system

Historically the correctional concept as a goal of prison crime as well as a system of inmate treatment was submitted by Sahardjo (the justice Minister of the Republic of Indonesia at that time²⁰). The correctional concept is currently accepted and formal arrangement through the Law of the Republic of Indonesia No. 12 of 1995 on correctional.

In Law No. 12 of 1995 on Correctional (hereinafter abbreviated as PAS) in article 1, there are several understandings, among others: correctional system is an order of direction and boundaries and how to build a community Based on Pancasila, which was implemented in a concerted order between the builders, who were constructed, and the community to improve the quality of the correctional communities to be aware of mistakes, self-repair, and not repeating criminal acts So that it can be received again by the Community, can actively

²⁰ Andi Hamzah, *Sistem Pidana dan Pemidanaan Di Indonesia*, PT Pradnya Paramita, Jakarta, 1997. Hlm. 112

play a role in development and can live reasonably as a good and responsible citizen²¹. In this sense, there are the terms of prison students, including prisoners, prisons, and correctional clients. Prisoners are convicted who undergo a criminal loss of independence in the Correctional Institution (prison) (article 1 point 5 UUPas). Further, article 2 of UUPas mentions: The correctional system was organized in order to form the correctional community to become the whole person, aware of mistakes, self-repair, and not repeated criminal acts so that it can be received again by the community, can be actively involved in development, and can live reasonably as a good and responsible citizen. In an effort to achieve the objectives of the implementation, through a process of convict construction that took place in three coaching stages, namely the initial stage, advanced stage, and the final stage.

2. An Overview of criminology

a. Understanding and theory of cause crimes

Criminology is literally derived from the word "crimen" meaning evil or criminals and "logos" meaning science, so criminology can mean the science of evil or criminals²². In criminological literature, the criminologists argue that the occurrence of a crime is caused by multiple factors. In this regard, the following will be briefly outlined some of the criminological theories that can be used as a basis for understanding the causes of evil.

b. Social control theory

Studies discussing crime are associated with sociological variables such as family, education, dominant groups, and so on have been conducted, among others, Albert J. Reiss, Jr. (1951), Ivan F. Nye (1958), Travis Hirschi (1969). Has produced a theory which is then

²¹ Pasal 1 butir 2 UUPas

²² Topo Santoso dan Eva Achjani Zulfa, Op.Cit. Hlm.7

known as social control theory. Albert J. Reiss, Jr. Suggests that there are three components of social control in explaining the delinquency of children/adolescents²³, namely:

- 1). lack of reasonable internal control during children's time;
- 2). Loss of such control;
- 3). The absence of social norms or conflicts between the intended norms (in schools, parents, or the near environment).

c. Psychoanalysis theory

The discoverer of psychoanalysis is that Sigmund Freud argued that criminality may be the result of "an overactive conscience" that produces excessive feelings. That those who experience unbearable feelings of guilt will commit crimes with the intention of being arrested and punished. Once they were punished then their feelings of guilt would subside. A person commits a forbidden behavior because his conscience or superego is so weak or imperfect that his ego (which acts as a mediator between the superego and the ID) is incapable of controlling the promptings of the ID (part of Personality that contains a strong desire and encouragement to be satisfied and fulfilled)²⁴.

d. Differential Association theory

The differential association theory was propounded by Edwin H. Sutherland who argued that criminal behavior was studied through the association done with those who violated community norms including Legal norms. The learning process includes real crime techniques as well as motives, encouragement, attitudes, and rationalizations that are comfortable or satisfying to do anti-social deeds²⁵.

3. Approaches in criminology

²³ Romli Atmasasmita, *Teori dan Kapita Selekta Kriminologi*, PT Eresco, Bandung, 1992. Hlm.32

²⁴ Topo Santoso dan Eva Achjani Zulfa, *Loc.Cit.* Hlm.49

²⁵ Soedjono Dirdjosisworo, *Loc.Cit.* Hlm. 107

In the laying of criminology there are three approaches, namely a descriptive, causality, and normative approach²⁶. A descriptive approach (Herman Mannheim called it with a phenomenological approach or a crime symptomatologist) is an approach to observing and collecting data relating to facts about crime and perpetrators. For example the form of criminal behavior, how the crime is committed, the frequency of crime at different times and places, characteristic (characteristic) of perpetrators such as age, sex, and career development of perpetrators of criminals. A causality approach is an approach to finding answers to questions why someone is committing a crime? Attempts to know the crime by using this causal approach can also be referred to as criminal etiology. Furthermore, in the normative approach, criminology is said to be "Idiographic discipline" because the criminology is studying the facts, causation and possibilities in the case of individual nature. While the one who says "nomothetic discipline" is aimed at discovering and revealing the scientific laws that are recognized for its versatility.

4. Factors affecting law enforcement

The subject matter of law enforcement in this regard to coaching prisoners actually lies in the factors (obstacles) that may affect it. These factors have a neutral meaning so that the positive or negative impacts lie in the content of these factors²⁷. These factors are as follows:

- 1) its own legal factor, which in this paper will be restricted to the law
- 2) Law enforcement factors, i.e. parties who form and apply the law.
- 3) Facilities that support law enforcement.
- 4) Community factors, i.e. the environment in which the law prevails or is established.

²⁶ Yesmil Anwar dan Adang, *Kriminologi*, PT Refika Aditama, Bandung, 2010. Hlm. 37-39

²⁷ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, PT. RajaGrafindo Persada, Jakarta, 2004, Hlm.

- 5) Cultural factors, namely as the work, copyright, and flavor that are based on the human Carsa in the Association of Life.

METHODS

1. Research type

This research intends to know and describe the criminological approach in the effort to construct convicts and barriers, because it is a research of empirical law or by Soetandyo Wignyosoebroto to call it Non-doctrinal law research²⁸, in which case the law is not conceptualized as an autonomous normative symptom, but a social institution that is in a RIL related to other social variables.

2. Aspect examined

For the first problem, the criminological approach in the effort to construct convicts in the civil society of the Women's III Convict status (number, type of crime, duration of criminal, education, background of criminal acts); Approach to planning a program of breeding; Officers (number, education level); and construction facilities.

3. Data types and Data sources

The data required in this study is primary data and secondary data²⁹.

- a. Primary data, is data obtained directly from the first source, namely the behavior of citizens through research.
- b. Secondary data, is data including official documents, books, research results, tangible reports, diary and so on. Secondary Data include³⁰: primary legal materials, secondary legal materials, and tertiary legal materials.

²⁸ Soetandyo Wignyosoebroto, *Ragam-Ragam Penelitian Hukum* (dalam Sulistyowati Irianto dan Shidarta, "Metode Penelitian Hukum: Konstelasi dan Refleksi), Yayasan Pustaka Obor Indonesia, Jakarta, 2011. Hlm. 131-132

²⁹ Soerjono Soekanto, *Pengantar Penelitian Hukum*, Universita Indonesia (UI-Press), Jakarta, 2007. Hlm.12

³⁰ Bambang Sunggono, *Loc.Cit.* Hlm. 116-117

4. Respondent/Informant Research

In this study, the research informant is as follows: 1 person prison head, prison observer team 4 persons and 5 person prisoners.

5. Data Collection Techniques

- a. Interview
- b. Questionnaires/Poll Interview
- c. Literature study/documentation.

6. Data Processing Techniques

The Data that has been collected is further processed through the steps: editing, coding, frequency counting, and tabulation³¹.

7. Data Analysis Techniques

In qualitative research, data analysis is conducted in a process since data collection activities, data reduction, data presentation, and withdrawal of conclusions³². Accordingly, the data that has been collected and processed is further described by explaining or describing the variables associated with the issue being researched.

DISCUSSION

1. Not use of criminological approaches in efforts to construct prisoners in the civil society of women's Correctional Institution III Kupang.

In accordance with the stage of the convict construction, before the convicts were constructed, there was a need to be drafted or set up the construction program. In drafting the

³¹ Ibid, Hlm. 129-132

³² Sulistyowati Irianto, *Praktik Penelitian Hukum: Perspektif Sosiolegal* (dalam Sulistyowati Irianto dan Shidarta (editor), "Metode Penelitian Hukum: Konstelasi dan Refleksi) Yayasan Pustaka Obor Indonesia, Jakarta, 2011. Hlm. 310

convict development program the various approaches are used, so with the practice of implementation in the civil society of the women's Correctional Institution III Kupang.

According to Neltji Djami in setting up a prisoner-building program, the approach used is personal approach with attention to the assessment results and coaching facilities available³³. It is further said that it is ideally necessary to take an approach specifically to the inmates in order to find out what causes him to commit his crimes, talents, and environment. Septerhani Buky said that in establishing a coaching program against inmates, the type of criminal offenses committed, the length of the penalty and the coaching facilities available³⁴. The convict coaching Program conducted at the Women's Correctional Institution of Klas III Kupang includes coaching personalities, such as spiritual coaching; and self-reliance coaching, e.g. coaching sewing skills, cooking and so on. If consideration in establishing a convict coaching program is associated with the kind or form of coaching carried out at the women's penitentiary in Kupang III, it can be said that its approach is still public, meaning between Individuals (prisoners) who are one with the other equated. In order to make the effort to obtain information about the convict person, the driving factor or the cause of the convict to commit criminal acts, or the disconnection, it is necessary to approach specifically in this regard criminological approach In order to provide guidance in accordance with the objective circumstances or the needs of the convicts concerned. This approach has not been used by the correctional Institution of women's Correctional Institution III Kupang, because there is no personnel (personnel) who can do research to get the information.

2. Obstacles in the effort to construct convicts in the women's Correctional institution III Kupang

³³ Hasil wawancara dengan Neltji Djami (Kasubsi Pembinaan) pada tanggal 16 Mei 2019

³⁴ Hasil wawancara dengan Septerhani Buky (Kasubsi Keamanan dan Ketertiban) pada tanggal 21 Mei 2019

In the implementation of prisoners construction in the civil correctional Institution of women III Kupang There are several obstacles, namely:

- a. lack of personnel, both quantity and quality
- b. limited facilities and infrastructure (facility)
- c. the presence of negative stigma from public
- d. Limited public funds

CONCLUSION

1. The implementation of prisoners ' construction in the women's correctional Lemabaga of Kupang III is common or likened to the development of personality and development of self-reliance. This indicates that the women's Correctional institution III Kupang has not used a criminological approach, because there are no officers who are skilled in collecting the information or inmates concerned in the form of personal, background Committing a criminal offense, as well as its environment.
2. In the implementation of prisoners ' construction in the Kupang Women's Government Institute III there are several obstacles, namely: lack of personnel, both quantity and quality; Limited facilities and infrastructures (facility); A negative stigma from society; Limited funds.

SUGGESTIONS

1. It is necessary to use criminological approach in the effort to construct prisoners
2. It needs to increase personnel who are able to conduct criminological research on inmates in the framework of the inmates concerned.
3. It is necessary to participate in prisoners ' development efforts, such as not giving bad stigma to prisoners.
4. Need additional costs in the framework of prisoners ' construction.

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