

EFFECTIVENESS OF THE PROCESS OF DEVELOPING COMMUNITY INDONESIAN CITIZENS WITH THE APPLICATION OF THE LAW OF THE REPUBLIC OF INDONESIA NUMBER 22 OF 2022 CONCERNING COMMUNITY COMMUNITY

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ARTICLE INFO

ABSTRACT

Article history :

Received : Mar 1, 2023

Accepted : Apr 2, 2024

Published : May 6, 2024

Keywords :

Effectiveness,
Development,
Citizens Coaching

The development of prisoners and children is an important activity in preparing them to return to society after serving their sentence. This research aims to evaluate the effectiveness of the process of developing correctional inmates in line with the enactment of Law Number 22 of 2022 concerning Corrections in Indonesia. A qualitative approach was used in this research with a focus on normative analysis. The research results show that coaching is carried out by Correctional Institutions (Lapas) with the aim of improving the personality quality and independence of prisoners. This training includes skill development and restoration of social integration, by paying equal attention to material and spiritual aspects. The implementation of this coaching is carried out in accordance with the provisions regulated in Law Number 22 of 2022 concerning Corrections, with a focus on developing personality and independence. Apart from that, coaching also involves developing skills that support independent efforts, including skills for small industry, developing individual potential, and agricultural skills. Thus, coaching prisoners aims to prepare them so they can return to society well and contribute positively to the development of their environment.

INTRODUCTION

Crime rates increased over time, prompting prevention efforts involving urban planning and law enforcement, but the results were less than satisfactory. As an alternative, the concept of the Criminal Justice System emerged which was first introduced by Frank Remington. This concept integrates four main institutions: Police, Prosecutor's Office, Courts and Correctional Institutions, as an inseparable unit in criminal law enforcement (Syafriatati, 2022). Romli Atmasasmita defines this system as a crime prevention mechanism with a systems approach. There are three approaches to this system: normative, administrative, and social. The normative approach sees the four institutions as implementers of legal regulations, the administrative approach considers them as management organizations with a defined structure, while the social approach involves society in responsibility for the success or failure of these institutions. (Atmasasmita, 1996)

The Criminal Justice System in Indonesia still experiences obstacles in preventing and controlling crime due to several factors, one of which is related to the role of Correctional Institutions. Law Number 22 of 2022 concerning Corrections explains that the functions of Corrections include service, guidance, community guidance, care, security and observation, which are carried out by various institutions such as Rutan, LPAS, Lapas, LPKA, Bapas, or other designated places. Philosophically, the aim of the correctional function is so that inmates can return to being human according to their nature after serving the criminal period, with the hope that they can have better morals or behavior than before and can return to assimilation and socialize in society normally after completing the criminal period (Pratama, 2024).

Corrections in Indonesia experience problems in carrying out their functions effectively because there is overcapacity in all correctional institutions. For example, the Purwakarta Class IIB Penitentiary has a normative capacity of 250 inmates, but currently accommodates 450 inmates. Apart from overcapacity, limited staff, budget and infrastructure also cause coaching to be ineffective. The implication is that ineffective coaching programs in correctional institutions often lead to recidivism. Guidance for inmates is the implementation of the judge's decision in a court hearing, which refers to Law of the Republic of Indonesia Number 1 of 1946 concerning the Criminal Code. The penalties that can be imposed include basic penalties such as the death penalty, imprisonment, imprisonment, fines, and imprisonment, as well as additional penalties such as revocation of certain rights, confiscation of certain items, and announcement of the judge's decision. (Ginting, 2022)

Law of the Republic of Indonesia Number 1 of 1946 concerning the Criminal Code is considered no longer relevant to the development of the times and society. As an effort to develop National Law, the government has promulgated Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections and Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code. This change presents criminal provisions that are different from the previous Criminal Code, especially in terms of basic crimes which consist of imprisonment, cover-up penalties, supervision penalties, fines and social work penalties. However, the implementation of the new Criminal Code faces several problems, especially related to Supervision Crimes and Social Work Crimes. Supervision punishment, even though it is part of the main punishment, is actually the implementation of a prison sentence and is not specifically threatened in the formulation of the criminal act. This is a form of guidance outside prison, similar to the conditional prison sentence in *Wetboek van Strafrecht*. This punishment is more of an alternative to imprisonment and is not intended for serious crimes. (Baehaqi, 2023)

Social Work Crime is an alternative model of criminal implementation that replaces prison sentences. This concept arises from the principle of justice in criminal law which considers the balance between the actions and conditions of criminals, allowing the development of alternatives to imprisonment. Through this punishment, convicts can be freed from feelings of guilt, while society can play an active role in the reintegration of convicts by providing useful activities, such as social work. However, problems arise related to the lack of regulations or operational standards governing the guidance process, which institution is responsible for implementing the judge's decision regarding the crime, as well as the stages of guidance required in criminal supervision and social work criminal cases. These problems need to be addressed to ensure effectiveness and fairness in the implementation of these alternative crimes (Ndruru, 2023).

Starting from the background of the problem as described above, researchers are interested in conducting research related to the problems that will arise when the new Criminal Code is implemented. This research has an urgency to be carried out, considering that based on the results of searches of scientific journals, theses, theses, similar themes have been carried out by several previous researchers, but there are significant differences. Some previous researchers include:

1. A. Marwan Eryansyah, Doctoral Program in Law, Faculty of Law, Hasanuddin University, Makassar, 2021, Dissertation Title: "The Nature of the Correctional System as a Recovery Effort for Community Inmates". This dissertation examines the nature of the correctional system in efforts to restore correctional inmates, the implementation of the role and function of correctional institutions in an integrated criminal system and the ideal correctional system in carrying out the law enforcement process.

The similarity between previous research and the research to be carried out is that the object of this research is related to the process of coaching inmates in correctional institutions. Meanwhile, the difference is how the coaching process occurs after enactment Law of the Republic of Indonesia Number 22 of 2022 concerning corrections and Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code. Where this law creates new types of punishment, in the form of supervision crimes and social work crimes.

2. Research conducted by Jody Imam Rafsanjani, Rizki Bagus Prasetio, and Zaihan Harmaen Anggayudha, with the title: "The Existence of Social Work Criminals in a Progressive Legal Perspective". The results of this research were published or published in the *De Jure Legal*

Research Journal Volume 23 Number 2 June 2023, P-ISSN: 1410-5632, E-ISSN: 2579-8561, pages 219 – 230. The results are:

The most current Indonesian Criminal Code (KUHP) contains the concept of Community Service Punishment, which is considered an effort to reform the criminal law system. Community Service Punishment, as a form of punishment in this country, requires an appropriate mechanism to achieve sentencing goals, namely the rehabilitation of convicts through participation in social activities that benefit society. This study aims to analyze the existence of Community Service Punishment to strengthen law enforcers' understanding of it as one of the main recognized forms of punishment. By using a progressive legal perspective, this research recognizes that the law should consider the development of society and emphasizes the importance of legal reform, if necessary. This study uses a normative juridical approach and conducts qualitative analysis. Based on the results of research conducted through literature studies, it was found that the criminal justice process results in overcapacity in Correctional Facilities, which ultimately hinders the achievement of sentencing goals. Therefore, the importance of imposing Community Service Punishment is very relevant. However, to carry out Community Service Punishment effectively, an organized and systematic procedure is required. This will ensure that the implementation of Community Service Punishment aligns with the expectations and goals to be achieved. We suggest that the relevant parties take advantage of the ratification of the Criminal Code as an opportunity to renew criminal law in Indonesia by increasing the competence and coordination of the criminal justice subsystem in terms of Community Service Punishment.

Similarities Previous research and the research to be carried out both focus on the implementation of crimes related to social work crimes. The difference is that previous research focused on the implications of implementing social work punishment which would have an impact on reducing the number of inmates. Meanwhile, the research focuses on how the process of inmates is related to social work crimes and supervision crimes.

3. Research conducted by Parhan Muntafa, and Ade Mahmud, with the title "Implementation of the Conditional Death Penalty Law in the New Criminal Code is Linked to the Principle of Legal Certainty". The research results were published or published in the Legal Preference Journal, ISSN: 2746-5039, Vol. 4, no. 2 – July 2023, Pg. 130-136. As for the results: Criminal sanctions have been regulated in Article 10 of the Criminal Code, one of which is the main crime of the death penalty. However, in its implementation, the application of death penalty sanctions against perpetrators of criminal acts is still a serious debate regarding death executions which still provide relatively no legal certainty, especially after the enactment of Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code, there is a The new breakthrough is that the death penalty is no longer a basic crime but a special punishment which is threatened alternatively or becomes a conditional death penalty with a probationary period of 10 (ten) years. The aim of the research is: to analyze the urgency of imposing the conditional death penalty in Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code as well as the development process in accordance with Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections . By using a normative juridical approach by examining several norms, the research specifications used are descriptive in nature and data collection techniques use library research. The results of this research are: The urgency of the death penalty can be carried out according to Republic of Indonesia Law number 1 of 2023 concerning the Criminal Code, after having good behavior with a probationary period of 10 (ten), obtaining approval from the President after receiving consideration from the Supreme Court. , then the sentence can be changed to life imprisonment. The provision of conditional death penalty as stated in Article 100 paragraph (4), there is a phrase "can" This will actually create uncertainty regarding whether or not the death penalty can be replaced with life imprisonment. This means that the time limit for the criminal probation period is too long, then the judicial process does not have certainty regarding the decision it will obtain and the time limit for the issuance of the presidential decision has not been clearly regulated.

The similarities between previous research and the research to be carried out are both related to the new type of crime in Law of the Republic of Indonesia Number 1 of 2023 concerning

the Criminal Code (New Criminal Code). Meanwhile, the difference is that previous research focused on the process of changing the death penalty to life imprisonment, whereas in this research the focus is on the process of developing correctional inmates related to supervision sentences and social work sentences.

Due to the urgency of this research, the researcher is therefore interested in conducting research with the title "Effectiveness Of The Process Of Developing Community Instructional Citizens With The Effect Of The Law Of The Republic Of Indonesia Number 22 Of 202 2 Concerning Community Community".

RESEARCH METHODS

Approach Method

This research is normative legal research. According to Soerjono Soekanto and Sri Mamuji, normative legal research or also called library legal research is: "Legal research carried out by examining library materials or secondary data alone". Thus, the research approach used is a qualitative approach. The qualitative approach is based on the philosophy of positivism which is used on the particular sample that is the focus of this research, which in this case are prisoners in correctional institutions. According to Bogdan and Taylor, the qualitative approach produces descriptive data composed of words that become written sentences. Meanwhile, Jane Richie believes that a qualitative approach is an attempt to present the social world and its perspectives in terms of concepts, behavior, perceptions and problems regarding the humans being studied.

Research Specifications

This research is normative legal research or doctrinal legal research, using qualitative secondary data as primary legal material because it uses legal doctrines or principles in carrying out its analysis. Normative legal research uses pragmatic truth, namely truth that can be proven, and uses modern legal concepts, where law is positioned as part of social phenomena in society.

The research specifications used by researchers in this research are analytical descriptive, namely the available secondary data which becomes the legal material for the research is then described as completely and in as much detail as possible. It is called descriptive because in this research it is hoped that a comprehensive and systematic picture will be obtained related to the identification of the research problem which will then be analyzed in order to obtain a research conclusion which is the answer to the identification of the research problem.

Data Collection Techniques and Legal Materials

Data collection techniques and legal research materials are closely related to data sources, namely the place where research data can be obtained. Based on this, the data can be divided into two categories, namely; primary data and secondary data. Primary data is data that is specifically available for research being carried out by researchers. Primary data is obtained directly by researchers during their research from the object they are researching. Thus, primary data is specific only to that research. Meanwhile secondary data is data that was available before the research was carried out. Secondary data is available for purposes other than the research itself. Secondary data is usually found in various forms of literature.

Because this research is normative legal research, the data used is secondary data which is then used as primary legal material, namely the main legal material for this research. To increase confidence in existing primary legal materials, it is possible to use secondary legal materials and tertiary legal materials as complementary legal materials for this research.

Analysis of Legal Materials

Analysis of legal materials is about how secondary data that is the legal material for this research is analyzed in order to obtain research conclusions that can answer the identification of research problems. The research legal materials referred to here include primary legal materials, secondary legal materials and tertiary legal materials. In relation to this, the research in question can be carried out by:

- a. The textualist approach (focus on text).

In this case the researcher focuses on text from secondary data which then becomes the legal material for this research. Thus, qualitative secondary data is interpreted according to the meaning of the words only. It can be said that the interpretation of the secondary data text resulting from this research is a narrow interpretation of the research data.

b. The purposive approach (focus on purpose).

In this case the researcher focuses on the objectives of the research being carried out. Thus, qualitative secondary data as a result of research is interpreted based on the objectives of the research itself, not limited to just interpreting the words. It can be said that the interpretation carried out by researchers is broad, but limited by the objectives of the research itself.

RESULTS AND DISCUSSION

Coaching is an activity held to improve the quality of personality and independence of prisoners and assisted children. Implementing coaching for prisoners is an important effort to restore their integration into society, which must be done not only materially and spiritually, but also in balance between the two. It is hoped that the development of prisoners can change the personality and mentality of those who are considered unfavorable by society to be in accordance with applicable norms and laws. (Sari, 2020)

Article 1 paragraph (18) of Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections confirms that Correctional Institutions, abbreviated as Lapas, are institutions or places tasked with providing guidance to prisoners. The main focus of this institution is to provide guidance and protection to inmates so that they can be rehabilitated and ready to return to society after serving a certain period of time.(Anggranti, 2022)

Development aims to direct prisoners so that after completing their criminal term, they do not commit crimes again or become recidivists, but can return to society in an appropriate manner and participate in development. Therefore, in correctional institutions, prisoners are given education so that they can develop their potential and develop into good individuals who obey the law. They are also taught to respect moral values as the basis for their future lives after leaving prison. There are two categories of inmates, namely low-risk inmates and high-risk inmates. (Pamungkas, 2023)

Inmates or prisoners at high risk are those who have been assessed and designated as prisoners at high risk based on the decision of the Minister of Law and Human Rights (Pratama, 2024). This determination is based on the results of examinations of prisoners who are deemed to have a high risk, which are determined by the Directorate General of Corrections based on the recommendation of a team through the regional office. To overcome this high risk, the Directorate General of Corrections has established Regulation of the Director General of Corrections Number PAS58.OT.03.01 of 2010 concerning Fixed Procedures for the Treatment of High Risk Prisoners (Protap for the Treatment of High Risk Prisoners) (Ginting, 2022). In this regulation, there are two types of assessments for high risk prisoners which are divided into two qualifications:

1. Qualification A is an assessment of certain inmates which includes evaluations related to things such as involvement in active criminal networks, ability to access weapons and explosives, having a history of escaping, having access and influence within the Penitentiary, proven to have tried to escape , have the ability to escape with or without the help of others, become recidivists, and are sentenced to death or life imprisonment.
2. Qualification B is an assessment of the risk of disease transmission from prisoners suffering from HIV/AIDS, Tuberculosis (TB), Hepatitis, and other dangerous infectious diseases. High-risk convicts need special treatment to reduce or even eliminate the risk of infection. Special or different treatment for high-risk prisoners is tailored to the needs and risks inherent in these prisoners.

In the Judicial Decree of the Republic of Indonesia Number M.02-PK.04.10 of 1990 concerning the Pattern for the Development of Prisoners/Detainees, it is stated that even though prisoners are at high risk, they must still be treated with respect in accordance with their dignity as human beings. Therefore, an assessment needs to be carried out beforehand to determine the level of risk and type of guidance that is appropriate for the prisoner. Prisoners who are suspected to be

at high risk and have been placed in a special residential block will be appointed by the prison head as a guardian through the guidance department. Guardian appointment will be based on education and experience in working with high-risk inmates. The guardian must at least have special training to handle high-risk prisoners. The separation of high-risk prisoners is carried out because their presence in conventional prisons can disrupt the correctional development system and cause concern for fellow prisoners and officers (Yusriansyah, 2022).

Low risk correctional inmates (WBP) are prisoners who, based on the results of the assessment and classification, have a small possibility of escaping, committing acts of violence, or being involved in prohibited activities. General characteristics of low risk WBP include having a light criminal history, not having the potential to commit violence, not being involved in criminal networks, having high motivation to change, and having the potential to return to society and live independently (Wahyu, 2020).

The coaching process implemented within the framework of the correctional system emphasizes the principle of respect for human dignity, compared to the prison system approach which is more oriented towards punishment and prevention goals. The development of prisoners is specifically regulated by Articles 35 to 54 in Law Number 22 of 2022 concerning Corrections. According to the provisions contained in Article 38 of Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections, prisoners will receive guidance in accordance with the results of Litmas, which includes (Yusriansyah, 2022):

1. Personality Development which includes:

- a. Fostering religious awareness, which is important for strengthening faith, especially in providing an understanding of the consequences of right and wrong actions for prisoners.
- b. Fostering national and state awareness aims to emphasize the importance of being a citizen who is devoted to the nation and state, and realizes that serving the nation and state is part of faith.
- c. Development of intellectual abilities, so that prisoners' knowledge and thinking abilities increase, so that they can support positive activities during the training period.
- d. Fostering legal awareness, which is carried out through legal counseling with the aim of increasing legal awareness so that prisoners are aware of their rights and obligations in upholding law and justice.
- e. Fostering integration with society, which aims to make prisoners easily accepted back into the community. This development includes aspects of social life, with the main aim being that prisoners have positive qualities that will enable them to participate in community development after returning to their environment. In this case, prisoners continue to be guided to worship obediently and carry out social efforts in mutual cooperation during their prison period, so that when they return to society, they have sufficient qualities to contribute to the development of their environment.

2. Self-reliance development is implemented through the following initiatives:

- a. Development of skills that support independent efforts.
- b. Providing skills that support small industries.
- c. Development of skills in accordance with individual potential.

Providing skills that support industrial or agricultural activities (including plantations) with the application of medium or high technology.

CONCLUSIONS

Coaching is an activity that aims to improve the personality quality and independence of prisoners and assisted children. Implementing guidance for prisoners is an important effort to restore their integration into society, which is carried out in a balanced manner between material and spiritual aspects. This training aims to change the personality and mentality of prisoners so that they comply with applicable norms and laws, so that they can return to society without committing crimes again. Correctional Institutions (Lapas) are tasked with providing guidance to prisoners, with the main focus on providing guidance and protection so that they can be rehabilitated and ready to return to society after serving a certain period of time. Guidance is carried out in accordance with the provisions regulated in Law Number 22 of 2022 concerning Corrections,

which includes developing the personality and independence of prisoners. Apart from that, fostering independence is also carried out through developing skills that support independent efforts, providing skills for small industries, developing skills according to individual potential, and providing skills for industry or agricultural activities. Thus, coaching prisoners aims to prepare them so they can return to society well and become productive members and contribute to the development of their environment.

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