

Mental Health and Social Development of Prisoners as a Policy Implication of Correctional Institutions

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Abstract

The problem in this research is to analyze the health and social development prisoners in Indonesian prisons in the future. The research method used is juridical empirical, namely analyzing the formulation of policies on current correctional facilities and the health and social development of prisoners in Indonesian prisons in the future. The results show that the current formulation policies in coaching prisoners are based on Law No. 12 of 1995 concerning correction institutions. This policy has not fully provided the rights of prisoners as assisted citizens. The number of prisoners currently in 33 Regional Offices of Law and Human Rights, only 6 Regional Offices is not overcrowded. This will affect the development of prisoners in prisons. Coaching carried out in prisons at this time has obstacles due to statutory factors, human resources in quality and quantity as well as the legal culture of the community which has not provided optimal support for the development of prisoners both inside and outside of prisons. In the future, based on policy studies, it is necessary to carry out reformulation and reconstruction related to the development of prisoners in prisons.

Keywords: *health and social development, policy, prison development, correctional institutions*

Introduction

Based on Article 1 point 2 of Law No. 12 of 1995 concerning Corrections, it is regulated that the correctional system is an arrangement regarding the direction and boundaries and methods of fostering Correctional Assistance Citizens. Based on Pancasila, it is carried out in an integrated manner between the supervisor, the fostered, and the community. It is to improve quality Correctional Assistance Citizens in order to be aware of mistakes, improve themselves, and not repeat crimes so that they can be accepted back by the community, can actively play a role in development, and can live naturally as good and responsible citizens^{1,2,3}. Correctional system needs an approach. This approach can be done through a coaching stage process. In each stage of development the prisoner is introduced to the activities and in due time the prisoner will be given his rights which have been guaranteed in the Correctional Law.

Various conditions of law enforcement that affect the policy based mechanism for the development of health and social aspects of prisoners in social institutions as

well as human resources related to quality and quantity, competence, facilities and infrastructure owned by civil society institutions and the legal culture of officers, and the communities involved in the process integrated and inseparable system^{4,5}. Harmonization and synergy of policies and human resources involved constitute unity. Development of prisoners must be in accordance with the needs and require support from all parties. The support is not only from the prisoners themselves, the supervisor, but also from the community^{1,2,3}. Society at this time must be able to accept prisoners especially those who have repented so that they can return to community life. This task is not only to make the Penitentiary a place of revenge but also a place for inmates to repent when they realize their mistakes.

Imprisonment is one of the types of sanctions that are most often used as a means of overcoming crime problems⁶. It is worth considering the various negative effects of imprisonment, namely the stigma that the perpetrators receive. Stigma was identified as a potential barrier to securing employment⁷. Social, economic, political, cultural factors are currently the basis for conducting policy studies and reconstruction as well

as reformulation in the development of prisoners in Indonesian prisons in the future^{8,9,10}.

Method

The research method used in this research is an empirical juridical study, namely analyzing the formulation of policies regarding current correctional facilities and the development of prisoners in Indonesian prisons in the future.

Result and Discussion

The correctional system places the Correctional Assistance Citizens consisting of: prisoners, state children, and correctional clients no longer as objects of guidance but as subjects of guidance and are seen as individuals and ordinary citizens and faced not with a background of retaliation but with guidance and guidance^{11,4,12,5}. Penal reform is part of the politics of criminal law, which implies an effort to reorient and reform criminal law in accordance with the socio-political, socio philosophical and socio-cultural values of the Indonesian people, through the policy oriented and value oriented approach¹³. In a policy-oriented approach, criminal law reform is part of social policy, namely as an effort to overcome social problems in order to achieve national goals. As part of the criminal policy, criminal law reform is an effort to protect society. Furthermore, as part of law enforcement, criminal law reform is an effort to renew the substance of the law in order to make law enforcement more effective.

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The scope of the reform of the criminal law system includes the following. The first is legal substance (substantial system), including reforms in the fields

of material criminal law, formal criminal law, and criminal law enforcement. The second is legal culture (cultural system), including reform of the moral field of the perpetrator, as well as legal education in criminal law, and third is legal structure (structural system), which includes the reform of the investigating body, prosecuting agency, judiciary and criminal executing agency. In criminal law reform, striving for the formation of a national criminal law that is in accordance with the value order of Indonesian society and is a reflection of a nation's political ideology^{12,5}.

Some of the problems in coaching in the correctional institutions are caused by: First, overcapacity in correctional institutions, the phenomenon of overcapacity in various Correctional UPTs (State Detention Centers and Penitentiaries), is one of the real symptoms of the absence of synergy in the operation of the criminal justice system. In the context of an integrated criminal justice system, each law enforcement agency cannot deny the problems faced by other law enforcement agencies that are directly or indirectly caused by the policies of one of the institutions. Second, the basic needs of prisoners are not fulfilled, the existing conditions are that the basic needs of prisoners are not fulfilled, for example basic needs, namely unmet nutritional food, poor sanitation, and so on. Such conditions can cause illness, especially for prisoners. Third, imprisonment is not the only solution, the conflict cases that still occur in prisons are an illustration that prison is not a solution to reduce crime¹⁴.

In order to carry out such legal reform there are several things that must be done, including restructuring the existing legal structures and institutions including quality human resources. It includes reformulation of a just law; increasing law enforcement by resolving cases of law violations; people's participation in law enforcement; public education to increase public understanding of the law; and the application of the concept of Good Governance.

The main principles of the correctional concept include some elements. People who are lost are protected too, by providing them with provisions to live as good and useful citizens of society. The point here is that Indonesian society is moving towards a just and prosperous society based on Pancasila. Provisions for

life are not only in the form of financial and material, but more importantly mental, physical (health), expertise, skills so that people have the potential and effective will and ability to become good citizens, not breaking the law anymore, and useful in the development of the State^{15,16}.

To impose a sentence is not an act of retaliation from the State. There is no torture against prisoners in the form of actions, speech, treatment or placement. The only pain experienced by prisoners was their independence. Repentance cannot be achieved by torture, but by guidance. Prisoners must be instilled an understanding of the norms of life and life, and be given the opportunity to reflect on their past actions. Prisoners can be included in social activities to foster a sense of community life. The state has no right to make someone worse/worse than before he entered the institution. Furthermore, the separation between the recidivist and those who are not, the serious and minor crimes, the types of criminal acts committed the adult perpetrators, young adults, and children, men and women^{12,5,17,18}.

During the loss of freedom of movement, prisoners must be introduced to the community and must not be isolated from it. They will gradually be guided outside the institution (in the midst of society), this is a necessity in the correctional process. The work given to prisoners may not be time-consuming, or may only be for the interests of the office or the interests of the State at any time. Work must be one with work in society and be aimed at national development. Then there must be an integration of prisoners' work with national development. Guidance and education must be based on Pancasila. Education and guidance contain principles that are contained in the contents of Pancasila. Prisoners must be given religious education and given the opportunity and guidance to carry out their worship¹⁹. Prisoners must instill a spirit of mutual cooperation, a spirit of tolerance, a spirit of kinship as well as kinship between nations. Prisoners must instill a sense of unity, a sense of Indonesian nationality, must instill a spirit of deliberation for positive consensus. Prisoners must be involved in activities for the common interest and the public interest.

Every person is a human being and should be treated as a human, even if he has strayed. There should be no designation to prisoners that they are criminals. On the

contrary, he must always feel that he is seen and needed as a human being. Prisoners are only sentenced to lose their independence. It is necessary in the company of prisoners to get a livelihood for the survival of the family that is their dependents, by providing jobs or being allowed to work, and being given wages for their work. The obstacle to implementing the Correctional System is the inheritance of prison houses in a miserable condition which are difficult to adapt to correctional duties, which are located in the middle of a city with high, thick walls.

The purpose of guidance in a correctional institution is divided into three things, namely: After leaving the correctional institution, there is no longer a criminal act; Become a useful human being, play an active and creative role in building the nation and country; Able to get closer to God Almighty and get happiness in this world and in the hereafter. The purpose of training for inmates is closely related to the purpose of punishment. The development of prisoners that is currently being carried out initially departs from the fact that the purpose of punishment is no longer in accordance with the development of the values and essence of life that grows in society. In the correctional system, the purpose of punishment is guidance and guidance, with the stages of admission/orientation, coaching and assimilation. These stages are not recognized in the prison system. The admission/orientation stage is intended, so that inmates are familiar with the way of life, rules and objectives of fostering themselves.

Based on the mandate of the Correctional Law No. 12 of 1995 concerning Corrections, Penitentiaries provide guidance for inmates, through several stages, namely, starting from the initial stage, the advanced stage, the assimilation stage and the final stage, each stage has a certain time to carry out guidance. Each stage has a certain time to carry out coaching, among others: Early stage coaching, this guidance is carried out in a time span from 0 to 1/3 of the criminal period, this stage puts forward the introduction of the environment in prison or known as admission and orientation. Next is the Advanced Stage of Guidance. After going through the initial coaching of a Correctional Assisted citizen will be given advanced stage coaching, the time span is given 1/3 to 1/2 of the criminal period, at this stage the guidance carried out is in the form of personality development (mental and spiritual) as well as self-reliance development (skills

and work activity training). Then the Assimilation Stage Guidance, that is, after being given various personality and independence coaching, the Correctional Assistance community will be given assimilation guidance ranging from 1/2 to 2/3 of the sentence. The last is the Final Stage of Coaching, which is the final stage of guidance that is given to Correctional Assistants in the form of integration guidance in which the Assisted Citizens will be returned to their families and communities to return to normal life, at this stage it is known as parole or leave. Conditional or Leaving towards Free, the time range starts from 2/3 until expiration or in accordance with applicable regulations.

For the Assisted Citizens, the high punishment is the obstacle in implementing the guidance program because the sentence period is not certain and the sentence will be certain to be free, so that in determining the guidance program for them cannot be maximized as is the case for the Assisted Residents who are sentenced temporarily. There is also a lack of professional experts in conducting personality development and independence of prisoners, the experts in question are psychologists and psychiatrists for mental development, sociologists for social development, agricultural graduates, animal husbandry graduates, mechanical graduates, etc. for the development and implementation of self-reliance development²⁰.

Guidance for future prisoners is also related to policy, structural and cultural. Reformulation was carried out in accordance with Law No. 12 of 1995 which has not fully granted the rights of prisoners in correctional institutions. In carrying out coaching without reducing the importance of the security aspect, the assisted residents are prepared to provide guidance which has the ultimate goal of returning to society and becoming humans who have the ability and skills in social life. Community participation is also very important as part of the process of guiding prisoners. The business community must be more able to provide support to the assisted members who have been released, this is related to the continuity of the independence development program given to them during their criminal period in prison so that it can be implemented in the business world.

Conclusion

The current correctional policy in Law No. 12 of

1995 has not yet accommodated the fulfillment of the rights of guiding prisoners in Indonesian prisons. Analytical studies of the Draft Law on Corrections have provided several rights for prisoners but several vulnerable groups, namely the elderly, transgender groups, LGBT people, children, disabilities, sexual rights, health, education, there is no special treatment and there is no minimum limitation on punishment for which they are guided carried out in a correctional facility. The current policy is still the death penalty, while in some countries it has eliminated the death penalty as well as life punishment, with a maximum imprisonment of 20 years. In some countries, imprisonment of under one year for a convicted person but can have or continue to do trade or work/profession, or participate in a professional education or training, or internship or temporary work with the intention of social rehabilitation, or important participation in life his family.

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References

- [1] Johnson R, Price S. The complete correctional officer: Human service and the human environment of prison. *Criminal Justice and Behavior*. 1981 Sep;8(3):343-73.
- [2] Cullen FT, Latessa EJ, Burton Jr VS, Lombardo LX. The correctional orientation of prison wardens: Is the rehabilitative ideal supported?. *Criminology*. 1993 Feb;31(1):69-92.
- [3] Cripe CA, Pearlman MG, Kosiak D. *Legal Aspects of Corrections Management*. Burlington: Jones & Bartlett Publishers; 2012.
- [4] Nur R, Bakhtiar HS. Model of Child Prisoners Counseling (A Comparative Study in Japan, Malaysia and Indonesia). *JL Pol'y & Globalization*. 2017;68:34.
- [5] Rochaeti N, Maryani D. A Juridical Analysis the Act Draft Correctional in Fostering Inmates in Future Indonesian Correctional Institution. In: *International Conference on Community*

- Development (ICCD 2020) 2020 Oct 20 (pp. 546-549). Atlantis Press.
- [6] Arief BN. Legislative policy in overcoming crimes with imprisonment [Indonesian]. Semarang: Badan Penerbit Universitas Diponegoro. 1996
- [7] Roguski M, Chauvel F. The effects of imprisonment on inmates' and their families' health and wellbeing. Wellington, New Zealand: Litmus; 2009.
- [8] Doob AN, Webster CM, Gartner R. The effects of imprisonment: Specific deterrence and collateral effects. *Criminological Highlights*. 2014 Feb 14;11(4).
- [9] Pritikin MH. Is prison increasing crime. *Wis. L. Rev.* 2008;1049.
- [10] Tomar S. The psychological effects of incarceration on inmates: can we promote positive emotion in inmates? *Delhi Psychiatry J.* 2013;16:66–72.
- [11] Sudaryono S, Surbakti N. *Hukum Pidana Dasar-Dasar Hukum Pidana Berdasarkan KUHP dan RUU KUHP*. Surakarta: Muhammadiyah University Press. 2017.
- [12] Hafrida H. Restorative justice in juvenile justice to formulate integrated child criminal court. *Jurnal Hukum dan Peradilan*. 2019 Dec 12;8(3):439-57.
- [13] Arief BN. *Potpourri of criminal law policies: Development of the drafting of the new Criminal Code [Indonesian]*. Jakarta: Kencana. 2008.
- [14] Rumadan I. Problem Lembaga Pemasyarakatan di Indonesia dan Reorientasi Tujuan Pemidanaan. *Jurnal Hukum dan Peradilan*. 2013 Jul 31;2(2):263-76.
- [15] Lamb HR, Weinberger LE, DeCuir Jr WJ. The police and mental health. *Psychiatric services*. 2002 Oct;53(10):1266-71.
- [16] Al-Rousan T, Rubenstein L, Sieleni B, Deol H, Wallace RB. Inside the nation's largest mental health institution: a prevalence study in a state prison system. *BMC Public Health*. 2017 Dec 1;17(1):342.
- [17] Nengsyi E, Indriastuti D, Prasetya F, Susanti RW, Syahrul S. The needs of being loved and loving among women prisoners in a women's penitentiary in Indonesia: A qualitative study. *Enfermería Clínica*. 2020 Mar 1;30:272-5.
- [18] Praptomojati A, Subandi MA. Forgiveness therapy for adult inmate in Indonesian correctional facility: a pilot study. *The Journal of Forensic Psychiatry & Psychology*. 2020 May 3;31(3):391-408.
- [19] Sumpster C, Wardhani YK, Priyanto S. Testing transitions: Extremist prisoners re-entering Indonesian society. *Studies in Conflict & Terrorism*. 2019 Jan 18:1-22.
- [20] Martin MS, Hynes K, Hatcher S, Colman I. Diagnostic error in correctional mental health: Prevalence, causes, and consequences. *Journal of Correctional Health Care*. 2016 Apr;22(2):109-17.