

CONDITIONAL LIBERATION PRISONERS AS ONE OF GUIDANCE IN CORRECTIONAL INSTITUTIONS

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ABSTRACT

Implementation of correctional guidance is based on the principles of the penal system to care for, educate and guide the inmates with the aim to be good citizens and useful. Coaching is best for the success of inmates in a sentence and can return to society and not repeat his actions are coaching comes from within convict itself. In the case of a prisoner who is serving a criminal past has been imposed by a criminal act that has been done can be free before the criminal who had dropped the ends. The exemption can be granted if an inmate in a sentence that showed a good attitude and undergo guidance provided inside and outside prisons. The exemption may be granted remissions, granting leave to visit family, granting leave towards free, parole and so forth. Therefore held parole as one of the development efforts of prisoners in prisons. Parole granted to inmates so that inmates can immediately adapt itself to the life of the community before ending its criminal past.

Key words: Parole, Development, Inmates

Introduction

According to Law No. 12 of 1995 concerning Corrections, that thinking about the function of punishment in the state of Indonesia based on Pancasila is no longer simply "penjaraan" but is an attempt rehabilitation and social reintegration of prisoners, which is called as the penal system. Today called correctional institutions, it actually is an institution formerly known as the home of the prison, the place where people who have been sentenced by criminal-specific criminal by criminal judges should run. Change the name of the prison house into a correctional institution has close relations to make prisons not only as a place to simply criminalize but also as a place to nurture and educate the convicted person in order to have the ability to adjust to prison life.

The principle of correctional inmates are taught that people get lost because it must be acknowledged and given a life provision as a good and useful citizens in society. Coaching prisoners is an attempt to prepare the inmates back into society so it is not appropriate in the correctional system is still the possibility of a prisoner can not return to the community. According to Peter Irwan and Pandapotan Simorangkir, inmates are people who lost who have the time and opportunity to repent. Penance can not be achieved with torture, but with guidance. Understanding it is clear that the coaching inmates were not performed with violence, but in ways that respect human rights of prisoners.

Based on the understanding of the correctional system and system implementation, training programs inmates in prisons and guidance of inmates by correctional centers focused on fostering self-reliance activities. Coaching is directed at the mental and character development in order to be responsible to themselves, their families and communities, while fostering independence aimed at fostering the talents and skills that inmates can return serve as members of the public who are free and responsible. Implementation of correctional guidance is based on the principles of the penal system to care for, nurture, educate, and guide the inmates with the aim to be good citizens and useful. Coaching is best for the success of inmates in a sentence and can return to society and not to repeat his action is coaching that comes from within convict itself. The holding of parole as an effort to coaching inmates in correctional institutions. According to the Article 14 of the Law of Corrections, parole is independent of prisoners after serving at least two-thirds of its criminal past with the provisions of the two-thirds of not less than nine months. Parole granted to inmates so that inmates can instantly adjust to community life before ending its criminal past.

Inmates who are in prisons and have undergone criminal for two thirds of the sentence or at least nine months of the correctional observer team held a hearing. If the observation and assessment of the inmates of correctional observer teams qualify and allow to enter the final stages of undergoing criminal, then the proposed inmate gets parole. The decision to grant conditional release was issued by the Minister of Law and Human Rights after hearing the opinion of the public prosecutor and officials more aware Penitentiary convict's behavior during their imprisonment. No authority to grant parole to the Minister of Justice and Human Rights with various administrative requirements that must be met by inmates.

Parties penitentiary who proposed to the Minister of Justice and Human Rights, a prisoner who has behaved well during coaching and has been qualified as specified in Article 15 paragraph (1) to give parole decisions that are based on several considerations, among others:

1. The nature of the criminal act he was doing

2. Personal and biographies of prisoners
3. The behavior of prisoners during guidance
4. The possibilities for getting a job after his release
5. Acceptance of the community in which it will reside.

Research design

Provide guidance to convicts serving parole basically carried out by the prison system through coaching in the prison. Parole is a form of guidance to convicts in prisons are given to inmates who have undergone criminal is 2/3 (two thirds) of the sentence or at least nine (9) months have been undertaken. While undergoing criminal inmates must behave well and fulfill other requirements that have been set for it. During his parole inmates were given probation in which there is general agreement and preferential agreements. The goal is to provide opportunities for inmates granted parole in order to improve themselves and the lives of communities which in turn is expected to be good citizens, useful and responsible.

Development objectives Inmates

The purpose of fostering the development of prisoners is closely related to the purpose of punishment. Coaching inmates who now done initially departed from the fact that the purpose of punishment no longer in line with the development of value and nature of life that grows in the community. Let a convicted, a sentence, without giving guidance, will not change the inmates.

According Sahardjo, coaching is for correctional purposes. So the inmates are no longer made deterrent, but nurtured for later promoted. This objective was quoted as saying by C.I Harsono which states that the purpose of coaching is correctional, can be divided into 3 areas:

1. Once out of correctional institutions are no longer committing a crime
2. Being a human being useful, active and creative role in building the nation and the state
3. Being able to draw closer to God Almighty and find happiness in this world and hereafter.

However that prisoners are human beings who still have the potential to be developed into a positive direction of development, which is able to change a person to be more productive, to be better than before undergoing criminal. This potential will be very useful for inmates through the hands of the builder inmates who have good faith, dedication, high spirits in providing motivation for change themselves prisoners in achieving a brighter tomorrow.

At first imprisonment is revenge on the people who are harmed by the offender. Retaliation by the public is a violation of the sense of decency that are in society, the provision of revenge or retaliation is taken over by the authorities or community leaders. In the next development, the rules and laws of society grew into criminal law, whereas the power to impose criminal was taken over by the state, in this case the judicial power. The imposition of penal or criminal prosecution is seen as an effort to protect the public so that the public is protected from criminal acts by criminals, however, the criminal is still seen as an attempt to destroy society from criminal acts, because the convict punished with the crime committed.

Punishment means the efforts of the state to maintain the requirements and the public interest, namely the needs and interests of the citizens jointly or individually, that is not entirely can be done by citizens themselves. So if a citizen harmed by others, the needs and interests are represented by the state. Besides coaching model for inmates in correctional institutions can not be separated from a dynamics, which aims to create more provisions for prisoners in facing life after serving a sentence completion (free). Further guidance is expected to enable them to improve themselves and not to repeat the criminal act he had ever done.

Activity in prisons is not just to punish or to keep prisoners but includes a coaching process that inmates realized the error and improve themselves and not to repeat the criminal act has ever done. Thus, if inmates in prisons later unpunished, can be received by the public and the environment and can live reasonably normal. The function of punishment is no longer just a deterrent, but also a process of rehabilitation and social reintegration of inmates who are in prisons.

Inmates Guidance System

Coaching inmates executed with various coaching correctional system. Correctional guidance system is the way in the delivery of guidance material in order to effectively and efficiently can be accepted by inmates, either a change in the pattern of thought, action or in behavior. Delivery of content development is not only done if presented with another deed based on the ability of the carrier material, but should also be considered to what extent the readiness of the inmates in accepting coaching material.

Coaching system committed against inmates basically can not be equated with the coaching is done to most people in general. Guidance committed against inmates have certain specifications and must be done using the principles of coaching based coaching system. Principles of guidance given at the time of prisoners undergoing sentence imposed by the court, their rights as citizens will be limited.

Once the coaching system has been running for two-thirds of the actual criminal past or at least nine months of the guidance in this stage enters the final stages of development. Development of the final stage in the form of planning and implementation of integration programs initiated since the end of the advanced stage until the completion of criminal past. At this stage of the inmates are eligible granted leave towards free or parole. Success coaching system in a correctional institution, other than specified by the executive officer of imprisonment, is also determined by the participation of the public in view of the renewal of imprisonment require public assistance to support in terms of taking part development activities.

Development efforts Inmates who undergo Parole

Their coaching model for inmates in correctional institutions can not be separated from a dynamic that aims to create more provisions for prisoners in facing life after serving a sentence completion (free). As was the case long before any prison terminology has been changed into a correctional. About the birth of the term penitentiaries selected in accordance with the vision and mission of the institution to prepare the inmates back into society. This term was first coined by Rahardjo who served as Minister of Justice of the Republic of Indonesia at that time.

Correctional expressed as a coaching system against offenders of justice which aims to achieve social reintegration or the restoration of the unity of the relationship between inmates and the community. Further guidance is expected that the inmates were able to repair themselves and not to repeat the criminal act he had ever done. In general, parole gives the rights to inmates for serving a sentence outside the penitentiary. The requirement imposed penalties of more than nine months, had undergone two-thirds of the sentence and good behavior during the period of coaching.

Phase coaching and mentoring prisoners namely:

1. The early stages

Early stage is known as maximum security stage that began in question the status as a prisoner of up to one-third of criminal past. supervision at this stage is quite tight, include:

- a. The period of observation, recognition and longest-month environmental study
- b. Planning personality development and self-sufficiency program
- c. Implementation of personality development and self-sufficiency program
- d. Rate the early stages of implementation of development programs.

The transfer of coaching from one stage to another established through Assembly observer team Correctional based on data from correctional supervisors, observers correctional, community mentors and guardians inmates.

2. Advanced Stage

Advanced stages known as minimum security stage. Divided into two stages:

- a. The first advanced stages, ie since the end of the initial phase of development up to half of a criminal past
- b. The second advanced stage, which is an advanced stage of development since the end of the first of up to two-thirds of the criminal past.

Development of advanced stages include:

- a. Advanced coaching program planning
- b. Implementation of advanced coaching program
- c. Ratings implementation of advanced coaching program
- d. Assimilation program planning and implementation.

3. The final stage

The final stage is known as assimilation stage. Once the coaching process has been running for two-thirds of the actual criminal past or at least nine months of the guidance in this phase begins after the end of the advanced stage until the completion of criminal past that includes:

- a. Planning integration program
- b. Implementation of integration programs
- c. Termination of the implementation of the final stages of development

Coaching process expanded to assimilate with other communities:

- a. Join fellow public worship outside

- b. Exercise with the community
- c. Following schooling
- d. Working out such work on the training ground belonging to correctional institutions, private companies, industry training ground
- e. Getting time off ahead of the free and home leave.

The stage is the prisoners who are eligible granted leave towards free or parole. Coaching is done in the guidance section of community correctional facilities and treatment are then referred coaching correctional clients.

Inmates are not allowed to idle for a criminal past. Correctional system looked at the nature of the employment is coaching to train working for inmates that after coming out of correctional institutions can apply their versatility as the provision of life and is expected to refrain from criminal acts and prisoners who work are entitled to wages or premiums. At this stage given parole with provisions already passed by two-thirds of its criminal past and have undergone at least nine months of his sentence.

Such rights must be in the stage of scrutiny by:

- a. Attorney
- b. Guiding
- c. Correctional Institution.

Not all inmates who have served two-thirds of a sentence of obtaining parole. There are requirements that must be met, for example prisoners behave well and have shown awareness and remorse for mistakes made. Conditional release granted to prisoners who have shown good manners, followed diligently development activities, during coaching is never exposed to disciplinary action.

Assessment of the inmate's behavior while in the institution pemasyarakatan monitored by officers who provide an assessment of the prisoner's own, Tim Correctional Observer. Correctional observer team designated by the Chief Penitentiary in accordance with the position that indicates a correctional Observer Team. In addition, the inmates must meet other requirements in the form of substantive and administrative completeness that should exist in the proposal.

Granting parole to inmates certainly have a good purpose, especially inmates itself. Granting parole intended that the inmate can realize the mistake and the public to accept their presence in public life, useful and responsible.

The purpose of granting parole was rehabilitation of offenders without using the penitentiary but with the way the inmates were returned to the environment (family and community) or returned to the original social status along with the guidance and supervision by the correctional centers within a single institution in the institution correctional. In order to convict supervising inmates if the action can not be monitored by the supervising parole can be revoked. Parole provision that the purpose is the provision of legislation

Revocation of parole conducted if:

- a. Repeating committing a crime
- b. Life erratically and cause unrest in society
- c. Lazy to work or school

Conclusion

Guidance given by the inmates of correctional institutions for inmates serving parole implemented by the correctional system. Functions and duties of correctional guidance to prisoners, especially prisoners be implemented in an integrated manner with the goal of keeping the convict after completion of a sentence can be a good citizen. Phase coaching and mentoring prisoners namely:

- a. Early stage, which began in question the status as a prisoner of up to one-third of its criminal past
- b. Advanced stage, which includes the first advanced stages ie since the end of the initial phase of development up to half of its criminal past and the advanced stage of sentencing that since the end of the first advanced stages up to two-thirds of its criminal past.
- c. The final stage, ie since the end of the advanced stages until the end of the criminal past of the prisoners concerned.

Implementation guidance to convicts serving parole can not be separated from the role of certain parties who support each other well with the role of the prisoners itself, the role of the family, and the role of the community. So, to maximize the implementation of the guidance to the inmates there should be a relationship of mutual support between the parties concerned,

and if the situation is established, it can be ascertained that the implementation of the guidance given to convicts serving parole can be achieved.

References

- Andi Hamzah, (1993), *Sistem Pidana dan Pemidanaan Indonesia*, Pradnya Paramita, Jakarta
- C.I. Harsono, (1995), *Sistem Baru Pembinaan Narapidana*, Djambatan, Jakarta
- Dwija Priyatno, (2006), *Sistem Pelaksanaan Pidana Penjara di Indonesia*, Refika Aditama, Bandung
- Irwan Petrus Panjaitan dan Pandapotan Simorangkir, (1995), *Lembaga Pemasyarakatan Dalam Perspektif Sistem Peradilan Pidana*, Pustaka Sinar Harapan, Jakarta
- Irwan Petrus Panjaitan dan Chairijah, (2009), *Pidana Penjara Dalam Perspektif Penegak Hukum, Masyarakat dan Narapidana*, CV. Indhill Co, Jakarta.
- R. Soesilo, (1994), *Kitab Undang-Undang Hukum Pidana*, Bogor
- Sahardjo, (1963), *Pohon Beringin Pengayom Hukum Pancasila*, Pidato Pengukuhan pada tanggal 3 Juli 1963 di Istana Negara, Universitas Indonesia
- Soedarsono, (1999), *Kamus Hukum*, Cetakan Kedua, Rineka Cipta, Jakarta.
- Yuyun Nurulaen, (2012), *Lembaga Pemasyarakatan, Masalah dan Solusi, Perspektif Sosiologi Islam*, Marja, Bandung.
- Republik Indonesia, Undang-Undang Nomor 12 Tahun 1995 tentang *Pemasyarakatan*.
- , Peraturan Pemerintah Nomor 31 Tahun 1999 tentang *Pembinaan dan Pembimbingan Warga Binaan Pemasyarakatan*
- , Peraturan Pemerintah Nomor 32 Tahun 1999 jo Peraturan Pemerintah Nomor 28 Tahun 2006 tentang *Syarat dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan*
- , Surat Keputusan Menteri Kehakiman Nomor M.01-PK.04.10 Tahun 1999 tentang *Asimilasi, Pembebasan Bersyarat dan Cuti Menjelang Bebas*.