



JURIDICAL ANALYSIS OF SUPERVISION OF PRISONERS FOR ALL FORMS OF VIOLATION OF THE LAW TO REALIZE PUBLIC ORDER

(Research Study at Class IIA Batam State Detention Center)

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Abstract

In the context of the state, it is regulated in a criminal justice system as a unitary institution that handles legal issues in the country. The Correctional System is an arrangement regarding the direction and limits as well as ways of fostering prisoners based on Pancasila which is carried out in an integrated manner between coaches, fostered, and the community to improve the quality of prisoners so that they are aware of mistakes, improve themselves, and not repeat criminal acts so that they can be accepted again by the community. , can play an active role in development, and can live normally as good and responsible citizens. Correctional Institutions in dealing with every perpetrator of law violations must prioritize the principles of treatment that aim to "restore" the concept of legal order and social order into the thoughts and behavior of lawbreakers. Thus, the hope to be achieved after the offender has finished serving his sentence is to be able to return to normal life in the midst of society based on lawful behavior and social order. For this reason, it is highly expected that the Government and all related institutions can strive to increase the independence, professionalism and accountability of law enforcement so that they are able to carry out their functions and authorities in accordance with statutory regulations in order to support lawbreakers so that they can create public order.

Keywords: *Supervision, Law, Order*

1. INTRODUCTION

The term prison for some ordinary people is a place/container intended for criminals/criminals to serve punishment for the actions they have committed. From a legal perspective, prison is a state facility which is a place for someone to be forcibly detained and released from any freedom under state authority. More than 9 million people are imprisoned worldwide today. Prison in the context of the state is regulated in a criminal justice system as a unitary institution that handles legal issues in the country.

As a system, the prison system in Indonesia was only known in the colonial era and then since 1964, the term as well as the paradigm of punishment in Indonesia shifted from the paradigm of restitution (revenge) in the form of imprisonment to a rehabilitative paradigm in the form of correctional.

After a change occurred in the form of the paradigm and procedures for the penal system from "Prison" to "Prison", automatically changing the Indonesian criminal justice system to a new, more modern chapter. It is stated in Law Number 12 of 1995 concerning Corrections in Article 1 paragraph 1 which states that the Correctional System is an arrangement regarding the direction and limits and ways of fostering Correctional Families based on Pancasila which is carried out in an integrated manner between the coach, the fostered, and the community to improve the quality of Correctional Assisted Residents (WBP) so that they are aware of mistakes, improve themselves, and not repeat crimes so that they can be accepted again by the community, can play an active role in development,

Sahardjo (Minister of Law and Human Rights of Indonesia Working Cabinet I (1959-1960), Working Cabinet II (1960-1962) and Working Cabinet III (1962-1963) also conveyed emphatically through his speeches that it was not only the general public who were protected by the

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repetition of criminal acts by convicts, but also for people who have gone astray are also protected by giving these people provisions to live as useful citizens that can be applied in everyday social life.

Amendment IV to the 1945 Constitution of the Republic of Indonesia strengthens the position of Correctional Institutions as institutions that have the objective of providing guarantees for protection of the rights of prisoners and children and improving the quality of convicts so that they are aware of mistakes, improve themselves, and not repeat crimes so they can be accepted back in society, can be a good person who obeys the law, is responsible and can play a role in development based on the principle of equal treatment and respect for human rights based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

In the real context, Correctional Institutions in dealing with every perpetrator of law violations must be able to put forward principles of treatment that aim to "return" the concept of legal order and social order into the thoughts and behavior of lawbreakers. The process of treatment at the State Detention Center (Rutan) as well as the process of coaching at Correctional Institutions (Lapas) is one of the processes of implementing correctional institutions in the context of nurturing lawbreakers. Guarantees for human rights and legal protection also apply to prisoners and prisoners who are undergoing legal proceedings to receive humane treatment. Therefore, the hope to be achieved after law offenders have finished serving their sentence is that they can return to normal life in the midst of society based on lawful behavior and social order. If this is achieved, then the purpose of Correctional is also achieved.

Even so, from the beginning the ideals desired through the penitentiary system seemed to feel like "far from fire". One of the indicators is the high rate of overcapacity in detention centers/correction centers. During 2022 there were 525 Correctional Technical Service Units (UPT) (165 UPT State Detention Centers (Rutan), 33 UPT Special Development Institutions for Children (LPKA), 33 UPT Women's Correctional Institutions (LPP) and 294 UPT Correctional Institutions (Lapas) of 33 Regional Offices of the Ministry of Law and Human Rights throughout Indonesia whose number of Prisoners exceeds capacity in the range of 80% - 355%.

Provisions governing security and order have been clearly regulated in Law Number 12 of 1995 concerning Corrections Article 50, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning Rules of Correctional Institutions and State Detention Centers and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 33 of 2015 concerning Security in Correctional Institutions and State Detention Centers.

Based on the Regulation of the Minister of Law and Human Rights mentioned above, it states that security is carried out to create safe, comfortable and orderly conditions while prisoners and inmates are undergoing a process of service and guidance within the State Detention Center. Compliance of prisoners with the rules that apply in the State Detention Center is one of the indicators in determining the criteria for good behavior towards prisoners as a condition for being able to apply for leave before release, free leave and parole.

2. LITERATURE REVIEW

In this section, we will explain the guidelines as a source of literature. Related to this and adjusted for the variables as set out in the central theme in this journal, in essence the literature source that will be used as one of the (Peter Mahmud Marzuki, 2006) materials to analyze the construction of the problem formulation referred to, is to rely on literary sources that are derived from secondary data.

Related to what has been mentioned in the section above, that the use of literature sources from secondary data, in its manifestation is based on several types of secondary data literature, which in essence secondary data consists of primary legal materials, secondary legal materials and legal materials. tertiary law, all of which were obtained through library research.



3. IMPLEMENTATION METHOD

Specifically, regarding the type of writing, methodology and theoretical basis, in principle it will be adjusted to the construction, variables as set out in this journal, and in line with the intended matter also adjusted to several key matters as described in the background section as mentioned above. Therefore, for this type (Burhan Bungin, 2017) the writing of this journal is normative in nature.

Related to the matter in the section above, matters relating to the methodology are carried out legally research and using a qualitative approach. For (Rasyid Rizani, 2020) the theoretical basis is to use the theory of positive law put forward by John Austin as a grand theory. For middle theory using legal system theory by Lawrence M. Friedman, while for applied theory using responsive legal theory by Philippe Nonet and Philip Selznick.

4. RESULTS AND DISCUSSION

Henceforth in this section an analysis/discussion will be carried out on the construction of the problem formulation as described in the section above. In the context of carrying out the analysis, it will be carried out in three stages or divided into three groups, the analysis/discussion of which is as presented in the section below.

Legal Arrangements for Supervision of Detainees in the Class IIA State Detention Center in Batam

Correctional officers are obliged to carry out security supervision against any threat of disturbance of security and order which will cause anxiety, discomfort, and disorder in the life of the State Detention Center. Security measures must be taken in an effort to prevent violations of the rules at the State Detention Center. Correctional officers are the front guards who maintain security and order in the State Detention Center to remain conducive. All correctional officers, both those in the security unit staff and the security team, must have basic correctional skills, officers must act fairly and act wisely in carrying out their duties, be able to think realistically in fostering good relations with prisoners and inmates who are being given service and guidance.

The legal basis for implementing Security in terms of implementing supervision over detainees for all forms of law violations at the class IIA state detention center in Batam is regulated in the provisions of Article 48, Article 49, and Article 50 of Law Number 12 of 1995 concerning Corrections and further regulated based on Ministerial Regulation Law and Human Rights of the Republic of Indonesia Number 33 of 2015 concerning Security in Correctional Institutions and State Detention Centers.

If there is a violation of the rules, the correctional officer will give disciplinary punishment based on the level of mistakes committed by prisoners and prisoners based on the provisions of Article 10 of Regulation of the Minister of Law and Human Rights Number 6 of 2013. Giving disciplinary punishment is an effort that really needs to be done to protect life Prisoners and inmates are safe and orderly while undergoing their legal process while at the same time providing an educational and fostering effect so that inmates of correctional institutions become law-abiding people.

Strictly speaking the existing security regulations have shown that in handling security it is mandatory to guarantee the protection of the human rights of detainees and inmates based on the principle of respect for dignity and equal treatment. The administration of disciplinary punishment carried out by correctional officers is not to frighten prisoners and inmates of correctional facilities but is part of a coaching program so that they become better human beings and deserve to be accepted back into society.

Implementation and Execution of Supervision of Detainees in Batam Class IIA State Detention Center

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Paying attention to the content that will be analyzed in this section, substantially there are three contents that must be analyzed, namely regarding Implementation, then the constraints and solutions related to efforts to protect Indigenous Peoples' Land Rights, of course in the dimension of sustainable constitutionalism, as further the analysis is presented in the following sections:

a. The Implementation and Implementation of Supervision and Security is related to the 1945 Constitution of the Republic of Indonesia

Implementation of Oversight and Security is linked to the 1945 Constitution of the Republic of Indonesia as stated in Article 28D Paragraph (1) relating to the policy of fulfilling and protecting human rights mandated in Article 28D paragraph (1) of the Constitution of the Republic of Indonesia of 2008. 1945 which is related to the rights of prisoners and prisoners in the implementation of security at the State Detention House already regulated in Article 14 paragraph (1) of Law Number 12 of 1995 concerning correctional facilities, including the right to worship according to their religion or belief, to receive education, teaching, and getting spiritual and physical care, health services and getting proper food, submitting complaints, getting reading materials, and following the mass media that is not prohibited, receiving visits from family, legal counsel or other persons, receiving wages from work, and other rights.

Implementation of the policy of the Ministry of Law and Human Rights to fulfill the human rights of prisoners and prisoners associated with the contents of article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia which was carried out in the Batam Class Iia State Detention Center, given and provided : the right to worship, the right to receive physical and spiritual care, the right to education and teaching, the right to receive proper health and food services, the right to submit complaints, the right to receive reading material and participate in other mass media broadcasts that are not prohibited, receive family visits, advisers law, or other people, the right of assimilation including leave to visit family, the right to get remission, parole, leave before release, other rights in accordance with laws and regulations.

The implementation of supervision and security carried out at the Batam Class Iia State Detention Center which is linked to the contents of Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia has implemented and upheld the values of the human rights of prisoners as Prisoners who are inmates Batam Class Iia State Detention House.

The Ministry of Law and Human Rights has designed human rights-based service programs such as placing banners on the rights, obligations and prohibitions for prison inmates and code of conduct banners for prisoners and convicts who break the rules. Banners of national insight that can be read as soothing for prisoners and inmates as well as officers, services that are free from extortion, implementation of security carried out in accordance with Standard Procedures or Standing Procedures.

b. Implementation and Implementation of Supervision by the Security Unit at the Class Iia State Detention Center in Batam

Batam Class Iia State Detention Center was originally a Correctional Institution based on the Decree of the Minister of Justice of the Republic of Indonesia Number: M.04.UM.01.06 of 1983 concerning Procedures for Placement, Treatment of Detainees and Orders of the State Detention House changed to the State Detention House, but still still carry out its function as a Correctional Institution. In carrying out its role as a Correctional Institution, a security system is needed in an effort to create safe and orderly conditions at the Batam Class Iia State Detention Center. The implementation of the supervisory and security duties is carried out by Ka. KPR has 2 implementing elements under it, namely KPR staff and the Security Team.

Prevention is an effort made to minimize as early as possible any disturbances to security and order that arise both from inside and outside the detention center. In the principle of supervision and security to create a safe and orderly condition, the principle of prevention is the best thing than taking action. From the results of the author's interview with Mr. Ismail, Amd.P, Head of the Batam Class Iia Prison Security Unit, the efforts made in preventing violations of



discipline by correctional inmates namely: Physical Security, Installing Banners, Installing Warteluspas for assisted residents, Imposing picket searches and night pickets for staff.

This effort is made to assist security officers in carrying out their duties, these efforts are all made to minimize any form of disturbance to security and order created by visitors who bring prohibited items into the detention center, the night staff picket is an attempt to reduce violations that often occur at night days like fight and run. This effort is quite useful and relatively helpful.

c. Implementation of Enforcement in Security Efforts and Application of Discipline Punishment

Security is the main requirement to support the successful implementation of correctional system development programs. Enforcement is an effort made to minimize and stop any disturbance of order and security that occurs from inside or outside the detention center in order to create a safe and comfortable environment. Therefore, the role of correctional officers is very much needed to supervise, prevent and take action against violations of the rules committed by prisoners and correctional inmates.

If there is a disturbance of security and order, the security officer must take steps to stop the disturbance of security and order. In an effort to enforce the rules of the detention center, the imposition of disciplinary punishment is a strict form of enforcement of the rules of the detention center for prisoners and correctional inmates who commit disciplinary violations. Enforcement of disciplinary punishment must be carried out in accordance with applicable regulations and according to the level of violations committed by prisoners and inmates of the correctional facility.

Obstacle Factors and Solutions to the Implementation of the Prisoner Control System in Class Iia State Detention Centers in Batam

a. Barriers to the Implementation of the Prisoner Monitoring System at the Class Iia State Detention Center in Batam

The policy of the Directorate General of Correctional Services still cannot be implemented optimally in relation to prison services in the field of security. There are two security issues that hinder the implementation of these technical policies, namely: first, related to the problem of the ability and perspective of officers to apply the character of a humane approach to detainees. Current detention center officers still tend to prioritize a recessive approach. Second, regarding the capacity of residential rooms and spaces that are no longer able to accommodate them due to excess occupants.

Human Resources or abbreviated as HR. The quality of Human Resources (HR) for detention center officers is currently not as expected, coupled with the lack of facilities and infrastructure, causing disturbances to security and order to still occur frequently in Class Iia Batam Detention Centers. This factor is due to a lack of understanding by officers regarding regular security procedures and standards for preventing disturbances of security and order because the majority of detention center officers have not attended education and training such as basic correctional, self-defense, security, shooting, intelligence and crowd control.

The limited education and training of detention center officers has led to the creation of very serious problems in detention centers, including acts of violence, non-fulfillment of the rights of correctional inmates, the prevalence of mobile phones, narcotics, and the insensitivity of officers towards preventing and taking action against disturbances of security and order and causing abuse of authority that can affect the effectiveness of safeguards.

The lack of understanding by the security officers regarding security procedures and security rules resulted in the officers being unable to play an active role in preventing as early as possible disturbances to security and order. A security officer must be capable and skilled in the field of security so that he can carry out the authority he has received with full integrity and high professionalism properly and in accordance with applicable regulations. The quality of security officers is an absolute requirement in the implementation of security.

The lack of facilities or facilities that support security is an inhibiting factor for the implementation of security, because it is clear that facilities or facilities are an absolute requirement

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to support security, the unavailability of equipment that is both in quantity and quality causes security not to work according to the rules. The current condition of Batam Class Iia Detention Center equipment needs to be replaced and renewed as well as increasing the number of security equipment, because from year to year the capacity of the Detention Center continues to increase. Currently, the majority of the security equipment in Batam Class Iia Detention Center is ± 10 (ten) years old, such as riot equipment, fire extinguishers, and CCTV.

Inadequate building and yard facilities with a lot of capacity make the Batam Class Iia Detention Center a very unfit place to live in and be used as a place to provide services and guidance to detainees and inmates who are carrying out legal proceedings, with conditions as they are now. There are many rights of prisoners and inmates that cannot be felt by them.

Body scanners and X-rays are needed to support the search of visitors. This tool is useful for detecting metals or prohibited objects directly or visually which are on the body and all visitors' luggage which can disturb the security and order of the detention center, but currently this equipment is in Batam Class Iia Detention Center in a non-functional condition because it has been damaged. The absence of a signal jamming device makes it difficult for correctional officers to deal with the circulation of communication devices that are rife in Class Iia Batam Detention Centers. Signal jamming is urgently needed to reduce the circulation of communication devices in Detention Centers.

In general, facilities and infrastructure are the main supporting tools in the implementation of security carried out in detention centers, all processes of security measures must prioritize the use of facilities and infrastructure in order to minimize direct physical contact between officers and inmates of correctional facilities. Starting from the prevention process required to use security equipment, for example locking the block door with a padlock so that prisoners from other blocks do not enter. Enforcement is required to use security tools that have been determined to minimize the use of force that can cause correctional inmates to be injured, such as riot equipment.

Various kinds of policies have been taken and implemented to overcome the problem of over capacity, including through building repairs to the construction of new buildings which aim to increase the capacity of Correctional Institutions and State Detention Centers throughout Indonesia. However, these policies have not been able to overcome the problem of overcapacity bearing in mind that the number of detainees is increasing day by day and convicts are piling up to serve their remaining sentences, which are still much more the result of the high crime rate in people's lives.

Another way has also been taken to get around this over-capacity problem, where the number of security officers is still lacking to offset the number of correctional inmates which is also a factor in the constraints of the implementation of the security system, namely by implementing an inherent and persuasive security system, increasing guidance from a spiritual and spiritual perspective. education to avoid the desire to escape and then keep life in prison conducive.

If the problem of over capacity is likened to a roof leaking when it rains, so that the water that enters the house can be completely accommodated, it is necessary to prepare a lot of containers and also the storage container must be large if the hole in the leaky roof is not repaired immediately. This polemic is currently happening in Correctional Institutions, the state has disbursed a lot of budgets each year to increase building capacity and build new Correctional Institutions/State Detention Centers. In terms of the food budget, the Ministry of Justice and Human Rights' financial budget has been drained a lot to be able to provide food ingredients every year to meet the needs of convicts and detainees whose increase has not stopped.

b. Solutions to Obstacles to the Implementation of the Prisoner Monitoring System at Class Iia State Detention Centers in Batam

The education and training program (training) which is on the agenda of the directorate general of corrections which is planned to improve the quality of human resources for detention center staff, cannot cover all existing officers. In order to overcome the lack of education and



training on security, the directorate general of corrections has created a program to strengthen the duties and functions of security through independent training according to the Plt circular letter. Director General of Corrections Number PAS-30.PK.02.04.01 Year 2018 05 February 2018.

Independent training is an effort made to overcome the lack of education and training for officers, the lack of education and training is an obstacle to the implementation of safeguards to create a safe and orderly condition for prisoners and inmates of correctional facilities. In order to guarantee protection and equal treatment of security measures for detainees and inmates, self-training is necessary to provide regular reinforcement of officers' knowledge and insights about the applicable security rules.

Self-training is an effective way to increase the ability of officers in addition to increasing the professionalism of officers and making officers more integrity and professional. Independent training is carried out to provide basic and advanced knowledge to security officers regarding the rules that apply as guidelines for carrying out tasks in the security sector. Independent training is an effort to improve the quality of security officers who have integrity, honesty, morality and responsibility in carrying out their duties to uphold the values of truth and justice.

Batam Class Iia Detention Center has submitted requests for the procurement of facilities and infrastructure every year to support and realize the security programs that have been planned, namely what is needed is a body scanner, X-Ray, signal scrambler, weapons, CCTV, garret, padlocks, and letter equipment hara, in which the procurement of the equipment has been submitted in the Proposal Work Plan and Budget of Class Iia Batam Detention Center every year.

Solving the problem of overcapacity in Correctional Institutions and State Detention Centers should focus on the initial process of arresting these "problem people" and sending them to the state detention center, starting from the investigation stage by the police, prosecution by the prosecutor's office, to the stage of decision by the Judge, the court. This problem must be the focus of the authorities so that in all cases every criminal is caught and piled up in the state detention center and ends up being overcrowded even though certain criminal acts can actually be resolved at the police or prosecutorial level without being required to undergo serious punishment. in the form of imprisonment in the State Detention Center and Penitentiary.

Efforts that are more accurate and can be made to deal with the excess capacity in state prisons and correctional institutions, one of which can be taken with the Restorative Justice approach, which is an approach that focuses more on the conditions for creating justice and balance for the perpetrators of criminal acts. as well as the victims themselves. The elaboration of the substance of restorative justice which contains the principles of building joint participation between perpetrators, victims and community groups in resolving an incident or crime; placing perpetrators, victims, and the community as 'stakeholders' who work together and immediately try to find solutions that are seen as fair for all parties (win-win solutions).

The existence of this discourse on restorative justice can be an answer to the failure of the existing penal system where the system is no longer effective in suppressing the high crime rate which leads to overcapacity in Correctional Institutions. The concept of conventional criminal justice which only focuses on sentencing and punishing perpetrators of crimes has not touched the interests of victims and/or communities who are harmed by crimes committed by perpetrators of crimes.

5. CONCLUSION

In this concluding section, the time has come to present conclusions and suggestions at the same time from all the analytical and/or explanatory constructs as presented by the author in the section above, which conclusions and suggestions are further presented in the following section.

1. Implementation and implementation of supervision of detainees for all forms of law violations to create public order in the Class IIA Batam State Detention Center, as follows:
 - a. Fulfillment and protection of human rights which include the right to worship according to religion or belief, to receive education, teaching, and to receive spiritual and physical care, to

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- receive health services and to receive proper food, to submit complaints, to obtain reading materials, and to follow mass media that do not prohibited from receiving family visits, legal advisers or other people, receiving wages from work, and other rights.
- b. The Batam Class Iia State Detention Center has a role in creating a security system in an effort to create safe and orderly conditions.
 - c. Supervise, prevent and take action against violations of rules and regulations committed by detainees and inmates of correctional institutions to minimize and stop any disturbances of order and security that occur from inside or outside the detention center in order to create a safe and comfortable environment.
2. Obstacle factors and solutions for the implementation of the security system at the Batam Class IIA State Detention Center can be summarized in 2 parts, namely:
- a. Obstacles in the implementation of the security system at the Class IIA Batam State Detention Center, among others:
 - 1) Lack of security personnel both in terms of quantity and quality. The comparison between Security Officers and Assisted Residents is
 - 2) The over capacity of the Class IIA Batam State Detention Center is 116% as of September 30, 2022, which is likely to increase at the end of 2022.
 - b. Solutions for implementing a security system at the Class IIA Batam State Detention Center, including:
 - 1) Additional staff at the Ministry of Law and Human Rights, especially in the Correctional environment to balance the number of Correctional Families.
 - 2) Implemented a win-win solution with the concept of Retorative Justice to reduce the number of additional Prisoners/Convicts who are the cause of Over-Capacity in State Detention Centers and Correctional Institutions.

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JURIDICAL ANALYSIS OF SUPERVISION OF PRISONERS FOR ALL FORMS OF VIOLATION OF THE LAW TO REALIZE PUBLIC ORDER (Research Study at Class IIA Batam State Detention Center)

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