

ABILITY CORRECTIONAL INSTITUTIONS IN PREVENTING RECIDIVISM (STUDY AT CLASS IIA LANGKAT NARCOTICS PRISON)

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Abstract

The strong correlation between crime and social interaction is implicitly reflected in the Criminal Code (KUH Pidana), which states that crime is essentially rooted in social interaction. And when that interaction causes harm to another party, a crime occurs. This is the premise that describes how the correlation between crime and social interaction is established. When a harmful act is regulated by criminal law, it is no longer categorized as merely a crime but becomes a criminal offense. This definition defines the act as behavior that, at a given time and within a given cultural context, is considered intolerable and must be corrected through the use of legal means. The author's background in formulating the problem in this research is: How is the capability of Correctional Institutions in Preventing Recidivism in Class IIA Langkat Narcotics Prison in an effort to prevent the phenomenon of repeated criminal acts? This research is a normative-empirical research with a live-case study category based on empirical observations of the implementation of provisions of correctional laws and regulations in Class II A Langkat Narcotics Prison to evaluate the effectiveness of the guidance of inmates in it related to efforts to prevent repeated criminal acts (recidive). He acknowledged that repeat offenders in the Class IIA Langkat Narcotics Prison experience annual recidivism. Therefore, he believes recidivism in his area is a common occurrence, as crime, which is a part of society, also accompanies crime. Where there is society, there is law; where there is law, there is crime; and where there is crime, there is recidivism. Therefore, the goal of rehabilitation is not to eliminate recidivism but to minimize it. To prevent character-based recidivism, the Class II A Langkat Narcotics Prison collaborates with Islamic, Christian, Hindu, and Buddhist religious leaders to provide regular spiritual guidance. This ensures that mental and spiritual development activities can benefit inmates.

Keywords: *Correctional Institutions, Prevention, Recidivism*

1. Introduction

Behavior or actions whose status is degraded to a criminal act have very distinctive characteristics, namely they take the form of disturbances (causing danger to certain interests or legal objects). Thus, in simple language, a criminal act is an act that disturbs comfort, peace, order and security in society. Crime (*misdrijven*) is one of the dark sides of social phenomena that cannot be separated from social life. Increased interaction between individuals within a community is one element that drives the emergence of criminal activity. People who always stay at home and do not interact with anyone have a lower potential to commit crimes compared to those who frequently interact with others. The consequence of this premise is that as long as humans interact with other humans, the potential for crime will always exist within their relationships. The strong correlation between crime and social interaction is implicitly reflected in the Criminal Code (KUH Pidana), which states that crime is essentially rooted in social interaction. And when that interaction causes harm to another party, a crime occurs. This is the premise that describes how the correlation between crime and social interaction is established. When a harmful act is regulated by criminal law, it is no longer categorized as merely a crime but becomes a criminal offense. This definition defines the act as behavior that, at a given time and within a given cultural context, is considered intolerable and must be corrected through the use of legal means. One mechanism for society's resistance to crime is criminal law, which is continuously updated to reflect the development of criminal acts occurring in society. As part of the extended family of laws and regulations, criminal law performs a function similar to other legal products:

organizing and regulating social life. With its retaliatory character (*vergeldings*), criminal law has become an instrument for protecting the rights and interests of society, both individually and collectively. The principle of retaliation (*revenge*) in criminal law is manifested in the obligation of perpetrators to serve the sentences imposed on them. This is the practice of implementing a state based on the rule of law (*rechtsstaat*). Of the various models of punishment, deprivation of liberty is the most common and is considered the most appropriate punishment to be used as the final outcome of litigation efforts, although deprivation of liberty cannot be used as a panacea for all crime problems, especially if the intended remedy is related to crime prevention or the need for social integration of criminals. Unfortunately, in reality, many parties argue that deprivation of liberty actually has a counterproductive effect, especially in terms of rehabilitation and reintegration of perpetrators of minor crimes, including perpetrators of crimes from vulnerable groups.

Although it does not cause a significant increase in crime rates, the relapse of prisoners' illnesses after being released from prison as an implementation of the assimilation program initiated by the Government in order to reduce the spread of the Corona virus, even some prisoners participating in the assimilation program were forced to be shot dead by police officers, has prompted research related to the effectiveness of implementing development programs in Correctional Institutions as a measure to prevent recurrence of crime (*recidivity*). Because the purpose of punishment is not only to prevent the perpetrator from continuing his evil deeds, but also to ensure that all criminals who have served their sentences have the awareness not to repeat their crimes. So, when there are former prisoners who "relapse" into their evil nature, the problem lies with the former prisoner or the development program in the prison, or even both have their own problems. Based on the results of an interview with the Head of the Class IIA Langkat Narcotics Correctional Institution, Mr. Tapanus Antonio Barus, Amd.IP, SH, MH, it is known that in the 2025 period there were 403 cases of WBP in the Class IIA Langkat Narcotics Correctional Institution who were recidivist inmates. According to statistical data provided by Mr. Ibnu Khair, the crime with the highest prevalence of repetition was drug cases. Referring to the data, recidivist drug inmates occupy a portion of more than 80% in the statistics of the recidivist inmate population at the Class IIA Langkat Narcotics Correctional Institution in this period.

FORMULATION OF THE PROBLEM

In accordance with the background above, the author takes several problem formulations as follows, Based on the research background described above, the problem formulation in this research is as follows: How is the ability of the Correctional Institution in Preventing Recidivism in the Class IIA Langkat Narcotics Prison in an effort to prevent the phenomenon of repeated criminal acts?

2. Research methods

This research is a normative-empirical research with a live-case study category based on empirical observations of the implementation of provisions of correctional laws and regulations in the Class II A Langkat Narcotics Prison to evaluate the effectiveness of the guidance of inmates therein related to efforts to prevent repeated criminal acts (*recidivists*). The normative legal research method is a research that uses a documentation approach involving legal documents, so that research activities are mostly carried out using library research methods. However, the empirical legal research method requires direct observation, so that research activities are also carried out directly on the population and research samples, namely the application of correctional law products in the Class II A Langkat Narcotics Prison, Langkat Regency, North Sumatra Province. The data in this study were collected by combining field research and library research methods with the following data sources: Primary data, namely data collected through interview sessions with administrative staff at the Class II A Langkat Narcotics Prison, Langkat Regency, North Sumatra Province. Secondary data, namely the Administrative Report and inventory of prisoners published by the management of the Class II A Langkat Narcotics Prison and legal materials obtained from laws and regulations regarding the mechanism for fostering prisoners, which are enriched with scientific papers on corrections, especially the fostering of prisoners in an effort to prevent repeated criminal acts, which include:

- a. Books about the correctional system and prisoner development practices in prisons;
- b. Results of seminars, local works, symposiums, scientific works and other articles that review the correctional system and mechanisms for developing prisoners in prisons; and
- c. Digital scientific articles and journals about the correctional system and prisoner development mechanisms in prisons.

Primary data (interview results) and secondary data (prison documentation and archives) were processed through analysis, reduction, classification, interpretation, and conclusion. Data analysis, a key element of data

processing, was conducted using descriptive qualitative methods using a statutory approach, an analytical approach, and a normative-comparative approach.

3. Literature review

A literature review on the capacity of correctional institutions (Lapas) to prevent recidivism (repetition of criminal offenses) covers various aspects. Prisons play a crucial role in preventing recidivism through inmate development. This development encompasses various programs, including personality development, independence, and skills training, aimed at improving inmates' behavior and preparing them to reintegrate into society without reoffending. Several factors that are the focus of the literature review regarding the ability of prisons to prevent recidivism:

1. Effectiveness of Coaching:

The study highlights the importance of a comprehensive and structured development program in prisons. This program should encompass various aspects, such as education, skills training, personality development, and religious and social activities. The development approach, as well as the literature review, also examines the development approach.

The most effective coaching methods, including individual and group approaches, as well as the use of technology in the coaching process. Program Evaluation: Regular evaluation of coaching programs is essential to measure their effectiveness and make necessary improvements. This evaluation can be conducted through a variety of methods, including observation, interviews, and data analysis.

2. The Role of Correctional Officers

Prison officers play a central role in implementing correctional programs. They act as mentors, educators, social workers, and communicators with the community. The quality of officers, including their knowledge, skills, and attitudes, significantly impacts the success of correctional programs. Training and professional development of officers are key.

3. External Factors

Family and community involvement in the inmate's rehabilitation and rehabilitation process is crucial to preventing recidivism. This support can include assistance in finding employment, housing, or other social support. A supportive social and economic environment after release also plays a crucial role in preventing recidivism. Prisons need to collaborate with various parties to create a conducive environment for inmates returning to society. The negative stigma surrounding former inmates can hinder their reintegration into society. Efforts to change negative public perceptions of former inmates are necessary. By considering these various aspects, prisons can improve their ability to prevent recidivism and help inmates return to being productive members of society.

4. Research Results and Discussion

One of the goals of criminal punishment is to create a deterrent effect on perpetrators through the pain it has designed to inflict. As part of social defense, the state, through its legislative institutions, has enacted various criminal regulations to reduce the prevalence of crime and the growth of recidivism. Although Indonesia has numerous criminal laws, national prisoner statistics actually demonstrate the ineffectiveness of criminal law in preventing its subjects from committing crimes. This premise is based on population data on correctional institutions (PPAS) and detention centers (Rutan) in the Correctional Data System (SDP).

Repetition of a crime can occur due to accidental recidivism or habitual recidivism. Therefore, there are only two motives for repeating a crime: coercion and habit. A starving person who steals or injures/kills another person in self-defense is a crime driven by coercion, and that person only has to prove that they did not commit the crime intentionally or negligently. However, someone who commits a crime under the pretext of having no other skills or no job opportunities that will accommodate them, or for a more serious reason: getting money easily, is a true recidivist. Such a person is a diabolus (devil) who must be given a heavier sentence based on recidivism. But, whatever the motive, the final outcome depends heavily on the judge's judgment.

The concept of repeat offenders is similar to the combination of criminal acts (*samenloop* or *concursum*), because both involve more than one criminal act and one or a group of criminals. However, in the case of *samenloop/concursum*, the criminal acts are not interrupted by a judge's decision that imposes a prison sentence on the perpetrator. The large number of prison inmates, some of whom are repeat offenders, is suspected to be caused by the large volume of disparities in law enforcement practices in the country. The weak sentences imposed on lawbreakers are accused of being one of the culprits that cause the dense population of inmates in prisons. Thus, instead of generating a deterrent effect, criminalization in Indonesia only creates shame and actually encourages former inmates to reoffend.

The judicial spectacle often showcased by law enforcement officers who enthusiastically show off the array of articles they use to ensnare criminals, but produce a false victory because it does not result in the imposition of sanctions that create a deterrent effect. That the internal factor driving the emergence of recidivism is the evil character of the former convict himself. A person with a bad character (bad person) is seen from his 'courage' to repeat the crime after serving time, because in essence, the sentence is a stern warning from the state for the crime he committed. If he repeats his actions, it means he does not heed the stern warning and shows that he has a bad character or disposition. Therefore, people who return to crime after being released from prison are people with character.

The provisions in Chapter III Article 3 paragraph (1) of the Joint Regulation of Seven State Institutions concerning the Handling of Narcotics Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions, which stipulates that rehabilitation of narcotics addicts and victims of narcotics abuse can be carried out, but is not mandatory. Based on this provision, rehabilitation decisions for these two groups are rarely issued. This is a dilemma that must be faced by law enforcement officers when handling narcotics crime cases. When they are about to formulate demands that lead to rehabilitation, they are haunted by the fear of the emergence of negative views from the community.

The Head of the Class IIA Langkat Narcotics Prison, Tapanus Antonio Barus, stated that the development of inmates at the Class IIA Langkat Prison is carried out by combining development in the field of spirituality and work skills. Mental development of Islam, Christianity, Hinduism and Buddhism is needed to build the religious soul of inmates, so that a sense of remorse and awareness truly grows from within them and is not something false and temporary so that once they are released from the Class IIA Langkat Narcotics Prison, they do not reoffend (become recidivists) because they have been instilled with strong religious values. Skills development is needed to prepare inmates for independence after their release. With the skills he acquired during his development period at the Class IIA Langkat Narcotics Prison, Mr. Tapanus Antonio Barus hopes that they will have a strong sense of self-confidence to work and create to support their own lives and their families.

He acknowledged that repeat offenders in the Class IIA Langkat Narcotics Prison experience annual relapses. Therefore, he believes that recidivism in his area is a common phenomenon, as crime, which is a part of society, will always accompany crime. Where there is society, there is law; where there is law; there is crime; and where there is crime, there is recidivism. Therefore, the goal of rehabilitation is not to eliminate recidivism but to minimize it. To prevent character-based recidivism, the Class IIA Langkat Narcotics Prison collaborates with Islamic, Christian, Hindu, and Buddhist religious leaders to provide regular spiritual guidance. This ensures that mental and spiritual development activities can benefit inmates.

When they are outside the Class II A Langkat Narcotics Prison, they do not want to take time to pray, let alone listen to sermons from Islamic scholars and pastors. However, while inside the prison, they have a regular schedule for worship and improving the quality of their faith. Therefore, the mental and spiritual development at the Class II A Langkat Narcotics Prison is not much different from the activities of the Pesantren Kilat in schools during the month of Ramadan. With spiritual development inside the prison, it is hoped that their evil character will be reduced, or even completely eliminated. The implementation of criminal punishment in Indonesia is carried out based on formal criminal provisions regulated in the Criminal Procedure Code by prioritizing the principle of presumption of innocence and placing the suspect as the subject of examination, which distances them from the examination process based on a priori in the minds of investigators, thus freeing them from acts of violence perpetrated by investigators. Unfortunately, this paradigm is often tarnished by the emergence of wrongful arrests and the lack of rehabilitation for the victims. Judges often neglect to include rehabilitation orders in their *vrijspraak* or *ontslag* decisions, so that victims of wrongful arrest have difficulty in getting their name, honor, and dignity restored.

5. Closing

He acknowledged that repeat criminal cases within the Class IIA Langkat Narcotics Prison occur annually. Therefore, he believes that recidivism in his area is a common phenomenon, as crime, which is a part of society, will always accompany crime. Where there is society, there is law; where there is law; there is crime; and where there is crime, there is repetition (recidivism). Therefore, the goal of correctional reform is not to eliminate recidivism but to minimize it. The administration of criminal justice in Indonesia is based on formal criminal provisions stipulated in the Criminal Procedure Code (KUHP), prioritizing the principle of presumption of innocence and placing suspects as subjects of examination, which distances them from the examination process, which is based on a priori assumptions in the minds of investigators, thereby freeing them from acts of violence perpetrated by investigators.

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