Social And Managerial Aspects In Policy Making In Criminal Prosecution Basis

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Abstract: This study aims to analyze how does the public understand about the implementation of basic crime in Riau, how is the basis of legislation concerning implementation principal, and what is the dynamics of their relations in Riau. The results revealed that the public's perceptivity of the implementation of capital punishment, imprisonment, imprisonment, criminal fines and criminal cover so far in Riau Province is that the people still want the existence of the principal as a criminal form in positive law. Although based on the results of the questionnaire it shows the low perceptivity of the community, it is formed based on experience and knowledge of the implementation of basic crimes that have many shortcomings and deviations from the concepts and objectives of each.

Keywords: social factors, managerial aspects, policy making, basic crimes, correctional institutions.

1 INTRODUCTION

Recent developments in criminal prosecution in various parts of the world show quite significant changes (Shaw, Van Dijk & Rhomberg, 2003; Walker & Archbold, 2018). There have been greater efforts from various countries and civic organizations to make criminal action more respectful of human rights. However, some countries are still strict in carrying out the death penalty, which is considered in accordance with the principles of human rights and justice seeking. To balance civil and state rights, the United Nations has made the International Covenant on Civil and Political Rights (Keith, 1999; Carey & Lillich, 1970). In Indonesia, the death penalty provisions in the Penal Code are considered contrary to a number of international human rights provisions. Indonesia has ratified the international covenant on civil and political rights. In the convention stated that the right to life is a human right that cannot be reduced. Indonesia then ratified it through Law No. 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights. One element of criminal law is the punishment that it brings (Muladi & Arief, 2010). The suffering even arrived after serving a sentence (Sudarto, 1983). Globally, the issue of punishment is always a discussion of agreeing and disagreeing (Arief, 2003). Death penalty and its implementation are always associated with human rights, even though the Amnesty International institution, calling on UN member states to abolish capital punishment in their criminal legal system (Hood, 2001; Neumayer, 2008; Miehe, Lu, & Deibert, 2005). Prison sentences are also questioned about the negligence of prisoners' human rights while serving their sentences (Cooke, Baldwin, & Howison, 2008). The Riau community, known as the Malay society with traditional values, certainly became a problem in its relation to the foundation of the laws and regulations concerning the implementation of the basic criminal law which applies legal unification.

One example of the imposition of capital punishment in Riau, some agreed and some disagreed. Other problems of basic crime also occur in imprisonment and imprisonment, the issue of over-capacity, high recidivist rates, prison as a place for drug trafficking, and many other problems that show that the correctional principles of correctionalism have not been realized have become the trigger for the escape of more than 400 inmates at the Pekanbaru, Indonesia. This study aims to analyze how does the public understand about the implementation of basic crime in Riau, how is the basis of legislation concerning implementation principal, and what is the dynamics of their relations in Riau. This study analyzes public perceptions and the basis of legislation regarding the implementation of the main crimes that exist. Perception is basically a basic belief or world view. From this it will be seen how the dynamics of the relationship between different people's perceptions and the legal basis for the implementation of basic crimes can be traced which builds on different background experiences.

2 RESEARCH METHODS

Types of data needed are primary data and secondary data. Secondary data will use literature review and primary data is data obtained from the main source (informant) directly in a purposive manner. Secondary data is data that has been prepared/presented in such a way. The primary data is sourced from the community elements specified, including legislative members and cadres of political parties, executive (regional government), religious, traditional and community leaders, non-governmental organizations (NGOs), judicial officers (police, prosecutors and judges), private party, regional press, academics, college student, human rights activist, female activist, and ordinary people. Primary data collection, carried out through the distribution of questionnaires in 8 villages in Pekanbaru and Siak, as well as conducting interviews with Q-informants selected from the elements in the city of Pekanbaru that represent the people of Riau, and Siak Sri Indrapura Regency which represents the people of Riau who still have strong traditional tendencies. The collected data is discussed through focus group discussion (FGD).

2.1 Consideration of Public Votes in making Social and Criminal Policy

The public’s perceptivity of the implementation of capital punishment in Riau, by being shot dead, but in the future there...
was a change in the mechanism of its implementation. Riau people agree also with lethal injection, with reasons that are softer and contain a little element of torture. The Pekanbaru community understands other alternatives in the execution of capital punishment by means of lethal injection/electric chair, or with beheadings, or it can also be in accordance with the request of the convicted person. Siak community understands the execution procedure with the desire for harmonization of procedures in customary law with state law. The difference in perceptivity is supported by questionnaire data that the Pekanbaru Community does not understand the implementation of capital punishment 39.48%, while in the Siak district community there are 73.44%. Public aspirations of the implementation of imprisonment in Riau, the poor condition of prisons both in terms of infrastructure, managerial, human resources and mental attitudes. Coaching in correctional institutions is not effective/does not provide a deterrent effect, so it seems as a school or place for cadre criminals. The Pekanbaru community understands that correctional institutions are not a good place for socialization. The state is always absent in providing humane space for prisoners so that it is better resolved socially or made a prison on the island by employing inmates. Whereas the perceptivity of the Siak community, correctional institutions are good for returning citizens, with a good mindset and repenting not to repeat crimes. The difference in perceptivity is found in the results of the questionnaire, 35.78% of Pekanbaru People do not understand the implementation of imprisonment, and the Siak Community 66.74%. Community perceptivity of the implementation of imprisonment in Riau, the need for imprisonment as a form of crime, which is intended for minor crimes or violations. Because the motives of the crime are various, therefore imprisonment is still needed. Pekanbaru people understand the implementation of imprisonment has not been in accordance with the concept: among them is the difficulty of prisoners placing their rights, still mixed between prisoners who undergo confinement and imprisonment, coaching that is equal between the two types of crime, infrastructure that does not support so that there is no difference in prison buildings and confinement. If there is still a sentence of imprisonment, it is better to be given their own block or combined with other types of punishment. While the perceptivity of the Siak community: the implementation of imprisonment is good/already in accordance with the law, although for certain people the law is still sharply down. Because criminal sanctions specifically for minor crimes, according to the perceptivity of the Siak community, let traditional leaders work to find a solution. The difference in people's perceptivity can be seen in the results of the questionnaire, 39.78% of the people of Pekanbaru did not understand the implementation of criminal imprisonment, and the Siak Community 65.66%. The public aspirations of the implementation of criminal fines in Riau is aimed at criminal acts to cover the material loss, restoring state losses and income of the State treasury. Criminal fine implementation is ineffective, low surveillance and time of repayment is not firm. In addition, the implementation of fine criminal does not match the philosophy of covering the loss of material or restoring the financial losses of the country, because many of the convicted elected subsidiary penalty (the substitute for fine replacement). In addition to the future perception, fines must be preferred for victims' losses/compensation for victims. Perceptivity the community of Pekanbaru, the fine criminal is unclear. Meanwhile, Siak society, questioning the feasibility of the country, took advantage of crimes. In addition to victims, also to the state treasury for violations of laws and local treasury for violations of local regulations. Other differences can be seen questioner results, 40.58% of the people of Pekanbaru did not understand the implementation of fine criminal and Siak community 71.76%. Public aspirations of the implementation of the Criminal Code in Riau, is felt to be still relevant to implement, especially necessary for state officials involved in criminal cases. But it needs to be decisive about what actions can be punished by criminal cover. However, if the Law concerning criminal non-functional cover is to be deleted. The difference in perceptivity of the results of the questionnaire, 80.78% of the people of Pekanbaru City did not understand the implementation of criminal cover, while in the Siak district community 81.81%.

2.2 Social And Cultural Factors The Implementation Of Capital Punishment

The dynamics of the relationship between people's perceptivity and the foundation of the law regarding the implementation of capital punishment there is a public desire for improvement from several aspects, including legislative aspects, apparatus performance, supervision and guidance, cultural value, religious value, and global value. From legislative aspects, the concern is the form of executions that quickly lead to death and little torture, and firm execution. The steps need to be taken are such as continuous improvement of penitentiary, improvement of management by changing the system that has been running, one of the improvements by providing correctional facilities for children, women and adults at least each district. Fulfillment of appropriate needs and supported by supporting facilities and infrastructure for guidance. From apparatus performance, it need to be improved with the people perceptivity of the consequences of the duties of state servants, apparatus professionalism, avoiding bribery. There needs to be a new breakthrough in the expansion of authority. It needs improvement on mental discipline. From supervision and guidance, the concerns are the need for supervision both internally and externally, like by forming a team, to oversee implementation time, and the influence of legal counsel. There is a need for optimal and strict supervision both internally and externally independently, which is equipped with adequate means of supervision. From cultural value, the concerns are that Malay culture is identical with Islam which recognizes capital punishment. Thu, the punishment should consider local wisdom/Malay cultural values, or known as teaching points Malay culture. Thus, there is a need to involve Malay culture or traditional leaders who have a vision and mission, provide awareness education. From religious value, the concerns are the need for guidance from the start so that death row inmates are mentally prepared, that capital punishment is part of fate. Thus, there will be a need firmness in religious formation programs, especially wardens. Lastly, from global value, there is a view that this is not the time to abolish the death penalty. The increase in the application of the death penalty is supported by the community's assessment of the foundation of legislation concerning the execution of the death penalty with values that are in the midst of Riau society is still inappropriate, based on the results of research through questionnaires for Pekanbaru community 45.22% and Siak district 63.96%. Implementing some global values emphasized on the international role standards considered to be improved
according to Indonesian values. There is a view that this is not the time to abolish the death penalty. The increase in the application of the death penalty is supported by the community's assessment of the foundation of legislation concerning the execution of the death penalty with values that are in the midst of Riau society is still inappropriate, based on the results of research through questionnaires for Pekanbaru community 45.22% and Siak district 63.96%. Aspects of global value change is that implementing some global values must be in accordance with International Role standards considered to be improved according to Indonesian values. The perceptivity of the community of Pekanbaru city towards the conformity of the foundation of legislation concerning the implementation of criminal imprisonment with the values that exist in the community in Riau is appropriate, because there are 34.74% that are not in accordance with the community's perceptivity. And according to the perceptivity of the Siak community it does not match 58.48%. The dynamics of the relationship between people's perceptivity and the foundation of legislation concerning the implementation of criminal cover also have a desire to improve in some aspects. In legislative aspects, the criteria for actions and procedures must clear in the implementation of crime, both time and place of guidance. From aspects of apparatus performance, it is need for changing the mind set and ability of wardens is above the average of other prison guards. The perceptivity of the people in Pekanbaru is 76.6% the foundation of legislation concerning the implementation of criminal cover is not in accordance with the values that exist in the community in Riau, whereas according to the Siak Regency society it obtained the value of 75.12%.

3 CONCLUSION
The public's perceptivity of the implementation of capital punishment, imprisonment, criminal fines and criminal cover so far in Riau Province is that the people still want the existence of the principal as a criminal form in positive law. Although based on the results of the questionnaire it shows the low perceptivity of the community, it is formed based on experience and knowledge of the implementation of basic crimes that have many shortcomings and deviations from the concepts and objectives of each. The foundation of the Law on the Implementation of basic crimes should reflect the basic values of Pancasila and the Preamble of the 1945 Constitution, but the law on the implementation of basic crimes was born at different times, so it only the penal law (Law No.12/1995) and the law on the juvenile justice system (Law No.11/2012), which contains reasons for the value of humanity, while the law on the implementation of capital punishment (Law No.2 PNPs in 1964) and the law concerning criminal cover (Law 20 of 1946) has not explicitly stated reasons, and the implementation of criminal penalties contained in the regulations of the Supreme Court of Indonesia (Perma No.2 of 2012) is not in the form of legislation. This is supported by the public's perceptivity that the foundation of the law regarding the implementation of basic crimes is not in accordance with the values that live in Riau society.

4 REFERENCES