

Managerial Factors Of Education Program Performance In Correctional Institutions

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Abstract: This study seeks to identify the management of penal institutions in Indonesia with case studies of convicted corruption cases in Indonesia. The study was conducted in the Jakarta-based Ministry of Law and Human Rights, Bandung-based Sukamiskin Class I prison and several NGOs. The results revealed the principles of anti-corruption guidance in Indonesia, and the factors that influenced the success of the training program and the anti-corruption guidance program for prisoners, which included substantial, structural and cultural aspects. The effectiveness of the implementation of the anti-corruption program depends on implementation in the field. This study suggests the reconstruction of models and programs as a step forward to improve the implementation of anti-corruption programs in the prison environment.

Keywords: prison management, cultural and structural factor, legal awareness, reconstruction.

1. INTRODUCTION

THE term corruption comes from the Latin *corruptus* or corruption, which means rotten, bad, dishonest, can be bribed, depravity, immorality and deviation. In other words, this term describes a condition that was originally fair, true and honest turned into the opposite condition (Azhar, 2003). Corruption, which is taken from the verb *corrumpere*, means damaged, evil, cheating, shaking, turning, bribing, people who are damaged, lured, or bribed (Echols dan Shadiliy, 1996). From a legal perspective, the definition or definition of corruption has clearly been mentioned in Article 13 of Law No. 31 of 1999 amended by Law No. 20 of 2001. Based on these articles, corruption can be formulated into thirty forms or types of criminal acts of corruption which generally include state financial losses, bribery, embezzlement in office, extortion, fraudulent actions, conflict of interest in the procurement of goods and services, and gratuities (KPK, 2012).

Countries around the world responded seriously to the threat of corruption against the future of humanity, by signing a declaration on eradicating corruption in Lima, Peru, on September 7-11, 1997. This declaration is known as the Declaration of 8th International Conference Against Corruption signed in Lima, Peru, 11 September 1997.). Transparency International released the 2018 Corruption Perception Index research, Indonesia in 2018 rose by one point to 38 from a scale of 0-100 Indonesia ranked 89 out of 180 countries. The CPI value is getting closer to 0, indicating that a country has a lot of corruption. On the other hand, the GPA is close to 100, and the country is getting rid of corruption (Databoks, 2019). The categorization of corruption as an extraordinary crime brings back an absolute thought or theory of punishment (retaliation) to realize hatred and revenge against corruptors, while on the other hand countries in the world, including Indonesia, have forgotten the theory since 1964 (Samosir, 2012). Philosophically, the need to reconstruct a system of criminal justice refers to a sense of justice. On the sociological side, the relatively short period of detention of corrupt prisoners also caused public dissatisfaction with the

performance of prison administrators. Corruption has been defined as an extraordinary crime, the parties involved in the criminal justice system (investigators, public prosecutors, judges and correctional institutions) combine their views to find an appropriate handling system for corruption convicts (Simarmata, 2011; Bolifaar et al., 2019). This study seeks to identify the management of penal institutions in Indonesia with case studies of convicted corruption cases in Indonesia. The study was conducted in the Jakarta-based Ministry of Law and Human Rights, Bandung-based Sukamiskin Class I prison and several NGOs. The effectiveness of the implementation of the anti-corruption program depends on implementation in the field. The results suggests the reconstruction of models and programs as a step forward to improve the implementation of anti-corruption programs in the prison environment.

2 METHOD

In compiling this paper the authors conducted research in Jakarta and Bandung, based on the position or residence of the subjects or informants involved in this study including the Republic of Indonesia Ministry of Law and Human Rights, several NGO offices in Jakarta and Sukamiskin Class I Lapas in Bandung. The location of the research was focused on Sukamiskin Prison in Bandung on the basis of considerations from the Ministry of Law and Human Rights who placed most of the corruption prisoners into Sukamiskin Prison.

3 ANTI-CORRUPTION PRINCIPLES IN INDONESIA

Correctional institutions as the final stage of the criminal justice system, are institutions that are given the authority to assist the convicted persons including those convicted of corruption in order to return to the community in accordance with Law No. 12 of 1995 concerning Penitentiary, which is known by the principle that every person is a human being and must be treated as a human even though he has gone astray, which is known as the correctional principle.

TABLE 1

CLASSIFICATIONS OF PRISONERS FOR JULY 2016 IN SUKAMISKIN CLASS I LAPAS BANDUNG

No	Classification	Amount
1	Corruption crime	345
2	Penal crime	73
3	Banking crime	5
Total		423

- Diponegoro University, Semarang, Central Java, Indonesia
- Diponegoro University, Semarang, Central Java, Indonesia
- Diponegoro University, Semarang, Central Java, Indonesia

So far, there is no model/training program that specifically accommodates the needs of corruption prisoners. The model and program for fostering convicted corruption are still equated with other public prisoners, as contained in Government Regulation No. 31 of 1999 concerning Guidance of Penitentiary Guides, in article 2 Paragraph (1). This provision states that the scope of fostering inmates consists of fostering and guiding personalities which include devotion to God Almighty, national awareness and state, intellectual development, and development of attitudes and behaviour. It then fosters independence which includes physical and spiritual health, legal awareness, healthy reintegration with society, work skills and work training and production. The training programs carried out at the penitentiary are not all suitable for applying to corrupt prisoners. Only a few that seem relevant are directed at them, while for the development of intellectual abilities, fostering independence consisting of skills training and productive work, of course not suitable given to prisoners of corruption, because corruption convicts are generally from the educated, powerful and authorized groups, and on average have a strong level of economic life (Mas, 2014). This can be seen in Table 2 of Sukamiskin prisoner data characteristics.

TABLE 2

<i>PRISONERS AND EMPLOYEE DEMOGRAPHIC CHARACTERISTICS</i>			
Prisoners		Employee	
Characteristics	Amount	Characteristics	Amount
Education		Gender	
< High school	135	Male	118
undergraduate	173	Female	16
> master degree	115		
Job		Education	
Civil servants	116	< High school	69
Private sector	61	undergraduate	65
State official	65		
Etc.	181		

*data as of July 2016

Table 2 showed that corruption convicts mostly have good economic status, influential political positions, and relatively high levels of education. This, if confronted with the average officer or supervisor officer in the correctional facility which is under the status and position of corrupt prisoners, will have the effect of an inferior attitude from the guiding officers or officials in the correctional facility. In the following, the writer describes the condition of the officers at Sukamiskin Class I Correctional Institution in Bandung based on their latest education. Moreover, most employees of the Sukamiskin Class I Correctional Institution in Bandung have a high school education. What a high school graduate can do tends to be different from what a bachelor, master, or doctoral graduate can do with an educational background related to correctional activities. This difference will certainly greatly affect the coaching process and the results achieved. In addition, the attitudes of masters and doctoral inmates will certainly also look down on carrying out coaching conducted by employees with a high school education background. This is consistent with the results of interviews conducted by researchers with several informants at the Sukamiskin Prison in Bandung stating that the average prisoner of corruption cases is highly

educated, while Lapas employees are only high school graduates or ordinary scholars, so that when carrying out their duties in the field Lapas officers feel reluctant to prisoners corruption.

4 FACTORS CAUSING THE EFFECTIVENESS OF ANTI-CORRUPTION PROGRAM IN PENITENTIARIES

The effectiveness of imprisonment for corruptors in our country can no longer be used as a solution to the handling of corruption. Maybe we should try other options to provide an alternative punishment for non-criminal corruptors who are deterred from doing so. Crime prevention efforts that occur in the community are not only the duty of criminal law enforcement officers such as the police, prosecutors, courts and criminal implementers who use criminal law as the main weapon (Bolifaar et al., 2019), but also use facilities that are not criminal law enforcement (Rochaeti & Pujiyono, 2018). As a system of law enforcement the judicial process is related to three types of components in the form of substantive / normative components, structural components and cultural components. First, structural factors. Structural factors are more about how the systems and sub-systems of various institutions related to the process of guiding corruption inmates have roles, work, and are integrated with one another. Coupled with the absence of tools or instruments to determine the appropriate assessment process and in accordance with the personal needs of each corruption convict made the impression as if there was no guidance for corrupt prisoners, which is used today is still using conventional conventional methods such as provide places of worship according to their respective religions and beliefs, and provide facilities for activities for corrupt prisoners. Thus it can be said that as long as the scope of the guidance of existing corruption prisoners does not yet reach a coaching that is truly appropriate and appropriate to the needs of corruption prisoners. Second, substantial factors. The substantial factor is more on what factors are the cause of failure in guiding corruption inmates viewed from the provisions and legislation related to and regulating correctional conditions in Indonesia, the trade-offs that occur between the provisions and applicable laws and also how the concepts guiding corruption inmates who cannot run well because there are no adequate provisions to be able to provide an umbrella for the implementation of the coaching. However, the reality is that so far the dynamics of the process and development of laws and regulations related to correctional management, no one has clearly and focused on the preparation of special training programs for corruption inmates. Third, cultural factors. Cultural factors related to the behavior and mindset of all stakeholders and values that become obstacles in various aspects, concepts and implementation of penal programs and fostering corruption inmates in Indonesia. The role of culture / legal culture on the effectiveness of the working of fostering convicts of corruption, this means it involves how to foster legal awareness. The issue of fostering legal awareness is closely related to various factors, especially the attitude of law enforcers, meaning that prison supervisors have a large role in fostering the growth of awareness of corruption prisoners. Reconstruction means the structure (model, layout) of a building. Reconstruction of legal awareness on anti-corruption here means returning to normal or rearranging / rebuilding, means also creating a new model or new building (Pujiyono et al., 2019). In relation to the

system of guiding corruption inmates, the reconstruction referred to here is to form and construct a new building or model that is better, more integrated and more effective in supporting the success of guiding corruption inmates in Indonesia (Suhariyanto, 2018).

5 CONCLUSIONS

In terms of substantial reconstruction of statutory provisions, it is necessary to rebuild the substance of the provisions of the laws and regulations relating to fostering convicts of criminal acts of corruption in Indonesia. In this case, there is a need for special regulations for fostering convicts of corruption in Indonesia. Substantial reconstruction of the relevant statutory provisions and becomes an umbrella for every process and institution that is a stakeholder in the system of guiding corruption inmates. The substance of the aforementioned statutory provisions needs to be reconstructed given the various conflicts that occur between the related provisions, and causes obstacles in achieving the goals of fostering against corruption convicts. The institutional structure in the system of guiding corruption in Indonesia has a role in whether or not the system of guiding corruption is well. As a sub-system of a Criminal Justice System, law enforcement agencies in Indonesia are not regulated to be under the same umbrella. Police and Prosecutors' Office as two law enforcement institutions in the function of investigation and prosecution as well as Correctional Institutions that function as criminal implementers are under the umbrella of executive (government) authority. While judicial power that functions as a pillar for the judicial process is under the umbrella of free and independent power, namely Judiciary. Thus, it is necessary to form an institution / agency that acts as a bridge between institutions as well as a body whose job is to deepen, identify, background checks and assess (risk and needs assessment) of perpetrators of corruption. As for legal culture, it is related to legal culture which is a human attitude (including the legal culture of law enforcement officers) towards the law and legal system. No matter how well the legal structure is structured to carry out the established legal rules and as well as any quality of legal substance created without the support of legal culture by people involved in the system and society, law enforcement will not run effectively. Related to law enforcement on corruption, there is currently no legal culture that has been formed enough to be able to make the process of law enforcement go well. Permissive attitudes toward corrupt behavior still occur not only in the public area but more alarming that the corrupt behavior actually occurs within the correctional institution whose duty is to provide guidance to the prisoners. Acts of bribery and gratification against officials in correctional institutions still color the dynamics of law enforcement on criminal acts of corruption in Indonesia. As long as the behavior patterns, norms and value systems that apply are still like this, then the objective of fostering convicts of corruption in Indonesia will not be achieved. So it is necessary to develop a good culture in the process of law enforcement, build a system of values and norms that become a reference for every stakeholder in law enforcement for criminal acts of corruption in carrying out their duties and authorities.

REFERENCES

- [1] Azhar, M. (2003). Pendidikan Antikorupsi. Yogyakarta: LP3 UMY.
- [2] Bolifaar, A.H., Jaya, N.S.P., Pujiyono, & Arif, F. (2019). Authority of Indonesian attorney in handling the corruption crimes: A perspective of integrated criminal justice system. *Journal of Legal, Ethical and Regulatory Issues* 22(5), 1-8.
- [3] Databoks. Indeks persepsi korupsi Indonesia 2018 naik 1 poin menjadi 38. Retrieved March 1, 2019 from <https://databoks.katadata.co.id/datapublish/2019/01/29/indeks-persepsi-korupsi-indonesia-2018-naik-1-poin-menjadi-38>.
- [4] Echols, J. M., & Shadily, H. (1996). *Kamus Inggris Indonesia*. Jakarta: Gramedia.
- [5] International Conference, Against Corruption, Declaration of 8th International Conference Against Corruption, signed in Lima, Peru, 11 September 1997.
- [6] Bolifaar, A.H., Jaya, N.S.P., Pujiyono, & Arif, F. (2019). Authority of Indonesian attorney in handling the corruption crimes: A perspective of integrated criminal justice system. *Journal of Legal, Ethical and Regulatory Issues* 22(5), pp. 1-8
- [7] KPK. (2012). *Understanding to Eradicate (A Pocket Book to Understand Corruption)*. Jakarta: Corruption Eradication Commission
- [8] Mas, M. (2014). *Pemberantasan Tindak Pidana Korupsi*. Bogor: Ghalia Indonesia.
- [9] Pujiyono, Setiawan, F.A., & Hutabarat, D.M.T. (2019). A new approach to preventing corruption in indonesia: A study of the TP4 in Central Java, Indonesia. *Journal of Social Studies Education Research* 10(1), 93-115
- [10] Pujiyono. (2012). *Rekonstruksi Sistem Peradilan Pidana Indonesia*. Semarang: Penerbit Pustaka Magister.
- [11] Rochaeati, N., & Pujiyono, P. (2018). Implementation Study of Restorative Justice for Juvenile Criminal Justice System by Customary Court in Mainland Sulawesi. *IOP Conference Series: Earth and Environmental Science* 156(1), 012044.
- [12] Samosir, D. (2012). *Sekelumit Tentang Penologi dan Pemasarakatan*. Bandung: Nuansa Aulia.
- [13] Simarmata, B. (2011). Pemberian Remisi Terhadap Narapidana Koruptor dan Teroris. *Mimbar Hukum* 23(3).
- [14] Suhariyanto, B. (2018). Urgensi Pembangunan Yurisprudensi Pemidanaan Korporasi Pelaku Korupsi Untuk Efektivitas Penegakan Hukum Di Indonesia/Urgency Of Jurisprudence Development Of Corporation Punishment Of Corruption Actors For Effectiveness Of Law In Indonesia. *Jurnal Hukum dan Peradilan*, 7(3), 459-482.