

Preventive Efforts To Prevent Criminal Acts Of Violence Against Prisoners With Prisoners In Class Ii B State Detention Center Pangkalan Brandan

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ABSTRACT

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The purpose of this study is to explain the form and effect of violence against prisoners with other prisoners in the Class II B State Detention Center Pangkalan Brandan, the factors that cause violence by prisoners in the Class II B State Detention Center Pangkalan Brandan and sanctions for prisoners who commit violence between prisoners in the class II B State Detention Center Pangkalan Brandan. To obtain data in this study, research was conducted, to obtain secondary data by reading legislation, scientific works, opinions of scholars, books, articles and other materials related to this research, and field research was conducted to obtain primary data related to this research through interviews with respondents and informants in this writing. Based on the results of the research, it is known that the State Detention Center Class II B Pangkalan Brandan conducts coaching, namely independence coaching and personality coaching. Coaching, namely fostering independence and fostering personality as well as socializing human rights values in coaching and given the legal consequences given to the perpetrators of the fight itself, can be classified into two types, namely administrative sanctions, and criminal sanctions.

Keywords: preventive efforts, crime of violence, prisoners, state detention center

1. INTRODUCTION

Indonesia is a state of law, as a logical consequence of this regulation, the entire system of life of the nation and state in Indonesia must be guided by legal norms. Indonesia as a state of law has the task of running a justice system that is honest and impartial to certain groups or groups and clean from corruption, collusion and nepotism (Pietersz 2017).

As for the implementation and enforcement of legal norms today faced with the times, it will affect and change. One of the theories in criminology states that crime is a description of the development of society. Once society succeeds in producing technological advances, then along with it there will be a negative impact in the form of progress in the field of crime. Crime is in line with the progress of society, even in some cases crime is often more advanced than the reality achieved by society, and especially in law enforcement both in formal and material legal regulations.

In accordance with Indonesia's criminal policy to minimize the number of violent crimes that occur, criminals who are arrested will be prosecuted. If found guilty, they are obliged to serve the sentence determined by the court for a predetermined time in a correctional institution (Prastini, 2018).

As for Indonesia's criminal policy to minimize the number of violent crimes that occur, the perpetrators of crimes who are arrested will be legally processed. If proven guilty, they are obliged to serve the sentence determined by the court up to a predetermined time in a correctional institution.(Ditjenpas, 2022).

The development of public legal awareness needs to be improved. Among them, the lack of legal awareness will lead to crime or criminal acts. The occurrence of crimes and criminal offenses in society is mostly committed by the community and even law enforcement officials. The solutions carried out in crime prevention include the use of criminal law and the use outside the criminal law.

Crime is a perennial problem in human life, as it develops in line with the development of human civilization. This also means that crime is a human problem from time to time. Crime is a social phenomenon

and reality that causes unpleasant feelings for the lives of every human being. The arrival of crime is often unavoidable, so we must be able to deal with crime. It can be observed that every crime does not have to be formulated in advance in a criminal law regulation. Law enforcement can be defined as the act of applying certain legal tools to impose legal sanctions to ensure compliance with the stipulated provisions (Syakbani 2014). Law enforcement is an effort to realize the ideas and concepts of law that people expect to become reality. Law enforcement is a process that involves many things (Moho 2019).

Next, Barda Nawawi Arief stated that efforts to overcome crime with criminal law are essentially part of criminal law enforcement efforts, so it is often said that legal politics or criminal law policy is part of law enforcement policy (Arief 2014).

Furthermore, Barda Nawawi Arief also argues that criminal law enforcement consists of two stages. First, criminal law enforcement in abstracto and second criminal law enforcement in concreto. Criminal law enforcement in abstracto is the stage of making/formulating (formulation) of laws by the legislature, which can be called the legislation stage. Criminal law enforcement in concreto consists of the application and implementation of laws by law enforcement officials, which can be called the judicial stage and the execution stage (Arief 2019).

The process of working law is determined by four main components, namely law-making institutions (laws), law enforcement bureaucracy, role holders, and the influence of personal and social forces. The first three components (law-making institutions, law enforcement bureaucracy, and role holders) play a role in the legal corridor, while personal and social forces are "non-legal" components (Siswanto 2013).

In the field related to decency, various forms of crimes and violations of decency also often occur (Rofiq, Pujiyono & Arief, 2021). Some of them include cases such as cyberporn, cybersex, cyberprostitution and revenge porn (Kang, 2021).

The increase in violence against other citizens is very threatening and endangers the physical and mental health of children, damages children's personal lives and growth and development, and disrupts their sense of comfort, peace and even causes long trauma in their lives (Ivo Noviana 2015).

Furthermore, the policy in terms of tackling the problem of crime is criminal policy. Criminal policy or criminal politics is part of social policy in terms of tackling the problem of crime in society, both by penal and non-penal means. Crime prevention efforts by penal means are more focused on the repressive nature (prosecution / eradication) after the crime has occurred. Meanwhile, non-criminal means are more focused on the preventive nature (prevention/control) before the crime occurs. Crime prevention by penal means can be carried out through the criminal justice system, namely by applying criminal sanctions as regulated in the Criminal Code, especially Article 10 of the Criminal Code which regulates the types of punishment. In addition, the use of criminal sanctions can also be carried out through other laws and regulations that clearly regulate criminal provisions (Article 103 of the Criminal Code).

Prisoners to become fully human, realize mistakes, improve themselves and not repeat criminal acts so that they can be accepted back by the community, can actively participate in development and can live reasonably as good and responsible citizens.

The objectives of correctional prisoners are part and efforts to improve social resilience and national resilience, and are indicators used to measure the results achieved in the implementation of the correctional system as follows:

1. The contents of the penitentiary is lower than the capacity.
2. The gradual decline from year to year the number of escapes and disturbances of kamtib.
3. The gradual increase in the number of prisoners released prematurely through the process of assimilation and integration.
4. The decline from year to year in the number of recidivists.
5. The increasing number of types of institutions in accordance with the needs of various types / classes of prisoners.

The implementation of the Technical Implementation Unit (UPT) in the ranks of Corrections which functions as a place of detention is the State Detention Center, hereinafter abbreviated as Rutan, which is a place for people who are legally detained by the authorities and where convicted prisoners (with a certain criminal period).

The phenomena that often occur in correctional institutions are violence among prisoners, namely the excess capacity of the room in the correctional institution, violence between prisoners in the correctional

institution, the existence of social jealousy between prisoners, the lack of maximum supervision by prison security officers due to the number of security officers who are not ideal with the number of prisoners and the conditions of the number of prisoners who are not ideal with the room area are prone to cause individual conflicts that lead to fights even though peace usually occurs quickly, this is certainly not a good thing if it continues to occur.

There are many cases of violence between prisoners above, so the author wants to discuss efforts to prevent violence among prisoners, especially in the State Detention Center class II B Pangkalan Brandan which is the object of research, because in recent years the State Detention Center class II B Pangkalan Brandan rarely occurs violence or riots between prisoners. So the Class II-B Pangkalan Brandan Correctional Facility in recent years has succeeded in tackling violence among prisoners.

Based on the above reasons, the author is interested in raising the title "Preventive Efforts to Prevent the Occurrence of Violence Against Prisoners with Prisoners at the Class II B Pangkalan Brandan State Detention Center" to be presented as a research in writing this scientific work.

Problem Formulation

Based on the description above, the problems that will be raised can be formulated as follows:

1. What factors cause preventive efforts of criminal acts of violence against prisoners with prisoners in the State Detention Center class II B Pangkalan Brandan?
2. What are the sanctions for inmates who commit violence between inmates at the State Detention Center class II B Pangkalan Brandan?

Research Objective

1. To find out the factors that cause preventive efforts to prevent criminal acts of violence against prisoners with prisoners in class II B State detention centers in Pangkalan Brandan.
2. To find out the sanctions for residents of detention centers who commit violence between residents of detention centers in class II B State detention center Pangkalan Brandan

2. LITERATURE REVIEW

Preventive Efforts

Another definition of prevention/preventive efforts is an effort made by individuals in preventing something unwanted from happening. Preventive is etymologically derived from Latin *pravenire* which means to come before/anticipate/prevent something from happening. In a broad sense, prevention is defined as a deliberate effort made to prevent the occurrence of disturbance, damage, or loss to someone. Thus, preventive efforts are actions taken before something happens. This is done because it is something that can damage or harm the community.

From a legal perspective, prevention is the process, method, act of preventing or restraining something from happening. It can also be said to be an effort made before an offense occurs. Crime prevention efforts are the initial efforts in tackling crime.

Furthermore, preventive efforts are usually carried out on parties who are not yet or vulnerable to a problem, according to Yunita (in L'Abate, 1990) the definition of prevention is Prevention or prevention consists of various approaches, procedures and methods made to improve a person's interpersonal competence and their functions as individuals, couples, and as parents.

Next Yunita in (L'Abate, 1990), most effective preventive programs have the following characteristics:

1. Focus on understanding the risks and problems of the behavior to be prevented in the target group.
2. Design to change the "life trajectory" of the target group, by providing options and opportunities in the long term that were not previously available
3. Opportunities to learn new life skills that can help participants to deal with stress more effectively with existing social support
4. Focus on strengthening basic support from the family, community or school environment
5. Collections from research that have good quality become evidence in the effectiveness of documents.

Meanwhile, according to (Oktavia, 2013) preventive efforts are an effort made by individuals to prevent something unwanted from happening. Preventive etymologically comes from Latin *pravenire* which means coming before / anticipating / preventing something from happening. In a broad sense, prevention is defined as an effort deliberately made to prevent the occurrence of disturbance, damage, or loss to someone.

Criminal Violence

Violence is a term commonly translated from the foreign word violence. Violence is a combination of the Latin word "vis" which means power or strength and the word "latus" which comes from the word ferre, which means to carry strength or power. Violence in English is violence derived from Latin violentus which means power or power.

Violence in the basic principles of Roman public and private law which is an expression either physically or verbally that reflects on acts of aggression and attacks on a person's freedom or dignity that can be carried out by individuals or groups of people generally related to their authority, which when translated freely can be interpreted that all authority without regard to legality.

The use or act of arbitrariness can also be included in this formulation of violence. The root of violence means wealth without work, pleasure without conscience, knowledge without character, commerce without morality, science without humanity, worship without sacrifice, and politics without principle.

According to the large Indonesian dictionary, violence is defined as the nature or thing that is hard, force, coercion or pressure, hard insistence, so violence means bringing force, coercion or pressure. Theoretically, mass riots are a form of la violencia violence in Columbia that can lead to criminal acts or crimes. "Violence" that can be carried out in such a way as to result in physical or psychological unrest is violence that is against the law, therefore it is a crime.

Related to the functions and objectives of the law mentioned above, in addition to law enforcement by imposing imprisonment on the perpetrator, it is also necessary to enforce the law by applying or implementing the provision of restitution for victims of crimes from the perpetrators of criminal acts, without having to make other legal efforts to obtain their restitution rights (Apriyani 2021).

As for the case of violence in the form of physical abuse, this prisoner suffered serious injuries but the correctional institution officers kept the incident of the abuse a secret (Fernandez, 2022). The supporting factors include personal grudges, inadequate room capacity, lack of intimacy and harmonious relationships between fellow prisoners.(Hadi, 2018).

Prisoners

Prisoners (WBP) are Prisoners, Correctional Students, and Correctional Clients.

1. Prisoners are convicts who are serving a sentence of loss of freedom in LAPAS.
2. Correctional Students are:
 - a. Criminal Children are children who based on a court decision are serving a sentence in LAPAS Anak for a maximum of 18 (eighteen) years old;
 - b. State Children, namely children who based on a court decision are handed over to the state to be educated and placed in a Children's LAPAS for a maximum of up to 18 (eighteen) years;
 - c. A civil child is a child who, at the request of his/her parents or guardian, is granted a court order to be educated in a juvenile correctional facility for a maximum period of up to 18 (eighteen) years.
3. Correctional Client hereinafter referred to as Client is a person who is under the guidance of BAPAS.

3. RESEARCH METHOD

The approach method used in this research is empirical juridical. The empirical juridical approach method, which is a way of procedure used to solve research problems by examining secondary data first and then proceeding with conducting research on primary data in the field.

The juridical approach in this research means that this research is viewed from the point of view of criminal law and other written regulations as secondary data, which relate to the Crime of Violence. While what is meant by the empirical approach is research that aims to obtain empirical knowledge about the relationship and influence of law on society, by conducting direct research on research subjects as primary data where data is obtained as the first source.

Data collection method by conducting observation interviews using a questionnaire (list of questions) that has been prepared beforehand. In this study, the interview technique used is a guided free interview. Observation is carried out by seeking information directly from competent people and directly related to prisoners in class II B State detention centers in Pangkalan Brandan. The legal material collection technique used is a literature study (Marzuki 2017).

The data analysis method that the author uses in writing this thesis is qualitative analysis. Qualitative analysis is a method and technique of collecting data using participant observation methods with limited

interviews with several respondents. This qualitative analysis is aimed at data that is based on the quality, quality, and nature that actually applies in society.

4. RESULTS AND ANALYSIS

In the development of the side of life, there are three main elements in the development of conditions and situations with order in accordance with the jurisdiction in this case will lead to the development of legislation by incorporating old rules into new rules, in the sense of eliminating old rules to be reduced to make new rules through the renewal of rules of improvement that relate to the suitability of law and citizens.

Factors that cause preventive efforts to prevent the occurrence of criminal acts of violence against prisoners with prisoners at the State Detention Center class II B Pangkalan Brandan.

Countermeasures against violence or crimes that occur between prisoners in the State Detention Center class II B Pangkalan Brandan make various efforts as follows:

1. Increased Supervision

State detention center class II B Pangkalan Brandan has a Correctional Institution Security Unit (KPLP) which is a line of officers who have the main task of maintaining security and order in the Penitentiary. KPLP Pangkalan Brandan consists of three guard squads and two security staff squads. The guard squad at the State Detention Center class II B Pangkalan Brandan is the main implementer of environmental safeguards in an appropriate level of security for rooms, blocks, porter doors, porter doors, to posts in the prison environment. The Institutional Security Unit Officers have a definite responsibility for the Correctional Officers from the schedule of activities that occur outside the prison environment, for example such as escorting out of the prison (to the hospital, delivery of bodies and so on). Another responsibility is to ensure that every environment does not consist of prohibited items such as drugs, firearms, sharp weapons, liquor and other dangerous items that can disrupt the security and orderly life of Class II B Pangkalan Brandan State Detention Center. The prevention system that can be carried out by prison officers against prisoners is to provide the best possible service to prisoners. If there is a problem that occurs between prisoners that can be resolved by mediation, the officer will facilitate and at the same time become a mediator for the resolution of the problem. As one of the guidance on the occurrence of violence between fellow prisoners in the State detention center class II B Pangkalan Brandan then prisoners are given guidance. Coaching such as:

- a. Development of independence
All activities that include efforts to channel and develop the talents and skills as well as the management of the work of prisoners.
- b. Development of personality All activities aimed at building themselves, increasing faith and piety for prisoners. The coaching includes:
 - Development of religious awareness (spiritual),
 - Development of awareness of nation and state in the form of including the fostered residents in the National Awareness Flag Ceremony every 17th of each month and other state ceremonies.
 - Development of legal awareness in the form of legal counseling by BPHN, the Regional Office of the Ministry of Law and Human Rights and conducted by legal aid officers.
 - Development of integrating with the community in the form of family visits, Leave Before Freedom (CMB), and Parole (PB) programs.
 - Development of physical fitness to maintain physical health conditions to residents given sports activities carried out in the yard or field in prison, such as morning gymnastics, table tennis, volleyball, field tennis.
 - Educational coaching by organizing a reading garden in collaboration with the Langkat regional library and held every weekday from 15.00 to 16.00 WIB.

2. Socialization of human rights values in coaching

Human rights are inherent in every human being indiscriminately, including for prisoners. The Standard Minimum Rules for Prisoners (SMR) states that the only right that prisoners lose is the right to freedom. However, other rights attached to them must still be given as long as they are serving a criminal period or correctional prisoners.

Furthermore, the development of the theory of punishment is now considered to have less relevance to community life. In the sense that this is no longer oriented towards the purpose of retaliation or deterrence which tends to be contrary to human values, but rather on a treatment system that aims not only to make the convicts repent and not repeat criminal acts again, but also to protect the community from crime.

Based on these principles, detention centers/prisons are expected to perform the expected functions, among others:

- It is a well-organized community, such as: it does not endanger life, health and personal integrity.
- The conditions do not add to the difficulties experienced by the prisoner as a result of the conviction.
- The activities within it help the prisoner as much as possible to be able to return to society after serving his/her sentence.

3. Provision of Leave Before Release (CMB), Conditional Leave (CB), Leave to Visit Family (CMK), and Conditional Release (PB) with Certain Conditions.

Another effort in reducing overcapacity in detention centers/prisons is the transfer of prisoners from overcapacity detention centers/prisons to detention centers/prisons that are still possible to accommodate the occupancy of prisoners in accordance with the decision of the Minister of Law and Human Rights.

The coaching process outside the correctional institution for prisoners who have served 2/3 of the criminal period, at least nine months of good behavior, the amount of leave is equal to the latest remission of a maximum of six months. Thus, the efforts made contain the hope that the smooth running of trainings in a regular schedule can provide coherent conditions and situations for equal treatment accompanied by a sense of equal justice among fellow prisoners in the State Detention Center class II B Pangkalan Brandan.

Sanctions for inmates who commit violence between inmates at the State Detention Center class II B Pangkalan Brandan.

Therefore, the State Detention Center class II B Pangkalan Brandan serves to change their nature in order to think well, because fights will harm themselves and others. Fights that occur between prisoners, usually get legal consequences from the State Detention Center class II B Pangkalan Brandan that they occupy. The legal consequences given to the perpetrators of the fight itself, can be classified into two types:

- 1) administrative sanctions, and;
- 2) criminal sanctions.

The most obvious responsibility that can be carried out by the State Detention Center Class II B Pangkalan Brandan is to assimilate into the community, be it through religious organizations, educational institutions or agencies. The goal is to communicate and transform positive values that exist in society as well as to bring inmates closer so that they do not feel alienated and alienated from the social environment from which they came.

In addition to the sanction of warning or reprimand for minor violations, put into isolation for serious violations, not given remission for violations committed repeatedly, the security unit of the State Detention Center class II B Pangkalan Brandan conducts surveillance in each room and places of detainees and prisoners, this supervision is carried out for 1x24 hours, besides that each block is guarded by a general picket, the general picket is in charge of guarding detainees and prisoners and ensuring that there is no disturbance of order in the State Detention Center class II B Pangkalan Brandan.

5. CONCLUSION

Based on the results of the analysis can be concluded as follows:

1. Factors causing violence between prisoners in the State Detention Center class II B Pangkalan Brandan: The complex social environment of the community as in the State detention center class II B Pangkalan Brandan tends to influence the behavior of violent crimes, but basically it is also determined by the biological factors of the prisoners themselves. Usually the trigger for violence between fellow prisoners is motivated by:
 - Over-capacity and high ratio of officers to inmates.
 - Uneven understanding of job descriptions and human rights values such as the implementation of tasks tends to be based on habit, and lack of respect for the needs of prisoners.
 - The welfare of officers and the strong desire of prisoners to get freedom or leniency, lead to a tendency to grow excessive personal relationships and allow for bribery such as differences in treatment, unfair competition, and social jealousy.

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- Monotonous situations and conditions that last for a long time, resulting in boredom and continuous stress and causing apathy, laziness, disobedience and others.
2. Fights that occur between prisoners, usually get legal consequences from the State Detention Center class II B Pangkalan Brandan that they occupy. The legal consequences given to the perpetrators of the fight itself, can be classified into two types:
- administrative sanctions, and;
 - criminal sanctions.

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