

Implementation of a Development Program for Elderly Convicts at the Class I Penitentiary in Medan

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ABSTRACT

The aim of this research is to analyze and understand the implementation of guidance for elderly prisoners at the Medan Class I Penitentiary. This research method uses a juridical-empirical research method, the data obtained from this research is processed and analyzed quantitatively descriptively. Where all data obtained is analyzed in its entirety to give rise to a systematic and factual picture. After analysis, the author draws conclusions which will ultimately result in preventive and normative actions regarding the problems that have been raised. The results of the coaching research carried out by the Medan Class I Correctional Institution are in accordance with Law Number 22 of 2022 concerning Corrections. As well as the implementation of coaching for inmates based on Government Regulation 31 of 1999 concerning the Guidance and Guidance of Correctional Inmates, where the aim of coaching is to shape corrections inmates to become human beings who realize their mistakes, improve themselves, and not repeat criminal acts again, so that they can be accepted again. in the community environment and in the final stage entering the integration process carried out by the Correctional Center (Bapas). Personality and independence development has been implemented for all elderly correctional residents in accordance with the rights that must be fulfilled. In undergoing guidance, elderly prisoners also obtain their rights based on Law number 13 of 1998 concerning the welfare of the elderly. This is proven by the presence of one of the elderly residents who received training and the opportunity to work in the field of work activities, especially sewing activities.

Keywords: Law, Elderly, Society, Prisoners, Constitution,

1. INTRODUCTION

The Legal Constitution in the Republic of Indonesia is a legal rule that cannot be violated by the community or the government which makes the rules itself (Basri, 2021). Based on Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia), it regulates that "the State of Indonesia is a state of law". Enforcing the law in order to achieve the goal of the Republic of Indonesia, namely to create a just and prosperous society based on Pancasila, so in an effort to achieve this goal, it is not uncommon for problems to occur in aspects of legal development in Indonesia (Pratama, 2019).

Law is a system created by humans to limit human behavior so that human behavior can be controlled. Law is the most important aspect in the implementation of a series of institutional powers. Law has a duty to ensure legal certainty in society. Therefore, every

community has the right to receive defense before the law so that it can be interpreted that the law is a rule or provision 1 Hasan Basri. (2021). Legal Protection for Criminal Perpetrators based on the Indonesian Criminal Justice System. *SIGn Law Journal*, CV. Social Political Genius (SIGn), 2(2), pp. 106.2 Widhy Andrian Pratama. (2019). Enforcement of the Death Penalty for Premeditated Murder. *SIGn Law Journal*, CV. Social Political Genius (SIGn), 1(1), pp. 35. Written and unwritten provisions that regulate community life and provide sanctions for violators. The objectives of law have universal characteristics such as order, tranquility, peace, prosperity and happiness in the order of social life.

In the Indonesian legal system, it is known as criminal law, namely a system of rules that regulates all actions that cannot be carried out (prohibited from being carried out) by every Indonesian citizen, accompanied by strict sanctions for any violators of these rules as well as procedures that must be followed by competent parties. in its enforcement (Budify et al., 2020). Criminal law in Indonesia still adheres to criminal law made in the Netherlands (Fitrah, 2021). Talking about criminal law is the same as talking about sanctions, namely what type of punishment will be imposed on perpetrators of criminal acts. The imposition of sanctions in the form of special suffering to someone who has clearly committed an act which is expressly formulated and punishable by law is called punishment (Assaad, 2017).

In providing these sanctions, Indonesia applies a system of criminal sanctions in the form of imprisonment/imprisonment in correctional institutions (Lapas) for violators of regulations or prisoners who are proven to have committed criminal acts. Prisons as a part that plays an active role 3 Alyatama Budify., Jelitamon Ayu Lestari Manurung., & Satria Braja Harianja. (2020). Cancellation of Grant Deed at Pematangsiantar District Court: Review of Decision Number 33/Pdt.G/2019/PN.Pms. *SIGn Law Journal*, CV. Social Political Genius (SIGn), 2(1), pp. 73. 4 Farrell Alanda Fitrah. (2021). Comparative Laws related to the Establishment of Articles for Contempt of Justice, Adultery and Witchcraft in the Indonesian Criminal Code. *SIGn Law Journal*, CV. Social Political Genius (SIGn), 2(2), pp. 128. 5 Andi Istiqlal Assaad. (2017). The Nature of Sanctions from the Perspective of Indonesian Criminal Law and Islamic Criminal Law (Study of the Death Penalty). *Al-Ishlah: Legal Scientific Journal*, Indonesian Muslim University, 19(2), p. 58.

in the process of coaching prisoners, has very complex duties and authority, considering that every day there are lots of criminal cases that occur and the perpetrators will receive punishment and guidance behind the walls of the prison itself, as is known, that prisoners in correctional institutions are punished According to the crimes committed by the perpetrators,

some are sentenced to 3 years in prison, 5 years, 10 years or even life. Of the many prisoners who receive punishment, of course there must be prisoners who are elderly (elderly) but have to spend their old age in prison as a result of their actions. These elderly prisoners need special attention considering that their energy and condition are no longer as strong as they used to be when they were young, because even though their position here is as prisoners, they must also remember that they are human beings created by God who have human rights. and elderly prisoners need special treatment.

Based on Minister of Law and Human Rights Regulation Number 32 of 2018 which regulates the treatment of prisoners and elderly convicts, it is explained that prisoners who are categorized as elderly prisoners (Seniors) are prisoners aged 60 years and over. These elderly inmates are given Independence Development and Personality Development. The current phenomenon is that there are many elderly prisoners whose training is the same as prisoners in general. We know that elderly prisoners need a little more special guidance because their physical condition is no longer as good as that of prisoners in general, so elderly prisoners must receive adequate care. must be optimal.

2. RESEARCH METHODS

This research method uses a juridical-empirical research method, this research focuses on research on prisoner development regulated in statutory regulations accompanied by field research at the Medan Class I Penitentiary, the data obtained from this research is processed and analyzed quantitatively descriptively. Where all data obtained is analyzed in its entirety to give rise to a systematic and factual picture. After analysis, the author draws conclusions which will ultimately result in preventive and normative actions regarding the problems that have been raised.

3. RESULTS AND DISCUSSION

General description of the Medan Class I Penitentiary

Medan Class I Penitentiary is one of the Correctional Technical Implementation Units within the Regional Office of the Ministry of Law and Human Rights of North Sumatra. Viewed historically, the Class I Medan Penitentiary was built in 1982 on Jalan Penitentiary no. 27 Tanjung Gusta, Medan Helvetia District, Medan City, North Sumatra 20125. This was inseparable from changes in the development of the prison system, at that time the prison was on Jalan Asli Medan. The change in the system to a correctional institution means that the prison building on Medan's main road is geographically no longer

suitable as a place for training. The Medan Class I Penitentiary was ready to be occupied in 1983, all the inmates from the Medan Electric Road Prison were moved to the Medan Class I Penitentiary, which at that time had several residential blocks standing. Then based on the Decree of the Minister of Justice of the Republic of Indonesia Number: M-01-PR- 07.03 of 1985, which demanded that the Medan Class I Penitentiary be directly responsible to the Regional Office of the North Sumatra Department of Justice at that time.

Correctional Institutions are places for the development of inmates. This is contained in Law number 22 of 2022, namely "Correctional Institutions, hereinafter referred to as LAPAS, are places for carrying out development of Prisoners and Correctional Students. The aim of the Correctional Institution is to form correctional inmates to become complete human beings, realize the mistakes they have made, improve themselves and not repeat criminal acts so that they can be accepted again by society, can play an active role in development and can live a normal life as good citizens and responsible.

The Medan Class I Penitentiary has a land area of 97,869 M2, with a building area of 19,825 M2, the Medan Class I Penitentiary building consists of 3 employee work rooms, 6 residential buildings and 431 residential rooms (including rehabilitation blocks), mosque, church, monastery, temple , library room, kitchen, polyclinic room, hall, job guidance (workshop, barbershop, laundry), warehouse, and guard post.

The Medan Class I Penitentiary has a residential capacity of 1,500 WBP people but is currently occupied by approximately 3015 (Three Thousand and Fifteen people) as of September 26 2023, with information about 2284 Narcotics crime convicts, 693 general crime convicts, and 38 convicts for corruption crimes out of the total convicts. The Vision and Mission of the Medan Class I Penitentiary is the same as the Vision and Mission of the Indonesian Ministry of Law and Human Rights which refers to the Vision and Mission of the President of the Republic of Indonesia and the Vice President of the Republic of Indonesia, namely "Advanced Indonesia which is Sovereign, Independent and with a Personality Based on Mutual Cooperation".

Implementation of Guidance for Elderly Prisoners

According to Law Number 22 of 2022 concerning corrections, it is explained that a correctional institution, hereinafter referred to as prison, is an institution or place that operates. Development Function for Prisoners. In the coaching process, correctional institutions/LAPAS get a large share in carrying out sentences, after going through a trial process in court. Initially, the aim of punishment was deterrence, to deter the perpetrator of a crime from committing another crime. That goal later developed into legal protection. Both

to the community (the party who is harmed) and to the perpetrator of the crime (the party who is harmed). Departing from legal protection efforts, perpetrators of criminal acts while serving their sentences also receive humane treatment and receive adequate legal guarantees.

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The goals of coaching for prisoners are closely related to the goals of punishment. The development of prisoners currently carried out initially started from the fact that the purpose of punishment was no longer in accordance with the development of values and the nature of life that grows in society (Harsono, 1995). In the correctional system the purpose of punishment is formation and guidance with the stages of admission/orientation, guidance and assimilation. These stages are not recognized in the prison system. The admission/orientation stage is intended so that prisoners become familiar with the way of life, the rules and objectives of their development, while at the assimilation stage prisoners are assimilated into society outside the correctional institution. This is intended as an effort to adapt, so that prisoners do not feel awkward when they leave the correctional institution.

Prisoner coaching is a system, as a system, prisoner coaching has several components that work interrelatedly to achieve a goal (Gultom, 2014). According to A. Mangunhardjana, coaching is a learning process by learning things that are not yet owned with the aim of helping people who undergo, to correct and develop existing knowledge and skills as well as gain new knowledge and skills to achieve life and work goals, which are carried out more effectively (Mangunhardjana, 1919).

If formulated in the form of a definition, coaching is a process of letting go of things that are already owned and learning new things that are not yet owned with the aim of helping the person undergoing it to correct and develop existing knowledge and skills as well as gain new knowledge and skills for achieve life and work goals more effectively (Harjana, 1986).

The development of prisoners/inmates is carried out continuously from the time the inmates enter the correctional institution. The correctional system is a process of fostering inmates as creatures of God, individuals and as a society. In coaching inmates their physical, spiritual and social conditions are developed and related elements are needed to support success in coaching, these elements are institutions. which is related to the development of all aspects of life of the inmates and the coaching staff who are quite capable and full of a sense of devotion (Warsito, 2018).

From a linguistic perspective, coaching is defined as a process, method, action, fostering, activities carried out efficiently and effectively to obtain better results (Balai

Pustaka, 2001). Meanwhile, in Law Number 22 of 2022 concerning corrections, article 1 states that coaching is an activity carried out to improve the quality of personality and independence of prisoners and assisted children. Based on the description above, it can be concluded that coaching is a form, style, model of activity or action that is carried out efficiently and successfully in order to obtain good results.

The construction system has several scopes including:

- a. Coaching takes the form of direct, familial interaction between the coach and those being coached
- b. Coaching is persuasive and educational
- c. Coaching is planned, continuous and systematic
- d. Maintenance and improvement of security measures adapted to the level of the situation he is facing (Gultom, 2014).

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Based on the Government Regulation of the Republic of Indonesia Number 31 of 1999 concerning the Development and Guidance of Correctional Inmates, Article 2 explains:

- 1) The coaching and mentoring program includes personality and independence coaching and mentoring activities.
- 2) The Development Program is intended for Prisoners and Students Correctional.
- 3) The Mentoring Program is intended for Clients.

Article 3 of the Republic of Indonesia Government Regulation Number 31 of 1999 explains that fostering independence and personality includes:

- a. piety to God Almighty
- b. national and national consciousness;
- c. intellectual;

- d. attitudes and behavior;
- e. physical and spiritual health;
- f. legal awareness;
- g. healthy reintegration into society;
- h. work skills; And
- i. work training and production.

The process of developing correctional inmates is regulated in article 7 of the Government Regulation of the Republic of Indonesia Number 31 of 1999 as follows:

- 1) Prisoner development is carried out through several stages of development
- 2) The coaching stage as intended in paragraph (1) consists of 3 (three) stages, namely:
 - a. stage, beginning;
 - b. advanced level; and c. final stage
- 3) The transfer of guidance from one stage to another is determined through a meeting of the Correctional Observer Team based on data from the Correctional Supervisor, Correctional Supervisor, Community Supervisor, and the Prisoner's Guardian.
- 4) The data as intended in paragraph (3) is the result of observations, assessments and reports on the implementation of coaching.
- 5) Provisions regarding observation, assessment and reporting as intended in paragraph (4) are further regulated by Ministerial Decree.

Article 9 of the Republic of Indonesia Government Regulation Number 31 of 1999 explains as follows:

- 1) The initial stage of development as intended in Article 7 paragraph (2) letter a for convicts begins from the time the person concerned has the status of a convict until 1/3 (one third) of the criminal period.
- 2) Advanced level construction as referred to in Article 7 paragraph (2) letter b covers:
 - a. the first advanced stage, from the end of the construction of the initial stage up to 1/2 (one half) of the criminal time; and
 - b. the second advanced stage, from the end of the construction of the first advanced stage up to 2/3 (two thirds) of the criminal time.
- 3) The final stage of development as intended in Article 7 paragraph (2) letter c is carried out from the end of the advanced stage until the end of the prison term of the prisoner concerned.

The coaching stages are described further in article 10 of the Republic of Indonesia Government Regulation Number 31 of 1999 as follows:

- 1) Initial stage development as intended in Article 9 paragraph (1) includes:
 - a. the period of observation, introduction and environmental research is a maximum of 1 (one) month;
 - b. planning personality and independence development programs;
 - c. implementation of personality and independence building programs; and d. evaluation of the implementation of the early stage construction program.
 - 2) Advanced stage development as intended in Article 9 paragraph (2) includes:
 - a. planning advanced coaching programs;
 - b. implementation of advanced construction programs;
 - c. assessment of the implementation of advanced development programs; and D. planning and implementing assimilation programs.
 - 3) The final stage of development as intended in Article 9 paragraph (3) includes:
 - a. integration program planning;
 - b. implementation of integration programs; And
 - c. the end of the implementation of the final stage of construction.
 - 4) Stages of coaching as intended in paragraphs (1), (2), and (3) determined through a session of the Correctional Observer Team
 - 5) During the Correctional Observer Team Session, the Head of Prisons is obliged to pay attention to the traffic results.
 - 6) Provisions regarding the form and type of construction program activities as referred to in paragraph (1), (2), and (3) are further regulated by Ministerial Decree.
- Meanwhile, the regulation of the Minister of Law and Human Rights number 32 of 2018 concerning the treatment of prisoners and elderly prisoners in article 2 reads;
- 1) Treatment for elderly prisoners and convicts aims to fulfill the needs of elderly prisoners or prisoners so that they can maintain their physical, mental and social abilities.
 - 2) Treatment for prisoners and elderly convicts as intended in paragraph (1) is given a personality and independence program.
 - 3) Personality and independence program as intended in paragraph (2) provided in accordance with the provisions of statutory regulations.
 - 4) In the case of incapacitated elderly prisoners and convicts, this is granted Special treatment.

5) Determination of prisoners and incapacitated convicts as intended in paragraph (4) is carried out by the Head of Prison or Head of Detention Center based on the Assessor's Assessment.

6) Implementation of assessments by assessors is carried out on detainees and convicts:

a. since receipt; or

b. after serving a criminal period, are included in the Elderly group. In the implementation of training for correctional inmates, it was reviewed empirically at the Medan Class I Penitentiary, both as seen in the field and as known through interviews with sources, both employees and the inmates themselves. The development of correctional inmates at class I correctional institutions in Medan consists of developing independence and developing personality.

1. Personality development

Personality development is carried out by the coaching sector through the social guidance section at the class I Medan Penitentiary. This personality development consists of several types, namely:

a. Morality formation

Morality training is carried out on correctional inmates who have just entered the class I Medan prison environment. In this morality development, there is no special treatment for elderly inmates because all inmates must and are obliged to take part in morality development activities. This morality training is carried out for 1 week for new inmates.

b. Spiritual building

Spiritual formation is carried out for all correctional inmates, both elderly and non-elderly. This spiritual formation is carried out in each house of worship in the class I Medan correctional institution, namely at mosques, churches, monasteries and temples.

Spiritual formation at the mosque is carried out once a week on Friday before Friday prayers. At the church it is held 3 times a week apart from the regular Sunday service. Meanwhile, at the monastery, spiritual formation is carried out on Tuesdays every week. And at the temple spiritual formation is carried out on Friday every week.

c. The construction of citizenship

Citizenship development at the Medan Class I correctional institution is carried out once a month to increase the inmates' sense of love for their homeland. Elderly inmates are not required to take part in ceremonial activities during the implementation of citizenship development which takes into account the health conditions of the inmates themselves.

Based on interviews conducted by researchers with the head of the social guidance section, Mr. Sahat Sihombing, when met in his office, explained that:

"There is no specific law governing the guidance of elderly prisoners in the Medan class I penitentiary legally, so the guidance of elderly prisoners is the same as the guidance of other adult prisoners, but the guidance is carried out with a personal approach which places greater emphasis on guidance. personality, but also closes the possibility of developing independence. We provide guidance to the elderly by looking at age and physical factors so that it cannot be forced. But in general, the training carried out in this prison is personality development and independence development. Special treatment is given to elderly inmates in the allocation of special rooms to make it easier to monitor their health and provide guidance.

Researchers conducted direct observations and interviews with one of the community guidance staff who is responsible for the spiritual development of Muslims regarding the formation process at the mosque, explaining that:

" so far the process of spiritual development carried out in the Board

Medan Class I Correctional Center is running well, all the inmates are carrying out all their obligations to worship and carry out other spiritual formation with enthusiasm as evidenced by the fact that the houses of worship are full during spiritual formation. "The elderly assisted residents are also very enthusiastic about attending the places of worship they belong to by arriving early so as not to be late considering their declining physical abilities."

Researchers also told one of the elderly prisoners. Based on an interview conducted with JM, a 68 year old narcotics case, he explained:

"While serving my sentence at the Medan Class I Penitentiary, I received personality training when I started attending morality training which I underwent for 1 month, followed by spiritual and citizenship development. While taking part in personality development, I was taught many things which made me realize that what I had been doing had been a big mistake. So I feel that after receiving this coaching I know more about religion and am always afraid to do things that religion prohibits."

2. Fostering independence

Fostering independence at the Medan Class I Penitentiary is carried out by the work activities sector. In the process of fostering independence, other stakeholders are also involved in fostering independence due to budget and instructor limitations. Based on the results of an interview conducted with one of the work activity officers named Fahri Tri Reza: "In the process of fostering independence the officers look at the abilities and physical

condition of the elderly inmates to foster independence. "In developing independence, there are no clear guidelines and regulations that still regulate the development of independence for elderly assisted residents."

Based on the results of an interview conducted with one of the elderly residents who works and carries out independence development, named Aswad, 60 years old, in a child protection case, he explained that: "I feel grateful and received many benefits from the process of developing independence that was carried out. Currently I work as a tailor in the field of work activities. While I was working, I received many conveniences and benefits such as receiving more attention than ordinary inmates

Overview of Recidivism of Elderly Convicts in Class I Penitentiary in Medan

One of the main problems that often arises in social life in general is crime, especially regarding the implementation of sanctions criminal. The problem of crime itself is an eternal problem in the fabric of human life because crime continues to develop as times change. In line with the way humans maintain their lives, crime also experiences changes with the implementation of punishments related to crimes committed. Crime forms a pattern in such a way that if crime spreads widely in society, society will also become more active and serious in eradicating crime. Crimes that occur in society will certainly not be separated from the process of providing criminal sanctions as a result of actions that violate the law by committing crimes.

When talking about crime, the first word that appears is criminal. Perpetrators of this crime are usually called criminals, criminals, or worse, social scum, and many more. So it is not surprising that efforts to deal with crime are still focused only on punishing perpetrators. By giving punishment or imposing a criminal sentence on the perpetrator, it is still considered an effective medicine to cure both the wounds or suffering of the victim and the behavioral disorders suffered by the perpetrator of the crime. Where the punishment in question is a criminal sanction of deprivation of liberty so it is hoped that it will have a deterrent effect on the perpetrator of the crime.

In imposing criminal sanctions, the Indonesian State is guided by in the Criminal Code (KUHP). In Article 1 of the Criminal Code, it is explained that no single act can be subject to criminal sanctions and/or action, except on the strength of criminal regulations in laws and regulations that existed before the act was committed. Indonesian Criminal Law recognizes imprisonment as one of the punishments most often given in the implementation of criminal sanctions. In providing punishment for criminal acts regulated in Article 64, there are 3 types of criminal penalties, namely: main criminal penalties,

additional criminal penalties and special criminal penalties for certain criminal acts. Principal punishment and additional can only be given if there is a court decision that has the force of permanent law or in *kracht*. The Court's decision is valid permanent law in criminal cases can only occur if a suspect is processed according to the applicable criminal procedural law based on strong evidence.

The Criminal Code (KUHP) also regulates criminal acts committed by each person, including: Preparation, Conspiracy, and Attempt. Article 14 explains that a person who commits an evil conspiracy to commit a criminal act will not be punished if he withdraws from the agreement. In the preparation stages regulated in article 15 in paragraph 4, it is explained that preparation for committing a crime which is punishable by life imprisonment is punishable by a maximum of ten years in prison. Meanwhile, at the Probation stage, a maximum sentence of 15 years can be imposed in accordance with article 17 paragraph 4. 31 Meanwhile, things that can aggravate the crime include repetition of crimes (recidive) as regulated in the Criminal Code, concursus and criminal acts committed by officials or criminal acts using national flag. In the Criminal Code, repetition is regulated in Article 23 which states that a criminal offense is repeated if a person commits a criminal offense again within 5 (five) years after serving all or part of the principal sentence imposed or the principal sentence imposed has been abolished. In the criminal aggravation contained in Article 58, a maximum of 1/3 (one third) of the maximum criminal threat can be added.

In this case the author will discuss recidivism because it is in accordance with the objectives of the research carried out. Recidivism comes from French which is taken from two Latin words, namely *re* and *core* meaning again and *cado* meaning fall. In the general public's understanding, recidivism is defined as a repeat criminal. The perpetrator is considered a recidivist if he commits another crime after he has finished serving his prison sentence. To call someone a recidivist, as a society it is not based on the type of criminal act or the time limit for the criminal act committed so that it can be categorized as a recidivist. Therefore, regarding recidivists we are talking about 31 Sudarto, Criminal Law, Sudarto Foundation d/a FH UNDIP, Semarang, 1990, p. . 138 regarding repeated punishment as a result of the same or similar actions (Bawengan, 1979).

Meanwhile, the definition of recidivist according to Wirjono Prodjodikoro is a person who has been sentenced for a crime, and then, after serving the sentence, commits another crime, which results in the sentence that will be imposed later, being even heavier, which can exceed the maximum (Priyatna, 2013). In criminal law , recidive can be interpreted as someone committing several criminal acts and among these criminal acts a

court decision has been made which has permanent legal force (KARINA FITRIANTI FASA, 2022). The definition of recidive according to Moch. Anwar, is in the event that a person has committed several acts, each of which is an independent criminal act, among the acts of which one or more has been sentenced by the court (Anwar, 1986).

Herbert L. Packer in his book *The Units of The Criminal Sanction* Recidivists are ex-convicts who commit crimes again. In general, recidivists (reconvicts) are former convicts who have not served a free period of two years, but have been sentenced to prison again for committing another crime. The existence of recidivism can be evidence that shows that a person actually becomes more evil after serving a prison sentence in a correctional institution. This is also one of the dominant factors in the emergence of a former prisoner committing another crime, which is usually called a recidivist.

There are two meanings of repetition or recidive, one according to society (social), and the other in the sense of criminal law. According to the first meaning, society assumes that every person who, after being sentenced, undergoes it and then commits another crime, here there is repetition, without paying attention to other conditions. However, in the sense of criminal law, which is the basis for criminal aggravation, it is not enough to see the repetition of criminal acts, but is linked to certain conditions stipulated by law (Priyatna, 2013). From the explanation above it can be understood that there are several conditions that must be fulfilled in order to an act is considered a repetition of a criminal act or recidivism, namely:

1. The perpetrator is the same person
2. Recurrence of criminal acts and for previous crimes being sentenced by a judge's decision.
3. The perpetrator has already served a sentence or prison sentence imposed on him
4. Repetition occurs within a certain period of time.

Repetition of criminal acts (recidivism) in the Criminal Code is not regulated generally in the "General Rules" Book I, but is specifically regulated for a certain group of crimes, both in the form of crimes in Book II and in the form of violations in Book III. Apart from that, the Criminal Code also requires a certain grace period for repetition. Thus, the Criminal Code adopts a Special Recidivism System, meaning: "Criminal severity is only imposed on the repetition of certain types of crimes (crimes/violations) and which are committed within a certain time period (Andrisman, 2009). According to their nature, acts which constitute repetition can be divided into two types :

1. General recidivism

General recidivism can be interpreted as someone who has committed a crime/criminal act and has been punished for it, and then he commits the crime/criminal act again in any form, then that person is subject to a heavier sentence.

2. Special recidivists

It can be interpreted as a criminal act that is committed by someone and has been punished, then if he commits the same/similar criminal act again then that person will be subject to increased punishment.

From the perspective of criminal law science, repetition of criminal acts (recidivism) can be divided into 3 types, namely :

1. Repetition of criminal acts based on their scope, including:

The broadest definition is when someone commits a series of criminal acts without being accompanied by a criminal sentence. The narrow meaning is if a person is undergoing a certain criminal act and then he repeats the criminal act again within a certain period of time since he was undergoing or carrying out part of the sentence that has been imposed by committing a similar criminal act.

2. Repetition of criminal acts based on their nature, including:

Accidental recurrence is a criminal act resulting from a situation or circumstances that force the perpetrator to repeat the criminal act again. So he views the crime he committed as a normal act because the perpetrator already had an evil nature within him.

3. Apart from the two forms above, repetition of criminal acts can also be divided into:

General repetition, namely someone who has committed a crime and was sentenced to punishment, then that person commits the crime again in any form so that he can be subject to increased punishment for his actions. Meanwhile, special repetition is someone who commits a criminal act and has been sentenced to it, then if that person commits the same/similar criminal act again then he or she can be subject to increased punishment.

Regarding how to know if someone is a recidivist, it is still an obstacle. This is because the case database systems at the Police, Prosecutor's Office and Court are not yet unified and are not connected to each other, so it is difficult to track whether someone has been convicted or not. Therefore, the tendency to find out about this is only based on the facts and evidence found during the case examination, either through statements from witnesses or statements from the defendant (perpetrator). This is what makes real data on the number of recidivists difficult to obtain.

Development of Elderly Recidivists

In the process of developing elderly recidivists, there are no laws or regulations that regulate in detail and specifically regarding the development of recidivists in correctional institutions. Recidivists only follow the existing training in general without considering their status as recidivists. Guidance for recidivist inmates includes activities to foster spirituality, morality and foster independence. Researchers observe and research that recidivists generally commit crimes again due to several factors, namely:

1. Economic factors
2. Environmental factors

The factors above are very influential in making correctional inmates commit crimes again. At the Medan Class I Penitentiary, recidivist prisoners will be given special, in-depth training. Such as fostering more morality than other inmates and spiritual development which is carried out more deeply to make them aware of the mistakes they have made and not repeat them again as well as carrying out self-reliance training to prepare correctional inmates after returning to society to be able to return to work and be productive to make money. so that there is no repetition of crimes caused by economic factors.

Based on an interview conducted by the researcher with one of the community guidance section staff, he explained that:

"There is no special law that regulates personality development for recidivist prisoners, so personality development for recidivist prisoners is the same as the personality development carried out for prisoners in general. This is what causes officers to make more and more in-depth training efforts for correctional inmates who have recidivist status to further support changes in becoming better individuals for recidivist inmates so that they do not repeat the same actions again."

One of the biggest factors that causes them to return to crime is because inmates have difficulty finding work and lack the skills to earn money. The researcher conducted an interview with one of the work activity staff related to improving the skills of recidivist inmates explaining that: "Self-reliance development continues to be carried out for inmates, both recidivists and other inmates. The development of independence continues to innovate as proven by the existence of 16 work and training activities that correctional residents themselves can participate in. "At the training stage, the field of work activities collaborates with relevant stakeholders and collaborates to obtain training instructors who are experts in their fields."

Based on the researcher's interview with the Head of the Registration Section, Mr. Raymond Rumahorbo, who was met in his room, he explained that: "There are a lot of

recidivist inmates at the Medan Class I Penitentiary, especially narcotics cases. However, there were no elderly who committed repeat crimes/recidivism which the researchers were looking for as research material. "Maybe it's because elderly prisoners are already conscious and unable to repeat their crimes again."

From the results of research conducted empirically at the Medan Class I Penitentiary, guidance for elderly recidivist prisoners is the same as guidance for prisoners in general, only there is an approach and emphasis on personality development to make inmates aware that the actions they have committed are a mistake and do not deserve to be punished. repeat once free.

Obstacles in the Implementation of Guidance for Elderly Prisoners in Medan Class I Penitentiary

In the implementation of coaching for prisoners, of course there are several obstacles that hinder and slow down the implementation of coaching for correctional inmates. Likewise, in coaching elderly prisoners at the Class I Penitentiary in Medan, there are problems or obstacles that affect the implementation of coaching, both in terms of facilities and infrastructure and others. The following are the obstacles that occur in the implementation of guidance for elderly prisoners at the Medan Class I Correctional Institution as follows:

Facilities and infrastructure

The development of elderly prisoners at the Class I Penitentiary in Medan experienced obstacles in the form of a lack of equipment and facilities, both in quantity and quality, as well as the large number of damaged equipment being one of the inhibiting factors in the smooth process of training elderly prisoners. This lack of facilities and infrastructure has quite an impact on the coaching process. As we all know, elderly people generally have difficulty walking, climbing and descending stairs due to age, so facilities and infrastructure are needed to make it all easier. One example of inadequate facilities and infrastructure is the lack of residential blocks intended for elderly prisoners. Elderly inmates are still found in the same rooms as other inmates. This condition affects the effectiveness and efficiency in carrying out guidance for elderly inmates at the Medan Class I Correctional Institution.

Officer

Before carrying out coaching, elderly inmates must first go through an assessment process carried out by Corrections Center (Bapas) officers to find out to what extent these

inmates have received the coaching process. This assessment process must be carried out as a basis for determining the type and implementation of coaching, both spiritual coaching and independence coaching as well as obtaining a letter of recommendation to carry out coaching. The Medan Class I Correctional Center has a limited number of officers to carry out assessments for inmates because the correctional officers do not only carry out assessments for the coaching process but also carry out community research (litmas) processes. This Litmas is one of the factors for proposing correctional inmates to receive remission, conditional release, conditional leave and leave before release. It doesn't stop there. In training, correctional institution officers also have a very important role. These are the basic things that can influence the progress of coaching well. Therefore, officers are required to be able to understand the problems that arise and have a personal approach to the elderly assisted residents in order to run the guidance process smoothly. and special officers are needed who understand elderly prisoners so that coaching is more optimal.

Residents of Elderly Correctional Institutions

The success and implementation of the development program for elderly inmates does not only depend on the staff and existing facilities and infrastructure, but the biggest factor comes from the inmates themselves. If correctional inmates do not want to take the coaching seriously and there is really no benefit from the coaching itself, then a strong will is needed from the inmates themselves. Correctional officers are only able to invite and help and are not allowed to force the inmates themselves to provide guidance. The obstacles faced by the prisoners themselves are:

1. There is no interest in participating in coaching activities
2. There is no motivation to serve the criminal term by carrying out useful activities at the Medan Class I Penitentiary.
3. Feeling unfit to take part in coaching activities

4. CONCLUSION

The training carried out by the Medan Class I Correctional Institution is in accordance with Law Number 22 of 2022 concerning Corrections. As well as the implementation of coaching for inmates based on Government Regulation 31 of 1999 concerning the Guidance and Guidance of Correctional Inmates, where the aim of coaching is to shape corrections inmates to become human beings who realize their mistakes, improve themselves, and not repeat criminal acts again, so that they can be accepted again. in the midst of society. The coaching process carried out in correctional institutions is divided into

2, namely independence coaching and personality coaching. Personality development such as: Development of religious awareness; Fostering national and state awareness; Development of intellectual abilities and; Building legal awareness. Meanwhile, there are 16 work activities in the Medan Class I Penitentiary for independence development, such as: Car body repair; Handicrafts; Hydroponics; Laundry; Furniture; Cut; Welding; Seamstress; Bread making; Making tempeh; Bag making; Catfish cultivation; Cultivation of oyster mushrooms; Poultry rearing; Ulos Weaving Crafts; Motorcycle mechanic.

The implementation of this coaching is carried out in stages starting from the initial stage, namely the process of observing and familiarizing with the environment. Next, we enter the advanced stage, starting with personality development in the form of spiritual development and continuing with independence development. And in the final stage, we enter the integration process carried out by the Correctional Center (Bapas). Personality and independence development has been implemented for all elderly correctional residents in accordance with the rights that must be fulfilled. In undergoing guidance, elderly prisoners also obtain their rights based on Law number 13 of 1998 concerning the welfare of the elderly. This is proven by the presence of one of the elderly residents who received training and the opportunity to work in the field of work activities, especially sewing activities.

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