

# **Providing Legal Protection To Depriminants From Actions of Violence Between Prisoners**

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## **ABSTRACT**

The background factors arise victims of acts of violence between prisoners. So it is necessary to protect the inmates who experience violence in correctional institutions. Prevention efforts are carried out by correctional institutions to prevent and reduce victims and prevent riots from occurring in correctional institutions in order to achieve the goal of peace law. The research method of writing uses normative research methods, conducting library research, namely legal research by researching and conducting searches legal literature as well as analyzing secondary data, the aim is to obtain accurate data or truth in order to obtain permanent legal certainty. Library Materials: Primary Legal Materials and Secondary Legal Materials. The efforts made by the Surabaya Class I Correctional Institution are divided into two, namely repressive and preventive. Repressive efforts are efforts to deal with after the occurrence of violations committed by convicts and detainees, while preventive efforts are efforts made before the occurrence of violations committed by convicts and detainees in prisons. Consists of: Repressive Efforts: Preventive Efforts: Facilities and infrastructure are still below sufficient to meet the needs of students and not only facilities and infrastructure for convicts and detainees, facilities and infrastructure for workers in prison offices also experience a shortage of equipment to strive for better performance well, to add insight through television is constrained by increasing electricity costs. All service improvements are difficult to materialize without the support of the Government and the Community.

**Keywords:** Violence, Institutions, Convicts, Law, Constitution

## **1. INTRODUCTION**

Humans are social creatures and are interdependent with other humans in everyday life, sometimes to carry out activities in life and mingle with other humans we only think about ourselves without thinking about others until we end up committing a crime. One of the crimes in question is a crime against the body, crimes like this are usually called persecution, persecution is a term in the Criminal Code for crimes against bodies. The crime of persecution stipulated in Article 351 of the Criminal Code is a material crime, so that the criminal act can only be considered as having been completed by the perpetrator, if the result is not desired by law, it has actually occurred, namely in the form of pain felt by the perpetrator. others (Silaban et al., 2021).

According to Adami Chazawi, in the scientific doctrine of criminal law, based on the history of formation it is explained that persecution is defined as an act done intentionally to cause pain (pijn) or injury (letsel) to another person's body. Abuse is the same as something with the aim (oogmerk) to cause pain. According to Article 351 of the Criminal Code paragraph 4, persecution is equated with intentionally harming someone's health. So according to the doctrine of



persecution, it has the following elements: (a) being intentional; (b) there is an act; (c) there is a result of the (targeted) action, namely: pain in the body, and/or severe injury to the body. A wound is defined as a change in the body, or a different appearance from before the act was performed, for example, an abrasion on the skin, a finger being cut off, a swelling on the cheek or so on, while pain does not require a change in appearance on the body, but arises on the body. pain, soreness, discomfort or suffering (Halim & Sitabuana, 2021).

Consideration for this research is based on that every citizen has the right to feel safe and free from all forms of violence and persecution in accordance with the philosophy of Pancasila and the 1945 Constitution; that all forms of violence including persecution are violations of human rights and crimes against human dignity as well as forms of action that are not commendable and can be carried out with criminal offenses. In addition, protection is a sense of effort aimed at providing a sense of security to victims who have been abused. This means that the crime of persecution is a form of violation of human rights and victim protection (Rudianto & Roesli, 2019).

Whereas convicts are convicts who are serving a sentence of loss of freedom or independence in Correctional Institutions as referred to in Article 1 paragraph 6 of Law Number 22 of 2022 concerning Corrections. The definition of a convict himself is a convict who is serving a prison sentence for a certain time and for life or a death row convict who is awaiting execution of the sentence, who is undergoing coaching in a correctional institution (Hernanda, 2023).

In fact, the placement of inmates in Correctional Institutions is inseparable from problems. These problems include the occurrence of violence both committed by officers against inmates and fellow inmates themselves. In this study the author will discuss acts of violence among inmates (Rahmawati & Wahyudi, 2023). In creating conducive conditions in Correctional Institutions, so that acts of violence against fellow inmates do not occur, Correctional Institution officers often experience obstacles. These obstacles include: 1) Rooms or rooms for placing inmates are still lacking, 2) Limited facilities and infrastructure for coaching prisoners, 3) There are still limited experts, such as: psychologists, sociologists, economists, and religionists. 4) the rules regarding the development of convicts are no longer appropriate. 5) The public's view of ex-convicts is still poor, making it difficult for society to accept (Nurohmah, 2018).

Violence that occurs between fellow inmates in Correctional Institutions is caused by many factors, including the placement of perpetrators of criminal acts in the same room or place, so that the guidance provided is not as expected. In addition, the large number of inmates is also one of the causes of frequent violence between fellow inmates in correctional institutions. Because excess capacity causes conditions that are not conducive. This excess capacity factor often causes



violence among inmates, coupled with the inadequate number of security officers, when compared to the number of inmates. This condition is very disproportionate to the number of assisted residents (Maryanto & Rini, 2014). Violence according to Article 89 of the Criminal Code is to make people faint or helpless (weak). , 2015).

Based on the factors behind the violence, victims of violence between prisoners arise. So it is necessary to protect the inmates who experience violence in correctional institutions. In addition to protection, prevention efforts should be carried out by correctional institutions to prevent and reduce the incidence of victims and prevent riots in correctional institutions in order to achieve the goal of the law of peace (Safrina et al., 2010). The correctional system requires Correctional Institutions (Lapas) in its implementation to function as a place to carry out coaching for existing inmates or inmates. Convicts are human beings who break the law because of their mistakes and are sentenced by a judge. In the correctional system, a convict may not be alienated from social life, because he is still recognized as a member of society (Hardiansyah & Khisni, 2018).

The penitentiary system has the aim of returning convicts to the community as good citizens, instead of worsening the situation of an inmate in a penitentiary becoming a victim of violent crime committed by other inmates. Because this does not seem to make prison a place to realize mistakes, improve oneself and not repeat irresponsible acts, so it is hoped that they will be accepted again in society, can play an active role in development and can live normally as good and responsible citizens. As an institution created by the state, the role of officers in correctional institutions must be continuous with the community within to create an orderly community environment even though it is within a limited scope and eliminated from the outside world (Wijayanto, 2020).

Protection has the meaning of preventing, is a form of service that must be carried out by law enforcement officials or security forces to provide a sense of security, both physical and mental, to victims and sanctions from threats, harassment, terror and violence from any party given at the investigation stage , prosecution, and on examination in court hearings. An overview of the functioning of the legal function to realize legal objectives, namely justice, benefits and legal certainty.

## **2. RESEARCH METHODS**

The type of research in this study is normative juridical law research, namely research based on literature studies which include primary legal materials and secondary legal materials. Primary legal material is carried out by reviewing laws and regulations related to the legal issues



being investigated and secondary legal materials in the form of books, journals and documents, as well as related studies related to predetermined titles. by the author. case approach, the legal approach is carried out by identifying and discussing the applicable laws and regulations, which are related to the problems in this study.

### **3. RESULTS AND DISCUSSION**

#### **Surabaya Class I Penitentiary**

Surabaya Class I prison was built in 1750 on Jl. Cassowary No. 5 Krembangan City of Surabaya since the time of the “Vereenigde Oostindische Compagnie” (VOC) trade partnership. At that time the Surabaya Class I Lapas was known to the public as 'Kalisosok Prison'. The prison was used actively during the Dutch colonial period to Japan. After Indonesia's independence in 1945, Kalisosok Prison was taken over by the government and was first led by MD Arifin from 1945-1950. In 1996 the Kalisosok Prison was converted by the Surabaya City government as a cultural heritage building.

Surabaya Class I Penitentiary or better known as Surabaya Kalisosok Penitentiary. Built in 1908 by Daendels at the start of his reign which took nine months to build. The building left by Governor General Herman Willem Daendels is still standing strong today. Some of the watchtowers are still visible. The front also still retains the splendor of the colonial architectural style of its era. This historic building occupies an area of 3.5 hectares. The Dutch Colonial government functioned as a prison for native people who committed criminal acts or those who resisted the Dutch Colonial government at that time. Inside the prison there are 2 native graves as witnesses of the struggle against the Dutch colonial government. Kalisosok Penitentiary Class 1 Surabaya with address Jl. Prison No.7 around 1987 the address changed to Jl. Cassowary 7 Surabaya.

In the course of the development of the City of Surabaya in 1997 Class 1 Prison Kalisosok Surabaya built a new building in Kebonagung Village, Kec. Porong Regency. Sidoarjo, standing on an area of 170,000 m<sup>2</sup>, the result of an agreement between the Regional Office of the Ministry of Justice of East Java and PT. Fairco Jawadwipa Jakarta, Class 1 Penitentiary Kalisosok Surabaya in Porong Sidoarjo was officially occupied on April 20 2000 with the address Kebonagung Village Kec. Porong Regency. Sidoarjo until now.

As time went on, the facilities inside the prison became more complete, in the Surabaya Porong Class I Penitentiary there were soccer fields, volleyball courts, tennis courts, which WBP



(Prison Fostered Residents) could use for sports. Surabaya Class I Penitentiary is also working with PT Bahari Mitra Surya, a company engaged in furniture and chair backs.

**a. Organizational Vision and Mission**

The vision of the Surabaya Class I Penitentiary in Porong Sidoarjo is to become the Central Industrial Prison in East Java. While the mission of the Surabaya Class I Penitentiary is:

- 1) Realizing an orderly implementation of the duties and functions of correctional institutions consistently by prioritizing respect for law and human rights.
- 2) Building professional institutions based on accountability and transparency in the implementation of workshops is rising.
- 3) Develop competence and potential of human resources consistently and continuously.
- 4) Develop cooperation with third parties through MoUs and optimize stakeholder involvement.

**b. Position, Duties and Functions of the Work Unit**

Based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-05.OT.01.01 of 2011 concerning Amendments to the Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PR.07.03 of 1985 concerning the Organization and Work Procedure of Class I Correctional Institutions in Surabaya has the following Main Duties and Functions:

**1) Main Tasks of the Work Unit**

Surabaya Class I Penitentiary has the main task of implementing correctional services for prisoners or correctional students

**2) Main Functions of the Work Unit**

To carry out this task LAPAS has the following functions:

- a) Carry out prison training.
  - b) Provide guidance, prepare facilities and work results.
  - c) Conducting social/spiritual guidance for prisoners.
  - d) Perform maintenance of prison security and order.
- It is) Carry out administration and household affairs of the prison.

The duties and functions of each field can be explained as follows:

**a) Administration Section**

In charge of carrying out the tasks of administering finances, staffing, correspondence, office equipment/inventory, and household in Correctional Institutions. The Administration Section, in carrying out its duties is assisted by 3 sub-sections namely:

- i) General Subdivision,
- ii) Sub Division of Finance,
- iii) Personnel Sub Section,
- b) Convict Development Section

The Prisoner Development Division is responsible for carrying out registration, making statistics and documentation, fingerprinting convicts, providing correctional guidance, providing health services and providing care for convicts. The Development Division is assisted by 3 sections, namely:

- i) Registration Section.
- ii) Community Guidance Section.
- iii) Treatment Section.
- c) Work Activities Section

In charge of carrying out the preparation and maintenance of work infrastructure and facilities, providing job training guidance for convicts and selecting skilled convicts/students, making proposals for cooperation with third parties in the context of work practices, carrying out work management. This field is assisted by 3 sections, namely:

- i) Work Facilities Section.
- ii) Job Guidance Section.
- iii) Work Processing Section.
- d) Security and Order Administration Section

In charge of compiling task schedules, using equipment and distributing security tasks, as well as making incentive proposals for night guard officers, providing instructions to security officers on how to use security control equipment properly, checking the results of control hours, and coordinating the maintenance of equipment/equipment and security facilities , drafting the concept of forming an integrated search team and inventorying the results of searches, as well as monitoring and obtaining permits to use firearms, conducting administrative examinations of convicts who violate the law and order of the Correctional Institution, coordinating complaints from the public via SMS services and suggestion boxes. This field is assisted by 2 sections, namely:

- i) Security section.
- ii) Reporting and Rules Section.
- iii) Unit of Correctional Security Unit



This division is tasked with coordinating and overseeing the guarding and supervision of convicts as well as maintenance of cleanliness, security and order in prisons, coordinating escorts for the reception, placement and release of convicts, carrying out security measures and examining violations of security and order in the prison environment, preparing daily reports and minutes of implementation security. This division is led by a head who coordinates 4 (four) teams of security officers and 4 (four) teams of officers in carrying out prison guarding/security.

c. Surabaya Class I Prison Organizational Structure.

Based on the Surabaya Class I Penitentiary structure chart, the number of Surabaya Class I Correctional Institution employees is 169 people with the following details.

1) Men: 161 People

2) Women : 8 People

Based on the table of gender and education, the situation of Prison officers with a total of 169 people, the number of male officers is more dominant than the female officers from the total number of officers in the Prison.

2. Activities of Prisoners While They Are in the Surabaya Class I Penitentiary

The rights that must be obtained by convicts are regulated in Article 14 paragraph (1) of Law no. 12 concerning Corrections in 1995 and more specifically regulated in PP no. 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning Requirements and Procedures for the Implementation of the Rights of Correctional Assisted Citizens governing the rights and obligations acquired by convicts during their sentencing period.

- a. Performing worship in accordance with the religion of each prisoner;
- b. Receive spiritual care and physical care;
- c. Get education and teaching;
- d. Get proper health and food services;
- e. Given the opportunity to convey complaints or express feelings;
- f. Obtain reading materials and follow mass media broadcasts;
- g. Receive wages or premiums for the work performed;
- h. Receive visits from family or certain other people;
- i. Get Remission;
- j. Get Assimilation including Leave;
- k. Obtaining parole;

**Efforts Are Made By Class I Surabaya Penalty Institutions In Handling Acts of Violence Between In Mates**





The efforts made by the Surabaya Class I Correctional Institution in preventing and overcoming acts of violence between inmates in prisons, are divided into two ways, namely repressive and preventive. Repressive prevention efforts are efforts to deal with after the occurrence of violations committed by convicts and detainees, while preventive efforts are prevention efforts before the occurrence of violations committed by convicts and detainees in prisons.

Preventive prevention and management efforts can be in the form of:

1. Inform about the rights and obligations as well as prohibitions against convicts and detainees;
2. Provide guidance, direction, support, insight and knowledge to convicts and detainees;
3. Providing facilities and infrastructure to meet the needs of convicts and detainees;
4. Provide proper security for convicts and detainees;
5. Provide legal guidance so that convicts and detainees become aware of the law;
6. Providing a comfortable and orderly atmosphere by interacting with each other between supervisors and convicts and detainees in order to create harmony;
7. Doing regular congregational prayers not only on Fridays;
8. Provide spiritual guidance and direction to convicts and detainees;
9. Organizing physical health exercises by inviting gymnastic instructors to cheer up prisoners and detainees;
10. Appoint certain inmates to be Tamping to watch from the inside.
11. Installation of CCTV in every corner of the prison

Repressive prevention and management efforts can be in the form of:

1. Punish according to Ministerial Regulation No. 6 of 2013 concerning Rules of Correctional Institutions and Detention Houses;
2. Provide additional security in each problematic block;
3. Checking each cubicle in the block every 1 hour after 21.00;
4. Carrying out the transfer of troubled prisoners from block to block;
5. Increases tamping to provide extra security from the inside;
6. Transfer prisoners to another prison.

Acts of violence between inmates can occur, because the prison environment is not an environment in general where people socialize and it does not rule out the possibility for inmates to commit violence against other inmates for certain reasons, to prevent this the prison is required to provide protection services to inmates to create an environment A peaceful and serene prison.



Prevention and control of acts of violence between prisoners in Class I Correctional Institutions in Surabaya, the competent prison authorities are KPLP (Head of Correctional Security Unit). KPLP controls all forms of security and evaluates convicts who commit violations. The KPLP also applies sanctions to convicts who commit violations with considerations in accordance with Ministerial Regulation No. 6 of 2013 concerning Rules of Correctional Institutions and Detention Houses. In addition to giving sanctions, the KPLP Lapas is also obliged to provide protection to convicts from acts of violence between inmates in prisons (Santoso, 2016).

Meanwhile, the protection measures provided by the Surabaya Class I Correctional Institution are to prevent and overcome acts of violence between inmates, according to prisoner respondents, there are some of the most effective efforts, namely the use of leaders and tamping as intermediaries when acts of violence between inmates occur in prisons. Pemmuka and tamping are not very helpful, so the Lapas will reduce the personnel of the security team to stabilize the conditions of the Lapas and secure the perpetrators of violations. In addition to the use of tamping, the most frequently used safeguards are transferring convicts from one cell to another or moving them from the initial block to another. Certain treatment is given to convicts if convicts are perpetrators or victims of acts of violence between convicts that cause grudges or repeat crimes against other convicts. Isolation sanctions are given to convicts who commit serious violations, this is given as a form of protection for convicts.

When a convict commits an act of violence and is proven guilty, the security team has the right to anticipate and take care of prisoners who have problems and immediately report it to the KPLP for further processing. KPLP will review the violations committed by convicts and will provide sanctions in accordance with applicable regulations and process them periodically. If the acts of violence committed result in victims, the convict concerned will be transferred to another prison in order to maintain the safety of other convicts who have not become their new targets. If the convict in question only commits serious violations, the sanction immediately given is that he is put in solitary confinement for 12 days and may not receive visits for 15 days. If the violation is only light, KPLP will give appropriate punishment.

The prison also provides efforts in the form of a security team that helps prevent acts of violence between prisoners and helps prison security. In addition to the security team, the use of a security system is in accordance with Minister of Law and Human Rights Regulation No. 7 of 2013 Appointment and Dismissal of Leaders and Tamping in Correctional Institutions, namely Pemuka and Tamping. The Surabaya Class I Correctional Institution has its own criteria for appointing Headmasters and Tampings to assist and alleviate the performance of prison security forces.



Security services by using Leaders and Tampings in accordance with Regulation of the Minister of Law and Human Rights No.7 of 2013 Appointment and Dismissal of Leaders and Tampings in Correctional Institutions. Pemuka are convicts who assist correctional officers in carrying out coaching activities in prisons, while Tamping are convicts who assist leaders' activities. Appointment of Leaders and Tampings must comply with the requirements of Articles 5 and 7, Regulation of the Minister of Law and Human Rights No.7 of 2013 Appointment and Dismissal of Leaders and Tampings in Correctional Institutions. The process of appointing Pemuka and Tamping must be based on the recommendations of the TPP Lapas. However, there are times when the Correctional Institution appoints a Tamping by looking at certain behaviors or characteristics of the inmates who will be appointed but with a predetermined legal basis even though they meet several conditions (Tawang & Fadlian, 2022).

The use of Pemuka and Tamping aside from helping the prison in coaching due to over capacity, they can also help in a number of ways, such as being placed in a workshop, cleaning the block, cooking in the kitchen, helping to supervise during visits, and cleaning the prison environment. Each of them was given a different color vest by the Surabaya Class I Penitentiary to make it easier to monitor the performance of Pemuka and Tamping. If a Pemuka and Tamping commits a violation, the Lapas has the right to revoke his position as a Pemuka or Tamping. The Surabaya Class I Penitentiary is still trying to develop its services as a whole to optimize all functions in the Surabaya Class I Penitentiary, such as:

1. Increasing the function of Prisoner Development Services;

Aimed at fostering the personality and independence of convicts so that they have an attitude of obedience to regulations, obedience to ethical values and religious norms, so that convicts can accept the reality that exists sincerely so that in the end they will be willing and able to follow and accept all processes of personality development that given from the Surabaya Class I Correctional Institution and improve the individual abilities of convicts with independence training in the areas they master.

2. Improving the function of Care Services for Prisoners and Detainees;

Aimed at optimizing the implementation of the care service function for convicts and detainees with operational support programs for basic tasks and functions as well as providing services for basic needs and environmental health including clothing and food needs.

3. Improving the function of Information and Communication Services to the Public;

Aimed at the rapid dynamics of society as a result of advances in information technology systems that demand fast, effective, transparent and measurable services, therefore for the



implementation of this it is necessary to increase the unit of information services, complaints, visits, and SDP management in Class I Correctional Institutions Surabaya so that these activities can be directly felt by the public.

**4. Improving the function of the Security and Order Service in Correctional Institutions;**

It is an absolute requirement for the implementation of all services that will be provided to WBP (Prison Fostered Residents) in Correctional Institutions, namely the conduciveness factor for the security and orderliness of the life of WBP in Correctional Institutions needs to be increased by cooperating with the local security forces (POLRI, BNN). Improving the implementation of the main tasks and functions of security and order services in prisons can also be achieved through surveillance, raids and searches, fulfillment of KAMTIB facilities and infrastructure, and internal operations.

**5. Increasing the function of Office Services;**

Aimed at optimizing the implementation of basic tasks and functions as well as services that are fast, effective, transparent and measurable will not be carried out optimally if it is not accompanied by good, orderly and orderly Office Services. Likewise the activities of the Independence Guidance Service cannot run effectively if the condition of the building/Building Guidance Room (BIMKER) which is one part of the Office Service activities (Building and Building Maintenance) experiences a lot of damage. Therefore Office Service activities need to be upgraded to professionalism in order to support all Services to be provided to WBP.

**6. Improving the function of Planning, Budgeting and Reporting;**

Aimed at optimizing the implementation of basic tasks and functions as well as services that are fast, effective, transparent and measurable, it will not be carried out optimally if it is not supported by the availability of an adequate budget. Therefore, it is necessary to improve the Quality of Planning, Budgeting and good reporting for the formulation of Work Plans and Budgets for Institutional Ministries (RKA-KL) which are able to accommodate all Work Plans and their budgeting in a timely and optimal manner.

In such a way, there are various forms of improvement and efforts made by the Surabaya Class I Penitentiary to provide a form of service from State Institutions in the form of prisons for the satisfaction of prison residents and the public so that they do not always realize that prisons are terrible places and are always considered bad in the eyes of society as crime shelters. . Prison itself seeks to provide forms of guidance that are adapted to the conditions of society in general.

As a manifestation of the efforts made in order to improve the implementation of the main tasks and functions of the Development Service for Prisoners at Class I Correctional Institutions in Surabaya, collaboration has been carried out with various relevant agencies, including:

- a. Surabaya Class I Penitentiary in collaboration with the Sidoarjo Health Office in the field of health care includes TB and HIV screening tests. Held at the Surabaya Class I Prison Polyclinic.
- b. Surabaya Class I Penitentiary in collaboration with KEMENAG Sidoarjo in the field of Religious Development; coaching activities in the religious field at the Surabaya Class I Penitentiary are carried out in collaboration with the Office of the Ministry of Religion to fill out taklim assemblies which are held every day at the prison mosque with the aim of personality development within the prison scope as well as deepening Islamic religious knowledge at the Surabaya Class I Penitentiary in collaboration with sekar mentari foundation which is held three times a week, as well as assignments of mubalig, and lecturers during religious services (Islam and Christianity). In the field of Christianity, the Surabaya Class I Correctional Institution cooperates with the Surabaya Sejahtera Diaspora Church in carrying out Christian worship.
- c. Collaboration with the Office of the National Library of Indonesia in East Java Province with an agreement system to lend a number of books and PERPUSDA will exchange books with new titles within a period of once a year. In carrying out library activities, Class I Penitentiary in Surabaya, to build interest in reading in prisons, organizes a mobile library or what is called a troop of knowledge every morning, each residential block takes turns opening a reading service area.
- d. Implementation of Cooperation with the Office of Industry & Trade, with the Office of Agriculture and with the Office of Fisheries/ Livestock of Sidoarjo Regency in terms of mentoring to marketing the work of prisoners in the fields of: Industry/ Manufacturing, Agriculture/ Plantation and Fisheries/ Livestock. First with PT Bahari Mitra Surya which is engaged in furniture, then with CV Mitra Saudara which is engaged in chair backs, finally with CV Cipta Anugerah which is engaged in making Crystal Ice Cubes.
- e. Cooperation with PT. TELKOM in the field of improving the Quality of Information and Communication Services to the Public and WBP, also received assistance in the form of computers and WIFI networks
- f. Collaboration with the Sidoarjo City Resort Police (POLRESTA Sidoarjo) in the field of security improvement and POLSUSPAS development.



- g. Collaboration with the Sidoarjo Regency National Narcotics Agency in the field of assessment and control of drug addiction in prisoners/detainees and in terms of prevention and eradication of narcotics in Surabaya Class I Correctional Institutions.
- h. Collaboration with the Sidoarjo Regency Dispendukcapil in the framework of controlling services in population administration matters, managing population administration information and establishing good cooperation with government agencies as well as for preparing the right to vote in the 2024 election.
- i. Collaboration with Kwarcab Sidoarjo in the implementation of scouts to increase the nationalist sense of nation and state.
- j. Collaboration with YR Kobra (Drug Victim Rehabilitation Foundation) in SOCIAL REHABILITATION activities for residents of Class I Lapas Surabaya.

All forms of cooperation are carried out by the Correctional Institution with the aim of providing the best to all citizens in the Surabaya Class I Correctional Institution, even though there are still many obstacles that hinder getting to the desired service. Violence is synonymous with power or an attack on a person's freedom which can be carried out individually or in groups. Perpetrators of violence tend to carry out arbitrary aggression regardless of the victim's condition and regardless of the consequences of the violent act committed. The occurrence of violence in prisons will have a negative impact, violence in prisons that occurs between individuals (inmates) can make the atmosphere in prisons not conducive, if not immediately followed up it can trigger violence in groups that disturb other prisoners and can reduce the reputation of prisons because they are considered not capable of dealing with violence between inmates.

There are several different forms of violence that occurred in the Surabaya Class I Penitentiary, before 1992 and until now. Violence that occurred before 1992 tended to cause more victims and the resulting situation was difficult to control properly. Unlike now, the many changes to the system implemented by Correctional Institutions are also different from before and with the reform of the governing law, anticipation of acts of violence between inmates can be controlled much better and rarely results in serious injuries.

There have been several criminal acts that have triggered acts of violence between prisoners in recent years. All forms of violations committed by prisoners will be given strict sanctions. Sanctions can be in the form of revocation of remission or transfer of cells. All sanctions are processed from court decisions for serious violations. Every act of criminal offense committed by convicts has its own sanctions for convicts who commit criminal offenses in prison. Lapas itself has anticipatory measures to deal with every convict who commits a crime that causes violence.



All criminal acts will be given sanctions based on the violations committed and the process of imposing sanctions is carried out by a reporting process from the KPLP and a decision from the Head of Correctional Institution for further action against perpetrators of violations in court.

If the Lapas are still able to handle convicts who commit violations and the convicts can still be fostered by the sanctions given by the Lapas, then the convicts who commit criminal offenses will only receive sanctions from the Lapas. However, if the convict who commits a crime is too deep in committing the offense or commits a serious violation, then the decision from the Lapas is decided through the Court.

There are two types of violations in violence that occur in prisons, namely serious violations and minor violations, and each violation committed is regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 6 of 2013 concerning Rules of Correctional Institutions and State Detention Centers. However, now acts of violence between prisoners in the Surabaya Class I Penitentiary are often triggered by certain factors (Santoso, 2016).

Serious violations are actions committed by convicts and detainees that can cause discomfort, disturbance of security and order in the prison. For example, receiving goods (drugs) from outsiders, carrying cell phones (HP) in prisons, beating prisoners and detainees, and it is known that there are debt problems between prisoners. If this violation is carried out, it will receive very strict sanctions in accordance with the violation committed, for example the sanction given can be in the form of being transferred from prison to being placed in solitary confinement for 12 days and not being allowed to receive visits for 15 days. Because serious violations can be detrimental to prisons and convicts as well as the detainees themselves.

As for minor violations, it is an act committed by convicts or detainees that can cause envy or jealousy and disturb order in the prison. For example, a convict does not participate in the coaching process, a convict is caught visiting a special detainee block without permission, does not use the provided uniform when leaving the block, is known to like taking other people's belongings, and any behavior that is considered to disturb the security and order of other convicts. The sanctions for these minor violations are adjusted to the violation and the actions. The sanctions can also be in the form of physical exercise (push ups, sit ups, and squat walks), relaxing sunbathing (standing on the field), and cleaning.

The emergence of acts of violence between prisoners in the Surabaya Class I Correctional Institution is motivated by several factors, namely:

- a. Existence of Over Capacity of Lapas;





- b. There is a problem of debt or loan between prisoners and detainees;
- c. The existence of grudges between convicts;
- d. Forced taking of rights or property of other convicts;
- e. Lack of infrastructure and facilities in prisons;
- f. Lack of Interaction between Prisoners and Coaches;
- g. Burdened prisoner's mind (Stress);
- h. Social and economic jealousy;
- i. Long term of imprisonment or depression because of the verdict;
- j. Duration of management of PB, CMB, and CB letters;
- k. Get bad news from outside, for example: Divorce Certificate, Family Dies;
- l. The use of creativity is not reviewed;
- m. There are outsiders who take revenge by using insiders;
- n. Envy towards Tamping;
- o. Lack of control regarding perbal (official minutes) by the police and prosecutors.

Of these factors, the most common cause of violence between inmates is jealousy and revenge, convicts now tend to commit violence because of jealousy. In Surabaya, this makes prisoners angry and lacks activities other than the daily activities that have been scheduled by the Lapas. Previously, violence did not only occur because of serious matters as mentioned. In the past, the trivial actions of a prisoner such as Glance (Looking at him with a defiant look) could lead to violence between prisoners which was very riotous, resulting in injuries. However, now it rarely happens because of the development of the name from Prison to Penitentiary.

The factors that cause acts of violence between prisoners can be divided into two factors, namely external factors and internal factors. External factors are factors that influence convicts from outside and cause inmates to commit violence in prisons. This includes the social and economic conditions of the convict, namely not receiving visits, receiving bad news from family, difficulties in handling paperwork, resentment from outsiders, and the length of time the sentence is handed down. While internal factors are factors that influence prisoners from within to commit acts of violence. In this case it includes the needs of prisoners and the prison environment, namely over capacity which makes rooms less comfortable and full, lack of interaction between prisoners and coaches so they often misunderstand one another, forcibly taking the rights or belongings of other prisoners, jealousy of other prisoners who receive visits or are jealous of Tamping, the lack of available facilities and infrastructure, and debt and loan problems between prisoners.





It is understandable that there is often violence between inmates in prisons, because most of the inmates are people with less education does not mean they are stupid and easily provoked by emotions, besides that most of them are already in severe depression as a result of the verdict and the turmoil of abnormal life changes as usual where away from loved ones. The prison itself will try as hard as possible to foster and educate convicts to become better and useful individuals for the nation and state.

### **Constraints Experienced In Surabaya Class 1 Penalty Institution In Handling Acts of Violence Between Inprisoners**

In the framework of realizing accountability and monitoring of performance and programs, each work unit under the ranks of the Correctional Division of the Regional Office of the Ministry of Law and Human Rights in East Java must periodically submit reports on the achievement of the goals and strategic goals of the organization to the Leaders, which is outlined in the Activity Portrait which is prepared every three months (Quarterly). The strategic goal to be achieved by each work unit under the Correctional Division of the East Java Ministry of Law and Human Rights is to create a better Governance Work System. This better Governance Work System must continue to be strived for to be achieved through the implementation of the main tasks and functions of each Work Unit.

Surabaya Class I Penitentiary is one of the Technical Implementation Units in the field of Corrections which is located under and directly responsible to the Head of the East Java Ministry of Law and Human Rights Regional Office. Broadly speaking, the main task of the Class I Penitentiary in Surabaya is "Implementing the Correction of Prisoners or Protégés". The implementation of the main tasks and functions sometimes encounters obstacles and obstacles. Based on reports in the electronic media, in the last three months, the assessment of the integrity of Correctional Services in several prisons has decreased due to the discovery of drug trafficking controlled by inmates from within and violence between inmates from within prisons. Such conditions will affect the public's evaluation of the performance of all prisons in carrying out their main tasks and functions.

There are several obstacles that are being faced by parties to the performance of all prisons in carrying out their main tasks and functions. There are several obstacles being faced by the Surabaya Class I Penitentiary in following up on acts of violence between inmates, namely:

The condition of prison buildings is inadequate where facilities and infrastructure are not sufficient for the increasing number of inmates. This triggers inmates to commit violations by looking for facilities and infrastructure in other blocks, this can trigger acts of violence between



block residents. It is clearly written in the regulations that convicts and detainees are prohibited from entering other blocks without permission. In addition to this, the condition of the buildings is starting to become fragile and needs improvement in several places to make it safer and fulfill the rights of convicts and in order to maintain the security of inmates from the decaying conditions of the penitentiary.

Overcapacity in prisons makes it difficult to supervise where the number of officers and inmates and detainees is very different, thus making it difficult for prisons to follow up on prisoners if someone commits an offence. This condition triggered acts of violence in the cubicles in each block, because the conditions of the cubicles which should only accommodate 8-12 people were filled with 15-20 inmates. This makes convicts follow up on acts of violence between inmates, namely: they feel claustrophobic and dissatisfied with the services provided by the prison and make them commit acts of violence because they are fighting over space. And the Lapas lacks a security team and makes conditions worse.

The number of security teams that are lacking in each of the predetermined schedules, this makes one team of security guards work extra 2X in one day to monitor security and order in the prison. With the appointment of leaders and tampings who should be able to help the security team and several prison officials to lighten their work, this has created new problems for the prisoners. Because the position as leader or tamping elevates the degree of a convict to act arbitrarily against convicts and detainees because they feel they have direct power and are subordinated to the KPLP. This triggers inmates to commit acts of violence against leaders and tamping who act arbitrarily against other inmates. Sometimes other inmates are envious of the appointed pemuka and tamping because they feel that the convicts who are appointed as pemuka and tamping do not deserve to be given this position and in the end it triggers them to commit acts of violence.

There is no psychologist to help prisoners when they experience severe depression or mental burden due to living life in a different environment for the first time, or prisoners who experience depression because of problems while in prison. Because depression is unbearable, it triggers depressed inmates to commit acts of violence against other inmates to express their emotions.

The lack of inventory equipment in the office makes prison office services less fast in handling PB, CMB, and CB. Because of these conditions, convicts who should have been able to be released still have to wait for their release certificate, and in other conditions, new detainees and convicts who enter are accepted by the prison. The discrepancy between prisoners who are admitted and those who are released creates over-capacity in prisons and makes it even more



depressing for convicts who should have been released, this is getting worse plus a service system that is less responsive and effective and triggers acts of violence and violations of prisoners in prisons.

#### 4. CONCLUSION

Efforts to increase carried out by the Penitentiary in tackling acts of violence between inmates in prisons, hampered by system constraints in the penitentiary itself. The government itself does not fully respond to improving services. Surabaya Class I Penitentiary which they have tried to reflect a good Correctional Institution in the eyes of the community. Facilities and infrastructure are still below sufficient numbers to meet the needs of students and not only facilities and infrastructure for convicts and detainees, but facilities and infrastructure for workers in prison offices also experience a shortage of equipment to strive for better performance. The over-capacity fluctuation that needs to be addressed is the lack of funds in expanding and repairing prisons, which have undergone many renovations since the Dutch colonial era and still need a lot of improvement. There are still many personnel constraints, in which registrants do not meet the requirements to work in the Correctional Institution office, making the office service conditions less fast in processing paperwork. Entertainment for prisoners to fill their free time is also lacking, for adding insight through television it is constrained by electricity costs which are increasing every year. All service improvements that are being sought by Correctional Institutions will be difficult to materialize without the support of the Government and the Community.

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