



## Implementation of Discipline Penalties as Sanctions Applied in the Correctional Realm for Violations of the Rules of Order by Convicts

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### ABSTRACT

Disciplinary punishment is given to convicts who violate the prison rules, in this case convicts who are suspected of violating the order must be subjected to a preliminary examination by the head of security before being subject to disciplinary sanctions in accordance with Article 12 paragraph (1) of the Ministerial Regulation and Human Rights. Number 6 of 2013 concerning Rules of State Prisons and Detention Centers. Disciplinary punishment are given to the aim of this research to find out and understand the implementation of disciplinary punishments against prisoners who violate the rules and the efforts faced by officers in providing guidance in overcoming disciplinary violations at the Merauke Class IIB Penitentiary. This research was conducted using an empirical juridical method that looks at laws and regulations as a benchmark and looks at facts that occur in the field, especially in Merauke Class IIB Prison. From the results of the study, Discipline for prison-assisted citizens in Merauke Class IIB Prison has not been effective in accordance with the Regulation of the Minister of Law and Human Rights Number 6 of 2013. The obstacles faced by Class IIB Prison are adequate facilities and infrastructure, factors from prisoners and lack of prison officers and efforts made are oral socialization and making billboards to inform prisoners about obligations and prohibitions so that assisted citizens know the laws or regulations in Merauke Class IIB Prison.

**Keywords:** Disciplinary Punishment; Correctional Inmates; Code of Conduct

### 1. Introduction

The goal of legal science must be free from political ideology towards better changes to maintain balance in society (Hiariej 2009). In response to the development of criminal law mentioned above, the model of implementing sanctions on court decisions has also changed from the prison system to the correctional system itself must have certain elements that process according to certain conceptions (Poernomo 1985).

When a sentence has been imposed, a person has been deemed guilty through the criminal justice process and must carry out his sentence in a correctional institution as the last component of the criminal justice system. The criminal law applies to those who violate societal norms as stipulated in Indonesian criminal law. In achieving comfort and tranquility in living together, of course, there is a unity of rules to be obeyed and obeyed together (Badilla 2022). So that among academics to the stage of the law enforcement process must be in accordance with its application so that there is no perception or multiinterpretation of articles in the Law (Amrullah 2019). It is known that after a crime is committed, people are declared wrong according to the flow of criminal justice and are obliged to serve time in prison as the last thing in the criminal justice system.

The Indonesian Criminal Justice System places the Penitentiary (Lapas) as one of the pillars of law enforcement in Indonesia to have an important role (Sianturi 2022). This agency is tasked with restoring criminals to good members of society by upholding justice that has been damaged by evildoers. Lapas is one of the implementing units from the ranks of the Ministry of Law and Human Rights which has the main task of carrying out the correction of prisoners / students. The function of the penitentiary is a place to carry out guidance that is inseparable from elements in society, so that in the end between prisoners and the surrounding community is a whole of adverse aspects (Hamzah 1986). Prison development is always directed at resocialization (unification of relations with the community) with the correctional system based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Darmawati 2019).

Coaching is basically an activity or activity that is carried out consciously, planned, directed and regularly in a responsible manner in order to grow, improve and develop the capabilities and available resources to achieve goals (Tajuddin and Alputila 2021). The mental development of prisoners cannot be separated from the condition of prisons, although basically prisons are not the best place for prisoners, the implementation of the correctional system as part of development in the field of law in particular and the national development of the nation in Indonesia (Beddu and Darmawati 2021). The implementation of prisoner development within the framework of prisons aims to make prisoners / prisoners become whole people, as it has turned into a way of community progress through the methodology of strengthening trust and direction to them so that they can coordinate well, as in group life while in prisons and wider life in the sense of m society after carrying out its punishment.

Law Number 12 of 1995 concerning Corrections states that the purpose of punishment is an effort to sensitize prisoners or criminal children to regret their actions and return them to be good citizens of society, obeying the law, upholding moral, social, and religious values so as to achieve a safe, orderly, and peaceful community life (Sudaryono and Surbakti 2017). In Article 1 number 1 describes the definition of correctional, namely activities to carry out coaching of correctional inmates based on the system, institutions and methods of coaching which are the final part of the punishment system in the criminal justice system (Tajuddin 2019).

The implementation of discipline enforcement against prisoners is the authority of prisons and as a way to ensure the orderly implementation of life in prisons in order to create a conducive atmosphere (Bramada and Yuska 2023). Disciplinary penalties that can be imposed on assisted citizens who violate the rules of conduct are contained in the provisions of Article 9 paragraph (1) to paragraph (5) of the Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning the Rules of State Prisons and Detention Centers, namely:

- a. Minor disciplinary punishment,
- b. Moderate disciplinary punishment,
- c. Postpone or eliminate certain rights in accordance with paragraph (2) point b in the form of postponement of visit time,
- d. Severe disciplinary punishment.

Enforcement of disciplinary punishment against prisoners is very necessary in prisons under current conditions. Weak enforcement of disciplinary punishment against prisoners will invite prisoners' disobedience to the rules that have been made by prisons (Bramada and Yuska 2023). For example, there have been frequent violations of order in Merauke Class IIB Penitentiary for the past 5 years, the types of violations recorded in register F are included in the category of serious violations. Examples of serious violations that occur are: committing premeditated murder in prison, committing criminal acts of molestation, fleeing, criminal abuse of methamphetamine, entering alcohol for fostered citizens that cause attacks on officers.

The purpose of this writing is to see the Implementation of Disciplinary Punishment Against Prisoners in Prisons Who Violate the Code of Conduct, especially Merauke Class IIB Prison.

## **2. Method Research**

This study uses a normative-empirical research method, namely looking at phenomena that occur in the field and relating them to legal norms related to the structure of the citizens being fostered. The research location is the Merauke Class IIB Detention Center. The source of the data is primary data obtained directly in the field in the form of interviews with 2 employees and 1 prisoner inmate and secondary data consisting of legal and statutory literature related to this research. The data obtained is processed and analyzed based on the issues raised to get a clear picture of disciplinary punishment for inmates who violate the rules at Merauke Class IIB Penitentiary.

## **3. Results and Discussion**

### **3.1 Implementation of Disciplinary Punishment for Assisted Citizens Who Violate Rules of Conduct in Merauke Class IIB Prison.**

Penitentiary is a place to carry out the formation of prisoners and correctional students contained in article 1 point 3 of the law on corrections. Correctional Institutions (abbreviated as Correctional Institutions) ideal contains the important meaning of socializing again (Jufri and Anisariza 2017).

Class IIB Prison Merauke or commonly called Prison class IIB Merauke is a place of Dutch heritage since 1952, Lapas class IIB Merauke is located Ermasu street No 18 and has a residential block building area of 1660 m<sup>2</sup>. Merauke class IIB prison is an implementation rule in the correctional sector under the auspices of the head of the regional office of the Ministry of Law and Human Rights of Papua.

Merauke Class IIB prison has a residential capacity of 319 people, a residential room area of 38 rooms, and a residential room area of 638 m<sup>2</sup>. Merauke Class IIB Prison under the auspices of the Ministry of Law and Human Rights of the Republic of Indonesia. Based on the Law of the Republic of Indonesia Number 12 of 1995 concerning Contract Builders, Correctional Services is an activity to build Correctional Assisted Citizens in accordance with institutional rules, and methods of formation.

Security and discipline are part of the implementation of the coaching program. To ensure the implementation of order in life in prisons in prisons, there are rules that must be obeyed in accordance with the mechanism for imposing disciplinary punishment by every prisoner. obligations that must be obeyed by every prisoner according to the provisions of Article 3 of the Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning Prison Rules.

In fact, the law created by man has the purpose of creating a state of order, security and order. The obligations and prohibitions that must be obeyed by fostered citizens do not always guarantee that fostered citizens can obey applicable regulations and do not commit criminal acts again. Problems that often occur are caused by the fostered residents themselves, because in their implementation they commit many violations by looking for weaknesses or loopholes from officers. So that in nature, the implementation of the role of correctional officers has been running, it's just not optimal, especially in the field of security. In giving sanctions to prisoners who violate it has not given a deterrent effect to the prisoners themselves so that these violations are repeated again (Pradnyaswari, Saravistha, and Aristiawan 2023).

In fact, the construction carried out in prisons aims to realize the rights of fostered citizens or prisoners. With this right, every assisted citizen or prisoner must comply with the rules in the prison, so that it can be known that prisons have an important role in determining the success or failure of the application of prison regulations by prisoners while in prison.

As the author interviewed the prison officer, Mr. Heince, Head of Reporting and Order (Pelatatib), who stated that the cause of the problems faced by Merauke class IIB prison, because of the assisted residents themselves. Violations committed by assisted residents in Merauke Class IIB Prison are caused by misunderstandings between assisted residents with one another. This factor resulted in arguments between fellow prisoners, the misunderstanding was due to differences in thinking between one fostered citizen and another. In addition, another problem that often occurs is the incomprehension of fostered residents of the rules of order in prisons so that they think that what they do is not a prohibition or not an act that violates the order.

Disciplinary punishment is given when fostered citizens commit disciplinary violations. The disciplinary punishment that will be imposed must be commensurate with the disciplinary violation he committed and can be accepted by a sense of justice, to a prisoner who has been given a disciplinary sentence that is heavier than the disciplinary punishment that has been imposed on him (Santoso 2016). After knowing the violations committed by the fostered residents, disciplinary punishment can be imposed. The provision of disciplinary punishment is seen from the large and small violations committed by fostered residents. The imposition of sanctions on fostered citizens must pay attention to the level of light weight of a problem caused and must also see the effects or impacts that will arise if an action is carried out on fostered residents.

Research conducted at Merauke Class IIB Penitentiary can be found that from 2017-2021 there have been violations committed by 39 people who committed violations of order. These violations are listed in the table as follows:

**Table 1.** Number of Breaches Data

No.	Year	Violation Categories	Number of Violations
1	2017	Weight Level	3 People
2	2018	Weight Level	8 People
3	2019	Weight Level	3 People
4	2020	Weight Level	15 People
5	2021	Weight Level	10 People
Sum			39 People

Source: Merauke Class IIB Penitentiary, 2022.

Based on the results of the table above, violations with severe levels committed by assisted citizens in Merauke class IIB prison. Then minor category violations are not recorded in register F usually for minor offenses usually only given a reprimand or affidavit. Examples of minor violations are not carrying out worship, not dressing neatly, not cleaning themselves or not cutting hair. Offenses in the severe category are premeditated murder, molestation, running away, consuming methamphetamine-type narcotics, and drunkenness.

Severe category violations, based on the results of the author's interviews with fostered citizens with the initials OS, stated that violations of mistreatment of fellow fostered citizens, began because of communication problems where victims did not want to be reprimanded and invited fights. Fights could not be avoided which resulted in the death of the victim. Therefore, the security personnel immediately conducted a preliminary inspection as the basis for subsequent inspections. And because of his actions, the prison gave sanctions in the form of being transferred to the police station and serving a sentence of 9 months.

The implementation of disciplinary punishment in Merauke Class IIB Prison has gone quite well in principle but has not been fully implemented. The implementation of disciplinary punishment must be in accordance with the applicable procedure. The disciplinary punishment to be imposed must be commensurate with the disciplinary violation committed and acceptable to the sense of justice to the Correctional Facility Citizen who has been sentenced to discipline that is more severe than the disciplinary punishment that has been imposed on him (Barata, Ayu, and Faried 2023).

If the assisted citizen commits a violation in the minor level category, the prison officer will give a verbal warning and a statement letter will be made and if the assisted citizen commits a violation in the severe level category, a BAP (Minutes of Examination) will be carried out and then the TPP (Correctional Observer Team) will discuss the imposition of sanctions on the fostered citizen. Based on the TPP session in which the decision making more than half of the TPP session members approved and subsequently made minutes and imposed sanctions.

Violations committed by fostered citizens are recorded in register F, so it can affect the rights of fostered citizens in terms of granting remission, leave to visit family, parole leave, assimilation, leave before release, and parole. The offences recorded in register F are offences in the severe category such as the offences of distributing and consuming narcotics, carrying means of communication, and provoking causing disturbance of security and order.

According to the results of the author's analysis, disciplinary punishment for prisoners in Merauke Class IIB Prison has not been effective in accordance with the Regulation of the Minister of Law and Human Rights Number 6 of 2013. In the event of disciplinary punishment in Class IIB prison, Merauke still sees the effects and impacts caused if an action is taken against fostered citizens who commit violations.

### **3.2 Obstacles and efforts faced by Merauke Class IIB Prison in conducting guidance to overcome violations of discipline committed by assisted citizens in Merauke Class IIB Prison.**

#### **3.2.1. Obstacles faced by Merauke Class IIB Prison in conducting guidance to overcome violations of the Code of Conduct**

The development of fostered citizens is inseparable from dynamics, which aims to provide provisions for fostered citizens to live a better life after completing their sentence. Just as the term prison has undergone a change to correctional. The birth of the penitentiary was chosen in accordance with the vision and mission of the penitentiary, namely returning fostered citizens to the community. Activities in prisons are not just punishing or guarding fostered residents but include a coaching process so that fostered residents realize mistakes and improve themselves and do not make mistakes again.

Prison capacity or overload is also an obstacle faced by Merauke class IIB prison. There is excess capacity resulted inmates must be willing to share space with lots of people (Astuti, Mangku, and Yuliantini 2020). The capacity in Merauke Class IIB Prison is a maximum of 319 people, but in 2021 the assisted residents have exceeded the capacity of 368 people, this is usually the cause of frequent violations due to the lack of officers to maintain security and order in Merauke Class IIB Prison.

The situation faced by Merauke Class IIB Prison affects the process of social reintegration, and we can know that what is called an ideal thing is sometimes very far from reality. Because, Merauke Class IIB Prison is not equipped with adequate facilities and infrastructure, for example, there is no quiet cover room in Merauke Class IIB Prison, there is no exile room in Class IIB Prison. The isolation room has a category which cannot be far from the KPLP or Head of Security room and must be directly supervised by security officers.

The success of the implementation of the coaching program for fostered residents comes from the factor of the fostered citizens themselves who play a very important role. because, providing personality development can shape the attitudes and behavior of convicts for the better and try to show inmates that they still have productive potential (Saniastini and Surata 2018). Obstacles originating from fostered residents are:

a. No interest

The program provided is not in accordance with the abilities of each fostered citizen itself.

b. Self-disposition

The personalities of fostered citizens are different, making it difficult to be treated equally in carrying out coaching.

c. Lack of legal awareness.

Assisted residents do not understand all the rules in Merauke Class IIB Penitentiary, so fostered residents violate the rules of order.

d. Quality of coaching programs.

Coaching programs are creative and easy to do, so that they can have an impact as optimal learning for fostered residents.

### **3.2.2. Efforts to conduct coaching to overcome violations of discipline in Merauke Class IIB Prison.**

The implementation of disciplinary punishment is a manifestation of the guidance of Merauke Class IIB Prison for assisted citizens who commit violations of order, various efforts have been made by Merauke Class IIB Prison to overcome violations of discipline, this is so that there are no violations of discipline by providing guidance in the form of job guidance and work skills.

From the author's interview with Mr. Eko Supraitno, Registration Staff who stated that, there is a coaching program carried out by fostered residents as an effort to overcome violations of discipline. The coaching is carried out as follows:

1. Personality coaching.

a. Religious awareness development, namely activities in the form of worship activities to add about religion where these activities are carried out according to the schedule determined at Merauke Class IIB Prison.

b. National and State Development is a form of effort made by Merauke Class IIB Prison which aims to foster love for the homeland and a sense of nationalism of the nation's children.

c. Intellectual Ability Development is an effort to provide provisions to fostered residents so that they are not left behind with the progress that occurs in the outside world and so that they have provisions when they return to society.

2. Independence Coaching.

a. Skills that support independent enterprises, such as handicrafts and home industries;

b. Skills to support small industries, such as the management of raw goods from the agricultural sector from natural materials to finished materials;

c. Skills developed according to the talents of each prisoner;

d. Skills to support industrial enterprises.

The efforts made by Merauke Class IIB Prison are oral socialization from person to person room by room when carrying out night pickets, giving directions. For now, billboards are made to inform about the obligations and prohibitions to prisoners and prisoners. This is a form of effort made by Merauke Class IIB Prison to improve services for assisted citizens to know the laws or regulations in Merauke Class IIB Prison. In addition, a ceremony was held between assisted citizens and prison officers where there were promises of prisoners who were read in the field in the hope that there was a mindset of understanding that changed that they were people serving sentences and were expected to change so that they could be useful to society outside later.

## **4. Conclusion**

The implementation of disciplinary punishment must be in accordance with the applicable procedure. If the assisted citizen commits a violation in the minor level category, the prison officer will give a verbal warning and a statement letter will be made and if the assisted citizen commits a violation in the severe level category, a BAP (Minutes of Examination) will be carried out and then the TPP (Correctional Observer Team) will discuss the

imposition of sanctions on the fostered citizen. Based on the TPP session in which the decision making more than half of the TPP session members approved and subsequently made minutes and imposed sanctions. The prisoners faced by Class IIB prisons are not equipped with adequate facilities and infrastructure, factors from the residents and lack of personnel for Lapas officers. for example, there is no quiet room in Merauke Class IIB prison, there is no isolation room in Class IIB prison. So that disciplinary punishment in Merauke Class IIB Prison still sees the effects and impacts caused if an action is carried out against prisoners who commit violations and disciplinary punishment for prisoners in Merauke Class IIB Prison has not run effectively in accordance with the Regulation of the Minister of Law and Human Rights Number 6 of 2013.

The prisons faced by Class IIB prisons are not equipped with adequate facilities and infrastructure, factors from the residents and lack of personnel for Lapas officers. for example, there is no quiet room in Merauke Class IIB prison, there is no isolation room in Class IIB prison. The efforts made by Merauke Class IIB Prison are oral socialization from person-to-person room by room when carrying out night pickets, giving directions. For now, billboards are made to inform about the obligations and prohibitions to prisoners and prisoners. This is a form of effort made by Merauke Class IIB Prison to improve services to assisted citizens so that they know the laws or regulations in Merauke Class IIB Prison. The efforts made by Merauke Class IIB Prison are oral socialization from person-to-person room by room when carrying out night pickets, giving directions. For now, billboards are made to inform about the obligations and prohibitions to prisoners and prisoners. This is a form of effort made by Merauke Class IIB Prison to improve services to assisted citizens so that they know the laws or regulations in Merauke Class IIB Prison.

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