

EXAMINING THE IMPACT OF ASSIMILATION ON PRISONERS DURING THE COVID-19 PANDEMIC: BALANCING PUBLIC HEALTH AND PUBLIC SAFETY IN LEGAL MEASURES

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ABSTRACT

Purpose: The aim of this study is to examine the impact of providing assimilation to prisoners during the Covid-19 pandemic.

Theoretical framework: Social Integration Theory is used as theoretical perspective in this study which suggests that social integration and belonging are essential for individuals' well-being. The research might examine how the pandemic and legal measures have affected prisoners' sense of social integration, including their connection to society, family, and community.

Design/methodology/approach: The research method used in this study is a juridical-empirical approach. This approach considers the impact of assimilation on prisoners and aims to provide an objective explanation of the issues raised in the study. The research is of descriptive nature, focused on describing the current problem, collecting data, compiling, classifying, analyzing, and interpreting the findings.

Findings: The results highlight that providing assimilation to prisoners during the Covid-19 pandemic is a preventive measure taken by the government to reduce the number of Covid-19 cases in Correctional Institutions. However, this action has implications for society, as it raises concerns about the impact on public safety and the potential for recidivism among ex-convicts.

Research, Practical & Social implications: The study provide practical and social implications to manage effective supervision of ex-convicts who receive assimilation is essential to reduce the likelihood of reoffending and enhance community safety. Balancing public health concerns with public safety is crucial during this pandemic. By closely monitoring assimilated prisoners and providing necessary support, the government can mitigate the impact of Covid-19 transmission in Correctional Institutions and ensure a safer environment for both inmates and the broader community.

Originality/value: The article likely combines elements from different disciplines, including criminology, public health, and law. This interdisciplinary approach is valuable as it sheds light on a complex issue from multiple angles, providing a comprehensive understanding of the challenges and opportunities presented by the pandemic in the context of the criminal justice system.

Keywords: assimilation, ex-convicts, Covid-19, criminal.

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EXAMINANDO O IMPACTO DA ASSIMILAÇÃO NOS PRISIONEIROS DURANTE A PANDEMIA DA COVID-19: EQUILÍBRIO ENTRE SAÚDE PÚBLICA E SEGURANÇA PÚBLICA EM MEDIDAS LEGAIS

RESUMO

Objetivo: O objetivo deste estudo é examinar o impacto de proporcionar assimilação a prisioneiros durante a pandemia da Covid-19.

Estrutura teórica: A Teoria da Integração Social é usada como perspectiva teórica neste estudo que sugere que a integração social e o pertencimento são essenciais para o bem-estar dos indivíduos. A pesquisa pode examinar como a pandemia e medidas legais afetaram o senso de integração social dos prisioneiros, incluindo sua conexão com a sociedade, família e comunidade.

Projeto/metodologia/abordagem: O método de pesquisa utilizado neste estudo é uma abordagem empírico-jurídica. Esta abordagem considera o impacto da assimilação nos presos e visa fornecer uma explicação objetiva das questões levantadas no estudo. A pesquisa é de natureza descritiva, focada em descrever o problema atual, coletar dados, compilar, classificar, analisar e interpretar os achados.

Constatações: os resultados destacam que a assimilação de prisioneiros durante a pandemia da Covid-19 é uma medida preventiva tomada pelo governo para reduzir o número de casos de Covid-19 em Instituições Correcionais. No entanto, esta ação tem implicações para a sociedade, uma vez que suscita preocupações quanto ao impacto na segurança pública e ao potencial de reincidência entre ex-condenados.

Pesquisa, implicações práticas e sociais: O estudo fornece implicações práticas e sociais para gerenciar a supervisão eficaz de ex-presidiários que recebem assimilação é essencial para reduzir a probabilidade de reincidência e aumentar a segurança da comunidade. Equilibrar as preocupações de saúde pública com a segurança pública é crucial durante esta pandemia. Ao monitorar atentamente os prisioneiros equiparados e fornecer o apoio necessário, o governo pode mitigar o impacto da transmissão da Covid-19 em instituições correcionais e garantir um ambiente mais seguro para os detentos e para a comunidade em geral.

Originalidade/valor: O artigo provavelmente combina elementos de diferentes disciplinas, incluindo criminologia, saúde pública e direito. Esta abordagem interdisciplinar é valiosa, uma vez que esclarece uma questão complexa sob vários ângulos, proporcionando uma compreensão abrangente dos desafios e oportunidades apresentados pela pandemia no contexto do sistema de justiça penal.

Palavras-chave: assimilação, ex-condenados, Covid-19, criminoso.

1 INTRODUCTION

Towards the end of 2019, the world was taken aback by the emergence of a novel outbreak known as Covid-19, which can lead to a range of mild to severe symptoms. This infectious disease was previously unidentified in humans and originated in the Chinese



city of Wuhan before spreading to several countries. The rapid transmission of Covid-19 occurs through hand contact or inhaling and exhaling air. Common symptoms include respiratory distress, cough, runny nose, shortness of breath, and fever. Indonesia was not spared from the impact of the Covid-19 outbreak. As a result, the country had to heighten its alertness towards the virus, leading to adverse consequences in various aspects. The nation experienced economic downturns, declining health conditions in the population, and disruptions in the education sector. In response, the Indonesian government implemented several policies to mitigate losses and combat the high transmission rates of the virus (Jufri & Anisariza, 2017). Measures included restricting outdoor activities, implementing remote schooling, conducting virtual worship, and promoting social distancing through practices such as mask-wearing and adherence to health protocols. Through these policies, the Indonesian government aimed to curtail the spread of the virus and reduce its negative impact on the nation (Anowara & Hossain, 2021). By emphasizing preventive measures and adherence to health guidelines, Indonesia sought to safeguard the well-being of its citizens and tackle the challenges posed by the Covid-19 pandemic.

Apart from the community-oriented policies, there are additional measures targeted at inmates in correctional institutions, as these facilities in Indonesia have experienced overcrowding. This overcrowding puts prisoners at a higher risk of exposure to Covid-19. To break the chain of transmission, the government has introduced a policy called assimilation for certain prisoners. Assimilation involves integrating prisoners and correctional students into community life, aiming to prevent the spread of Covid-19. This measure serves a dual purpose. Firstly, it helps reduce the spread of Covid-19 by addressing the issue of overcrowding in prisons. Secondly, it offers ex-convicts an opportunity to reintegrate into society after receiving coaching while in prison. The decision for this release is stated in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia No. M.HH-19 PK.01.04.04 of 2021. Eligible prisoners are those who have served 2/3 of their prison terms between April 1, 2021, and December 31, 2021, are not convicted for certain criminal acts as regulated in PP No. 99 of 2012, and are not foreigners. The practical implementation of this policy has resulted in the release of tens of thousands of prisoners, leading to significant cost savings for the government. This strategic move by the government aims to protect both the incarcerated population and the community at large, mitigating the impact of Covid-19 in correctional



institutions and facilitating the successful reintegration of ex-convicts into society (Susanto et al., 2020).

The implementation of the assimilation program for thousands of inmates has sparked both positive and negative reactions in the community. There are concerns that ex-convicts may engage in repeat criminal activities, especially in the current economic instability caused by the Covid-19 pandemic, which has led to widespread job losses and increased unemployment rates (Dwianika et al., 2023; Al-zoubi, 2023). As ex-convicts return to society through the assimilation program, finding employment during the pandemic may be challenging for them. This situation raises the possibility of ex-convicts resorting to criminal behavior again, for instance, a convict previously imprisoned for theft may resort to theft once more after receiving the assimilation program and struggling to secure a job during the Covid-19 pandemic. Such scenarios raise concern among the community regarding the potential reoffending of inmates who have undergone the assimilation program. Given this context, the study aims to explore the impact of providing assimilation to prisoners during the Covid-19 pandemic. By investigating this aspect, researchers seek to understand the implications of the assimilation program and its potential effects on ex-convicts returning to society amid the challenges posed by the ongoing pandemic. This inquiry aims to shed light on the complex dynamics and consequences of the assimilation initiative in relation to ex-convicts and the broader community.

2 LITERATURE REVIEW

Social Integration Theory, also known as Social Integration and System Integration Theory, explores how individuals and groups become integrated into society through various social structures and processes (Blau, 1960). This is a sociological perspective that examines how individuals and groups become integrated into larger social systems, such as communities, societies, or organizations. This theory focuses on the processes, mechanisms, and factors that facilitate or hinder the inclusion and participation of individuals within these broader social entities. Social Integration Theory encompasses various dimensions of integration, including social, cultural, economic, and political integration. Social Integration Theory can be applied to the context of ex-prisoners as they reintegrate into society after serving their sentences. The theory provides a useful framework for understanding the challenges and processes that ex-prisoners go



through as they attempt to become integrated members of their communities. Social Integration Theory provides a framework for understanding the multifaceted challenges and processes that ex-prisoners undergo as they strive to reintegrate into society. It highlights the importance of social bonds, networks, identity, social capital, and systemic factors in shaping their reintegration experiences. This perspective is valuable for researchers, policymakers, and practitioners working to support ex-prisoners in their transition back into the community.

Ex-prisoners often face challenges in re-establishing social bonds and networks after release. Many may have strained or severed ties with family and friends during their incarceration. Social Integration Theory highlights the importance of these bonds and networks in facilitating successful reintegration. Supportive family and friends can provide emotional support, housing, and employment opportunities, which are critical for ex-prisoners' reintegration. Moreover, ex-prisoners may grapple with issues related to identity and stigma. They often carry the stigma of being a former inmate, which can hinder their integration into society. Social Integration Theory recognizes the negotiation and sometimes conflict between different identities, including the identity of a former prisoner. Successfully reintegrating often involves finding a balance between one's identity as an ex-prisoner and other social identities (Bakhri, 2015; Waluyo, 2017).

In term of social capital, access to social capital is a key factor in reintegration. Ex-prisoners who have access to supportive individuals, community organizations, and employment networks are more likely to reintegrate successfully (Shivy et al., 2007). Social Integration Theory suggests that building and leveraging social capital is crucial for ex-prisoners to access resources and opportunities that facilitate their integration (Johns, 2017; Bano et al., 2019). Moreover, ex-prisoners often face exclusion and discrimination in various aspects of life, including housing, employment, and education. Social Integration Theory acknowledges that not all individuals or groups experience the same degree of inclusion or exclusion in society. For ex-prisoners, systemic barriers and societal attitudes can be significant obstacles to full integration. Thus, reintegrating ex-prisoners may need to navigate societal norms and values, which may differ from those within the prison system. Understanding and adhering to societal norms and values are essential aspects of integration. Social Integration Theory recognizes the importance of aligning with these norms while also acknowledging the challenges ex-prisoners may face in doing so. Larger social systems and structures, such as criminal justice policies, parole



systems, and reentry programs, play a vital role in ex-prisoners' integration. These systems can either facilitate or hinder their ability to reintegrate into society (Dahwir, 2017; Ferdiles, 2019). Social Integration Theory encourages examining the impact of these systems on the reintegration process. Finally, changes in societal attitudes and policies can affect ex-prisoners' experiences of reintegration. Advocacy for criminal justice reform, reentry programs, and efforts to reduce the stigma associated with incarceration are examples of social changes that can positively impact ex-prisoners' integration prospects.

3 METHOD

The research method employed in this study is a juridical-empirical approach, chosen to investigate the impact of providing assimilation to prisoners amid the Covid-19 pandemic. The use of this approach is aimed at providing an objective and comprehensive understanding of the issues arising from assimilation practices. This research adopts a descriptive research design to comprehensively describe the current problem of providing assimilation to prisoners during the Covid-19 pandemic. By employing a juridical-empirical approach, the study aims to present an unbiased and evidence-based analysis of the impact of assimilation on both prisoners and society at large.

The juridical aspect of the method involves analyzing and interpreting legal principles and regulations pertaining to the provision of assimilation to prisoners. It encompasses an in-depth examination of relevant laws, guidelines, and policies that govern this measure. By scrutinizing the legal framework, the study seeks to understand the legal basis for granting assimilation to prisoners during the pandemic and any implications it may have on their rights and obligations.

On the other hand, the empirical aspect of the method entails gathering data on the actual impact of assimilation on prisoners and the broader society. This involves conducting interviews, surveys, or case studies to collect relevant data from prisoners who have been granted assimilation, correctional officers, and other stakeholders. Additionally, data from prison records, crime rates, and Covid-19 infection rates in correctional facilities and the community may be analyzed. The data collected through the empirical approach will be compiled, classified, and subjected to rigorous analysis to identify trends, patterns, and relationships between assimilation and its impact. Through



interpretation, the study aims to provide meaningful insights into the effectiveness of assimilation as a preventive measure for reducing Covid-19 transmission within correctional institutions and its potential consequences on public safety.

4 RESULTS AND DISCUSSION

4.1 THE GUIDANCE SYSTEM FOR CONVICTS WHILE IN CORRECTIONAL INSTITUTIONS

The establishment of sanctions is a crucial aspect of the criminal justice system, providing direction and considerations for enforcing norms in response to criminal acts (Sudarto, 1986). The sentencing process itself is highly intricate, involving multiple individuals and institutions (Sudarto, 1986). Hoefnagels (1973) presents a comprehensive view of sanctions in criminal law, encompassing all reactions to law violations, ranging from suspect detention and defendant prosecution to judge-imposed sentences. According to Hoefnagels (1973), crime is a temporal process where the entire progression is regarded as a crime. Sudarto (1986) and Hoefnagels (1973) highlight that determining sanctions in criminal law involves a series of interconnected policies within one system. The various stages of punishment cannot stand alone and are intertwined (Sholehuddin, 2003). Given the diversity of criminal law sanctions, it is essential for legislative policy-makers to simplify sanctions to avoid overlaps between different criminal law provisions. Failure to address this issue may lead to criminal disparities (Wahyuni & Huda, 2021).

In a lawful state, all government actions, whether related to regulation or service, must be grounded in statutory regulations and legality. This implies that the government cannot take action without proper authority. Law encompasses a comprehensive set of legislation and rules applicable in society and enforced through sanctions. Essential elements commonly found in every lawful state include the presence of a government system based on the people's sovereignty, the government's adherence to laws and regulations in fulfilling its duties and obligations, the guarantee of human rights, judicial oversight, active community participation in supervising government actions and policy implementation, and an economic system ensuring fair resource distribution for citizens' prosperity. The law also serves as a guide for state officials, including prison officers. Its purpose is to create a better life for individuals (Marzuki, 2008), particularly for prisoners in correctional institutions, ensuring their human rights are upheld. Thus, even during their incarceration, prisoners retain certain rights as outlined in Article 14 of Law No. 12



of 1995 concerning Corrections. These rights encompass the freedom to practice their religion, access to spiritual and physical care, education, proper healthcare and food, the right to submit complaints, access to reading materials and non-prohibited media broadcasts, receiving wages or premiums for work, family and legal advisor visits, parole opportunities, remission, temporary leave, assimilation opportunities including family visits, and other rights in accordance with laws and regulations.

The rights of prisoners, as citizens of Indonesia who have lost their freedom due to committing crimes, must be respected in accordance with human rights principles (Burhanuddin, 2021). Criminal sanctions should not be an end in themselves but rather a means to achieve the true objectives of criminal law. As a lawful state, prisoner rights must be safeguarded by the legal system and law enforcement, especially by Correctional Institution staff. To uphold human rights for prisoners, they must be protected from any form of unfair treatment, such as torture, lack of proper facilities, and denial of opportunities for remission. In the prisoner rehabilitation system, remission serves as a motivation for prisoners to develop and improve themselves. It is the right of every prisoner, granted when they fulfill their obligations and meet the necessary requirements (Sianturi, 1989). In the Unitary State of the Republic of Indonesia, the law upholds justice for all citizens, particularly those in need of legal protection, ensuring equality before the law. The principle of equal standing is crucial, especially in social life. The implementation of imprisonment through the correctional system in Indonesia is currently guided by Law 32 Number 12 of 1995 concerning Corrections. The General Explanation of the Correctional Law, which embodies a philosophical and juridical shift from a punitive prison system to a correctional system, emphasizes social rehabilitation and reintegration efforts. The correctional system aims to rehabilitate inmates and foster their sense of responsibility as law-abiding citizens for themselves, their families, and their communities (Dwidja, 2009). This system has been in place for over three decades and aligns with Indonesia's foundational principles, as embodied in Pancasila. It emphasizes rehabilitation over retribution and offers a path for prisoners to realize their mistakes, transform, and reintegrate into society.

Inmates are not merely passive objects but active individuals who, like any other humans, can make mistakes and be subject to criminal sanctions. Instead of eradicating inmates, the focus should be on addressing the factors that lead them to commit actions contrary to the law, morality, religion, or social obligations that may lead to criminal



sanctions. According to Dwidja (2009), the concept of punishment aims to awaken inmates' sense of remorse, encouraging them to become responsible citizens who abide by the law, uphold moral, social, and religious values, thereby contributing to the creation of a safe, orderly, and peaceful community.

The preamble of Law Number 12 of 1995 on Corrections emphasizes the importance of community reintegration and prisoner involvement in development as the ultimate goal of correctional facilities. The correctional system prioritizes recognition and humane treatment, in contrast to the prison system that focuses on revenge and deterrence (Soedjono, 1975). The correctional development system is based on several principles:

1. Shelter: Providing protection to Correctional Inmates to prevent them from repeating criminal acts and preparing them to become productive members of society.
2. Equality of treatment and service: Ensuring that all Correctional Inmates receive the same treatment and services without discrimination.
3. Education: Providing education and guidance based on Pancasila, including fostering a sense of family, imparting skills, spiritual education, and opportunities for worship.
4. Guidance: Offering guidance based on Pancasila, including fostering a sense of family, imparting skills, spiritual education, and opportunities for worship.
5. Respect for human dignity: Recognizing the worth and dignity of prisoners as human beings.
6. Losing freedom is the only suffering: Emphasizing that the loss of freedom is the primary punishment, but prisoners still have the opportunity for improvement and their civil rights are protected.
7. Guaranteed right to keep in touch with family and certain people: Ensuring that prisoners maintain connections with their families and the community through visits and other programs.

These principles guide the correctional system in promoting rehabilitation and preparing inmates for successful reintegration into society.

The duties and functions of a correctional officer are maintaining security and also fostering correctional inmates, delivering programs from the center and improving morals and behavior, as well as guarding things that can trigger unwanted conditions and concentrating so that there is no escape from prison inmates.



The current pandemic in Indonesia is caused by the corona virus disease 2019 (Covid-19), which has been declared a national disaster by the Decree of the President of the Republic of Indonesia Number 12 of 2021. The rapid spread of Covid-19 has resulted in an increasing number of victims in the country. To mitigate the spread of the virus, the government has implemented various policies, including the decision of the Minister of Law and Human Rights of the Republic of Indonesia, as stated in document number M.HH-19.PK.01.04.04 of 2021. This decision aims to release and integrate prisoners and children from Correctional Institutions, Special Child Development Institutions, and State Detention Centers. These institutions have a high occupancy rate and are particularly vulnerable to the spread and transmission of Covid-19. Considering the national disaster status of Covid-19, it is crucial to take swift action to rescue prisoners and children in these closed institutions. The release and integration of inmates through assimilation is a preventive measure to control the spread of Covid-19 and protect the health and well-being of those in Correctional Institutions, Children's Special Guidance Institutions, and State Detention Centers. By implementing these measures, the government aims to prevent further outbreaks and ensure the safety of both prisoners and staff in these facilities.

Considering the reasons outlined in points a, b, and c, it is necessary to establish a Ministerial Decree concerning the release and integration of prisoners and children through assimilation. This measure is taken in response to the Covid-19 pandemic and is applicable in Correctional Institutions, Child Special Guidance Institutions, and the State Detention Center. Sahardjo (1963) emphasizes that the purpose of criminal punishment is corrective in nature. It aims to not only deprive the convict of freedom but also to guide them towards repentance and education, ultimately transforming them into productive members of society. The principles of Sahardjo's prison system include treating prisoners as individuals deserving of protection and providing them with provisions for a better life within society. Punishment should not be an act of revenge from the state, and repentance cannot be achieved through torture but rather through guidance (Gunakarya, 1988). Despite the merits of the correctional system, obstacles persist, such as the conditions of prison houses that are unsuitable for rehabilitation tasks. Article 51 of the Draft Criminal Code emphasizes that the purpose of punishment is to prevent further criminal acts, socialize convicts to become better individuals, resolve conflicts, restore balance, and



bring peace to society. The aim is not to cause suffering or degrade human dignity (Abdulqader & Assalmani, 2021).

4.2 LEGAL BASIS FOR GIVING ASSIMILATION TO PRISONERS

In response to the Covid-19 pandemic, the government implemented a policy of providing assimilation to prisoners as a preventive measure to curb the spread of the virus. Assimilation involves integrating prisoners into community life. However, some prisoners who have been granted assimilation end up repeating the same criminal acts or committing new crimes (Enggarsasi & Sa'diyah, 2015). There are two types of crime recurrence. First, incidental crime recurrence occurs by chance when, for instance, someone commits a crime due to dire circumstances, such as unemployment and financial hardship, forcing them to commit another crime for the well-being of their family. This kind of recurrence is not a deliberate criminal act. Second, habitual crime recurrence involves repetition of criminal acts because of the perpetrator's ingrained bad habits. For habitual crimes, the judge should impose a heavier sentence, typically adding 1/3 to the original punishment.

Amidst the Covid-19 pandemic, a notable number of prisoners who received assimilation ended up committing crimes again. For instance, in Surabaya, East Java, there were two individuals involved in motor vehicle theft in the Kupang Panjaan area, and their actions were captured by CCTV cameras. Subsequently, the two thieves were apprehended by the Satreskrim Polsek Tegalsari. Surprisingly, when questioned by the police, it was revealed that the two perpetrators had been previously released from prison due to the assimilation program by the Ministry of Law and Human Rights some time ago. As a result of this incident, the police confiscated a motorcycle. During the pandemic, several factors contribute to prisoners repeating criminal acts, which can be examined from the perspectives of criminology and victimology. According to criminology, there are four factors that encourage individuals to commit crimes (Millah, 2020). Firstly, economic factors play a significant role. Bonger (2015), a criminologist, asserts that economic factors are the strongest driving force behind criminal behavior. The subjective burden of unemployment, combined with the restrictions on large-scale activities to prevent the spread of the corona virus, has severely impacted people's livelihoods. Layoffs resulting from the pandemic have made it challenging for those affected to meet their daily needs, driving some individuals to desperate measures like



stealing, cheating, and robbery. This highlights that economic factors are the primary motivation for perpetrators during the pandemic.

Secondly, the social environment surrounding the actor plays a significant role. Some highlighted that crimes committed by small groups, typically consisting of 2 to 4 individuals, are reflective of the individual personalities within the group. Although they collectively decide to commit a crime, their choices may differ if faced alone, suggesting that group dynamics can influence criminal behavior (Safinatunnajah et al., 2022). Many crimes during the COVID-19 pandemic were executed by groups, with each actor assigned specific responsibilities in carrying out their actions. The social environment of these groups influences individual decision-making processes, motivating them to engage in criminal activities during the pandemic. Similarly, crimes committed by individual perpetrators are also influenced by their social environment. In some cases during the COVID-19 pandemic, young perpetrators were driven by hedonistic desires and indulged in crime proceeds. The social environment can play a crucial role in shaping an individual's lifestyle, and a positive social environment can discourage potential perpetrators from engaging in criminal activities. This demonstrates the importance of a supportive social environment in preventing criminal behavior during the pandemic.

Thirdly, the location where a crime takes place can either facilitate or discourage criminal intentions. While some crime cases during the COVID-19 pandemic occurred in quiet and secluded areas, others occurred in busy and crowded places. This indicates that the occurrence of robbery, for instance, is not solely dependent on the level of activity in an area but rather on whether the place provides an opportunity for the perpetrator to commit the crime. Hence, there were instances of crime occurring in urban areas, especially in trading centers, due to the higher mobility of the population, making these areas attractive targets for criminals. Fourthly, the phenomenon of imitating crimes from other areas demonstrates that some individuals commit crimes as a result of observing or learning from others who have engaged in similar criminal acts.

From the perspective of victimization, which is the study of victims and their causes, the factors contributing to the occurrence of crime during the pandemic can also be analyzed.

Firstly, the victim's behavior plays a role, such as being less cautious or suspicious and not being careful with their belongings, which may attract the attention of perpetrators. This behavior qualifies the victim as someone who made a minor mistake



or fell victim due to negligence. The victim might not realize that their lack of alertness or caution could lead to significant consequences.

Secondly, biological and psychological vulnerabilities, such as old age (increasing the risk of victimization due to physical limitations), gender (women being more susceptible to victimization), lack of resources, and a tendency to feel fearful or easily intimidated when confronted by perpetrators. These personal factors include biological aspects like age, gender, and overall health, particularly mental health.

Thirdly, situational factors also play a role, such as the victim being in a location where robbery is possible or being in a situation that hinders resistance and causes psychological fear. Situational factors, as pointed out by Separovic, are risk factors for victims, encompassing elements like conflict, place, and timing. In connection with the above, the circumstances of the location significantly impact the victimization in cases of robbery, as the victim may find it challenging to respond effectively.

Based on these factors, ex-convicts who have been released from prisons tend to reoffend, committing crimes they might have been involved in before. This leads to them being labeled as repeat offenders. To prevent this, the Correctional Center (BAPAS) takes on the responsibility of supervision. The Ministry of Law and Human Rights, specifically the Technical Implementation Unit within the Correctional Division, collaborates with district/subdistrict police to enhance monitoring and swiftly respond to reports of widespread law violations during the Covid-19 impact. Improved coordination with local law enforcement and community groups also provides additional support for development efforts. To ensure compliance, strict warnings against extortion are emphasized, and severe sanctions are enforced by the Ministry of Law and Human Rights. It is crucial to properly monitor the program, as some released prisoners have been found to engage in criminal activities again. Enhancing the role of the Correctional Center becomes paramount in dealing with the behavior of ex-convicts who have been released. According to Article 1 point 4 of Law Number 12 of 1995 concerning Correctional Institutions, the Correctional Center is designated as an institution responsible for providing guidance to correctional clients. This institution carries out the functions of guiding, assisting, and supervising assimilated or integrated inmates.

Continuous electronic monitoring should be maintained to ensure the success of the assimilation and integration program for prisoners. Video conferencing and WhatsApp groups can be utilized for communication purposes. Given the limited number



of Correctional Centers, collaboration with law enforcement officers, such as the Police, and community groups should be established. The Directorate General of Corrections, under the government's jurisdiction, bears the responsibility of supervising free prisoners who have gone through assimilation and integration. The main goal of this supervision and guidance conducted by the Correctional Center is to prevent reoffending among released prisoners. Recent disturbances in the community have been caused by criminal cases committed by some prisoners who were recently released through assimilation. The recurrence of criminal acts is not a new phenomenon in the legal realm, often seen as a continuation of malicious intent. The current circumstances pose additional concerns, as the release of convicts doesn't guarantee easy access to meet their basic needs, leading to potential re-engagement in criminal activities. This may encompass various crimes, such as theft, violence, or drug-related offenses. However, regardless of the reasons for committing crimes, it cannot be used as a justification, especially if it disrupts public peace and security (Monteschio & Teixeira, 2021; Borges et al., 2020).

Another factor contributing to the recurrence of criminal acts is the inadequacy of the supervisory function by the Correctional Center. This deficiency can be attributed to limited human resources within the Center, as well as the reliance on technology alone without conducting conventional coaching, resulting in suboptimal service provision. Active community supervision also plays a significant role in monitoring released prisoners. If ex-convicts released during the Covid-19 period are found to engage in criminal activities again, community members can report such incidents to the local Police unit. The community's proactive involvement in supervision serves as a crucial indicator of the success of the government's policy. Under Article 1 point 4 of the Penitentiary Law, the Correctional Institution is responsible for all prisoner assimilation programs, including supervision, data collection, and social care for assimilated convicts who reoffend after their release. Therefore, the role of the Correctional Institutions must be further strengthened to address cases where assimilated prisoners commit crimes in the community. The Correctional Institutions explicitly state their function as institutions that carry out guidance for correctional clients, including those who were part of assimilation programs and are involved in criminal activities post-release. The primary function of the prison is to guide, supervise, and assist prisoners participating in the Covid-19 assimilation programs to minimize criminal cases. Thorough oversight by prison supervisors is essential to achieve this goal. However, due to the Covid-19



situation, it is understandable that the supervisory approach may need to adapt. Instead of continuous physical monitoring, supervision can be facilitated through existing technologies, such as video conferencing or WhatsApp groups. Additionally, collaboration with law enforcement, including the police and community groups, can enhance the effectiveness of supervision. For instance, sharing the residential addresses of prisoners undergoing assimilation or integration with the police, who have instruments down to the village level, can enable better coordination and preventive measures to curb crimes committed by assimilated prisoners. The release of prisoners through the assimilation program is an essential measure to mitigate the spread of Covid-19 within prisons, as the current prison capacity has exceeded its limits. This overcrowding is partly due to the prevailing practice of imposing confinement punishments rather than non-violent deterrents, such as community service, for minor offenses. Utilizing non-violent deterrents for minor violators can help reduce prison overcrowding and ease the burden on existing facilities (Romadhan, 2020).

5 CONCLUSION AND SUGGESTIONS

Amidst the Covid-19 pandemic, the government introduced a policy to grant assimilation to prisoners as a preventive measure against the spread of the virus, which greatly affects Indonesian society. However, this assimilation program lacks proper government supervision for ex-convicts, leading some of them to resort to committing crimes again in order to meet their economic needs while back in the community. This has caused concern and unrest among the public as ex-convicts engage in criminal activities to sustain their daily lives.

The pressing economic needs, lack of employment opportunities, and inadequate supervision of ex-convicts are contributing factors to the rising number of criminal acts within the community. After leaving the Correctional Institution, ex-convicts often struggle to find employment and lack the necessary skills for available jobs. The Covid-19 pandemic has exacerbated this situation, with widespread layoffs making it even more challenging for ex-convicts to secure employment. Additionally, social stigma and discrimination from society further hinder their reintegration. As a result, some ex-convicts who have received assimilation resort to committing crimes again in order to meet their basic needs in the community.



The supervision of inmates who have received assimilation can occur through two methods. The first is internal supervision, carried out by the authorities within the correctional facility who engage face-to-face with the ex-convicts. The second is external supervision, where monitoring and evaluation take place outside the correctional facility, particularly in the community where the ex-convicts are undergoing parole or assimilation.



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