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Optimalization for the Development of Ex-Convicts Related to Human Rights in Recidivistic Prevention Measures

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ABSTRACT--Ex-convicts are ex-convicts who have lost independence and guidance in prison. The existence of ex-convicts in the community often causes trauma to ex-convicts because the community still has a negative view of it. This condition is one of the causes of ex-convicts to repeat criminal acts (recidivists). Public rejection of the existence of ex-convicts became the basis of this research. The purpose of this study is to optimize the development of ex-convicts in Indonesia in efforts to prevent recidivists. Method This study uses a doctrinal approach and non-doctrinal approach using primary data and secondary data. Data collection to support each other with library studies, observations and interviews. The results of the analysis are presented in a descriptive qualitative manner. This research specifically discusses and intends to reveal the optimization of the development of ex-convicts based on Human Rights that is different from the Guidance in prison and the prospects of guiding prisoners in the future. with the optimization in the formation of ex-convicts and the successful integration in a healthy manner with the community and the loss of the label "ex-convicts" they have the freedom to live their lives with the belief that they are human beings with the same rights and obligations and prevention of recidivists can be realized, so that the contribution of fostering ex-convicts can be realized. in line with the purpose of correctional pursuant to Law No. 12 of

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I. INTRODUCTION

The Penitentiary System is a guidance system using an approach that is centered on the potential that exists in prisoners and the community, so that the community is involved in fostering and integrating prisoners in the community and is called the "Community Builder". The penitentiary system for inmates was carried out from the examination process by the investigator to the guidance in the correctional institution. Coaching in correctional institutions is central to achieving the success of that coaching. Good and successful coaching is continued by obtaining "rehabilitation", and finally the community can accept it again.

In practice there are still many assumptions from the community that the situation inside the prison walls is a high school of crime. This assumption has a point, because it is still supported by many cases of recurrent criminals (recidivists), so that the negative impression of the prison has enough reason. Formally the prison process

as a method of fostering inmates has been in effect since 1965. Since then the treatment of prisoners from the prison system has been replaced with the prison system. The purpose of applying the method as a guide and at the same time as a basis for the supervisors in carrying out their duties.

The purpose of correcting is that prisoners after getting guidance are beneficial to themselves and also useful for the community and the state in the sense of being able to achieve their life goals as members of the community and at the same time abide by the norms that live in the community, there is a need for adequate supervisory officers both the quantity and quality must also be supported by adequate building facilities, neat organizational structure, and must also be supported by the work of all elements involved in the practice of fostering prisoners. Based on this fact, even though a prisoner has obtained a decision about himself from the Correctional Officer by granting him a status of parole or assimilation including family visit leave, this condition does not guarantee that the ex-convict will be accepted in the community. Rasmussen (1996) has shown that inmates not only suffer public penalties but also economic and social stigma. [1]

"Labeling process" that develops in the community towards inmates and ex-convicts on the one hand and the Government's desire to implement a penal system will be hampered because of community factors that have a negative opinion for the formation process of the behavior of prisoners and ex-convicts. The situation is also a reality for prisoners in the context of going through a coaching process or for ex-prisoners in the framework of the process of returning to life in their original community before being convicted. Although it is also possible that people's views of prisoners and ex-prisoners are not the same in all walks of life and for all deviant behavior, negative traits will always remain. Furthermore, it is also said that someone who behaves in a deviant manner does not have to be related or relevant to the effect of labeling, but on the other hand certain cases of a fact that someone experiencing the process of labeling through a legal procedure will be able to have greater adverse consequences than through a procedure illegal. This is proven by the existence of a provision for those who want to apply for work must be accompanied by a letter of

good conduct from the police, especially for prospective civil servants. The situation will result in feelings of injustice from the treatment of the community of ex-convicts who want to participate in development and become good citizens. Even worse, these conditions indirectly provide certain labels that are difficult to fade for and in the life journey of an ex-convict. A life-time label for having once committed a crime is an unnecessary and harmful discrimination that promotes recidivism and denies employment opportunity. [2]

The attitude of the community towards ex-convicts starts from their view of the correctional institution so that indirectly community members have the same view / attitude towards the prisoners in the correctional institution. Thus if prisoners are free and reintegrated into society, they will continue to be considered criminals, their presence will be ostracized, ridiculed, set aside in relationships or in other social activities. Given these things, the psychological effects on ex-convicts themselves are enormous, and because they feel isolated and so on they will become inferior so as to enable them to make the decision to return to their original profession.

The approach that can effectively prevent and cope with recidivists is to create a coaching environment that is a reflection of the general community environment by prioritizing a coaching approach (treatment approach) with a level of security that is adjusted to the coaching needs proportionally. All possible stakeholders - former convicts, close people of former convicts (parents, spouses, partners), specialists-consultants (psychologists, social workers), specialists of correction inspectorate, citizens and employers - were questioned. [3] Because of the increase and decrease rates, recidivists are also influenced by environmental factors that develop in society. In this research, the foundation of the problem is: How is the optimization of ex-convicts guidance related to human rights in efforts to prevent recidivists?

II. RESEARCH METHOD

This research method is an Empirical juridical using the doctrinal and non-doctrinal approaches and uses primary and secondary data. Data collection to support each other with library studies, observations and interviews. The results of the analysis are presented in a descriptive qualitative manner. This research specifically discusses and intends to reveal the optimization of the development of ex-convicts based on Human Rights that is different from the Guidance in prison and the prospects of guiding prisoners in the future.

III. FINDINGS AND DISCUSSION

Ex-convicts are Indonesian citizens who deserve the same treatment as other citizens even though they have violated the law that has served their sentence in a prison. As citizens, of course, they are also entitled to the protection of their human rights as regulated in Law Number 39 of 1999 concerning Human Rights and in article 3 paragraph (2) states that everyone has the right to

recognition, guarantee, protection and fair legal treatment, and obtain legal certainty and equal treatment before the law. The fact is that ex-convicts never received such treatment, and even received the title as second-class citizens, this is a trigger for ex-convicts to do evil again. Criminal-careers researchers have also been concerned with the extent to which offenders specialize or are versatile in their criminal activity. Increasingly, the weight of empirical evidence indicates that most offenders are versatile rather than specialized in their criminal behavior. [4]

For the community to realize the penal system is also burdened with obligations as regulated in Article 1 number 2 also article 2. Law No. 12 of 1995 concerning Corrections, but the existence of the regulation does not guarantee "protection of human rights" while for the government in accordance with the mandate of Law Number 39 of 1999 concerning Human Rights which articles 71 to 72 have obligations and responsibilities to respect, protect, force and advance human rights including effective implementation steps in the fields of law, politics, economics, social, culture, national defense and other fields.

The behavior of ex-convicts is strongly influenced by the quality and characteristics of the behavior of other people or groups, and indeed this is the "law of action-reaction" of a behavior. Based on the results of a study of 25 respondents who had undergone coaching in a penitentiary stated that most (18 respondents) had never experienced the coaching stage according to the Directorate General of Corrections letter No. KP/10/13/3/1 of 1965 concerning correctional as a process of fostering which contains 4 stages. What they feel is a crime in accordance with the length of the criminal served with reduced remission each year, undergoing routine activities such as waking up in the morning, bathing, eating, working late in the evening and sleeping at night with no hope other than being visited by his family. For others (7 respondents) have experienced one of the stages of development that is in accordance with their expertise, for example as a carpenter or a builder. They are employed according to their expertise, it do not fully undergo these stages of formation. Prevention of further crime among persons who have been punished by law, above all those who have been incarcerated, is regarded in Soviet criminology as one of the central links in the struggle against criminal behavior. [5]

Regarding its influence on the behavior of ex-convicts, most of them stated that there was no influence and instead they felt that there was a burden on them in the form of a negative public opinion of him, and for some who felt there was an influence, because they were more skilled as carpenters or builders so they could work again, even though they did not return to the original community before entering prison.

Optimizing Guidance in a foundation in Indonesia for ex-convicts in accordance with its purpose is to give encouragement to ex-convicts so that they can return to the community and prevent recidivists. Guidance

of ex-convicts at a foundation in Indonesia not only provides shelter or gives identification cards, but is made as much as possible to direct them to a better level of life, for example by providing knowledge about skills for those who already have basic skills, channeling their energy to institutions that require, or send them as transmigrants. In order to enable them make attitudinal and behavioral changes, and become law abiding, peaceful and productive citizens. In order to achieve this objective, they engage inmates in various technical and vocational training aimed at equipping them with adequate skills to become self-reliant, useful to the community and avoid reoffending once through with their penitentiary terms. [6]

In terms of skills generally associated with business activities, such as making creolin, raising fish, raising pigs, carpentry and building, so that besides being able to provide a source of income for residents, taught a foundation that holds ex-convicts. Then the Foundation can also obtain funds to finance its activities.

Mental guidance is carried out through collaboration with religious offices in the form of giving lectures, especially carried out during religious ritual activities in question. In addition, usually the trustees of the foundation that accommodate ex-convicts themselves immediately intervene to develop them in a distinctive form, as told that: They are actually ordinary people who can distinguish good from bad, but many things that cause criminal events involving them. Whatever they have done actually they want to get back on the right path, just maybe not understand the way. Therefore, treat them as humans, forget that they have committed a crime so that they are aware and feel needed, feel privileged. That is the concept used in fostering ex-convicts.

Understanding and analysis of the behavior of ex-convicts must be placed in the interactionist point of view of a particular social situation, so as to produce a contextual analysis, the contextuality of this behavior is the result of the social situation in which the behavior occurs where circumstances always tend to change. Therefore, the behavior of ex-convicts must be understood as a performance of certain social situations. Thus, it is necessary to first analyze the context of the behavior. Understanding the context of ex-convicts' behavior will make it easier to know what, why, when, and where a certain behavior is carried out by ex-convicts, so it will be easy to draw conclusive conclusions of analysis. Behavior (ex-convict) is located in the context of "SPEAKING", as an acronym from the setting / place, the parties to the purpose of the action, the party who took the initiative first, the means used, the rules used, and the type of action.

Goffman and Blumer stressed that people will not respond to other people directly, but instead people will respond to other people according to "how they imagine that person". [7] Thus, a person creates reality about other people in his own mind, then he reacts to the reality he has built. The meaning given by one party to another party has a specific / specific meaning, which may be different from that given by other parties again.

The results showed that before ex-convicts received guidance at a foundation that accommodates ex-convicts, the community looked at it by giving a negative meaning, as a party that could cause them to experience life degradation because their existence was not accepted in the community, and this led to former behaviors inmates who sometimes "fight". After receiving guidance, the community sees ex-convicts by giving positive meanings, as a party can cause them to get a decent life because their existence is equal to other citizens, and this raises the behavior of ex-convicts who sometimes "compromise".

The first goal of ex-convicts after leaving prison is to return to live with the family they once abandoned and receive appropriate treatment as humans live in society. This goal influences ex-convicts to use methods and means that are considered capable of achieving them.

Facing negative community reactions to existing actions, ex-convicts actively try in a variety of ways and means, for example: working according to their abilities, following organizations and activities in the community. All of this was done with the intention that the community's reaction to him would change or at least they would have the opportunity to show that ex-convicts were not always people who always violated the law. And unique, after ex-convicts did not succeed in assimilating with the community, they still tried to become citizens in a foundation that accommodates ex-convicts, and in that place ex-convicts were instead given roles with quite heavy responsibilities, for example as the head of a group of prostitute women security chief and so on. This role needs a big responsibility because the success of ex-convicts playing a role will affect people's trust in the existence of the foundation. Because of that it can change the reaction of the community to the former negative convicts to a positive reaction.

IV. CONCLUSION

Optimization of prisoners' training in Penitentiary seems to have not met the target set out, it is necessary to include the role of the community, because the implementation of prisoners' training in prison cannot be said to be successful if the community cannot accept the presence of ex-convicts in their environment: with the existence of a foundation that accommodates former prisoners convicts can then show success in fostering residents around them to be able to respect each other, even though all come from ex-convicts who have been referred to as ulcers / community rubbish 'so that with optimal guidance given to ex-convicts and in accordance with human rights and can be reclaimed ex-convicts in the community then this can be an effort to prevent recidivists.

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