



## THE IMPLEMENTATION OF SOCIAL WORK ASSIMILATION FOR PRISONERS

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### Abstract

This research explaining what the basic idea of the non-legal the need for the assimilation of the Indonesian social work, explains how the implementation of assimilation for social work convicts in Indonesia. This study adopted qualitative approaches and the kind of research juridical sociological perspective. Research focus is the basic idea of the non-legal the need for the assimilation of the Indonesian social work, how the implementation of assimilation for social work convicts in Indonesia. The source of the data used was primary and secondary data, data collection technique interviews and the literature study. The results of the study are the basic idea of the non-legal assimilation work society is coaching the assimilation of social work required for the inmate so that they will if can be brought in again by the community. This is in accordance with the purpose of criminal justice namely the theory which joint criminal the only but not the social work. The implementation of the assimilation of social work is in accordance with the applicable regulation. The factor that hinder from this research are rules that were not clear in tehnisnya regulate matters of the implementation of the assimilation of social work. Drawing conclusions of the study are the basic idea of the non-legal assimilation society is the work for the establishment of a convict so that they will not excommunicated if free the people and not repeat the appalling crimes he committed. The implementation of assimilation for social work convicts across Indonesia in accordance with The Minister of Law and Human Rights of the Republic of Indonesia Number 3 Year 2018

**Keyword:** Assimilation Social Work; Convicts

## INTRODUCTION

Indonesia as a country that upholds the law always bases it on every aspect of life. Law in Indonesia itself has governed many aspects of life, namely in the social, economic, cultural, political, and so on. This is regulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that the state of Indonesia

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is a state of law. Therefore, Indonesia is a country based on law compared to power.

Criminal is closely related to the punishment given by the authorities to someone who is guilty where the nature is painful and unpleasant. Parts of criminal punishment or imprisonment are important because judges' decisions in a criminal proceeding result in a person being found guilty or innocent.

Philosophically, correctional is a criminal system that has moved far away from the philosophy of retributive, deterrence and resocialization. In other words, punishment is not intended to make suffering as a form of retaliation, it is not intended to make a deterrent with suffering, and also does not assume the convict as someone who lacks socialization. Penitentiary is in line with the philosophy of social reintegration which assumes crime is a conflict that occurs between the convict and the community. So that punishment is intended to restore conflict or also reunite the convict with the community or reintegration (Direktorat Jenderal Pemasyarakatan, 2009)

The definition of Correctional Institution in Article 1 number 3 of Law No. 12 of 1995 concerning Correctional Facilities, is a place to carry out the formation of prisoners and correctional proteges. Then it can be seen that Indonesia as a rule of law in the application of penalties for prisoners uses a penal system. In Article 2 of Law No. 12 of 1995, the function of the penal system is to prepare prisoners to be able to integrate in a healthy manner with the community, so that they can play their role again as free and responsible members of society. The implementation of the duties and functions of correctional tasks must be based on the applicable legal rules, so that the fulfillment and protection of human rights can be realized. In accordance with the penitentiary system, when a prisoner is in a Penitentiary, they should receive guidance. One form of guidance to prisoners is assimilation guidance.

Assimilation is not much discussed in academia or in general in society, so it is not uncommon for many parties to not know what assimilation is and how assimilation is. The ultimate goal of convicting prisoners in the assimilation stage is so that prisoners can be well received in the community, returning the prisoners to their nature in relation to God, relationships with other individuals and humans, and their relationship with the community. Prisoners who have returned to the community usually have negative impacts in the socialization process. Based on this, the formulation of the problem is what are the basic ideas underlying the need for assimilation of social work and how to implement social work assimilation for prisoners in Indonesia.

## RESEARCH METHOD

The research method used is qualitative. This type of research uses empirical juridical study of the applicable legal provisions and what happens in reality in society (Waluyo, 2002). Source of data taken is done in 2 ways, namely primary data and secondary data. Primary data uses interviews, while secondary data uses related legislation, international journals, national journals, books, and previous research. From the data then processed So in this study obtained from the speakers then the data is focused on the subject matter of the study. Withdrawing Conclusions, is the final step in data analysis. Data that have been obtained during research are then presented in the form of information-information that has been selected according to the needs in the study. After the research gets the data related to the implementation of social work assimilation for prisoners, then the data is described in the form of inmates discussion.

## FINDING AND DISCUSSION

### Basic Idea Needs to Assimilate Social Work for Prisoners

Assimilation is efforts to reduce differences between individuals and community groups. If the individual has carried out assimilation of certain groups of people, then the individuals and groups will fuse. The assimilation can be carried out by carrying out activities that are directly related to the community, for example as prison guards, providing medical experience in the health sector, etc., so that before prisoners are released, they are obliged to conduct assimilation so that these concerns disappear and are again accepted by the community. The aim of fostering assimilation is to prepare Prisoners to be able to integrate in a healthy manner with the community so that they can re-act as free and responsible members of society.

The Big Indonesian Dictionary or KBBI states that assimilation is an adjustment of the original nature of the environment (Tim Penyusun Kamus Pusat Pembinaan dan Pengembangan Bahasa, 2005). This assimilation is guaranteed by Article 14 letter j of the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections regarding prisoners' rights stated that prisoners have the right to get assimilation opportunities including leave to visit family. A journal titled states that coaching is the right of the prisoner. It is recommended for Corrections to pay attention to these matters (Welta, Onanda, 2017).

Assimilation of social work can be analyzed using the goal theory of punishment. Criminal theory is divided into 3 theories namely absolute theory, relative theory, and combined theory. However, among the three theories that best fit the theme of this thesis is a combined theory or modern theory that the goal of punishment is plural, because it combines relative (objective) and absolute (retaliatory) principles as a single unit. This theory has a double character, in which punishment contains the character of retaliation insofar as punishment is seen as a moral critique in answering wrong actions. While the purpose of the character lies in the idea that the aim of moral criticism is a reform or change in the behavior of convicts later on. This theory was introduced by Prins, Van Hammel, Van List with the following views:

1. The most important purpose of crime is to eradicate crime as a symptom of society.
2. Criminal law and criminal law must pay attention to the results of anthropological and sociological studies.
3. Criminal is one of the most effective that can be used by the government to eradicate crime. Criminal is not the only means, therefore the criminal must not be used alone but must be used in combination with his social efforts (Prakoso, 1988).

From the above view shows that this theory requires that punishment is in addition to providing physical suffering as well as psychology and most importantly is to provide punishment and education. The purpose of assimilation guidance is also conveyed by a journal entitled "Community Based Corrections (Community Based Corrections) Model in the Criminal Justice System" which states that guidance that involves the community, is more familial, with minimum security and without iron bars and iron walls. The concept is implemented by applying the concept of open prison which is expected to be able to change the behavior of prisoners through interaction with the value system prevailing in society. This is useful for restoring relations between prisoners and the community (Hamja, 2015).

According to Barda Nawawi Arief, efforts to tackle crime are essentially efforts to

protect and achieve community welfare (Masyhar, 2008). Therefore social assimilation is done so that prisoners do not repeat their actions back to the community so that community welfare will be achieved.

According to the theory of Van Hammel and Van List as well as the purpose of assimilation from the above journals it can be seen that the Penitentiary has the aim to eradicate crime and be most effective. However, crimes should not be used alone, but there is a need for coaching assimilation to the community. The reason for fostering assimilation is that the community does not isolate prisoners who have been perpetrators of crime and vice versa that prisoners will not be inferior will be ostracized by the community if they are free from correctional institutions. Assimilation of social work is assimilation carried out by prisoners to provide services to the community without being paid. So assimilation of social work must be directly involved in the midst of society. Therefore it is necessary to assimilate social work to be held in every correctional institution in Indonesia.

When viewed from the goal of punishment, the present era is no longer a mere criminal deterrent, but must also recover and be able to become a normal human again (Maskur, 2018).

### **Implementation of Social Work Assimilation for Prisoners in Indonesia**

The implementation of assimilation has been regulated in Article 62 and Article 64 of the Republic of Indonesia Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for Granting Remembrance, Assimilation, Family Visit Leave, Parole Release, Leave Towards Freedom, and Leave of Conditional which states that Assimilation for Prisoners and Children can be carried out in the form of:

- a. educational activities;
- b. skill training;
- c. social work activities; and
- d. other coaching in the community environment.
- e. Assimilation can also be carried out independently and/or in collaboration with third parties.
- f. Assimilation can be carried out at the Open Field.
- g. Prisoners and Children who are carrying out assimilation outside the Prison/LPKA carried out for a maximum period of 9 (nine) hours a day, including time in travel.
- h. Assimilation should not be carried out on Sundays or national holiday.
- i. The Head of Prison/LPKA is responsible for the security of the assimilation.

Article 66 Regulation of the Minister of Law and Human Rights Republic of Indonesia Number 3 of 2018 concerning Requirements and Procedures for Granting Remembrance, Assimilation, Family Visit Leave, Conditional Release, Leave Towards Freedom, and Conditional Leave states that the implementation of assimilation is carried out in the form of social work on social institutions for prisoners and criminal acts of terrorism, narcotics and corruption, psychology, psychology, corruption, psychology, psychology, corruption crimes against state security and other organized transnational crime. Social institutions are government institutions or institutions formed by the community that is engaged in:

- a. religion;
- b. agriculture;
- c. education and culture
- d. health;
- e. humanity;
- f. cleanliness; and
- g. which is oriented to provide services to the community/humanity

According to Article 44 paragraph (1), (2), and (3) Regulation of the Minister of Law and Human Rights Number 3 of 2018 concerning Requirements and Procedures, Provision of Remission, Assimilation, Family Visit Leave, Parole, Free Leave, and Conditional Leave are regulated on the terms and procedures for granting assimilation, as follows:

1. Good behavior is proven by not undergoing disciplinary action within the last 6 (six) months. For convicts of special criminal offenses not undergoing disciplinary action within the past 9 (nine) months
2. Actively follows the coaching program well.
3. Has served 1/2 (one half) of the criminal period. For prisoners, special criminal offenses have served 2/3 (two thirds) of the criminal period with the shortest 9 (nine) months.
4. For convicts of terrorism offenses have the requirement to have participated in the Deradicalization Program organized by the Correctional Institution and/or the National Counter Terrorism Institution and declare a written pledge on the loyalty of the Unitary Republic of Indonesia and not repeat their actions for foreign prisoners.
5. For convicts of criminal acts of corruption must meet the requirements after paying a fine and/or substitute money in accordance with the judgment of the court.

Other assimilation requirements are regulated in Article 45 and Article 46 of the Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for Granting Remembrance, Assimilation, Family Visit Leave, Conditional Release, Leave Towards Freedom, and Conditional Leave as follows:

- a. photocopy of the decision of the judge and the proceedings of the decision of the court;
- b. proof of payment of fines and compensation in accordance with the judgment of the court;
- c. development progress report signed by the Head of Penal Institution;
- d. community research reports made by the Community Guidance that are known by the Head of Bapas (Penal Institution);
- e. a copy of the registry of the Head of Penal Institution;
- f. copy of registration changes from the Head of Penal Institution;
- g. a statement from the Prisoner that s/he will not escape and does not violate the law;
- h. a guarantee letter of ability from the family, or guardian, or social agency, or government agency, or private agency, or foundation
- i. For Prisoners who commit acts of terrorism, in addition to having to complete a certificate of documents, they have followed the Deradicalization Program of the Head of Community Institution and/or Head of the National Counter Terrorism Institution.
- j. For Prisoners who carry out acts of corruption in addition to having to

complete a document of complaint after paying the legal payment and/or substituting money in accordance with the court's decision.

Article 56-61 of the Republic of Indonesia Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for Granting Remissions, Assimilation, Family Visit Leave, Conditional Release, Leave Towards Freedom, and Conditional Leave can be known that

- 1) Correctional staff registers Prisoners who will be proposed assimilation.
- 2) Data collection is carried out on the requirements for providing a detailed and complete document.
- 3) Completeness of documents must be requested after 7 (seven) days prisoners are in prison
- 4) The completeness of the documents must be fulfilled at most 1/3 (one third) of the criminal period since the prisoner was in prison
- 5) prison correctional observer team recommends the provision of assimilation for prisoners and head of mind based on the data of prisoners who have fulfilled the requirements.
- 6) In the case of the head of approval of the proposal for the assimilation, the head of the prison shall submit the proposal for the assimilation to the Director General with a copy to the head of the regional office.
- 7) The regional authority shall verify the carbon copy of the provision of assimilation for the longest 3 (three) days counted from the date of the end of the assimilation received from the head of the prison.
- 8) Verification results are submitted by the regional office head to the director general.
- 9) The Director General conducts verification of the most long-standing assimilation<sup>15</sup> (fifteen) days counted from the date of the assimilation proposal received from the prison head.
- 10) In the case of verification based on the verification of the proposal for the assimilation of the assimilation, the director general returns the proposal of assimilation to the head of the prison to be corrected with a blow to the head of the regional office.
- 11) The Head shall be obliged to correct the proposal for giving the most long-standing assimilation 3 (three) days from the date the return of the assimilation was received.
- 12) The results of the overhaul of the retrieval of the report will be conveyed back by the head of the prison to the director general to obtain agreement with the head of the regional office.
- 13) In the event that the director general approves the proposal for the assimilation based on the recommendations of the central correctional observer team, the director general sends the results of the exemption of the minister to obtain approval of the decision on the assimilation.
- 14) In the event that the minister gives his approval, the director-general on behalf of the minister establishes the decision on the provision of assimilation.
- 15) Decisions on the granting of decisions are made after obtaining written recommendations from the ministries and/or leaders of the relevant agencies.
- 16) In the event that the minister and/or the leadership of the agency do not submit recommendations for the assimilation of the longest 12 (twelve) days from the date of the submission of the recommendation from the minister,

the assimilation continues.

- 17) The decision to provide a summary of the decision is conveyed to the head of mind to be notified to the prisoners with a copy to the head of the regional office.
- 18) Decree on the award of imprints is printed on the floor with the electronic signature of the director general on behalf of the minister.

Before assimilation is given, there are requirements and procedures that must be met in accordance with the assimilation requirements stipulated in Article 44, Article 45, Article 46 and procedures that must be fulfilled in Article 56-61 of the Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for the Granting of Remarks , Assimilation, Family Visit Leave, Conditional Release, Leave Towards Free, and Conditional Leave. This social work assimilation has been in effect since the Minister of Law and Human Rights Regulation No. 21 of 2013 concerning Terms and Procedures for Granting Remissions, Assimilation, Leave for Family Visit, Conditional Leave, Social Work Assimilation has been in effect since the Minister of Law and Human Rights Regulation No. 21/2013 entered into force in 2013. The length of time required to undergo assimilation for prisoners depends on the remaining criminal period that the prisoner is serving. Assimilation of social work is only intended for prisoners for specific criminal acts. The assimilation of social work is carried out twice a week and a maximum of 6 hours is calculated from the discharge of prisoners leaving Class I Penitentiary in Semarang to the entry of prisoners to Class I Penitentiary Semarang. Usually prisoners begin to carry out social work assimilation at 09.00-15.00 WIB. The number of prisoners who undergo social work assimilation are in the following table:

NO	YEAR	TOTAL
1	January-December 2017	37 people
2	January-February 2018	12 people

Source: Assimilation data of Social work of Binkemas of Class I Penitentiary Semarang

The implementation of social work assimilation at the Semarang Indonesian Muslim Education Foundation was carried out starting around 2016. The foundation is a passive party so it only accepts decisions from the Ministry of Law and Human Rights of the Central Java Regional Office as the designated place for the implementation of social work assimilation. For the period of time required for the implementation of social work assimilation is determined from the decision of the Ministry of Law and Human Rights Regional Office of Central Java. Assimilation activities carried out by inmates at the Indonesian Muslim Education Foundation in Semarang are providing computer training for students, conducting counseling about teaching and learning activities, maintaining the school library.

One inmate who was carrying out social work assimilation at the foundation one of them was named Mr Mulat Setiyadi. The time needed for him to undergo social work assimilation for 7 months is from January 23, 2018 to August 26, 2018. Mr. Mulat became an English teacher of junior high school children and helped the foundation in administrative matters. The assimilation of social work is carried out every Tuesday and Saturday at 9.00 WIB until 16.00 WIB. The requirements that must be fulfilled by Mr Mulat to undergo social work assimilation are:

1. Finalized payment. With determined decision, Mr. Mulat was not given any

- replacement money.
2. Has received a decree to carry out assimilation from the Ministry of Law and Human Rights.
  3. Already received SK Decree Parole.

### **Constraints on the Implementation of Assimilation of Social Work for Prisoners**

Factors that hamper the implementation of social work assimilation are

1. Limited number of correctional officers. This is due to the lack of personnel in the institution to deliver and oversee the course of the assimilation of social work so that the implementation of the assimilation should be carried out in full with the rest of the criminal period but can only be done twice a week and it is done irregularly due to personnel limitations.
2. Accommodation/ budget is not determined by Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for Granting Remissions, Assimilation, Family Visit Leave, Conditional Release, Leave Towards Freedom, and Conditional Leave. The accommodation can be in the form of travel accommodations from the penitentiary to the foundation or vice versa so that to overcome this the costs are taken from the penitentiary's own treasury.
3. Semarang Class I Correctional Institution which originally worked with 3 foundations but currently only one foundation is a place of assimilation. This is due to the lack of personnel and travel accommodations that are quite far away.

Efforts to overcome these obstacles by continuing to carry out social work assimilation with security considerations. If security is deemed insufficient to carry out social work assimilation then do not undergo social work assimilation. The Semarang Class I Penitentiary Party experienced the advantage in carrying out the assimilation of social work, namely for the community to be assisted by the energy and knowledge carried out by inmates, returning the community's trust to inmates who had committed crimes in the past. The loss felt to Semarang Class I Penitentiary has not yet existed. There are deficiencies of the Minister of Law and Human Rights Regulation Number 3 Year as follows:

- a. Submitting the technical assimilation report is not yet clear which party it is. As a result, the results of the data collection and reports on the implementation of assimilation are only stored to be made into an archive.
- b. Unspecified accommodation arrangements. As a result, the use of prison cash is not fully used for assimilation so that social work assimilation cannot be done at any time.
- c. Not explained the benchmark specifications of the foundation that will be used as a place for social work assimilation. As a result, the foundation used is only related to the law without considering the ability of the prisoners themselves.
- d. There is no clarity regarding the arrangements between supervision and escort of prisoners who undergo social work assimilation. As a result, the shortage of assimilation guards who should have been carried out for the remainder of the crime into twice a week.

Another limiting factor is the lack of correctional staff to oversee the course of assimilation so that prisoners do not carry out the assimilation of social work all the time. Thus, Semarang Class I Penitentiary only carries out assimilation of social work for two days a week namely Tuesday and Saturday.



## CONCLUSION

The basic idea behind the assimilation of social work is to foster prisoners so that if they are free, they are not isolated by the community and do not repeat their crimes. This is in accordance with the theory of criminal objectives, namely a joint theory in which the criminal is not the only way but can be accompanied by coaching by the community. The implementation of social work assimilation for prisoners in Class I Penitentiary in Semarang is in accordance with the Regulation of the Minister of Law and Human Rights Republic of Indonesia Number 3 2018 Conditions and Procedures for Granting Remission, Assimilation, Family Visit Leave, Parole, Free Leave, and Conditional Leave both in terms and procedures for granting assimilation, where social work assimilation is carried out in accordance with the fields listed in the regulation. The implementation of social work assimilation for inmates was also felt to be beneficial including increasing their experience in teaching English, becoming closer to the community, especially children. So that the goal of assimilation for prisoners has been achieved. The inhibiting factor of the implementation of social work assimilation is the lack of officers to oversee and oversee the implementation of social work assimilation conducted outside prisons and budgets that are not determined by the Minister of Law and Human Rights Regulation No. 3 of 2018 concerning Terms and Procedures for Granting Remarks, Assimilation, Leave Visiting Families, Conditional Exemption, Leave Towards Free, and Conditional Leave resulting in the implementation of social work assimilation is only done every Tuesday and Saturday and is not routine and the budget is taken through cash from the Class I Correctional Institution in Semarang.

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