



## Handling Acts of Violence between Convicts by Class IIA Gorontalo Penitentiary

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**Abstract:** This study aims to determine efforts to deal with acts of violence between inmates by correctional institutions in Gorontalo Class IIA Penitentiary and to find out the inhibiting factors of Correctional Institutions in dealing with acts of violence between inmates. This type of research uses empirical research methods or sociological research in which the data is obtained from primary data or obtained directly from the community. Based on the research results, it is known that the countermeasures are giving sanctions in the form of reprimands, being put in an isolation room and not giving remissions. Correctional institutions also carry out handling such as transferring some prisoners to other prisons, in addition to that the security unit supervises 1 x 24 hours. As for the ahmabat factor in tackling acts of violence between fellow inmates are the lack of facilities and infrastructure, the inmates are over capacity, the security team is lacking, there is no psychologist to help the inmates when they are experiencing severe depression or are mentally burdened, the lack of inventory equipment and constraints on convict behavior.

**Keywords:** Acts of Violence; Fostered Residents; Correctional Institutions.

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## 1. Introduction

Humans are social creatures and are interdependent with other humans in everyday life, sometimes to carry out activities in life and mingle with other humans we only think about ourselves without thinking about others until we end up committing a crime. One of the crimes in question is a crime against the body, crimes like this are usually called persecution, and persecution is a term in the Criminal Code for crimes against bodies. The crime of persecution stipulated in Article 351 of the Criminal Code is a material crime, so that the criminal act can only be considered as having been completed by the perpetrator, if the result is not desired by law, it has actually occurred, namely in the form of pain felt by the perpetrator others.<sup>1</sup>

Crimes against the human body (*misdrijven tegen het lichaam*) are aimed at protecting the legal interests of the body from acts in the form of assaults on the body or parts of the body that result in pain or injury, even death. On the basis of his guilt, there are two kinds of crimes against the body: (1) crimes against the body committed with weapons. The crime in question is given the qualification of mistreatment (*misbandeling*), contained in chapter XX book II, articles 351 to 358; (2) crime against the body due to negligence, contained in article 360 chapter XXI.

Crimes against the body that are committed intentionally (*abuse*) can be divided into six, namely: (1) ordinary maltreatment; (2) light maltreatment; (3) premeditated persecution; (4) severe persecution; (5) planned serious maltreatment; (6) persecution in a way and towards people of certain aggravating qualities.<sup>2</sup>

The existence of threats of crime against people who violate the rules regarding the prohibition of committing acts formulated in the law is a characteristic of a particular crime, which distinguishes it from the rules regarding the prohibition of other acts that are not criminal acts. Crimes in fact contain heavier criminal sanctions than violations. They are placed in certain groups based on similarities in their nature, one of which is based on a legal interest (*rechtsbelang*) which is endangered/violated. An act that is formed into a crime and is defined in the law because the act is considered by the legislators as an act that endangers a legal interest.<sup>3</sup>

According to Adami Chazami, in the scientific doctrine of criminal law, based on the history of domestication, it is explained that maltreatment is defined as an act done intentionally to cause pain (*pijn*) or injury (*letsel*) to another person's body.<sup>4</sup> Abuse is the same as something with the aim (*oogmerk*) to cause pain. According to Article 351 of the Criminal Code, paragraph 4, persecution is equated with intentionally harming someone's health. According to the doctrine of persecution, it has the following elements: (a) being intentional; (b) there is an act; (c) there is a result of the (targeted) action, namely: pain in the body, and/or severe injury to the body. A wound is defined

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<sup>1</sup> P.A.F Lamintang and Theo Lamintang, *Delik-Delik Khusus Kejahatan Terhadap Nyawa, Tubuh, Dan Kesehatan Cet-2* (Jakarta: Sinar Grafika, 2010). Hlm. 135.

<sup>2</sup> Adami Chazami, *Kejahatan Terhadap Tubuh Dan Nyawa* (Jakarta: Raja Grafindo Persada, 2004). Hlm. 8.

<sup>3</sup> chazami.p. 2.

<sup>4</sup> chazami.p. 10.

as a change in the body, or a different appearance from before the act was committed, for example, an abrasion on the skin, a finger being cut off, a swelling on the cheek or so on, while pain does not require a change in appearance on the body, but arises on the body. Pain, tingling, discomfort or suffering.

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

Convicts are convicts who are serving a sentence of loss of freedom or independence in a Correctional Institution as referred to in Article 1 paragraph 7 of Law Number 12 of 1995 on Corrections. The definition of a convict is someone who is sentenced based on a court decision that has obtained permanent legal force as stated in article 1 number 6 of the Correctional Law.<sup>5</sup>In addition, convicts are also entitled to their rights as stipulated in Article 14 paragraph 1 of the Corrections Act. More specifically regarding the rights of convicts are regulated in Government Regulation no. 32 of 1999 on Terms and Procedures for the Implementation of the Rights of Correctional Families (PP 32/1999) as amended by Government Regulation Number 28 of 2006 (PP 28/2006), and amended a second time by Government Regulation Number 99 of 2012 (PP 99/2012).<sup>6</sup>

In Article 4 letter n of Regulation of the Minister of Law and Human Rights Number 6 of 2013 on Rules of Correctional Institutions and State Detention Centers it is explained that every convict or detainee is prohibited from committing acts of violence, both physical and psychological violence, against fellow convicts, detainees, correctional officers, or guests/visitors. If a convict violates the rules on this letter, sanctions can be imposed in the form of being put in an isolation room and recorded in register f (a record or book of violations committed by convicts in the detention center).<sup>7</sup>

In essence, the Penitentiary has the desire to educate, foster and guide convicts, namely to improve the mindset and behavior as well as the mentality of every convict who is serving a sentence. However, one can still often find, hear, and read about the persecution that took place in the detention center.<sup>8</sup>

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<sup>5</sup> Kementerian Hukum dan HAM, *Kapita Selekta Pemasarakatan Edisi III* (Jawa Barat: Kumham Muda, 2022). Hlm. 5.

<sup>6</sup> Hukum Online, "Hak Narapidana Dan Tahanan Yang Takboleh Di Telantarkan," Hukum Online, n.d., hukumonline.com.

<sup>7</sup> Oky Magfirah, "Tinjauan Kriminologi Tentang Kekerasan Oleh Narapidana Di Rumah Tahanan Negara Kelas IIB Banda Aceh," *Jurnal Ilmiah Mahasiswa 2* (2018). Hlm. 91.

<sup>8</sup> Magfirah.

In addition, changes to Law Number 12 of 1995 on Corrections have implications for increasing the fulfillment of the rights of Prisoners, Children and Prisoners, especially for equal treatment, patterns of guidance based on changes in behavior and changes in arrangements for the treatment of prisoners, children and inmates in the form of technical implementing regulations. existing penitentiaries need to harmonize their content with the new Correctional Law, the establishment of new regulations governing content that has not been clearly regulated and arrangements for content that already exist but the type and level of regulations are not in accordance with the mandate of the delegation of regulations in the Correctional Bill.<sup>9</sup>

Lately, there has been frequent news on social media or in print media about violent crimes committed by fellow prison inmates. This may be due to the many factors that influence, both from within and from outside. We need to know why this is happening, there is often abuse in prisons, both between officers and inmates, as well as fellow detainees and inmates. Even though this act is clearly prohibited in the law, persecution still often occurs. It is even carried out by someone with the status of a prisoner and convict, where he is carrying out sanctions or punishments for previous actions.

For example, from 2017 to 2020 there have been cases of abuse between fellow prisoners. The case was triggered by various aspects, including gambling in the block/room environment, debt, revenge and misunderstanding. Given the large number of perpetrators of criminal acts with various backgrounds and levels of violent crimes who are in the same place, this causes the coaching process to not run as expected. Prison sentences have not yet deterred the perpetrators of violence. This can be proven by the increasing number of violent crimes that occur in prisons.<sup>10</sup>

**Table 1:** Data on the Number of Cases of Acts of Violence Between Prisoners in Class II A Gorontalo Correctional Institutions from 2017 to 2020.

No	Year	Number of Cases	Causes of Violence	Information
1	2017	2 cases	Gambling	Penalized
2	2018	2 cases	Debt	Penalized
3	2019	1 case	Feud	Penalized
4	2020	3 cases	misunderstanding	Penalized

*Data Source: Gorontalo Class II A Penitentiary, 29 December 2021*

Cases of violent crimes that often occur at this time are felt by newcomers to be getting worse. Another factor that causes violent crimes in prisons is because the number of inmates exceeds capacity, violent crimes in prisons also often occur due to a lack of supervision from prison officers and the difference between the number of prison

<sup>9</sup> Haryono, "Implikasi Perubahan Undang-Undang Pemasarakatan Terhadap Perlakuan Tahanan, Anak Dan Warga Binaan Pemasarakatan," *Jurnal Ilmiah Kebijakan Hukum* 15, no. 1 (2021). Hlm. 19

<sup>10</sup> Rofi Oktavianto, "Wawancara" (Gorontalo, 2021).

officers and inmates in prisons is very much different where, the number of prisoners held in it has exceeded the capacity. So that this resulted in the development of inmates cannot be carried out optimally. Violence that occurs in prisons should be followed up and needs to be examined further to be considered normal and normal, as if it had become the pulse of life in prisons.

In addition to the debt problem, there is also the problem of revenge. Inmates like this are inmates who adhere to the law of the jungle or those who are strong in power, because according to those who are in power, they can do what other inmates cannot do, such as ordering other inmates or got picket free. So that from year to year similar cases are increasing and are being carried out by fellow prisoners. This happened because the settlement process was inefficient and the prison capacity was not in accordance with what it should be, most of these cases went through a process of settlement by way of reconciliation, there should have been sanctions that had a deterrent effect, such as being exiled or not getting some of their rights.

Violence perpetrated by convicts will injure the ongoing legal process for these convicts and have violated the rights inherent in convicts. Of course, this really needs to be questioned because the crime occurred even though he was already in the State Detention Center.

The problem of crime has essentially been interpreted as a very serious problem and needs to be addressed immediately, considering that eliminating it is impossible. Therefore, the role of the government is very important in seeking various ways to overcome this, including in the form of sentencing or punishment for those who have been proven to have committed a criminal offense. Of course, this is very important to be applied in the ongoing legal process where the sanctions given to the perpetrators must have a sense of justice and not be discriminatory. The implementation of punishment or conviction is carried out in correctional institutions with a correctional system through a coaching and guidance given to those who have violated the law.

## 2. Method

The research method used by the author is an empirical research method. Empirical legal research is a legal research method by looking at the real as well as researching how regulations work in society.<sup>11</sup>This research is commonly referred to as sociological juridical legal research whose object of study is societal behavior that arises as a result of interactions with the system of norms and is based on people's habits as a reaction to the application of a statutory provision.<sup>12</sup>

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<sup>11</sup> Amirudin and H. Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2010). Hlm. 49.

<sup>12</sup> Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Yogyakarta: Pustaka Pelajar, 2013). Hlm. 51.

### 3. Countermeasures of Acts of Violence Between Prisoners

The problem of violation of rules and regulations often occurs in Correctional Institutions, as stipulated in Law Number 6 of 2013 on Rules of Correctional Institutions and Detention Houses, inmates must carry out their obligations and not carry out prohibitions, if there are inmates who commit violations they will be punished impose disciplinary sanctions.

Penitentiary as the spearhead of implementing the principle of protection is a place to achieve the above goals through education, rehabilitation, reintegration. In line with the role of correctional institutions, it is appropriate if correctional officers who carry out the task of fostering and securing correctional facilities in this law are designated as functional law enforcement officers.<sup>13</sup>

Penitentiary (LAPAS) as a law enforcement institution is the estuary of the criminal justice system which imposes prison sentences on convicts. The implementation of prison sentences for convicts is not carried out solely as an effort to take revenge and distance convicts from society.<sup>14</sup> Imprisonment of convicts is carried out based on a correctional system. Based on the provisions of Law no. 12 of 1995 on Corrections, it is stated that: "The Correctional System is an arrangement regarding the direction and boundaries and ways of fostering prison inmates based on Pancasila which is carried out in an integrated manner between the coach, the fostered, and the community to improve the quality of prison inmates to realize mistakes, correct themselves, and not repeating criminal acts so that they can be accepted again by the community, can play an active role in development, and can live normally as good and responsible citizens.<sup>15</sup>

The penitentiary system, in addition to aiming to restore correctional facilities as good citizens, also aims to protect the public against the possibility of repeated criminal acts by correctional institutions, and is an application and an inseparable part of the values contained in Pancasila.<sup>16</sup> Realizing this, the Indonesian penitentiary system has long emphasized the aspects of fostering inmates, correctional students, or correctional clients who have preventive, curative, rehabilitative and educative characteristics.

Correctional development system is implemented based on the principles of:

- a. Protection
- b. The equation of action and service
- c. Education
- d. Mentoring

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<sup>13</sup> Surianto, *Manajemen Pemberdayaan NAPI (Upaya Mengelola Sistem Lembaga Pemasyrakatan Ideal)* (Surabaya: CV Global Aksara Pers, 2021). Hlm. 18.

<sup>14</sup> Rohmad Taufiq, "Meningkatkan Sistem Pembinaan Warga Binaan Pemasyrakatan Di Lembaga Pemasyrakatan (LAPAS) Sebagai Upaya Untuk Memaksimalkan Penegakan Hukum," *Jurnal Pemikiran Hukum* 9, no. 1 (2018). Hlm. 203.

<sup>15</sup> "Undang-Undang No. 12 Tahun 1995 Tentang Pemasyrakatan" (1995).

<sup>16</sup> Mitro Subroto, *Peraturan-Peraturan Dari Sistem Kepenjaraan Ke Sistem Pemasyrakatan Bar* (Jombang: CV Ainun Media, 2021). Hlm. 124.

- e. Respect for human dignity
- f. Loss of independence is the only suffering and
- g. Guaranteed the right to keep in touch with family and certain people.

Correctional guidance is carried out at LAPAS and correctional guidance is carried out by BAPAS. While coaching in LAPAS is carried out for inmates and correctional students.

In accordance with the statement above based on the results of an interview with Mr. Rofi Oktavianto at the Gorontalo Class II A Penitentiary, he revealed that:

"The benchmark for the appropriateness of the good behavior of inmates in the Class II A Penitentiary in Gorontalo is that during their criminal period they show conscience by regretting their actions, being good and obedient to the law, upholding moral, social values. And religion and have never committed a violation or received disciplinary action".<sup>17</sup>

The treatment of lawbreakers who, based on a judge's decision, are declared guilty and must serve their sentence in Correctional Institutions (Lapas) also receive attention from the State. The reason is that the right to life must be protected by the state, especially the rule of law.<sup>18</sup>Based on Law No. 39 of 1999 on Human Rights states that: "Every person has the right to be free from torture, punishment or cruel, inhuman, degrading treatment and human dignity".<sup>19</sup>

The Gorontalo Class II A Correctional Institution has the function of being an institution that is expected to be able to provide education and protection for people who have become inmate status, in fact it often turns out to be a location full of acts of violence between inmates in the Gorontalo Class II A Penitentiary.

In the Gorontalo Class II A Penitentiary, the violence that was committed between inmates included acts of persecution, especially when the inmates had just entered the Gorontalo Class II A Penitentiary. As for the crime of light maltreatment and ordinary maltreatment which resulted in the victim experiencing serious and minor injuries and the perpetrator received a punishment in the form of confinement in an isolation room and was given a warning and a warning.<sup>20</sup>

Violations of the law against inmates in the form of violence perpetrated by fellow inmates still often occur in correctional institutions. This act of violence usually occurs in the form of direct acts of violence which is manifested in the form of acts of physical and psychological violence against fellow inmates.

The lack of intensive supervision is one of the negligence that has fatal consequences, so that it becomes an opening for the inmates to be able to commit acts of violence. Intensive supervision by LAPAS officers is the most basic thing to prevent acts of

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<sup>17</sup> Oktavianto, "Wawancara."

<sup>18</sup> Lisnawaty Wadju Badu, "Euthanasia Dan Hak Asasi Manusia," *Jurnal Legalitas* 5 (2012). Hlm. 1.

<sup>19</sup> "Undang-Undang No.39 Tahun 1999 Tentang Hak Asasi Manusia" (1999).

<sup>20</sup> Oktavianto, "Wawancara."

violence. That is why Class II A Gorontalo Institutions must be more intensive in order to prevent the recurrence of such acts of violence. Lack of supervision by LAPAS officers is the main factor that might become an opening for inmates to do things that are not desirable. Of course this is material for overhauling LAPAS officers which can be said to be negligence that is not intentional, especially LAPAS Class II A Gorontalo.

The prison's efforts in tackling acts of violence between inmates include prison officers in carrying out technical security duties (reception, supervision, placement of detainees/inmates) security officers carry out:

- a. Escorting, receiving, placing, and releasing convicts and detainees,
- b. maintenance of security and order,
- c. Examination of violations of security and order,
- d. Activities that are considered to be able to strengthen relations between fellow inmates and prisoners,
- e. Daily reports and minutes of security implementation.

Based on the author's interview with one of the Class II A Penitentiary security officers in Gorontalo, in this case Nisfan Nai, he revealed that "to ensure compliance with the rules by detainees, the security unit conducts surveillance for 1x24 hours. This supervision is carried out by 28 prison guards (wardens) who are divided into 3 (three) shifts. The time interval from the first shift to the second shift is around 5 to 6 hours, from 7 am to 1 pm, and 1 pm to 6 pm. For the night shift, starting from 6 pm to 7 am. The general picket is in charge of guarding detainees and ensuring that there is no disturbance of order in the detention center, while the clinic picket is in charge of guarding detainees who are temporarily ill."<sup>21</sup>

Nisfan Nai added that any violations committed between fellow inmates would be processed in the Class II A Gorontalo Correctional Institution which would then receive sanctions in the form of a warning or up to an exile cell. When a crime of maltreatment occurs, the officer will carry out an act of separation and find out the causes of the fight.

The initial action taken by the officers was to bring the two parties together so that peace efforts could be made. However, if it turns out that the fight continues, the prison officer will impose strict sanctions. The sanction given was in the form of placing the detainee in question in a detention cell far from other cells. In addition, detainees are also not given the freedom to move until an unspecified time limit, depending on the severity of the violation committed. Discussing a concept in terms of regulations and law enforcement processes is certainly inseparable from an idea or thought in the form of an idea or formulation that was born to provide a solution to a legal problem that occurs.<sup>22</sup>

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<sup>21</sup> Nisfan Nai, "Wawancara" (Gorontalo, 2022).

<sup>22</sup> Rumansyah Daipaha and Nur M Kasim, "Penegakan Hukum Terhadap Anak Yang Melakukan kejahatan Panah Wayer," *Philosophia Law Review* 1, no. 1 (2021). Hlm. 69.

In general, citing the opinion of Dian Ekawaty Ismail that there are several types of efforts to deal with violence, namely preventive measures and repressive countermeasures (crushing), carried out at the time of the crime.<sup>23</sup>The preventive and repressive measures taken by the Gorontalo Class IIA Penitentiary are as follows:

### 1) Preventive Efforts

Preventive efforts are efforts to prevent before the crime occurs. In preventive efforts the emphasis is on eliminating the opportunity to commit a crime. As an example of repressive efforts made by the Gorontalo Class IIA Correctional Institution, namely:

#### a) Approach

Approach to each individual is done with the aim of knowing the condition. By making an approach, officers will get information about the conditions in each block and room. This approach is important because it also establishes good communication with.

#### b) Exercising Control over the Blocks

Controlling the blocks is very important to do, because by controlling you will be able to know and obtain information about the activities carried out by the inmates, this is a form of prevention so that violence does not occur between people.

#### c) Carrying out Coaching of the Fostered Residents

Article paragraph 1 of Government Regulation Number 31 of 1999 on Correctional Guidance and Guidance says coaching is an activity to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and spiritual health. According to Article 1 number 2 of Law Number 12 of 1995 it states that the penal system is an order regarding directions and boundaries and ways of fostering based on Pancasila which are carried out in an integrated manner between the coach, the fostered and the community to improve the quality of correctional facilities so that they are aware of mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted again by the community and can live an equal and reasonable life as good and responsible citizens.<sup>24</sup>In addition to law enforcement in force, this also requires cooperation with the community, so with this there is a need for supervision in their respective work environments.<sup>25</sup>So that the community expects benefits from the

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<sup>23</sup> Dian Ekawaty Ismail and Mohamad T. Z. Sarson, "Criminolog Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3, no. Spesial (2021). Hlm. 70.

<sup>24</sup> Undang-undang No. 12 Tahun 1995 Tentang Pemasyarakatan.

<sup>25</sup> Iriyanto Tiranda and Dkk, "Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan," *Jambura Law Review* 1, no. 2 (2019). Hlm. 132.

implementation or enforcement of the law.<sup>26</sup>The interests and happiness of society is also one part that must be considered.<sup>27</sup>

d) Maximize care and supervision

In order to further optimize the Penitentiary's efforts in dealing with violence that occurs against fellow inmates in the Class II A Gorontalo Correctional Institution, it is also carried out by maximizing guard and supervision.

## 2. Repressive Efforts

Repressive effort is an effort that is taken after the occurrence of violence whose actions are in the form of law enforcement by imposing penalties. Correctional Institutions carry out repressive efforts in addition to carrying out preventive efforts to reduce the amount of violence perpetrated by inmates. Repressive efforts are carried out by imposing strict sanctions on those who violate them.

Every act of violence committed by inmates will be resolved first through a deliberation process, but if the impact of the act of violence results in serious injury, then the officer will hand it over to the authorities or be transferred to another correctional institution, with the aim of avoiding even worse conflicts. . This action aims to break the network of provocation among the assisted members so as to avoid solidarity actions from some who are friends or supporters of those who commit these actions.

Various efforts have been made from the security subsidy, both actions before the incident of persecution and after the incident of persecution. Meanwhile, based on the results of an interview with Mr. Nisfan Nai as a Class II A Gorontalo Prison Security Officer, he emphasized that "For anticipatory measures, we are handling excessive prison occupants, we are sending inmates or some of the inmates we are moving to other prisons such as Boalemo Prison and Pohuwato Prison. Even though it still exceeds the maximum limit, it is hoped that it can minimize the occurrence of violations of order in prisons. In addition, officers must always maintain order and security in prisons by implementing a stricter security system to avoid fights. Furthermore, we carry out activities that can establish harmony among fellow prison inmates, increase religious and moral values, carry out positive activities so that there is no space and opportunity for violations. The security sub-subject will also separate several prisoners who are involved in grudges. The prison security sub-subject will obtain information from several inmates who can be trusted. The prison security sub-subject will approach several convicts who can be trusted. The prison security subsidy obtains information from several inmates who can be trusted. The prison security sub-subject will approach several convicts who can be trusted. The prison security subsidy

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<sup>26</sup> Fenty U Pulu Hulawa, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Jambura Law Review* 3, no. 2 (2020). Hlm. 173..

<sup>27</sup> Fence M. Wantu, "Antinomi Dalam Penegakan Hukum Oleh Hakim," *Jurnal Mimbar Hukum* 19, no. 3 (2007). Hlm. 10.

obtains information from several inmates who can be trusted. The prison security sub-subject will approach several convicts who can be trusted.<sup>28</sup>

Convicts who can be trusted are called "Tamping" but if there has been a case of abuse at the Class II A Penitentiary in Gorontalo, the first thing the security forces do is secure the victim, if there is a wound or bruise on the victim's body it will be handled by the Lapas clinic. The Gorontalo Class II A Penitentiary is also equipped with a clinic that aims to treat inmates who are not in good health. If the victim has more serious injuries, the victim will be rushed to the nearest hospital for further treatment in accordance with Article 14 paragraph 1 of the Correctional Law. part (d) Obtaining health services".<sup>29</sup>

After that, the perpetrators of the persecution case are followed up by the prison security sub-section by means of mediation, besides that sanctions for violations of order in prisons including abuse, beating or beatings will still be given in accordance with Law Number 6 of 2013 on Correctional Orders . The initial step taken was to put the perpetrators into a special isolation cell for 6 working days. During these 6 days the perpetrator will be mediated, if the perpetrator agrees to make peace and comply with certain regulations, the perpetrator will be released. However, if the perpetrators still do not want to make peace, the exile detention period will be added up to several days. If the abuse case results in the loss of a person's life, then the prison will hand over the case to the police for follow-up. However, so far there have been no cases of mistreatment by inmates of other inmates at Class II A Gorontalo Lapas that have claimed lives. Every violating perpetrator will be recorded in the BAP and a book called register book F, in the book containing the identity of the convict who has committed the offence.<sup>30</sup>

Based on the data that the authors found, the number of cases has increased from year to year. The settlement process is very influential on the life of convicts in correctional institutions. This is intended so that no party feels seriously harmed, gets pressure from other parties, or feels that they are not getting justice in coaching in Correctional Institutions. Because in essence justice is a judgment from one person to another which is generally seen from the party receiving the treatment.<sup>31</sup>

Based on the author's interview with the Head of the Subsection of Social Guidance and Treatment in Class Correctional InstitutionsIIA Gorontalo, convicts who violate the rules and have been acted upon according to their mistakes and admit and are aware of their mistakes are again fostered according to the coaching program that exists in the Class IIA Gorontalo Penitentiary. The forms of coaching carried out are as follows:<sup>32</sup>

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<sup>28</sup> Nai, "Wawancara."

<sup>29</sup> Nai.

<sup>30</sup> Nai.

<sup>31</sup>Fence M. Wantu, "Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata," *Jurnal Mimbar Hukum* 25, no. 2 (2013). Hlm. 206.

<sup>32</sup> Oktavianto, "Wawancara."

1. General education, eradication of 3 (three) illiteracy (illiteracy, numeracy and language illiteracy).
2. Skills education, welding, radio repair, mechanics, sewing, webbing, plumbing engineering, carving, carpentry and so on.
3. Spiritual mental development, religious education and morals. Facilities and infrastructure for religious coaching are one of the things that are considered important in conducting coaching because believing in the beliefs of each religion will get wisdom, namely peace of mind. The mental development of convicts is aimed at improving the mentality of convicts so that they can have a better mentality after coaching is carried out.

Thus, while serving his sentence, convicts can carry out activities that are useful as well as overcome boredom while in the Correctional Institution and it is intended that during the coaching period and after completing their sentence, convicts:

- a. Successfully reestablished self-esteem and self-confidence as well as being optimistic about the future.
- b. Successfully acquire knowledge, at least skills to be able to live independently and participate in national development.
- c. Success in becoming a law-abiding human being is reflected in his attitude and behavior which is disciplined and able to foster a sense of social solidarity.
- d. Successfully have the soul and spirit of service to the nation and the State.

Crime prevention efforts need to be pursued using a policy approach, in the sense that there is integration (integralism) between criminal politics and social politics and there is integration between penal and non-penal crime prevention efforts.<sup>33</sup> Crime prevention policies, also known as criminal politics, basically have the main objective of protecting the public in order to achieve a better standard of living.<sup>34</sup>

Thus, it can be said that criminal policy is essentially an integral part of social policy, namely a rational effort to achieve people's welfare.

According to the author, if the description above is related to violent crimes against inmates, the criminal policy here can be intended as a rational effort to deal with violence against inmates. Thus, efforts to deal with violence against inmates are basically part of efforts to protect inmates in realizing the welfare of inmates. Based on the above thoughts, efforts to deal with violence against inmates can be carried out using penal means (criminal law) or non-penalty (non-criminal law).

#### **4. Inhibiting Factors for Overcoming Violence Between Inmates**

Class II A Gorontalo Penitentiary is one of the technical implementing units in the field of corrections which is located under and directly responsible to the Head of the

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<sup>33</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana* (Bandung: Citra Aditya Bakti, 2002). Hlm. 3.

<sup>34</sup> Rusdiyanto Puluhalawa and Dkk, "Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Penganiayaan Menggunakan Panah Wayer Oleh Anak Di Kota Gorontalo," *Jurnal Yuridis* 6, no. 2 (2019). Hlm. 111.

Regional Office of the Ministry of Law and Human Rights of the Province of Gorontalo. Broadly speaking, the main task of Correctional Institutions is "Implementing the Correction of inmates or students". The implementation of the main tasks and functions sometimes encounters obstacles and obstacles. Based on reports in the electronic media, in the last few months the integrity assessment of Correctional Services in several prisons has decreased due to the discovery of drug trafficking controlled by inmates from within and violence between inmates from within prisons.

Previously, violence did not only occur because of serious matters as mentioned earlier, in the past, trivial actions by a prisoner, such as looking at them with a challenging gaze, could lead to violence between prisoners which was very chaotic, resulting in injuries. However, now it rarely happens because of the development of the name from prison to Penitentiary.

The factors that cause acts of violence among inmates can be divided into two factors, namely external factors and internal factors. External factors are factors that influence convicts from outside and cause inmates to commit violence in prisons. In this case, it includes the social and economic conditions of the prisoner, namely not getting visits, receiving bad news from the family, difficulty in handling paperwork, grudges from outsiders, and the length of the sentence handed down while internal factors are factors that influence the prisoner from within to carry out violence. In this case it includes the needs of prisoners and the prison environment, namely over capacity which makes rooms less comfortable and full,

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

Based on the results of an interview with the Head of Sub-Section for Community Guidance and Treatment of Class IIA Penitentiary in Gorontalo, the inhibiting factors for correctional institutions in tackling acts of violence between fellow inmates include:<sup>35</sup>

- 1) Lack of facilities and infrastructure which are tools to support the success of a process of efforts carried out in public services, because if these two things are available then all activities will be able to achieve the expected results according to plan. Likewise with facilities and infrastructure in prisons. It is really needed to support everything that the prison itself wants to achieve. The lack of facilities and infrastructure, both in terms of quality and quantity, greatly influences the occurrence of acts of violence between fellow inmates. The lack of supporting facilities and infrastructure has had an impact on the

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<sup>35</sup> Oktavianto, "Wawancara."

effectiveness of the implementation of duties and responsibilities.<sup>36</sup>Based on the author's interview with Mr. Rofi Oktavianto, information was obtained that facilities and infrastructure were still minimal, such as weapons for security officers.

- 2) Assisted residents exceed capacity where the number of assisted residents currently amounts to 480 people while the capacity is 330 people. So that it makes Lapas overwhelmed in following up on inmates if there are those who commit violations. This condition triggered acts of violence in the cubicles in each block, because the conditions of the cubicles that should only accommodate 8-12 people were filled with 15-20 inmates. This makes the inmates feel claustrophobic and dissatisfied with the services provided by the prison and makes them commit acts of violence because they are fighting for space. In addition, the prison lacks a security team. This condition is what causes it to be uncondusive or there is often violence between fellow inmates, because the supervision carried out by officers is not optimal. Based on the data obtained,
- 3) The number of security teams that are lacking in each predetermined schedule. This makes a team of guards work extra 2X in one day to monitor security and order in prisons. With the appointment of leaders and tamping who should be able to assist the security team and several correctional officers to ease their work, this has created new problems for the inmates. Because the position as leader or tamping elevates the degree of an inmate to act arbitrarily against inmates and detainees because they feel they have direct power and are subordinated to the KPLP. This triggers inmates to commit acts of violence against leaders or tamping who act arbitrarily against other inmates.
- 4) There is no psychologist to help inmates when they experience severe depression or mental burden due to living life in a different environment for the first time, or inmates who experience depression because of problems while in prison. Because depression is unbearable, it triggers inmates who are depressed to commit acts of violence against other inmates to express their emotions.
- 5) The lack of inventory equipment in the office makes prison office services less fast in handling PB, CMB, and CB. Due to these conditions, inmates who should have been released must still wait for their release certificates, and in other conditions, there are new detainees and inmates who have been accepted into prisons. The discrepancy between inmates who are accepted and released makes over-capacity in prisons and increasingly depressing for inmates who should have been released, this is getting worse plus a service system that is less responsive and effective and triggers acts of violence and violations of inmates in prisons.
- 6) Constraints from the behavior of convicts include one of the obstacles in the process of dealing with cases of violence between inmates in Class II A

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<sup>36</sup> Weny Almoravid Dunga and Abdul Hamid Tome, "Identifikasi Faktor Penghambat Penyelenggaraan Pengawasan Ketenagakerjaan Di Provinsi Gorontalo," *Jambura Law Review* 1, no. 1 (2019). Hlm. 13.

Correctional Institutions in Gorontalo, this obstacle arises from the attitude of inmates who have personalities that tend not to want to be regulated. According to Mr. Nisfan Nai "Sometimes in carrying out the settlement process or in breaking up fights between inmates, there are some inmates who go berserk and don't want to be separated by the security forces. If this happens, we as security officers hand over the case to the police."<sup>37</sup>

The Gorontalo Class IIA Correctional Institution admits that they are quite confused by the prison problem, especially related to overcapacity and the feasibility of prison housing. Seeing several cases of violence that occurred between inmates at the Class IIA Gorontalo Penitentiary, the Correctional Institution took several actions in the hope that this would become a solution for cases of violence between inmates in the Class IIA Gorontalo Prison. "There are several actions that are expected to be a solution to prevent cases of violence between fellow inmates at Class IIA Gorontalo Prison, such as reducing the number of inmates by moving some inmates to other prisons that are more adequate, for example Boalemo and Pohuwato Prisons, separating inmates' block rooms involved in grudges from outside the prison,"<sup>38</sup>

Based on the results of interviews with the author, the causes of cases of violence between inmates in Class IIA Gorontalo Penitentiary are not only based on fundamental factors such as misunderstanding, debt and revenge factors. However, there are factors that cause acts of violence that are very dominant, causing these cases to increase every year. This factor is the factor of the depravity of the law applied in the Gorontalo Class IIA Penitentiary. Class IIA Gorontalo Correctional Institution in imposing sanctions refers to Ministerial Regulation No. 6 of 2013 on sanctions for violating the rules of conduct for assisted citizens, while the sanctions listed in the Ministerial Regulation have been proven not to have a deterrent effect for perpetrators of violations of the rules,

Thus, Ministerial Regulation No. 6 of 2013 as the main reference in imposing sanctions on perpetrators must be updated or revised again, especially at the level of severe disciplinary punishment. The regulation explains that the level of severe disciplinary punishment is only subject to exile and then does not get some of its rights, such as remission rights, family visitor leave, conditional leave, assimilation, pre-release leave and parole. Sanctions like this of course do not create a deterrent effect on perpetrators of code violations and this results in similar cases occurring again at the Class II A Penitentiary in Gorontalo. These sanctions must be revised again so that these sanctions can create a deterrent effect for perpetrators of code violations. At the level of severe disciplinary punishment, it must be revised more severely, such as those who violate the rules can be subject to an additional period of imprisonment in Class II A Penitentiary in Gorontalo according to the level of the violation committed. According to the author, the solution as described above will be able to create a

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<sup>37</sup> Nai, "Wawancara."

<sup>38</sup> Oktavianto, "Wawancara."

deterrent effect for perpetrators of order violations and this can also reduce the occurrence of order violations in Class II A Penitentiary in Gorontalo.

## 5. Conclusion

Based on a series of previous discussions, the author concludes that Gorontalo Class IIA Correctional Facility applies various efforts to deal with acts of violence between prisoners, including giving warnings or reprimands for minor offenses, placing prisoners in isolation rooms for serious offenses, and not giving remissions for repeated offenses. In addition, the prison also transferred several prisoners to Pohuwato and Boalemo prisons, as well as conducting 24-hour surveillance through a security unit consisting of general picket officers to maintain order in the prison. However, there are several inhibiting factors in these efforts, such as the lack of supporting facilities and infrastructure, the overcapacity of the prison which makes it difficult to supervise prisoners who commit violations, the insufficient number of security teams, the absence of a psychologist to help prisoners who experience depression or severe stress, the lack of inventory equipment in the office which slows down services, as well as restrictions on prisoners' behavior which become obstacles in enforcing the rules.

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