

# **Juridical Analysis of Civil Service Punishment For Civil Servants of Correctional Institutions For Escaping Correctional Inmates (Case Study of Class IIA Pancur Batu Prison)**

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## **Abstract**

Correctional officers who commit acts or acts that damage the coaching system in correctional institutions. This study aims to determine the mechanism of enforcement of employee discipline in the Class IIA Pancur Batu Correctional Institution. The type of research used is Empirical Legal Research, with a research location in the Class IIA Pancur Batu Correctional Institution, the nature of descriptive research, data collection methods with documentation studies and guided interviews, and data analysis techniques using the Mix Method, which is a combination of qualitative methods with quantitative methods. The mechanism for enforcing employee discipline at the Class IIA Pancur Batu Correctional Institution is that if an employee is found to have committed a disciplinary violation, the employee's direct supervisor must first check the employee who committed the disciplinary violation. Direct superiors are obliged to seek information, seek necessary evidence from employees who are considered to know or can provide information. After the evidence of the violation is considered sufficient, a written summons is made to the employee concerned, and an examination is carried out, proved, and then a disciplinary penalty is imposed by the Authorized Officer based on the evidence and information available.

**Keywords:** Civil Service Punishment; Civil Servants; Correctional Institutions; Disciplinary Violations; Inmates

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## **Introduction**

The LAPAS employee discipline regulation refers to the civil servant discipline regulation, namely the Government Regulation of the Republic of Indonesia Number: 53 of 2010 concerning the discipline of civil servants (Adiwilaga, 2019; Paramata & Hadju, 2018). Civil servant discipline is the ability of civil servants to obey obligations and avoid prohibitions specified in laws and regulations and/or official regulations which if not obeyed or violated will be sentenced to discipline (Anjani et al., 2020; Pramawati & Widnyani, 2019). Discipline is a process that causes a person's feelings to maintain the goals of an organization based on compliance in carrying out a rule (Fathema & Akanda, 2020; Herman & Didin, 2020; Hidayati et al., 2019). In creating a disciplined attitude, it must be with a sense of obedience and obedience to existing regulations. Discipline aims to create systematic regulatory alignment (Fathema & Akanda, 2020; Naum, 2018).

In the integrated criminal justice system, correctional institutions are part of the integrated criminal justice system. This section is inseparable from other law enforcers such as: police, prosecutor's office, courts, and advocates (Bhawana, 2016; Scott, 2015; Sitorus, 2021). These five components are a unit that seeks to transform input into outputs that are the goals of the integrated criminal justice system (Hotnando Mexson Simalango et al., 2021; Manik, 2016; Rahmi, 2018). The correctional system is "a series of law enforcement that aims to make Correctional Assisted Citizens realize their mistakes, improve themselves, and not repeat criminal acts so that they can be accepted back by the community, can actively play a role in development and can live reasonably as good and responsible citizens" (Manik, 2016; Sujasmin, 2018).

This is in line with the purpose of the criminal justice system, namely first, to prevent people from becoming victims of crime (Gunakaya, 2014; Haris, 2017). Second, resolving criminal cases that occur so that the community is satisfied that justice has been upheld and the guilty are punished. Third, try to make those who have committed crimes not repeat their crimes (Afifah & Lessy, 2014; Maskur, 2016).

However, there are still correctional officers who commit acts or actions that damage the coaching system in LAPAS. LAPAS is not only inhabited by inmates and correctional students, but also correctional clients and detainees who are deposited by law enforcement agencies before being sentenced (Riskiyani, 2016; Saputra & Taklimudin, 2017). Based on this, it is undeniable that almost all correctional institutions in Indonesia are experiencing *overcapacity*. In such conditions, the role of the coaches in the prison is very important.

LAPAS employees (prison guards) need to be equipped with sufficient knowledge and experience to overcome such prison conditions. In addition, strict discipline is needed in the implementation of their duties (Adiwilaga, 2019; Gautama & Trimiyati, 2021; Paramata & Hadju, 2018). Not a few cases have occurred, there are the involvement of employees or prison guards related to criminal acts committed in the prison, both committed by inmates involving employees or prison guards, as well as criminal acts or violations committed by employees or prison guards themselves. The discipline of LAPAS officers in carrying out their duties greatly determines the success of a construction in the LAPAS itself (Mulia & Bahri, 2019; Rizky, 2017). Generally, LAPAS residents or inmates are people who are mentally and behaviorally problematic, so they need the role of LAPAS employees to be able to change their mentality and behavior for the better (Jati, 2019; Nugroho, 2019; Riskiyani, 2016; Saputra & Taklimudin, 2017).

It is inconceivable, if LAPAS employees are also mentally and behaving people who are also not good, how can they provide guidance to the inmates in accordance with the purpose of punishment. Therefore, the discipline of PRISON employees in carrying out their duties is an important thing to pay attention to. Undisciplined behavior will generally lead to violations, and can even result in criminal acts (Fikriani, 2015; Gautama & Trimiyati, 2021). If there is no

discipline from the employees, then the activities will not run smoothly, so the goals will not be achieved optimally. Previous research findings also state that work improvement can occur if employees are disciplined in work (Suyanto, 2018; Yuliandi & Tahir, 2019). Other research findings also state that all work processes will run smoothly if they are based on the discipline of employees (Evi Mufrihah Zain et al., 2022; Hafid, 2018; Hidayah & Santoso, 2020). This causes a very important discipline attitude to be built by all employees. There has been no study on the mechanism for enforcing employee discipline in correctional institutions. Therefore, this study aims to analyze the mechanism of enforcement of employee discipline in the Class IIA Pancur Batu Correctional Institution.

## **1.2 Problem Formulation**

1. How does the law regulate inmates who commit violations of escape from prisons and the sanctions received by the inmates?
2. What are the sanctions received by prison employees who are in charge of escaping from prisons?

## **Research Methods**

This research uses a type of empirical legal research, which examines the application of norms in legal practice, namely researching the mechanism for the implementation of Government Regulation No. 53 of 2010 in enforcing employee discipline in Class IIA Pancur Batu Prison. The research was conducted at the Class IIA Pancur Batu Prison as one of the prisons in the Deli Serdang area. The selection of this location is also based on considerations related to the problems faced by the Class IIA Pancur Batu Prison. The subjects of the study were officials at the Pancur Batu Class IIA Prison who were used as informants to obtain information related to the enforcement of personnel discipline. The subjects of the research in question include: Class IIA Pancur Batu Prison as the party with full responsibility in the Class IIA Pancur Batu Prison, personnel officials who know about the personnel system and the number of employees in the Class IIA Pancur Batu Prison, and other officials related to the enforcement of employee discipline.

Meanwhile, the object of the study was the employees of the Class IIA Pancur Batu Prison, who were used as respondents in this study, especially those who had committed disciplinary violations and inmates. The data collection method was carried out with the commentation study technique to collect secondary data and the guided interview and observation technique to obtain primary data. The technical analysis of the research uses *the Mix Method* method, which is a combination of qualitative methods and quantitative methods.

## **Discussion**

### **3.1 Law that regulates inmates who commit violations of escape from prisons and sanctions received by inmates.**

The current rules regarding the correctional system are Law Number 22 of 2022 concerning Corrections. In chapter ii the rights and obligations of prisoners, children, and assisted citizens. The correctional system is an order regarding the direction and boundaries as well as the way of fostering correctional inmates based on Pancasila which is carried out in an integrated manner between the coaches, who are fostered and the community to improve the quality of correctional inmates so that they realize their mistakes, improve themselves and not repeat criminal acts so that they can be accepted back by the community, can actively play a role in development and can live reasonably as good citizens and be responsible".

In Article 8 of Law number 22 of 2022, Prisoners are obligatory:

1. Obey rules and regulations.
2. Follow the service program in an orderly manner.

3. To keep the fair of a clean, safe, orderly, and peaceful life.
4. Respect the human rights of everyone in their environment.

The application of sanctions for escaped prisoners is by not obtaining or obtaining remission (reduction of the sentence period), not getting leave to visit family, not obtaining conditional leave (CB), not obtaining parole (PB) and will be put in isolation (isolation) and because they have committed an offense and as a consequence, they must get sanctions if they do not do so, they will act as they please and It is seen from The point of error is that if the mistake is big, the sanctions are also heavy so that if he repeats his actions, he will not be given rights for a year. Factors that hinder the application of sanctions for escaped inmates include: Rules, Facilities and Infrastructure, Illness, There is still an element of revenge.

### **3.2 Sanctions received by prison employees while on duty**

The legal basis used in carrying out discipline enforcement in the Class IIA Pancur Batu Prison includes: (1) Law of the Republic of Indonesia Number 5 of 2014 concerning the State Civil Apparatus; (2) Government Regulation of the Republic of Indonesia Number 11 of 2017 concerning Civil Servant Management; (3) Government Regulation No. 53 of 2010 concerning Civil Servant Discipline; (4) Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 28 of 2019 concerning Procedures for Imposing Disciplinary Punishment and Dismissal for Criminal Acts for Employees within the Ministry of Law and Human Rights; (5) Regulation of the Head of the State Civil Service Agency No. 21 of 2010 concerning Provisions for the Implementation of Government Regulation No. 53 of 2010 concerning Civil Servant Discipline. The sanctions received by prison employees while on duty are:

1. Periodic salary postponement
2. Promotion delay
3. Demotion
4. Moved to the ministry section
5. Dismissal

The legal basis as mentioned above, is used as a basis for the government or LAPAS to carry out the coaching process in LAPAS. These laws and regulations are laws that are used as a tool to change society, so that laws are used as agents *of change*. Changing people's behavior is not easy, especially bad behavior that will be turned into good behavior, coercive tools are needed to be able to change it. The coercive tool in question is a law or norm or rule because the law is coercive, which is characterized by sanctions in it. This sanction will force humans to change their behavior from bad to good. Sanctions are restrained and deterrent, so people who have been sanctioned will be afraid to do the act again in the future. However, sanctions of a deterrent nature must still pay attention to respect for human rights. This means that the sanctions given must not harm human rights values. Because the rule of law is actually a form that protects legal justice in society. This means that legal certainty is aimed at realizing legal justice in society.

This employee discipline is aimed at realizing reliable, professional, and moral employees/civil servants as public servants by applying the principles of *good governance*. Civil servants have undergone a paradigm change since the enactment of Law of the Republic of Indonesia Number 5 of 2014 concerning the State Civil Apparatus (which was subsequently written by Law No. 5 of 2014). The change philosophically refers to the Preamble to the 2nd Constitution of the Republic of Indonesia in 1945, which is "to protect the entire Indonesian nation and all Indonesian bloodshed and to promote public welfare, educate the life of the nation, and participate in implementing world order based on independence, lasting peace, and

social justice". To carry out this, human resources are needed in the form of "state apparatus who are professional, free from political intervention, free from KKN, have high integrity, and have high abilities and performance". The flow of the implementation of discipline enforcement was carried out at the Class IIA Pancur Batu Prison.

Based on the results of an interview conducted with the Head of the Personnel and Finance Section of the Class IIA Pancur Batu Prison, the flow of the implementation of discipline enforcement at the Class IIA Pancur Batu Prison can be explained as follows: When an employee is found to have committed a disciplinary violation, the employee's direct supervisor is required to first examine the employee who commits a disciplinary violation. The direct supervisor is obliged to enrich the information and seek the necessary evidence from employees who are considered to know or can provide information. After the evidence of the violation is considered sufficient, then a written summons is made to the employee concerned. If the person concerned is present, an examination and proof will be carried out until then the imposition of disciplinary punishment by the authorized official based on the evidence and information available. If the first summons is not present, then after 7 (seven) days a resummons or second summons is carried out and so on, until the person concerned is present and an examination is carried out. The reasons for employees not attending are various, such as: there are traditional ceremonies, family affairs, illness and other reasons. If the person concerned is still absent after undergoing several processes, disciplinary sanctions are still imposed on the person concerned because the person concerned has been given the right to defend but does not exercise his rights. The results of the examination are made into reports, as depicted in the chart above, for follow-up. Based on the report, the type of violation and the type of sanctions imposed on employees who commit disciplinary violations will be determined.

Correctional officers/officers in carrying out their duties, should be guided by the existing code of ethics and laws and regulations. No correctional officer should cooperate with the inmates to commit a criminal act or other violations of the law or at least facilitate the inmates to commit criminal acts and other violations of the law in the LAPAS. If there are inmates who commit criminal acts or other violations of the law, then correctional officers must be firm because that is the product of supervision and coaching that is carried out. The purpose of conducting supervision and coaching, one of which is so that no inmates commit crimes or violations of the law in the PRISON. When in the supervision and coaching, it is found that someone has committed a crime or violated the law, but no action is taken or strict sanctions are not given, even protected or allowed, and what is worse is that the officers participate in doing it, then the supervision and coaching function will be useless.

The responsibility of the penitentiary is not only to restore or awaken the bad to be good, but also to restore the full function of human beings and create physically and spiritually healthy inmates through positive activities (Dwiatmojo, 2014; H Hamja, 2016; Siddiq, 2015). In addition, this activity will also accustom inmates to live a normal life as other humans do in the community. Therefore, the activities carried out when prisoners are serving their sentences are the same as the activities carried out by other humans in the community, for example: cleaning the environment, making crafts, building businesses (bricks, motorcycle washing, etc.) (Anggraini, 2016; H Hamja, 2016; Siddiq, 2015). With such activities, it is hoped that after the inmates have completed their sentences, they will not be awkward to return to life in the community. In carrying out activities in correctional institutions, it is certainly not as easy as doing in open spaces in people's lives. There needs to be strict supervision when the inmates carry out these activities (H Hamja, 2016; Nansi, 2018; Yuris, 2010). In addition, it is necessary to have a clear and planned arrangement for the people or time of these inmates to be able to carry out activities as intended, especially activities related to the outside world, such as: motorcycle washing business and others. This is a heavy task and responsibility for the

employees of the Class IIA Pancur Batu Prison to provide guidance and supervision of all activities carried out by the inmates.

The coaching pattern in the correctional system is essentially a multidimensional activity. This pattern requires the cooperation of all parties, which is an interactive activity between various components, including: inmates, officers and the community (Dwiatmojo, 2014; H Hamja, 2016; Siddiq, 2015). Therefore, synergistic cooperation between these related components is very necessary to achieve the expected coaching goals. The forms of coaching that must be given in correctional institutions are personality development and independence development. Personality development is related to character and mental development, while independence development is related to the development of inmates' talents and skills. In the Class IIA Pancur Batu Prison, there are already special officers related to the two forms of coaching, namely 3 officers managing independence guidance and 1 personality development management officer.

### **Conclusion**

If there is an escape of the inmate, it will be in the BAP (examination minutes) first. The examination was carried out by investigators and the regional office of the correctional division on witnesses, or officers who were on guard during the escape of the inmates. After the BAP is carried out, it can be concluded whether there are elements of intentional wardens, wardens' negligence, and pure escape. And as well as the mechanism for enforcing employee discipline at the Pancur Batu Class IIA Correctional Institution is as follows. If the employee commits a disciplinary violation, then the superior is obliged to examine and look for evidence. Furthermore, a summons I was made in writing. If the person concerned is present, then an examination and proof will be carried out until then the imposition of disciplinary punishment based on the available evidence and information. If the first summons is not present, then after 7 (seven) days the resummoning will be carried out until the person concerned is present. If the person concerned is still absent, after undergoing several processes, disciplinary sanctions are still imposed on the person concerned because the person concerned has been given the right to make a defense but does not exercise his rights.

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