

Application of the Law for Inmates Escaping from Tanjung Gusta Prison Reviewed from the Aspect of Criminal Law in Indonesia

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Abstract

Correctional Institutions as a place or means of coaching, rehabilitation, and reintegration Correctional Assisted Residents. A prisoner as a fostered citizen is a person who is convicted in the Correctional Institution (Lapas) based on a court decision that has obtained permanent legal force. In fact, the maintenance of the social system is also not avoid obstacles, one of which is when there are inmates who escape or occur Prisoner escape. So based on the provisions of Article 10 paragraph (3) Jo. Article 9 paragraph (4) Permenkumham article 6 of 2013, prisoners who escape will be subject to sanctions in the form of disciplinary punishment with a severe category, namely being put in solitary confinement and delay or denial of certain rights as a prisoner. The study covers two problems that are of main concern, namely the causative factors inmates escaped from the Class 1 Correctional Institution ATanjung Gusta Medan, and efforts made by the Tanjung Gusta Medan Class I A Correctional Institution against escaped inmates. The purpose of this research is to examine the application of the law carried out by the Officer. Tanjung Gusta Correctional Institution against escaped inmates. This research using empirical juridical research methods by conducting case studies at the Class I A Correctional Facility Tanjung Gusta Medan. The results of the study showed that the factors that caused prisoners to escape came from intentions from the prisoners, and there is an opportunity for the prisoner to escape. For inmates who are the inmates of the Class I A Tanjung Gusta Medan Correctional Institution who fleeing will be subject to disciplinary sanctions and denial of certain rights as Inmate

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Introduction

Correctional Institutions as a place or means of coaching, rehabilitation, and reintegration Correctional Assisted Residents. In this Correctional Institution, the convict is serving his sentence as a consequence of their actions and correcting themselves and realizing their mistakes that has been committed and does not repeat the mistake both offense and crime similar or other crimes.

According to Dwidja Prianto, the community system is a series of enforcement units criminal law. Suharjo on July 5, 1963 put forward an idea (Correctional Facility), as a goal of from prison sentence. In connection with this, the prison has been abandoned and uses a societal system that prioritizes rights Prisoners' Rights.

In reality, the implementation of the social system is also not immune to obstacles. One of them is when there are inmates who escape or there is an escape of inmates. That way the prisoner as the fostered subject is not in the place where he should be fostered, namely Correctional Institutions.

The penitentiary system that places great emphasis on the elements of revenge and deterrence accompanied by the institution of "prison houses" is gradually seen as a system and means that aren't in line with the concept of rehabilitation and social reintegration, so that inmates realizing his mistake, no longer willing to commit a criminal act and return Become a citizen of the community who is responsible for themselves, their families, and their environment.

The penitentiary system adopted by Indonesia is regulated by Law Number 15 of the Year 1995 concerning Corrections, this is the implementation of the prison sentence which is A juridical philosophical change of idea from the prison system to the penitentiary system. Provisions of Article 4 of the Regulation of the Minister of Law and Human Rights Number 6 of 2013 About the Rules of Correctional Institutions and State Prisons (Permenkumham Article 6 of 2013). based on the provisions of Article 10 paragraph (3) Jo. Article 9 paragraph (4) Permenkumham article 6 of 2013, the act of escaping by inmates from the institution Correctional incarceration can still be sentenced to discipline with a severe category, namely being included in the in solitary confinement and the delay or denial of certain rights as a prisoner. Of course, the prisoner as a convict must obey all the regulations that exist in Correctional Institutions. However, even though there are legal instruments that classifying the escape of prisoners from the Correctional Institution as an offence Discipline to be threatened with severe disciplinary punishment, it seems that the escape of the inmates from This Correctional Institution is still rampant. Even the escape of the Prisoners from the Institution Correctional facilities have been considered a phenomenon.

As a phenomenon that is part of the portrait of Correctional Institutions in Indonesia, There are various backgrounds that are the cause or encouragement for inmates to escaped from the Correctional Institution. Peterson in his research mentioned that the level of security of the Correctional Institution itself is a sufficient cause significant from the escape of inmates.

Based on the decree of the Minister of Justice of the Republic of Indonesia No. M.01.PR.07.03 dated February 26, 1985 about the establishment of the Medan Class I Correctional Institution. Class I Correctional Institution Medan used to have child prisoners, women joined adult prisoners and placed in the Class I Detention Center in Medan. However, due to the violations committed people who are 18 years old are called adult groups, then the government building a prison building specifically for adult inmates. Construction of the Institution building Class I Medan correctional facility was carried out in stages and inaugurated on October 24 1986 by Radjo Harahap, SH Head of the Regional Office of the Ministry of Justice of North Sumatra at that time.

Vision and Mission of Correctional Institutions As for the vision and mission enforced in the Institution Medan Class I Correctional Facility, namely "The Realization of Professional Correctional Officers, Reliable, Responsible and Smart to realize the recovery of the unity of life,

livelihood and life of the 7 Correctional Assisted Citizens as individuals, members society and the creatures of God Almighty" This study is also expected to be useful as a reference material for future research, for develop knowledge, treasures and insights, and improve the quality of information on the Application of the Law for prisoners who escaped from Tanjung Prison Gusta is reviewed from the aspect of criminal law in Indonesia.

Research Methodology

This research uses an empirical juridical method, empirical juridical research is legal research conducted by researching literature and conducting case studies that is happening and is analytical descriptive research. Descriptive research is research which is an exposition, and aims to obtain a complete picture (description) of the the legal situation prevailing in a particular place, or concerning the existing juridical phenomena, or a certain legal event that occur in society. Main purpose of the analysis of the material Law is to know the meaning contained by the terms used in the rules conceptual law, as well as knowing its application in practice and legal rulings.

The data collection method used is the analytical induction method. How to analyze data is used to collect materials sourced from legal materials based on concepts, theories, laws and regulations, expert opinions or researchers' views itself, which is related to sanctions for inmates who escaped from Tanjung Prison gusta is reviewed from the aspect of criminal law in Indonesia. Legal materials are obtained from regulations legislation, judges' decisions, books, and legal journals related to Problems Examined

Problem Formulation

The interesting problems to be discussed in this study are:

1. What are the factors that cause inmates to escape from Class Correctional Institutions 1 A Tanjung Gusta Medan, and;
2. How are the efforts made by the Tanjung Gusta Class I A Correctional Institution Medan against escaped inmates.

Discussion

Factors Causing Inmates to Escape from Class 1 Correctional Institution A Tanjung Gusta Medan

Tanjung Gusta Correctional Institution or commonly called Tanjung Gusta Prison, is a unit technical implementers of community development which is a place to conduct coaching and security of prisoners and community protégés. This institution was established based on the Regulations Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH.05.OT.01.01 of 2011 About Amendments to the Decree of the Minister of Justice Number: M.01-PR.07.03 of 198 concerning Correctional Organization and Work Procedures in order to provide correctional services to the maximum. Because this penitentiary is located in the city of Medan, which is the capital of North Sumatra province, so this prison is called the Class Correctional Institution In Medan.

An inmate is a human member of society who is separated from his parent and during a certain time it is processed in a particular place environment with a purpose, method, and correctional system. At some point the prisoner will return to being a member human a good and law-abiding society. Based on Law Number 22 2022 about Corrections, an inmate is someone who has gone through the judicial process criminal, declared guilty by a court decision that has permanent legal force, and is serving a sentence in a correctional institution. The case of prisoner escape not only disturbs security stability, but also shows There are structural weaknesses in the correctional system.

According to Law Number 22 In 2022 on Corrections, the term "escape" is generally understood as actions committed by the inmate by leaving or attempting to leave unlawful correctional facilities, that is, without going through the procedures or permits that have been Set. In other words, escape is an attempt by an inmate to avoid detention and supervision in correctional institutions. There have been several cases of inmates escaped from the Class 1 A Correctional Institution Tanjung Gusta Medan. There were no reports of cases of escaping prisoners or inmates from prisons/prisoners in Medan City, both from Tanjung Gusta Prison and Medan Prison in the period of 2023 to mid-2025. However, in 2020, it was known that as many as 3 inmates escaped by jumping over the guardrail. In 2017, as many as 4 inmates were known to have escaped and worst of all, more than hundreds of inmates escaped and even lost their lives. life of the Class 1 A Tanjung Gusta Medan Correctional Institution due to the incident the riot of the burning of the Class 1 A Correctional Institution Tanjung Gusta Medan. There are a number of factors that cause inmates to escape from the institution Class 1 A Correctional Facility Tanjung Gusta Medan includes: Internal Factors Internal factors refer to all problems, conditions, and weaknesses contained in the within the Correctional Institution itself, both in terms of organizational structure, facilities, supervision mechanism, as well as the relationship between residents and officers. In Class I A Prison Tanjung Gusta Medan, a number of internal problems are the main triggers for the escape of prisoners, both on an individual and collective scale. In *Robert K. Merton's theory of strains, conditions like this create social tension* because inmates do not have adequate access to legal means to achieve healthy social adaptation, so that they are more likely to take action deviating like an escape as a form of vent. Based on the record of major events in 2013, riots that led to hundreds of The escaped inmates were triggered by power outages and days of lack of clean water. Unmet basic needs cause mass unrest, even becoming a lighter collective unrest that is used as a loophole for escape.

Beyond the big events minimal facility maintenance, poor sanitation, and unavailability of space detainees aggravate the psychological condition of the inmates. This situation is contrary to principle The basis of correctional care should be rehabilitative and humane. External Factors One of the most common external factors is the presence of outside help, either from the prisoner's family, criminal network associates, and other parties who have specific interests. This assistance can be in the form of providing escape aids such as chainsaws irons, cutting tools, ropes, civilian clothes for disguise, to vehicles prepared outside prison walls. Outsiders can also act as observers who gather information about the weaknesses of the security system in prisons, then coordinating it with inmates through covert communication, especially through the use of illegal mobile phones inside cell.

The existence of illegal communication tools, especially mobile phones, also strengthens this external network. Although it is strictly prohibited by law, there are still many inmates who can using mobile phones in prisons. This reflects weak control and supervision against the flow of goods from outside into the penitentiary. With communication tools inmatescan coordinate neatly with outsiders, discuss time escape, weak points of guard, to a safe escape route after successfully leaving the prison. External factors in the case of the escape of inmates from Class I A Prison Tanjung Gusta Medan is a serious challenge related to the issue of coordination, technology, community supervision, and the existence of inmates' social networks outside prisons.To overcome the problem This requires a cross-sectoral approach that not only strengthens the internal aspects of prisons, but also building an external, participatory, and technology-based security system.

Without comprehensive handling of these external factors, the inmates in the correctional system will continue to be faced with the threat of escape that Recurring. Social and Psychological Factors Social and psychological factors play an important role in driving refugee action inmates

from correctional institutions. Although escape is often understood as an act Pure criminal, in essence such behavior is often a complex response to acute social distress and untreated psychological conditions. In Class I Prison A Tanjung Gusta Medan, congested environmental conditions, instability of basic services, and lack of a humanitarian approach in the coaching system becomes a very social context affect the psychology of inmates.

Socially, inmates experience dissociation from the structure of people's lives. In many case, this sense of isolation creates deep loneliness and triggers the desire to seeking freedom as a way to regain a complete social existence. From the aspect The psychology of inmates faces various emotional dynamics ranging from shame, regret, to lingering feelings of guilt. In prison conditions with minimal psychosocial services, the mental pressure is not handled adequately and tend to accumulate. At some stage, individuals can experience psychological disorders such as depression, anxiety disorders, to emotional outbursts that are not Controlled.

This situation is very vulnerable to giving birth to the urge to escape as a form of venting or a literal escape from an unbearable state of mind. Theoretically, this condition can be explained through Robert K. Merton's Strain Theory, which mentioned that deviant behavior is a form of adaptation to pressure structural experience of individuals. In this case, the inmate responds to social pressure (the condition of inhumane prison) and psychological (inner stress, sense of loss, and frustration) with the act of fleeing as a form of *rebellion* against a system that they consider not to provide hope or justice. Planning and Opportunity Factors Prisoner escape is not an act that occurs spontaneously and without calculation. Deep many cases, including those that occurred in the Class I A Prison Tanjung Gusta Medan, escaped is the result of a careful planning process which is then combined with the opening of opportunities or opportunities that can be used effectively by inmates. These two factors have roles that support and reinforce each other.

This kind of planning suggests that escape is an act that is not done impulsively, but precisely as a result of the calculation of risk and profit, as explained in *Rational Choice Theory*. This theory states that the perpetrator of the crime acts rationally by weighing the likelihood of success against the risk of being caught or be punished more severely. The concept of *Opportunity Theory* (Cloward and Ohlin) is very relevant in explaining this factor. This theory states that deviant behavior is not only determined by intentions or desire, but also by the availability of means or opportunities to commit deviations aforementioned. On the other hand, planning will only succeed if it is supported by opportunities or opportunity. Escape opportunities arise due to structural and technical weaknesses in the system correctional facilities themselves. with some of the key factors that open up opportunities for refugees among others: Lack of officers, Damage or malfunction of security facilities and Negligence or corruption of officers: The escape of inmates from Class I A Prison Tanjung Gusta Medan is not solely caused by individual motives, but is the result of the accumulation of social, psychological pressures, weaknesses structural, and opportunities open due to an inoptimal supervision system. Therefore, A holistic approach based on social theory and management systems needs to be implemented to prevent similar incidents in the future.

Efforts Made by Class I A Tanjung Gusta Medan Correctional Institution Against escaped convicts

The case of inmates who escaped from Class I A Prison in Tanjung Gusta Medan became serious public concern, especially in the context of security, institutional management, and the effectiveness of the coaching program. Tanjung Gusta as one of the largest prisons in the region North Sumatra often experiences overcapacity, lack of security personnel, and obstacles supporting facilities.

This phenomenon becomes a loophole that inmates can use to escape. Breakout not only does it have an impact on the reputation of the penitentiary, but it also poses a risk security for the

wider community. Therefore, systematic, sustainable, and evidence-based efforts Evaluation is very important to prevent and handle prisoner escape. One of the main efforts made by the Tanjung Gusta Prison is intensive coordination with law enforcement officials, especially the police and the TNI, in the context of pursuing and recapture of escaped convicts. After receiving the escape report, the prison will immediately deliver the data of the escaped inmate, including full identity, photos, and their criminal record. This data is then disseminated through the regional police network and mass media as a part of the strategy is to narrow the space for prisoners to escape. Follow-up steps taken is an internal evaluation of the weaknesses of the security system, both in terms of physical and Procedural. The prison usually forms an internal investigation team to trace the chronology escape, starting from how prisoners can get out of the detention block, the

access used, to potential officer involvement. From the results of this investigation, Tanjung Gusta Prison has several times recommended the transfer or sanction of negligent officers, as well as compiled a report to the Directorate General of Corrections for further handling. In addition, physical supervision and control systems are also strengthened, such as installation Additional surveillance cameras at vulnerable spots, safety fence repairs, trellis replacement or ventilation, as well as increase in the frequency of mobile patrols by guard squads. Some prisons, including Tanjung Gusta, also began to implement a digital-based control system and sensors for detect suspicious movements, even if implementation is still limited due to constraints budget. In terms of human resources, Tanjung Gusta Prison also increases the capacity of officers through Retraining on safety procedures, discipline, and early detection of potential Escape or riots. This training includes emergency response simulation as well as mental coaching to deal with high work pressure due to prison overcapacity. In addition, rotation is carried out regular tasks to avoid potential conflicts of interest or emotional closeness officers with certain prisoners. Administratively, escaped inmates are subject to the same penal sanctions as regulated in Permenkumham Number 6 of 2013 as a punitive measure that imposed by a certain country or group because of a violation committed by a person or group. Tanjung Gusta Prison also strengthens the prisoner monitoring process high risk, such as narcotics prisoners, terrorists, or recidivists with a previous escape history.

These high-risk inmates are usually placed in special blocks with a system stricter supervision. In some cases, they were also proposed to be transferred to prisons with Maximum Security Prison if it is considered to be a threat to stability Prison. No less important, the prison also conducts personality development and a humanist approach, to prevent the intention of escape from the beginning. Spiritual mental development activities, training work, and psychological counseling continue to be strengthened so that prisoners have the motivation to serve their time punishment in an orderly and productive manner. This approach aims not only to reduce the potential escape, but also increased the success of post-liberation social reintegration. SOPs for securing prisoners in the Indonesian penitentiary system generally regulate various technical and procedural stages to ensure the safety of the inmates. In the scope supervision inside and outside the residential block, post guarding must be carried out fully and Discipline. Supervision of inmates when they leave the prison environment for medical purposes or other external activities carried out with escort by officers assigned to official and must be recorded in the bond book for the entry and exit of the inmates. Failure to meet This procedure, such as not carrying out strict escort or not placing officers in vulnerable points such as top posts, is a form of violation of the SOPs that can be resulting in the risk of escape. In addition to preventive measures, repressive efforts are also carried out against officers who are proven to be negligent in carrying out tasks.

A thorough evaluation was carried out on the officers involved in the escort Fahrul Fadli. This is done in order to uphold accountability and integrity in the correctional environment. The handling of negligent officers is not only in the form of reprimands, but can also be in the form of

administrative sanctions to removal from office or mutations, in accordance with the results of the internal investigation and the degree of error committed. Steps This is in line with the official statement from the Ministry of Law and Human Rights which affirms that violations of SOPs in the correctional system cannot be tolerated, and will be subject to sanctions firm if it is proven that there is an element of negligence that is detrimental to the security of the institution. Overall, the efforts made by the Tanjung Class I A Correctional Institution Gusta Medan's stance on the

escape of inmates reflects a combination of repressive, preventive, and and rehabilitative. Despite challenges such as overcapacity, budget constraints, and Infrastructure is still a major obstacle, these measures show a commitment to correctional institutions in maintaining the integrity of the criminal law system in Indonesia.

Conclusion

Based on the results of the discussion on the application of the law to escaped prisoners from the Class I A Tanjung Gusta Medan Correctional Institution, it can be concluded that Prisoner escape is a consequence of the complexity of the problems that originate from various factors. Internal factors such as overcapacity, lack of security personnel, and the weak physical surveillance and security system, which is the main trigger. moreover external factors such as external assistance, weaknesses in security technology, and conditions the geography of the environment around the prison also increases the chances of escape. Social factors and psychological inmates also contribute significantly, where emotional distress, isolation and inhumane treatment exacerbated the mental state of the inmates who eventually encourage the act of escape. Careful planning and opening up opportunities due to gaps systemic in the management of correctional institutions further strengthens the tendency Escape as a rational action of the individual who is under pressure and sees opportunities. In the context of law enforcement, escaped inmates are subject to punitive sanctions discipline as stipulated in Permenkumham Number 6 of 2013. However, regulations has not accommodated emergency situations such as natural disasters, where refugees do not It is simply an unlawful act, but part of the rescue effort self. The absence of legal norms that consider such emergencies has the potential create legal uncertainty and violations of the principles of justice, and cause The Effects of Double Suffering on Inmates Who Should Be Treated Humanely in the correctional system. The Class I A Correctional Institution Tanjung Gusta Medan itself has made various efforts in handling and preventing the escape of inmates, both through increased cooperation with law enforcement officials, evaluation and improvement of the system security, officer training, and strengthening the humanitarian-based coaching approach. However, various structural and systemic constraints are still necessary challenges is completed comprehensively and continuously.

Suggestion

Reviewing as wetting above, it is necessary to update the regulations that regulate specifically about the escape of prisoners in emergency conditions, such as in the event of a disaster by paying attention to the principles of fair and proportionate criminal law. The government and relevant policy makers need to reform the correctional system by emphasizing the improvement of the quality of infrastructure, the use of modern technology in the system supervision, as well as improvement of human resource management. In addition, reinforcement is needed Approach to inmate development through the provision of psychosocial services and programs more holistic social reintegration, in order to reduce psychological distress and prevent the desire to escape. Cross-sectoral cooperation between correctional institutions and enforcement official law, local government, and society must also be improved as part of the strategy collaborative and continuous security and supervision. Thus, the correctional system Indonesia can run more

effectively in realizing the functions of the development, protection human rights, and social order as a whole.

References

- [1] Constitution of the Unitary State of the Republic of Indonesia in 1945. Criminal Code. Law Number 22 of 2022 concerning Corrections Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning the Rules of Correctional Institutions and Houses State Prisoners. Regulation of the Minister of Law and Human Rights Number 33 of 2015 concerning Security in Correctional Institutions (Prison) and State Prison (Rutan).
- [2] Gunakaya, Widiada, 1989, History and Conception of Corrections., Bandung: Armoco, 1 Josias, nA., and Simon, R. 2010 Cultural Studies of Community Institutions in Indonesia. Bandun,: Lubuk Agung, Muhaimin, 2020, Legal Research Methods, West Nusa Tenggara, Mataram University Press, Muljono, Wahyu, 2012. Introduction to Criminology Theory, Yogyakarta, Pustaka Yustisian. Poernomo, Bambang, 2020, Principles of Criminal Law, Jakarta, Ghalia Indonesia Purnomo, Bambang, 1986 Implementation of Prison Sentences with the Correctional System,
- [3] Yogyakarta, Liberty, Prianto, Dwidja, 2009, Narcotics Crime. Priyatna, Diwdja, 2006, PrisonCriminal Implementation System in Indonesia, Bandung, PT Refika Aditama Triandani, Sahwitri, 2014, Application of Sanctions against Criminals, LPPM, Pekanbaru Soekanto, Soerjono and Sri Mamudji, 2020, Normative Law Research A Brief Review, Jakarta, Raja Grafindo Persada.
- [4] Sudarto, 1981, Punishment Problems and the Idea of Corrections, Kapita Selekt Hukum Criminal Justice, Bandung: Alumni. Sunaros, Siswanto, 2004, Law Enforcement of Psychotropics in Legal Sociology Studies, Jakarta, PT Raja Grafindo Persada.
- [5] Chocky R Ramadham, Rational Choice Theory to Understand Indonesian Corruptors, Integrity Anti-Corruption Journal, Vol 9, No 22, 2023 Clara Jenifer Manullang, Analysis of Strain Criminology Theory in Wild Racing Cases, Unes Law Review, Vol 4, Issue 4, 2023 Bachelor, I Nyoman Ganda Gunawan, I Ketut Rai Setiabudhi, AA Ngr Yusa Darmadi. Standard Operational Procedures (SOP) for Coaching for Narcotics Inmates in Institutions Kerobokan Class II A Correctional Institution, Law Journal No. 1, Vol. 5, 2023 Suerdi, Yamin Lubis, Muhammad Arif Sahlepi, "The Role of the Police in Countermeasures Narcotics Trafficking Crime in the Jurisdiction of the Medan City Resort Police And Beyond, Legal Meta Journal, Vol 2, No 3, November 2023, Zufarnesia, Muhammad Arif Sahlepi, Ismaidar, The Role Of Traditional Institutions In Resolving Bali's Customary Criminal Law Using A Restorative Justice Approach, IJSLCJ, Vol 1, No 1 2024,
- [6] Bapanas News, Related to the Case of 4 Escaped Prisoners, Medan Class I Prison Officers Received Sanctions, Accessed via <https://www.bapanasnews.com/2017/09/terkait-kasus-4-napi-kabur-petugas.html> Kompas.com, 150 Prisoners Escaped from Tanjung Gusta Prison, Accessed via <https://regional.kompas.com/read/2013/07/11/2040593/150.Napi.Kabur.dari.Lapas.Tanjung.Gusta> Field Main News, Escape of 4 Tanjung Gusta Prison Prisoners Stranded, These Are the Names, Accessed via <https://utamanews.com/hukum-keamanan/Pelarian-4-Tahanan-Lapas-Tanjung-Gustaaground--this-his-name>, Wikipedia, Tanjung Gusta Community Institution, Accessed via https://id.wikipedia.org/wiki/Lembaga_Pemasyarakatan_Tanjung_Gusta,