



An Application on Prisoners Treatment Model Based of Islamic Religion in The Correctional Institutions

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Abstract

Guidance for prisoners is carried out in Correctional Institution. This must be in line with the objectives of treatment so that what is emphasized in the treatment process is a model of fostering prisoners. The problems in this article are first, what the form of treatment model for prisoners in Correctional Institution at this time is; and second, how the development of Islamic-based treatment models is applied to prisoners at Correctional Institution. This article uses empirical legal research with socio legal approach. The specifications in this article are descriptive analytical research specifications and studies conducted in Corrections Institutions. The results of the discussion in this article show that the model of treatment for prisoners carried out in the Correctional Institution is currently based on the principle of correctional guidance, namely individual treatment and classical treatment. Renewal of the development of a model of treatment for prisoners can be done religiously, which prioritizes a religious approach that aims to create soft skills, namely treatment of repentance and the character of trust in prisoners themselves.

Keywords: *treatment model, based of religious Islamic, prisoners, correctional institution*

A. Introduction

The state is obliged to give to all its citizens including citizens who are in conflict with the law. One of the citizens who is in conflict with the law is a prisoner. According to Law No. 12 of 1995 concerning Penitentiary, Article 1 number 7 states that inmates are convicts who were canceled for the sake of freedom in the Correctional Institution. Based on Correctional Institutions based on Article 1 number 3 states that Correctional Institutions is a place to carry out fostering inmates and correctional students.

Prisoners as humans who are undergoing coaching to realize their mistakes require coaching. The formation of prisoners is carried out as an effort to realize and restore the

whole human being into a better human being. One of the stages in fostering prisoners is internal treatment which is held in Penitentiary in the form of religious formation.

The treatment process as one of the stages that must be undertaken by inmates must be in accordance with the purpose of punishment. The intended criminal objectives are as follows:

1. Prevention
2. Community Protection
3. Maintaining Community Solidarity
4. Rewarding / Offsetting

The current condition that needs attention is the continuation of the life of the convicted person, especially regarding the impact on the convicted person, the convict's family, and society. This can be overcome by including religious aspects as one of the most important aspects in the model of treatment prisoners in Correctional Institution. The treatment model currently applied to prisoners is based on the Republic of Indonesia's Minister of Law and Human Rights Regulation No. 35 of 2018 concerning Revitalization of Correctional Organizations. The form of guidance that is happening right now is based on Article 11 Paragraph 2 which states that:

(2) Prisoner Training Program includes:

- a. concern religious awareness;
- b. concern national and state awareness;
- c. concern Development of legal awareness; and
- d. concern Psychology Counseling.

Based on this, the problem in this article is first, what is the form of the treatment model for prisoners in Correctional Institution at this time; and second, how is the development of Islamic-based treatment models applied to prisoners at Correctional Institution.

Some other articles that discuss prisoners at Correctional Institution include articles on treatment Islamic religion for child prisoners, especially by using religious and psychological approaches (Khairi, 2018); another article discusses Islamic religious education in the form of Aqeedah, Morals, Fiqh, Al-Qur'an and Hadith which must be carried out by prisoners (Ramadani, 2017); another article describes a model of religious formation carried out in a detention center as a temporary placement place for someone in conflict with the law (Susanti, 2018); Another article discusses the importance of Islamic religious education in correctional institutions to strengthen prisoners' mentality (Emqi, 2014).

The main focus of this article is the application of Islamic-based treatment models that are not only in the form of providing knowledge but must be pursued so that prisoners have

the character of patience and trust in order to be able to live life in the Correctional Institution and later have provisions to continue their lives in life in society.

A. Method

This article uses empirical legal research which is intended to invite researchers not only to think about law as written in a book, are technical in operationalizing legal regulations (Sonata, 2014).

The approach used in this article is the socio legal approach, so that not only the legal aspects are applied but also using religious knowledge that can be useful for prisoners to have a strong provision in continuing their lives both inside and outside the institution.

The research specifications used in this article are descriptive analytical research specifications. Descriptive research is research that aims to describe precisely the characteristics of an individual, a particular condition, symptom or group, or to determine the spread of a symptom or to determine whether there is a relationship between a symptom and other symptoms in society (Asikin, 2004).

This research was conducted at the Correctional Institution with the intention of obtaining in-depth information, especially regarding the treatment model of prisoners.

The results of the article can be in the form of renewing the treatment model for prisoners, which includes not only Islamic material but also to be patience, trust, and repentance so that the goal of punishment in the future can be achieved.

B. Discussion

1. A Treatment Model for Prisoners in The Correctional Institution at This Time.

Guidance for prisoners carried out in Correctional Institutions must hold fast to the principle of correctional development. Article 5 of Law Number 12 of 1995 concerning Penitentiary states the principles of correctional formation include:

- a. Principles of Protection;
- b. Principle of equality and treatment of services;
- c. Principle of Education;
- d. Principle of Guidance;
- e. Principle of respect for human dignity and dignity;
- f. Principle of Losing Independence Is the Only Suffering;
- g. Principle of Guaranteed Right to Keep in Good Relationship with Family and Certain Persons.

The seven principles should ideally be implemented in treatment activities. At this time if seen in the Correctional Institution, guidance for prisoners can be grouped into two, namely individual treatment and treatment in groups. This article will describe the two guiding inmates as follows:

a. Individual Treatment

Individual coaching is given to prisoners by prison officers as law enforcement officer. According to this article in practice, this individual treatment model has weaknesses. The prison officers must classify the prisoners in terms of needs, characteristics, emotions and logic and can be seen if individual treatment is practiced at the Correctional Institution so the training material cannot be distributed properly. Whereas the ideal condition of the coach should place himself as a facilitator, motivator, who directs the prisoner to be independent and accustomed to solving problems and faced (Harsono, 1995).

b. Classical Treatment.

Treatment in groups can be done by giving education, questions and answers, simulations, role plays, or teamworking. The choice of treatment depends on the material to be delivered and the objectives to be achieved. In the practice, classical as a group has been formed must be active rather than the activeness of the prison officer. Classical treatment can run ideally if it is supported by a group of prisoners who want to participate and there is interaction between the prisons officer and prisoners, especially in understanding the positive values taught (Inciardi, 2004).

The application of treatment models to prisoners in general is almost the case in all Correctional Institutions. In the perspective of criminal theory, it can be analyzed using relative criminal theory. According to Muladi and BardaNawawiArief, the theory of punishment is not to satisfy the absolute demands of justice. Vengeance has no value, but only as a means to protect the interests of the community. So this article also refers to the opinion of J. Andenaes who called namely the theory of social defence (Arief, 1992).

This article also refers to Karl O. Christiansen, detailing the characteristics or characteristics of relative theory, as follows (Jaya, 2005):

- a. The Purpose of punishment is prevention;
- b. Prevention is not a final, but a means to a more supreme aim, e.g. social welfare;
- c. Only breaches of the law which are imputable to the perpetrator as intent or negligence qualify for punishment.
- d. The penalty shall be determined by its utility as an instrument for the prevention of crime;
- e. The punishment is protective, it points into the future; it may contain an element of reproach, but neither reproach nor retributive elements can be accepted if they do not serve the prevention of crime for the benefit of social welfare.

Based on this, it can be analyzed that the treatment model for prisoners in Correctional Institutions that is a way to provide prisoners with knowledge and understanding that a crime is not merely to retaliate or compensate people who have committed a crime. The ideal situation is that if the training of prisoners goes well it will have a purpose that is beneficial for the prisoners themselves.

In the practice, the general condition of Correctional Institutions which are over capacity, basic needs of prisoners not accommodated, etc then this article concludes that the treatment model at this time has several weaknesses. Weakness can be analyzed using legal system theory, namely:

1. Legal Substance

Substance can be said as the norms, rules and real human behavior that is in a legal system (Friedman, 1975). The substance component is in the form of legal norms, be it regulations, decisions and so on, all of which are used by law enforcement officer and those who are regulated. It is time for the legal rules governing penitentiary and criminal proceedings to be updated so that correctional activities can be carried out restoratively not always synonymous with retaliation.

2. Legal Structure

The legal structure is the framework of a permanent form of the legal system that keeps the process within its limits (Friedman, *The Legal System : A Social Science Perspective*, 1975).

The legal structure can be interpreted as law enforcement officers. In the order of the criminal justice system, the execution process is described as the final process carried out by fostering prisoners. So what needs to be improved is the quantity and quality of the prison officer. Another thing that must be realized is the coordination between fellow law enforcement officers especially with the correctional center.

3. Legal Culture

Legal culture can be formulated as attitudes and values that have to do with the law and legal system, both positive and negative attitudes.

Prisoners as people who are undergoing crime in prison need to be fostered in order to return to being a good person. On the basis of this protection is important to be realized. Another thing that needs to be realized is to make prisoners aware of their repentance and further enhance their religious activities while in Correctional Institutions.

2. Development of Islamic-Based Treatment Models Applied to Prisoners in The Correctional Institutions

At the practice, a treatment model for prisoners tends to be rigid and straightforward. According to this article it is necessary to develop the application of the existing development treatment model.

If viewed from the perspective of criminology, prisoners must be considered as sick people so that to treat the illness a drug is needed which is a symptomatic approach for fostering prisoners (Antoniak, 2011).

Symptomatic approach is needed for special offender populations such as persons with psychotic illnesses, sex offenders, psychopaths, substance abusers, domestic violence perpetrators, or any admixture thereof (Spruiell, 2011). This approach can be used and is very suitable for building attitudes or culture in prisoners so that they are aware of their mistakes and will not repeat their actions.

Based on this article, it is time for the treatment model for prisoners to be developed into a model of Islamic-based guidance that can be applied to prisoners who are Muslim so that it can be suitable to be applied to build the culture of inmates.

The development of a religious based coaching model includes:

1. Religious approach for prisoners

Repentance is remorse for prisoners (Nurulaen, 2012). Repentance must be done sincerely so that the actual repentance is repentance in accordance with the commands of Allah SWT. Inmates who regret their actions and have good intentions to return to the right path must have the intention and effort done by themselves. One of the first things a prisoner must do is repent so that the prisoner must be willing and able to avoid immoral acts or not commit criminal acts again.

2. Religious approach to fostering of trust

Tawakal is dependent on Allah SWT in all matters. In terms of religion, tawakal comes from the word tawakala which means to surrender, entrust, and represent. Tawakal in Arabic is wakalah or wikalah which means to lean on, market to other parties.

On the basis of such matters, a prisoner must have a trust so that they are willing to live their lives in prison, the prisoner also always pray to Allah SWT (Nurulaen, Lembaga Pemasyarakatan Masalah dan Solusi, 2012).

Fostering of trust is also a command from Allah SWT. This command is contained in Surah Al-Anfal 61 :

وَإِن جُنْحُوا السَّلْمَ فَاجْنَحْهَا وَتَوَكَّلْ عَلَى اللَّهِ ۚ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ

which means " But if they incline towards peace, then incline towards it and put your trust in Allah SWT. He is the Hearer, the Knower".

Other than that contained in Surah Al-Furqan 58 :
وَتَوَكَّلْ عَلَى الْحَيِّ الَّذِي لَا يَمُوتُ وَسَبِّحْ حَمْدَهُ ۗ وَكَفَىٰ بِهَذَا عِبَادٍ هٰخَبِيرًا

which means " And put your trust in the Ever Living One Who does not die, and glorify with His Praise and Sufficent for Him Being All Aware of the sins of His servants".

According to this article, it is time for prisoners to be equipped with Islamic-based treatment models. This treatment model does not merely follow religious education compulsory activities such as congregational prayers, or religious activity, but also every prisoner must be able to have the nature of repentance and tawakal(Arista, 2017).

This is not an easy task and becomes a burden of work for the prison officer in the Correctional Institution, but if it is carried out seriously and without coercion and sincere and sincere intentions, there will be a change in mentality of each individual prisoner.

If it is related to the condition of the prisoners themselves who have received a negative stigma as labelling from the community it is certainly not an easy thing(Munthe, 2017).Awaken the community or the victim or family to receive back prisoners who have finished undergoing treatment in Correctional Institution.

According to this article, if it is associated with the Labeling Theory which argues thattwo principles of labeling theory (stigma theory) in 1962, stated that :

- a. crime is not anomalous behavior, but defined as anomalous one by the peoples;
- b. what should be studied is the process (labeling and stigmatization) where many peoples are considered anomalous by another peoples, society or law.

The statements area main research agenda for the supporters of labeling theory. An agenda which brings two implications for criminology, namely first, labeling theory offers the summary of new terms, and the second, the labeling theorists offer new focus for etiology of crime(Barlow, 1984).

Based on that statement, there are two principles of labeling theory which state that crime is not deviant behavior, but is defined as deviation by society, and what should be learned is a process (labelization or stigmatization) where some people are considered to be deviant by others, society or law.

In labeling theory, the imposition of deviant labels (stigma) comes from the definitional process whereby a number of people qualify certain behaviors as deviant (labeling or stigmatization), assume the person who commits the behavior as a criminal, and responds or qualifies those who qualify as deviant the villain.

According to labeling theory, there is no criminal behavior as innate. Criminal behavior is a product of social interaction. Therefore, labeling theorists use a historical

approach about how and why certain behaviors are qualified as criminal or labeled as criminal (Plummer, 2011).

The treatment model for prisoners at this time has a view that prisoners as a human being with a negative stigma attached to the prisoners themselves. This is consistent with labeling theory. A distorted label originates from a definitional process whereby a number of societies qualify certain behaviors as deviant, assume the person who commits the behavior as a villain, and respond to those who qualify as criminals.

Therefore, the treatment model for prisoners must be developed, especially by including the religious approach as the main based for making a person who used to behave negatively into repentance or behave positive so that the process of resocialization of prisoners became successful.

C. Conclusion

Based on the discussion of the article, the things that are normative treatment for prisoners carried out in the Correctional Institution at this time must be based on the principle of correcting counseling. There are two treatment model for prisoners carried out at the Correctional Institution, namely individual treatment and classical treatment. In practice the treatment model tends to be rigid so it needs to be changed by developing a treatment model, which is a religious based treatment model.

The model of religious based coaching does not only consist of religious enhancement activities but also prioritizes religious approaches to foster repentance for prisoners and to foster the character of tawakal so that the purpose of correcting can be achieved, namely forming a whole person, realizing his mistakes, improving himself and not repeating criminal acts so that he can received back by the community.

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