

Proceeding Kasmanto-Corruption As One of The Cultural Culture Indonesia (case study Rutan Sialang Bungkok Pekanbaru)

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CORRUPTION AS ONE OF THE CULTURAL CULTURE IN INDONESIA (CASE STUDY RUTAN SIALANG BUNGKUK-PEKANBARU)

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Abstract

A number of complex problems overshadowing the Social Service Institution in Indonesia, in reality, behind the massive walls and sturdy buildings and its conserved wire, the Conservation Society has interactional relationships and agreements among communities and officers within the Penitentiary, essentially undermining a system that can work well at Lembaga Pemasyarakatan. This plays a role in increasing violations of rules and culture of corruption through illegal levies within the Penitentiary. Social relations within the Penitentiary are formed based on the context of interests and needs, where the bonds are very fluid and easily changed through interpersonal negotiations, ie prisoners and officers. They seek to create and maintain informal agreements that induce a culture of corruption within the institutions of expansion, in addition to the enforcement of formal rules through social relations in Prison. This is what eventually leads to a point of non-synchronization of personal needs and interests between prison community residents and officers who took place in the Sungkang Sialang Bungkok Hospital, Pekanbaru City, which resulted in a large riot until the release of hundreds of prison citizens from Sungkalong Prison House.

Key Words: *Prison culture, Corruption, Riot.*

1. INTRODUCTION

In prison systems in Indonesia or those referred to as Penitentiaries, all inmates are required to follow and implement the formal rules in the Penal Institution in accordance with Act no. 12 of 1995 on Corrections.

A number of complex problems overshadow the current Indonesian Citizen Institution, such as the Over Crowded phenomenon, the increasing number of certain prisoners such as drugs and terrorism, unfinished coaching patterns, lack of personnel in the field, to a culture of corruption or illegal charges and the circulation of illicit goods in Penitentiary that exist in Indonesia. These major problems are inherent in the existence of the current Penitentiary, indicating the enforcement weaknesses of the Penitentiary itself to proceed as expected. In an institutional perspective it is explicitly stated that the Pasmayarakatan Institution is the

one who runs a judge's sentence in the form of a prison sentence, held behind a high wall, layered security, sturdy buildings and barbed wire.

However, in reality, behind the great walls and solid structures and thorny wire, Institute Pemasyaratan have interaction and agreements between communities in the Penitentiary are substantially weaken the system that can run with the good. As stated by Sudirman (2007: 205-230) or increasing the growing inmate who made misguided in Penitentiary, it plays a role in increasing violations of rules and violations of the law, while it is coupled with the attitude and behavior of petugas help fuel suburkan violation behavior.

The entry of various types of crime latest occupant gave new forms of relationships between people in prison or the Penitentiary, the relationship of this to create the conditions that need each other in the prison community, for the sake of underlying or satisfy the interests of the interrelationships among people in prison.

In some previous studies it also explains the increasing problem in the prison, as Geoffrey et. al. (1993), prisons are now in a state of uncertainty, where the problem increases with increasing prisoner fragmentation and irregularity, even those who repeatedly enter jail against a culture of arbitrary and arbitrary events. The theoretical approach that mengdikotomikan sources of prison culture change is considered failed to reveal the complexities and limitations of the prevailing situation imprisoned (Geoffrey Hunt, Stephanie Riegel, Thomas Morales, and Waldorf, 1993: 398-409).

In essence, the purpose of imprisonment in the Penitentiary must be a deterrent effect. As in its development, theorists explain punishment which has several important indicators to work on. Stanley E. Grupp for example, in *Theories of Punishment* (1971: 3-10) explains that the theory of punishment is a rational guideline and diverse perspectives on the purpose of punishment and the correction system (coaching). According to him, theories that developed in the penology consist of retributive (retribution), deterrence (deterrence), rehabilitative, and integrative. The retributive theory sees punishment as suffering deserving of the offenders. The theory of insecurity, built by the classical mash of the eighteenth to early nineteenth centuries, sees punishment as an attempt to achieve the greatest happiness for the greatest number of peoples. While the theory of rehabilitation that flourished in the 20th century emphasizes individualization of punishment, through coaching, so that individuals can adjust themselves back to non-criminal after being exempt from punishment. While integrative is a worldview that integrates some of the functions of punishment, emphasizing that the purpose of punishment is to create assimilation of offenders with their communities.

Furthermore, Andenaes (in Grupp, 1971: 142) states that punishment has three general prevention effects, namely the effects of harassment, strengthening moral prohibitions, and stimulating the habit of behaving in a law-abiding manner. Meanwhile, according to David Garland (1990) in his book *Punishment and Modern Society A Study In Social Theory*, it is said that the sociology of punishment presents a framework that can be used to analyze imprisonment institutions. At least in the sociological view, there are two ways of looking at the problem of punishment: (1) Punishment as a form of social control or control over crime by using an approach to the results of a study of penology; and (2) Punishment as an epistemological moral problem based on philosophical punishment, in order to find the root cause of why a person should be punished, why he committed a crime, what is the essential meaning behind the punishment.

The sociological perspective sees punishment as a complex social institution, shaped by an ensemble of various social and historical forces and has effects that reach far beyond the offender population. Whereas Durkheimian perspective (in Garland, 1990: 23) interprets punishment as an awareness of morality resulting from a society of mechanical solidarity based on collective sentiments.

Marxist studies (in Garland 1990: 83) describe punishment as something that is influenced by the ideological and economic conditions of the economy played and played by the state apparatus that dominates the class in society in governing and running the country. While Foucault's *Work* (1977) focuses on certain technologies of power-knowledge operating in the criminal realm and their wider network of work up to that which shows the importance of cultural sensitivity and "civilization processes" in shaping measurable modern criminal acts.

Furthermore, Garland (1990), conveying how the standard ways in which we think and speak about the problem of punishment, is not so much framed through sociological theory as it is through two rather distinct discursive traditions that might first be described better, as the "penologis" and "philosophical" ways of thinking.

From so many studies on the punishment to run effectively and well, it can not be a reference that can be executed and implemented as expected, because the reality of the field, through institutions that run the punishment of Correctional Institutions, in reality there are still many problems that affect the implementation the performance of the Penitentiary so that the imprisonment system or socialization is not achieved. One is the culture of corruption or illegal levies in prisons, which in turn can lead to problems that have an impact on the occurrence of violence within the penitentiary.

It must be admitted that most of the prisons in various regions in Indonesia are over crowded. This condition can exacerbate the existence of crime "transfer of knowledge" to be more easily done because of the large number of Penitentiary residents. Especially for residents of drug cases. Opportunities meet big cities with small airports become very large. Not to mention the addicts who previously only the user status could then be a drug dealer and even, many parties mentioned that the drug business outside the prison is controlled from within the prison.

As stated by Graham Blaine in Hari Sasangka (2003: 15) one of the causes so that the circulation of drugs can happen is because there are overpopulation (over crowded). Over crowded was apparently supported with another problem that is overstaying. Overstaying is considered to be one of the factors affecting overload. Overstaying occurs when a prisoner is supposed to be released but still retained or not released. It also relates to the criminal justice administration system which is not yet working comprehensively which ultimately supports the culture of corruption by persons serving in prisons.

Over crowded and overstaying can support a variety of problems within the Penitentiary. Given this problem within the penitentiary the control and oversight functions of prison officials are getting weaker. So far the number of prison officers with the number of residents is not comparable. Currently the number of officers is considered to be minimal to supervise the existing problems, but on the other hand, some of the officers in charge of this situation to foster a culture of corruption or illegal pungli is in prison. The cause of this culture of corruption is due to the involvement of officers of the penitentiary itself. From some problems such as drugs circulating in Penitentiary for example, found and revealed, that among others related to the role of prison officers in paving the way so that drugs can be circulated in prisons. The existence of the relationship between the officer and the prisoners that then gave birth to a form of crime. It's all because officers and prisoners have become accustomed to a culture of compromise. So also with the inmates who become drug dealers in prison shows how a compromise relationship that can be executed between inmates with prison officers through a culture of corruption that is done by the officers of prison officials.

Not to mention the latest case that occurred in the year 2017 is enough to attract the attention of the people of Indonesia in general, where as reported by Online Daily detik.com with headline, "Geger Prison Blur", which tells how many people who feel the extraordinary

panic because of the release hundreds of inmates residing in Sungkal Hunch Prison in Pekanbaru City. Starting from the loss of property such as seizure of motor vehicles, to the act of hostage of children conducted by some inmates who tried to escape (detik.com, accessed on October 26, 2017. at 16:23 pm).

In the study and search more deeply, it is known that the event "mengegerkan" as conveyed by the media was in fact affected by the problems that occur in Rutan Sungkal Sungkang, Pekanbaru itself. As reported by liputan6.com, with the headline "mass escaped prisoners because of inhuman prison", describes how the state of Prison Sungkal Hunches has serious problems to establish a good and effective punishment system. (liputan6.com, accessed on October 26, 2017, 19.16 GMT). The occurrence of a culture of corruption or extraordinary extortion in the House of Prison Sungkal Hump becomes the culmination of the anger of prisoners to dare to rebel and fight by breaking the door of the House of Sialang Humpback and escaping.

2. DISCUSSION

Prison Culture in Indonesia

In his book entitled *Imprisonment Culture of Understanding and Implementation*, Josias Simon (2012) describes the prison culture of the ancient literature describing the emergence of informal agreements in prison communities, as a result of limitations and deprivations during prison time. From this understanding further Josias Simon explained that prison society consists of the prisoners who form the prison culture due to the constraints and deprivations faced. (Simon, 2012: 7)

Meanwhile Lawrence M. Friedman (1977) added that the emergence of informal agreements can not be separated from the validity of legal culture in the judicial system. Prisons are just a subsystem inside, what happens in prison depends on the conditions that took place in the previous world. Preliminary prison observers describe prison culture as internally agreed, influenced by external circumstances. In its development the prison culture not only reviews informal agreements, but highlights how these agreements are maintained, perpetuated, or inherited among members of the prison community. Prison communities include not only inmates, but involving officers to maintain informal agreements, in order to exist and survive. (Simon, 2012: 8)

The concept of Penitentiary in Indonesia

Our prison system previously embraced various colonial legacies legislation, which is clearly incompatible with the 1945 Constitution, has been gradually revamped and amended. New thinking about the function of prison sentence, triggered by Dr. Saharjo in 1964, and subsequently determined by President Soekarno on 27 April 1964, and reflected in Law No. 12 of 1995, on corrections. The system of imprisonment which strongly emphasizes the element of revenge and guard has been removed and changed with the concept of rehabilitation and social reintegration.

The guidance system for prisoners has changed from the prison system to the penitentiary system, the change from the prison house to the Penitentiary, not merely physically changing or constructing the building, but more importantly applying the concept of socialization³

The Paradigm of the Criminal Justice System in Indonesia

Ironically, almost all crimes handled by the Indonesian Criminal Justice System always end up in jail. Though prisons are not the best solution in solving crime problems, especially crimes where the "damage" inflicted by such crimes can still be restored so that "damaged" conditions can be restored to their original state, where restorative justice is possible removal of stigma from individual offenders (Muladi, 2002: 5)

In dealing with crimes that are considered to be restored, there is a paradigm of punishment called restorative justice, in which the perpetrator is encouraged to correct the harm he has inflicted on the victim, his family and society. In relation to the crime that the damage can still be repaired, people basically want for the perpetrators to be given a "service" that is rehabilitative. People expect criminals to be better than before they enter prison institutions, this is what the rehabilitation process means. (Muladi, 2002: 6)

The problem of prison culture in the view of Constitutive Criminology

Constitutive views reject the view of the modernists who explain the phenomenon of crime only seen from the perpetrator, separate from his social environment. Thus constitutive criminology seeks to explain and identify the factors that cause crime or irregularities, and can intervene to reduce greater losses.

Furthermore, According to Henry and Milavanovic (2000) constitutive criminology see criminality occurs because of an unequal power relationship. This imbalance causes agents with great power to deprive the rights of other agents with less power. In view of this view Power (power) is the most important factor to create a criminal condition, in which case the greater power is owned by officers in prisons and those with lesser authority are prison or prison populations.

By renewing the meaning of criminality, victims and criminals certainly have an impact on the crime locus. The process of creating a new identity of criminality through discourse, in this case is a change from the meaning that to get something in the prison must be paid in such a way that the emergence of a culture of corruption or extortion of the institution of pemasyarakatan. In other words criminality is a social co-production, or caused by discursive construction of processes or relationships that run within the prison community.

Culture of Corruption in Correctional Institutions and the Problems

Correctional Institution is the proper implementation of prison sentence that judge has decided in court. Jailed means made repentant or deterrent (Sujatno, 2008: 11-12). A perpetrator will be put in a Penal Institution to carry out the jail terms he receives. The person set in the Penal Institution undergoes a different process on a social and psychic basis. They experience conflict, tension, or fear about the new environment in which they are placed. Gradually they learn to adapt to the accommodation, so that fear and tension diminish.

In the paradigm of the criminal justice system applicable in Indonesia, according to Muladi (2002) explains how almost every problem that runs in the Indonesian Criminal Justice System always ends or ends up in prison. This problem is in fact a fundamental problem, considering that with such a paradigm, inevitably lead to Penitentiary or Detention House or better known as a prison experience what the name is over crowded. Where the capacity of a prison that only a few thousand can be occupied up to 3 to 5 times. This is almost a problem of all existing Penitentiaries in Indonesia. In the sense of imprisonment system in Indonesia like this cause various kinds of problems that result in ineffectiveness of the process of achieving the goals of the Institute itself.

More interestingly, from such a process, it will lead to a new culture within the prison community, or which in this discussion is referred to as a prison culture. The prison culture itself as conveyed by Simon (2012) is informal agreements taking place within the prison community. In its development the prison culture not only reviews informal agreements, but highlights how these agreements are maintained, perpetuated, or inherited among members of the prison community. Prison communities include not only inmates, but involving officers to maintain informal agreements, in order to exist and survive. In fact, such a prison corruption culture will create an uncertainty as to how the existing and survival levels can proceed according to what the actors want. Just like the case of the rebels of the prisoners that took place in the Sungkalong Sungkal Kota Pekanbaru, how finally the Culture of corruption in Prison in the House of Detainees is considered very burdensome inmates

conducted by the officers. The result of such uncertainty and inconvenience resulted in a large protest form by breaking into or breaking through the main door of the Sungkal Hunch Prison and causing hundreds of inmates to flee to the rest of the residents of Pekanbaru City.

Informal Agreement that occurred and led to the form of protests from the prison community who are in Prison House Sialang Hump Town Pekanbaru pun diverse forms that have been agreed. Widespread illegal levies or illegal fees as a culture of corruption in prisons occurred, carried out by officers from the Sungkang Sialang Bungkok Hospital Pekanbaru. Prison communities are subject to various forms of expenditure if they want to get facilities that should have been the right of inmates, one of whom is to meet with the family and get good water for bathing and for worship. Not to mention because to get a sideline, sometimes unscrupulous officers make informal agreement in the form of omission of illicit goods circulation. Officers also often divert the weaknesses and ineffectiveness of the coaching system applied because of the number of personnel who are lacking in the execution of tasks. With so many prison residents considered unbalanced with only a few field guard personnel.

3. RESULTS

Imprisonment in Indonesia has a prison culture of diverse forms that actually has implication impacts that are in line with all the problems that occur in it. The culture of corruption in prisons is the standard of conduct in daily social life, which is recurrent and operational for all parties in the Penal Institution.

Social relations within the Penitentiary are formed based on the context of interests and needs, where the bonds are very fluid and easily changed through interpersonal negotiations, ie prisoners and officers. They seek to create and maintain informal agreements that induce a culture of corruption within the institutions of expansion, in addition to the enforcement of formal rules through social relations in Prison. It is this that finally finds at one point the non-synchronization of personal needs and interests between the citizens of the prison and the officers who took place in the Sungkang Sialang Bungkok Hospital in Pekanbaru City, which resulted in a large riot until the release of hundreds of prison citizens from the Sungkang Sungkal Detention Center. Or in the sense that there are informal agreements that are unbalanced, or unbalanced relationships lead to prisoners rampaging and rioting up to the case of rebels from prison communities.

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