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## Research Article

### **The Effectiveness of Prison Criminal in Changing the Behavior of Inprisoners (Study at Class II B Penitentiary in Lubuk Pakam)**

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#### **ABSTRACT**

The existence and effectiveness of imprisonment in changing the behavior of convicts is quite interesting to study, considering the facts that exist show that imprisonment through the correctional system has not been able to change the behavior of convicts significantly. The problems in this study are regarding the existence of imprisonment and prison conditions as a place for implementing coaching for convicts, regarding coaching and its influence on the behavior of convicts while serving their sentences in Correctional Institutions and the effectiveness of imprisonment as the implementation of criminal sanctions and at the same time a means to change the behavior of convicts. This type of research is empirical juridical research, using a statute approach and a conceptual approach. This research uses field studies and literature studies that aim to collect primary and secondary data. The data analysis used is qualitative data analysis. Based on the results of research and discussion, imprisonment is still quite effective in changing the behavior of convicts. This is in accordance with the objectives of the penitentiary system regulated in the penitentiary law and there is also a change in the behavior of some inmates who have undergone the coaching process. The conclusion of this study is that the existence of imprisonment as a means of implementing coaching for convicts is still quite relevant to be applied in the criminal justice system in Indonesia. Considering that the implementation of imprisonment in Indonesia is not only a form of retaliation (punishment) against perpetrators, but also aims to restore the situation, namely to rehabilitate perpetrators and at the same time protect society from the perpetrator's actions to repeat his crime. Coaching carried out by Correctional Institutions has an influence on changes in the behavior of convicts. Although in the implementation of the coaching there are still various weaknesses that indicate the failure of the coaching process. Imprisonment as the implementation of criminal

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sanctions and at the same time a means to change the behavior of convicts is still quite effective, although it cannot be said that it is a very effective means to change the behavior of convicts.

**Keywords:** *Effectiveness, Convict Behavior, Imprisonment*

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## **Introduction**

Prison is a very familiar term in the criminal system in Indonesia. The existence of the basis for justifying the establishment of prison sentences so far is based on a policy that maintains the types of punishment as stipulated in Article 10 of the Criminal Code (Western, 2021). Imprisonment is one type of sanction in criminal law that is often used as a means to tackle crime problems. The use of imprisonment as a means of punishing criminals began at the end of the 18th century, which was rooted in the notion of individualism and the humanitarian movement. Imprisonment is increasingly playing an important role and shifting the position of capital punishment and corporal punishment which are seen as cruel (Gundur, 2020).

In Indonesia, imprisonment is the most dominant type of sanction taken by judges. Roeslan Saleh stated that imprisonment is the main punishment among crimes for losing independence and this prison sentence can be imposed for life or for a while (Acar & Ulgen, 2020).

The general picture of prison is that it is a very scary place, you don't get good food, you sleep on the floor and you are bitten by mosquitoes, there is torture and you are very uncomfortable, it is difficult to communicate with the outside world and your family, you have no entertainment and you are miserable and limited in every way (Wallace & Wang, 2020). Teguh Prasetyo explained that prison gives an image to the general public, as a place where criminals are deprived of their freedom and tortured and employed or trained in order to form good behavior and character after leaving prison. The image of a prison that gives a frightening image to the general public, aims to provide a deterrent element for perpetrators of crime (criminals), so that they become aware of and change their bad attitudes and behavior (Walters, 2020).

Prison sentences carried out in Indonesia aim to punish someone who knowingly and deliberately commits a crime so that person will not repeat his wrongdoing (Courtney, 2019). The criminalization policy still deserves to be punished for certain acts, causing the use of imprisonment sanctions to be carried out which of course is carried out selectively, namely aimed at the following acts:

1. Contrary to decency, religion and Pancasila morals.
2. Endanger or harm the life of the community, nation and state.
3. Obstructing the achievement of national development.

Based on developments at the United Nations congress regarding the prevention of crime and treatment of offenders, imprisonment can still be maintained but only needs to be limited to certain crimes. As a process to change behavior or behavior, imprisonment can still be maintained. Judging from the need for community security efforts, imprisonment is one of the punishments that is more humane compared to arbitrary acts outside the law (Tonseth & Bergsland, 2019).

Prisons in the past were places where people received sadistic punishments in the form of torture, mutilation, execution by hanging or burning. However, currently, prisons in Indonesia, which have changed their names as Correctional Institutions, are buildings where isolation is philosophically aimed at eliminating the freedom of convicts or experiencing revocation of independence and fostering or educating convicts to be good while in prison (Auty & Liebling, 2020).

The general public's view of prison as a place that is so scary and scary as described above, is starting to change into a place of coaching and guidance for criminals (Canada et al., 2021). This departs from Saharjo's thoughts, regarding law as protection. Saharjo's thoughts have opened up new ideas in

the penal system in Indonesia, especially regarding the treatment of convicts in a correctional manner which is considered more in line with the objectives of the sentencing itself. The concept of correctional was then perfected by the Decision of the Conference of Prison Leaders Services on April 27, 1964 which decided that the implementation of imprisonment in Indonesia was carried out with the correctional system, a statement that apart from being a direction of purpose, imprisonment can also be a way to guide and foster. Since then there has been a renewal of imprisonment in Indonesia, namely changing the name of the prison to penitentiary (Balafoutas et al., 2020).

The change in the mention of the name from prison to Lapas provides a new paradigm for the general public towards prisoners in prison. With the enactment of Law Number 12 of 1995 concerning Corrections (hereinafter referred to as the Correctional Law), convicts who are in correctional institutions are given the opportunity to be rehabilitated, improve themselves and be guided so they will not repeat their criminal acts (Jang et al., 2020). This is in line with the explanation given by Syaiful Bakhri, that "imprisonment as a punishment to be feared after the death penalty has undergone many changes from the model that was originally the harshest and most cruel without humanity to the mildest model, lax in accordance with the demands of the times, such as in the 19th century 20th."

Imprisonment as a study can be analyzed from various approaches, Bambang Poernomo in Saiful Bakhri argues that "the purpose of the crime is to pay attention to future conditions and efforts to prevent someone or other people from being aware of not repeating their crimes again."

Class II B Penitentiary Lubuk Pakam is one of the prisons in Indonesia that carries out punishments against perpetrators of crimes. As a place to serve punishment and at the same time a place for convicts to undergo coaching, the Class II B Prison of Lubuk Pakam must be able to achieve the goals of correctional.

The study of the existence of imprisonment in changing the behavior of convicts is quite interesting to study, considering the facts that

show that imprisonment through the correctional system has not been able to change the behavior of convicts significantly. This is indicated by the continued increase in the recidivism rate, reflecting the failure of the penal and correctional systems (Bullock & Bunce, 2020).

As for some studies that have relevance to the object of this research are: Thesis by Muh. Chaerul, Student of the Law and Development Section of the Faculty of Law, University of Hasanuddin Makassar Research conducted by Muh. Chaerul raised the title of his thesis research on: Legal Effectiveness Against the Development of Narcotics Convicts at the Narcotics Penitentiary Class Ii A Bolangi Sungguminasa. As for the formulation in this study, it discusses how the process of implementing narcotics convict development by the Sungguminasa Narcotics Penitentiary, as well as the obstacles faced in carrying out coaching at the Narcotics Penitentiary (Liu et al., 2020).

Based on the background mentioned above, on this occasion the author will examine more deeply and further regarding the existence of imprisonment in changing the behavior of convicts with the thesis research title: "Effectiveness of Prison Crime in Changing the Behavior of Prisoners (Studies in Class II B Correctional Institutions in Lubuk Pakam).

## **Methods**

This research is an empirical juridical research, which examines the implementation of prison sentences and the correctional system implemented in Class II Lubuk Pakam Lapas. The implementation of empirical juridical research aims to look at the empirical conditions of the implementation of the penal system and correctional facilities in Class II Lubuk Pakam Prison, as well as its influence on changes in convict behavior (Karnawijaya, 2022).

This research is included in the type of qualitative research, namely research that seeks to find legal symptoms that develop in a community. In this study, the legal symptoms that are currently developing in society, namely regarding the empirical conditions of the implementation of penitentiary in Class II Lubuk Pakam Prison and its influence on changes in inmate behavior (Tumanggor et al., 2019).

The research method used in this research is normative legal research and empirical juridical research. Normative legal research is carried out by conducting library research. Library research (library research) is carried out by reading literature or reading materials in the form of books, magazines, journals, laws and regulations as well as legal dictionaries related to the problem being researched (Putu Utari Praba, 2020).

This study uses a normative juridical approach, which tries to describe how the regulation and application of the penal system law is based on the concept of the penal or correctional system adopted in Indonesia, which refers to the provisions stipulated in Law Number 12 of 1995 concerning Corrections and also statutory regulations. -Other invitations related to research problems and discussion. In addition to referring to laws and regulations, to analyze the problems raised in this study a conceptual approach was also used, namely using theories or doctrines as well as the concept of criminal law in analyzing the problems studied. While the type of secondary data is obtained from the results of library research which originates from legal materials which consist of:

- a. Primary legal materials, legal materials originating from statutory regulations, which in this case are: Law Number 1 of 1946 concerning the Criminal Code, Law Number 8 of 1981 concerning the Criminal Procedure Code. Law Number 12 of 1995 Concerning Corrections.
- b. Secondary materials, data sourced from reading materials in the form of books, magazines, journals and also internet sources.
- c. Tertiary legal materials, data sourced from reading materials in the form of: Legal

Dictionaries, Encyclopedias, Jurisprudence and so on

The type of data in this study consists of secondary data and primary data. Secondary data is the result of library research (library research), while primary data is data obtained from field research results by conducting direct interviews with informants. Data analysis used in legal research is usually carried out using qualitative analysis according to the type and purpose of the research.

## Results and Discussion

### *The Existence of Prison Crime and Prison Conditions as a Place for Implementation of Guidance for Convicts*

#### A. Overview of Class II B Penitentiary in Lubuk Pakam

Class II B Lapas Lubuk Pakam is located in the city area of Lubuk Pakam, precisely on Jl Sudirman behind the Deli Serdang Police. This prison has a land area of ± 20613 M2 and a building area of ± 4890 M2. . The capacity of this prison is 350 people (inmates). However, the latest data is June 2019, the number of residents consisting of detainees and convicts at Class II B Lubuk Pakam Prison is 1613 people. Thus, the current number of occupants of Class II B Prison Lubuk Pakam has overcapacity of 361%. At the time of the study, to be precise from May to June 2019, the number of detainees and convicts serving their sentence at Class II B Lapas Lubuk Lubuk Pakam had reached 1613 people, consisting of adult male and female detainees, and 762 juvenile detainees. The number of inmates living in Class II B Lapas Lubuk Pakam is 851 people, consisting of 834 adult male convicts, 16 adult female convicts, and 1 male inmate.

Table 1. Number of Class II B Prison Officers in Lubuk Pakam by Education

Employee Street	Type Of Education				
	Senior High School	Diploma	S1	S2	S3
62	52	2	6	2	0

Table 2. Details of Student Ability Measurement Results

Employee Street	Male gender	Female gender
62	58	4

Table 3 Number of Class II B Prison Officers in Lubuk Pakam by Function

Total	Number Based on Function				
	STU	PAM	PEM	sec	KES
62	5	55	0	1	1

### B. Duties and Functions of Class II B Penitentiary in Lubuk Pakam

Class II B Lapas Lubuk Pakam is led or headed by a prison head or what is called the Kalapas. Kalapas officials are tasked with establishing work plans for Class II B Lapas Lubuk Pakam, proposing general and special remissions for convicts, coordinating the preparation of the Employee Rank List (DUK) within the Correctional Institution, proposing promotions. In the field of security, the implementation of prison security functions is led by a prison security head (KPLP). A KPLP is tasked with overseeing the implementation of security duties for inmates, coordinating prison security maintenance, and carrying out inspections of security violations. In the field of administration or administration led by a KTU (Head of Administration). The Administrative sector consists of several sub-sections, namely:

1. General sub-section, in charge of carrying out correspondence, inventory, building maintenance, managing office households.
2. The staffing sub-section is in charge of conducting staffing affairs.
3. Finance sub-section, in charge of conducting financial affairs.
4. Field of Guidance and Work Activities.

The field of guidance and work activities consists of: Registration Section, Maintenance Section, Work activity section, Security and order administration sector.

### C. The Existence of Prison Crime as the Implementation of Punishment as well as an Effort to Conduct Convict Development

Dwi Priyatno explained that imprisonment is a crime in the form of depriving a convict of his freedom or freedom of movement by placing him in a correctional institution. Meanwhile, PAF Lamintang stated that imprisonment is a crime in the form of limiting the freedom of movement of a convict which is carried out by closing that person in a correctional institution. The existence of imprisonment as a

type of punishment in the criminal system in Indonesia can be seen in the formulation of Article 10 of the Criminal Code, which shows that imprisonment is one of the main types of punishment applied to convicts, in addition to other types of basic punishment such as: death penalty, imprisonment, and fines. The Indonesian Criminal Justice System (criminal justice system) places prisons as one of the pillars of law enforcement in Indonesia. This institution is tasked with restoring criminals to become good members of society by upholding justice that has been damaged against criminals (Hamja & Sukarini, 2022).

The penal system holds a strategic position in efforts to deal with criminal acts that have occurred. The penal system is a rule of law relating to criminal sanctions and sentencing. If the notion of the penal system is interpreted broadly as a process of awarding or imposing a sentence by a judge, then it can be said that the penal system includes all statutory provisions governing how the criminal law is enforced or operationalized concretely so that a person is subject to criminal (legal) sanctions.

Based on the description above, it can be concluded that the existence of imprisonment as an implementation of punishment is still quite relevant to be applied, considering that the application of imprisonment sanctions apart from including repressive efforts, also contains preventive measures aimed at protecting the entire community from various crimes committed by criminals. .

The implementation of guidance by Correctional Institutions as a criminal justice subsystem is closely related to crime prevention policies (Suppression of Crime). This is in accordance with the goals of correctional institutions regulated in the Correctional Law, which states that the correctional system besides aiming to restore Correctional Assisted Citizens as good citizens also aims to protect the public from the possibility of repeated criminal acts by convicts.

The application of imprisonment by placing convicts in prison is still quite relevant. By placing convicts in prisons, the coaching process for inmates can be carried out more easily. It's just that prisons as a place to carry out coaching for convicts must improve themselves, so that what is the goal of punishment or correctional can be achieved.

### ***Development Of Depriants And Its Influence On The Behavior Of Depriants During Their Criminal Period In Corruptional Institutions***

#### **A. Purpose of Coaching Prisoners in Class II B Penitentiary in Lubuk Pakam**

The main objective of Correctional Institutions is to provide guidance to inmates based on an institutional system. Guidance for convicts is the final part of the criminal justice system and the criminal justice system. Correctional Institutions will prepare various coaching programs for convicts according to the level of education, gender, religion and type of crime committed by each inmate (Ciptono et al., 2022).

Prisons are not only a place to convict convicts, but also a place to foster or educate convicts, so that after serving their sentence convicts can adjust to life outside the penitentiary as good and law-abiding citizens. Thus, the imposition of punishment in the form of imprisonment and placing the convict in prison is not only aimed at providing retribution for the perpetrators of the crime, it also contains aspects of fostering prisoners (treatment of offenders) which lead to the correctional system.

Implementation of imprisonment with the correctional system refers to the Correctional Law. In the General Explanation of the Correctional Law, it is clear that the idea has changed from the implementation of imprisonment, where the prison system that has been implemented so far has changed to a correctional system (Putra & Ahyani, 2022).

The penitentiary system is organized in order to form Correctional Inmates so that they become fully human, realize mistakes, improve themselves, and not repeat crimes 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. answer.

Implementation of coaching is an effort to restore convicts and correctional students to their nature in human relationships with God, humans with their personalities, humans with each other, and humans with their environment in accordance with the function of implementing correctional institutions, namely so that inmates can integrate with society.

#### **B. Implementation of Convict Development in Class II B Penitentiary in Lubuk Pakam**

Correctional Institutions as a subsystem of the criminal justice system are included in the ranks of law enforcers who are members of the integrated criminal justice system. Romli Atmasasmita stated that the implementation of an integrated justice system has 4 (four) components in it, namely: the Police, the Attorney General's Office, the Courts and Correctional Institutions (Hutabarat et al., 2023).

The role of Correctional Institutions as a subsystem of criminal justice is closely related to the exercise of authority or power from each subsystem that is incorporated in the criminal justice system. Barda Nawawi Arif, argued that:

The criminal justice system is essentially identical to the criminal law enforcement system. The law enforcement system is basically a system of power/authority to enforce the law. Because the criminal justice system is identified with the judicial power system in the field of criminal law, which is embodied in four subsystems, namely: Investigative powers by investigative agencies, prosecutorial powers by public prosecutors, adjudicative powers by judicial bodies, and criminal law enforcement powers by executors.

As an institution authorized by law to carry out coaching for convicts through the correctional system, Correctional Institutions have the main duties and functions of providing services to detainees, care for confiscated goods, security, and guidance to Correctional Inmates.

The goals to be achieved in the correctional system are closely related to the goals to be achieved by the criminal justice system, namely that the perpetrators of criminal acts realize their mistakes and improve themselves and not repeat the crimes they have committed. Therefore, it can be said that correctional institutions

are the spearhead of achieving the goals of the criminal justice system.

Guidance for prisoners at Class II B Lapas Lubuk Pakam is not much different from other prisons, carried out in several stages, namely:

**1. The first stage (initial stage).**

Guidance at this early stage starts from the status of a convict until serving a third of the sentence. This stage is better known as Mapenalang (Environmental Introduction Period). Every convict and correctional student who has just entered prison will be examined in all matters concerning him including the reasons for committing a crime, where the convict lives, his economic situation, educational background and so on.

In the first stage, every convict is directed to get to know the situation or condition of the prison environment. This is intended so that prisoners can get to know or adapt to the environment and fellow prisoners in the prison. The initial stage of coaching carried out for convicts is personality development which includes: developing religious awareness, fostering national and state awareness, intellectual development, legal awareness development, physical development (Gumilar et al., 2020).

**2. The second stage (assimilation orientation)**

This stage is a continuation of the first stage, where at this stage convicts begin to be reintroduced to community life outside the prison

**3. The third stage, (Orientation of unification with the community).**

At this stage the inmates are given the opportunity to be able to work outside with supervision, for example: looking for grass, apprenticeship and so on. This stage is carried out within  $\frac{1}{2}$  to  $\frac{2}{3}$  of the sentence period with a minimum level of supervision.

**4. The final stage (integration with the community environment).**

This stage is carried out by carrying out the assimilation process of the community members. Assimilation is one of the rights owned by inmates of correctional facilities, as stated in Article 1 Paragraph (1) Regulation of the Minister of Law and Human Rights No. M.2.PK.04-10 of 2007 concerning Requirements and

Procedures for Implementing Assimilation, Conditional Release, Leave Prior to Release and Conditional Leave, which states: "Assimilation is a process of coaching convicts and correctional students which is carried out by mixing prisoners and students penalization in community life".

Based on the information conveyed by the Head of the Lubuk Pakam Class II B Lapas Development Subsidy above, it can be seen that the assimilation process currently carried out by Lubuk Pakam Class II B Lapas is more dominantly carried out in Lapas. This is because there is no support from the community or government agencies to support the implementation of the assimilation program outside prisons (Asrori et al., 2020).

**C. The Effect of Coaching on Changes in the Behavior of Prisoners in the Class II B Penitentiary of Lubuk Pakam**

Talking about the influence of coaching on changing the behavior of prisoners, here one can put forward an opinion expressed by Teguh, one of the prisoners who inhabit the Class II B Lapas Lubuk Pakam. According to him, the coaching coaching process that has been followed so far has been quite beneficial and has had a positive impact on him. By participating in all the coaching activities carried out in prisons, he can better interpret the meaning of life, so that he is better than before, because he has realized his mistake and wants to repent.

The same thing was stated by Teguh, one of the convicts who inhabits Class II B Lapas Lubuk Pakam. According to him, after participating in the coaching program implemented in prisons, he is better and more obedient to the law. Because one of the coaching programs carried out in prisons is to provide legal counseling to convicts, which is about how convicts are more abiding by the law (Adetula et al., 2010).

Based on the opinions expressed by the two inmates mentioned above, it can be seen that the guidance carried out in Class II B Lapas Lubuk Pakam has an effect on changes in the behavior of prisoners. Where by participating in all the coaching programs carried out in prisons, convicts can make more sense of life, so

that later they are expected to be able to live in the midst of society with full sense of responsibility.

The influence of coaching on prisoners is not always successful and changes the behavior of prisoners. This must be acknowledged, because there are still convicts who return to serve their sentence after being released. This means that the convict has failed in the coaching process.

### ***The Effectiveness Of Prison Criminal As A Sanction And At The Same Time A Means To Change The Behavior Of Inprisoners***

#### **A. Factors Influencing the Implementation of Convict Guidance in Class II B Penitentiary Lubuk Pakam**

the implementation of correctional institutions in relation to achieving the objectives of the criminal justice system is influenced by the following factors:

##### **1. The legal factor itself or the legal system (legal substance)**

Substantially the purpose of punishment is not stated in the Criminal Code. However, the purpose of sentencing in the criminal justice process is essentially to provide punishment for perpetrators of criminal acts who are found guilty by the court of committing a crime. Criminal sanctions for perpetrators of criminal acts that are commonly given to perpetrators of criminal acts are the principal crimes regulated in Article 10 of the Criminal Code, namely death penalty, imprisonment, confinement, fines and imprisonment (Negara, 2022).

Based on the main types of punishment regulated in Article 10 of the Criminal Code, imprisonment is the form of punishment that is most threatened and is often given to perpetrators of crimes. Prison sentences are still felt to be quite effective in making convicts deterrent and will not repeat their actions again. However, the imposition of prison sentences for perpetrators of criminal acts has an impact on increasing the number of prison inmates which ultimately causes an over load or over capacity of Correctional Institutions, because the number of inmates is greater than the number of available housing.

Overcapacity in every prison in Indonesia, especially in Class II B Lapas Lubuk Pakam will

indirectly affect the implementation of prisoner coaching which ultimately has an impact on achieving the goals of the criminal justice system and the goals of the correctional system, namely forming correctional inmates to become whole human being, aware of mistakes, self-improvement, and not repeating criminal acts. So that convicts can be accepted again by the community and play an active role in development and can live normally as good citizens with a full sense of responsibility (Emaliawati et al., 2022).

Meanwhile, the objectives of the criminal justice system as stated by Romli Atmasasmita are:

- a. Prevent people from becoming victims of crime;
- b. Resolving criminal cases that have occurred so that the community is satisfied that justice has been upheld and the guilty have been punished;
- c. Ensure that those who have committed crimes do not repeat them.

Taking into account the objectives of the correctional and the objectives of the justice system above, it can be said that the objectives of the criminal justice system basically have in common with the objectives of the correctional system, namely to try to prevent criminal offenders or convicts from repeating crimes they have committed and realize their mistakes. For this reason, the application of imprisonment as one of the main crimes that limits the freedom of movement of convicts by placing convicts in Correctional Institutions is not only to provide punishment for perpetrators of criminal acts, but also aims to carry out coaching for convicts.

A sentence imposed on a convict cannot be separated from various factors, for example the purpose of punishment, a person's motivation for committing the crime, the crime committed by that person, as well as the mitigating and aggravating circumstances of the crime. If the aim of punishment is retaliation, then there is a tendency to impose severe punishment on the perpetrator or convict, on the other hand if the aim of coaching is coaching, then there is a tendency to impose lighter punishment on the perpetrator or convict (Widodo et al., 2022).

The imposition of imprisonment for perpetrators of criminal acts is essentially only a



means to an end, not the final goal to be achieved, therefore in identifying the goals of sentencing one must depart from a monodualistic balance, between the interests of society and the interests of the individual. On the other hand, in order for the purpose of sentencing to have a positive impact on the development of convicts, sentencing does not only consider the interests of the community and victims and families of victims of crime, but also considers the interests of the perpetrators of criminal acts.

A crucial and common problem that occurs in every prison today is overcrowding or overcrowding of prison residents. Overcoming this is not as simple as one might imagine, which can only be overcome by adding or building new prisons, so that the problem will be resolved. This is because overcrowding in prisons also raises various other problems, such as the ever-increasing state budget burden, very minimal coaching facilities, services and security for prisoners that are not optimal, problems of violence arise, and coaching that is carried out is not carried out optimally.

Current criminal law policies are still inclined towards imposing prison sentences for perpetrators of crimes rather than seeking other alternatives to sentencing, so that criminal law policies unknowingly contribute to the emergence of overcrowding problems in each prison which has an impact on the emergence of various problems within prisons. The existence of laws and regulations which contain and contain the substance of the provisions of the criminal code seems to be a tool to force every lawbreaker to be placed in a state detention center (Rutan) or a correctional institution (Lapas).

Based on the results of research conducted by the ICJR in 2011, the results show that from 1946 to 2007, Indonesia continued to produce crimes that were punishable by sentences of more than 5 years. If in 1995 there were "only" 215 criminal acts outside the Criminal Code that were punishable by a sentence of more than 5 years in prison, in 2007 it had increased by 100 percent to 443 crimes that were punishable by more than 5 years in prison. This situation will be directly proportional to the

increasing pressure on housing capacity in detention centers and correctional institutions throughout Indonesia, including Class II B Lapas Lubuk Pakam.

Based on the description above, it can be said that the legal substance that regulates various criminal acts in the Criminal Code and Laws outside the Criminal Code has contributed greatly to causing overcrowding in Correctional Institutions which will eventually create new problems for each Correctional Institution in Indonesia.

For example, offenses in the Indonesian Criminal Code that can be categorized as light cases include: Article 373 (light embezzlement), Article 379 (mild fraud), Article 482 (light collection), Article 384 (fraudulent acts by sellers), with a loss of Rp. 250,- (two hundred fifty rupiah). In addition, Article 352, i.e. maltreatment which does not cause illness or impediment to carry out work or search, is punishable as light maltreatment and Article 302 (minor abuse of animals), with a maximum imprisonment of three months or a maximum fine of three hundred rupiahs (Ishfaq & Kamal, 2019).

The nominal value of losses and fines regulated in Articles of the Criminal Code are no longer relevant to be applied, so that law enforcement officers often process cases that fall under the category of minor crimes as ordinary offenses and impose penalties on the perpetrators in the form of imprisonment. Criminal offenses included in the category of minor crimes in the Criminal Code are no longer in accordance with the conditions of community development, because the nominal value of the loss and the amount of fines are no longer in accordance with the conditions of the community's economic development. As a result, law enforcement in cases with small losses generally always proceeds to court and sentencing by judges.

Substantially the problem of prison overcrowding can be applied by optimizing fines rather than imprisonment. This can be done by prioritizing the settlement of criminal cases through a restorative justice approach or through non-penal mediation.

## **2. Factors of law enforcement / legal structure (legal structure)**

The legal structure is related to the criminal justice system which is manifested through law enforcement officials, namely police, prosecutors, judges, correctional institutions/remand centers and advocates. Law enforcement officials are a component part of the legal structure. No matter how perfect the legal substance is without law enforcement, the legal system will not work.

The legal system must be upheld by clean, courageous and firm law enforcement officers. Empowerment of law enforcement officials cannot be realized if law enforcement officials are unclean or corrupt. Unsanitary or corrupt law enforcement officials can result in a crisis of citizens' trust in the law which is a reflection of the legal culture of society. In fact, law enforcers, both police, prosecutors and judges as well as correctional officers do not yet have professionalism which is manifested in the form of integrity, capacity and morality. Various irregularities committed by law enforcement officials still occur in the criminal justice process.

The criminal justice system is interpreted as a law enforcement, so it contains legal aspects that focus on the rationality of laws and regulations in an effort to tackle crime and aim to achieve legal certainty (certainty). On the other hand, if the notion of the criminal justice system is seen as part of the implementation of social defense related to the goal of realizing people's welfare, then the criminal justice system contains social aspects that focus on expediency.

The criminal justice system emphasizes a systems approach, so the conception of an integral crime prevention policy has the consequence that all rational efforts to deal with crime must form an integrated (integral) unit. This means that crime prevention policies using penal policies must also be integrated with other non-penal policies or efforts.

Integration in the criminal justice system is more aimed at cooperation and coordination between one sub-system and another with the principle of unity in diversity. Each subsystem in the criminal justice system plays a specific

role in crime prevention, by directing all the potential (members and resources) that exist in their respective institutions. crime (criminal policy).

The integrated approach aims to create a strategy so that each element can increase its work effectiveness and at the same time unite with other elements to achieve common goals. The logical consequence is that one element with the other elements must be structurally interconnected and maintain continuity of tasks. If close cooperation is not established and a common perception is not found regarding the goals to be achieved together, the integrated criminal justice system will not be able to tackle crime. Finally, the systems approach used to study criminal justice has the following implications:

- a. All sub-systems will be interdependent, because the product (output) of one sub-system is the input (input) for other sub-systems.
- b. The system approach encourages consultants and cooperation between subsystems which will ultimately enhance the overall strategy for the system.
- c. Policies that are decided and carried out by one sub-system will affect other sub-systems.

Crime prevention policies, which are part of law enforcement policies, must be a guideline for law enforcement officials who are members of the criminal justice system to be able to internalize every decision formulated in a criminal policy through effective and coordinated performance to achieve the common goals of the system as a whole. In addition, law enforcement officials as law enforcement institutions (legal structure) must be able to translate criminal laws and regulations (legal substance) and apply them in accordance with their respective duties and functions.

Unintegration (fragmentation) in the criminal justice system can be seen from the law enforcement process, starting from the investigation, prosecution and imposition of court decisions. A concrete example of the unintegrated functioning of the criminal justice system can be seen in the settlement of minor criminal cases regulated in the Criminal Code.

Overcome the incompatibility of legal provisions regarding the application of fines for minor crimes in the Criminal Code, the Supreme Court has issued Supreme Court Regulation Number 2 of 2012 Supreme Court Regulation Number 2 of 2012 concerning Adjustment of Limits on the Value of Goods and Fines in the Criminal Code, which determines: every cases with a value of goods or money which is the object of the case not more than Rp. 2,500,000.00 (two million five hundred thousand rupiah) is examined by means of a quick examination. Based on these provisions, the legal consequence in the settlement of minor criminal cases is to hold a trial with a quick procedural examination and no detention is required.

In reality, the settlement of minor criminal cases is not carried out through a quick procedural process, but is carried out through an ordinary examination process. In addition, suspects or defendants are also detained, which starts with the process of investigation, prosecution and examination in court. Under these conditions, it can be seen that law enforcers in the criminal justice system have not worked in an integrated manner and have the same perception in achieving the goals to be achieved in the law enforcement process, namely realizing justice, certainty and the benefits of law.

Integration in the criminal justice system is due to the existence of sectoral egos and the inability of law enforcement officials to translate criminal laws and regulations (legal substance) and apply them in accordance with their respective duties and functions. According to Gerald D. Robin, as stated by Mahmud Mulyadi, the working mechanism of criminal justice has been criticized as a non-systemic mechanism.

### **3. Facility and infrastructure factors**

The increase in the number of inmates or residents of Correctional Institutions resulting in overcrowding is not accompanied by an increase in the number of facilities and adequate facilities and infrastructure in Correctional Institutions. This condition is very far from expectations to be able to meet the demands of the standard minimum rules (SMR). One of SMR's requirements is one cell for each prisoner or at least a place that provides adequate space for them to move when they sleep.

### **4. Community factors**

The community has not yet supported and participated in the active participation of the community in the implementation of an optimal coaching process for prisoners. The stigmatization of convicts who come from the community influences the inmates' lack of confidence to socialize and mingle in society. Finally, convicts cannot become an assimilation process which is the most important part in the implementation of social reintegration of convicts which is the end of the coaching process.

### **5. Factors of legal culture (legal culture)**

Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, emphasizes that Indonesia is a country based on law. Theoretically, in the conception of a rule of law state, it is a state based on law and justice for its citizens, in the sense that all attitudes, behaviors and actions either carried out by the authorities or state apparatus as well as carried out by citizens must be based on law. The consequence of a rule of law state as stated in the constitution, is that the Indonesian people as citizens must have a legal culture.

The existence of legal culture in the legal system can be illustrated as follows: "legal structure is likened to a machine that produces something, legal substance is likened to a product produced by a machine, and legal culture is anything or anyone who decides to run the machine and limit the use of the machine."

No matter how perfect the legal substance is without law enforcement, the legal system will not work. The legal system must be upheld by clean, courageous and firm law enforcement officers. Empowerment of law enforcement officials cannot be realized if law enforcement officials are unclean or corrupt. Unsanitary or corrupt law enforcement officials can result in a crisis of citizens' trust in the law which is a reflection of the legal culture of society.

Law enforcement is part of the legal system. Without law enforcement, material legal norms will undoubtedly become a sheet of paper. If the material criminal law is not enforced, there will be a violation of material law or the omission of legal norms designed to regulate the life of society, nation and state. Legal culture, that is, how is public awareness of the law, what are

the people's expectations of the law and people's views on the law.

The quality of legal culture determines the quality of law enforcement. No matter how well the rule of law is made, no matter how detailed the institutional and organizational management is arranged, it is the people who live in a certain culture that will carry it out. When the culture hasn't changed, the rules and systems won't work as expected. In the context of law enforcement, it must be carried out by "organizing" in an integrated manner, prioritizing commitments and facts of integrity, high morale between Police Agencies, Prosecutors, Lawyers, Judges, Correctional Institutions and implementing the legal system by carrying out concrete action plans.

Law enforcers in the criminal justice system must be able to break away from the culture of law enforcement officials who have so far been considered unfair and bad and change towards improving human resources, better management of which becomes an asset to be able to carry out the duties of ideal law enforcement officers. A good legal culture (work culture) of law enforcement officers will result in effective and efficient law enforcement.

The behavioral aspect (legal culture) of law enforcement officials needs to be rearranged from the legal cultural behavior that was previously carried out by law enforcement officials because a person uses the law or does not use the law very much depending on the legal culture (culture). It has been proven that due to the bad behavior of law enforcement officials, various irregularities have occurred in law enforcement. A concrete example is the occurrence of narcotics abuse in correctional institutions, due to the involvement of correctional officers/officers and weak supervision.

Viewed from the aspect of the legal structure, in this case there are several obstacles, namely the lack of human resources for prison officers/staff, both in terms of quantity as well as quality and integrity. There are still unscrupulous employees who abuse their position, and are even involved in criminal offenses together with convicts, such as helping convicts put prohibited items into prison.

Viewed from the aspect of facilities and infrastructure in carrying out coaching for prisoners related to the ideal conditions of Correctional Institutions to be able to carry out training properly, especially now that Correctional Institutions are no longer able to accommodate the number of prisoners and convicts, resulting in overcapacity, which is 361% of the ideal capacity Class II B Lapas Lubuk Pakam.

Viewed from the community aspect, there is no support from the community and active participation of the community for the implementation of an optimal coaching process for prisoners. The stigmatization of convicts who come from the community influences the inmates' lack of confidence to socialize and mingle in society. Finally, convicts cannot become an assimilation process which is the most important part in the implementation of social reintegration of convicts which is the end of the coaching process.

## **B. The Effectiveness of Prison in Changing the Behavior of Prisoners in Class II B Penitentiary Lubuk Pakam**

The use of penal law or penal law as a means of overcoming crime does not seem to be a problem, this can be seen in the practice of legislation so far, which shows that the use of penal law is part of the legal policy or politics adopted in Indonesia. The use of penal or penal law in tackling crime is considered as something normal and normal, as if its existence were no longer questioned. The problem is the policy lines and what approach is taken in using the criminal or penal law.

In the correctional system, coaching is the main function of imprisonment. This is in line with the development and increasing awareness of the protection of human rights. The re-orientation of the coaching function for convicts is indicated by the transformation of the prison into a correctional institution. Article 1 point 3 of the Correctional Law explicitly states that Correctional Institutions, hereinafter referred to as LAPAS, are places to carry out the development of Prisoners and Correctional Students (Key et al., 2021).

The imposition of punishment on the perpetrators of criminal acts aims to protect the public from the possibility of the perpetrator's

actions which may repeat his actions. On the other hand, imprisonment for perpetrators will make it easier for prisons to provide guidance to perpetrators of criminal acts/convicts. So that the goals of correctional institutions to improve the behavior of convicts (rehabilitation) can be achieved.

### **1. The effectiveness of imprisonment is seen from the aspect of community protection.**

Viewed from the aspect of public protection/interest, a crime is said to be effective if the punishment is as far as possible to prevent or reduce crime. So the criterion of effectiveness is seen from how far the frequency of crimes can be reduced. In other words, the criterion lies in how far the effect of "general prevention" (general prevention) from imprisonment is in preventing society in general from committing crimes.

Based on research that has been conducted, it is obtained an illustration that imprisonment is the type of punishment most often imposed by judges compared to other types of punishment.

The criminal system in Indonesia is still dominated by the imposition of prison sentences on perpetrators, compared to the imposition of other types of punishment. Even in material criminal law, imprisonment is the type of crime that is most threatened. The main types of punishment in the Criminal Code (KUHP) consist of four (4) types, namely: death penalty, imprisonment (consisting of life imprisonment and temporary punishment), confinement, and fines. Whereas in Indonesian material criminal law, there are (5) main types of punishment, namely: death penalty, imprisonment (consisting of life imprisonment and temporary punishment), confinement, fine, and imprisonment. The effectiveness of imprisonment through the correctional system can be seen from the extent to which imprisonment with the correctional system can prevent crimes from occurring. So the criterion in this case can be seen from how far the frequency of crimes can be reduced. Thus the recidivism factor and some people who become good are not indicators to determine the effectiveness of punishment. In other words, if the rise and fall in the

frequency of crimes is used as a measure to determine the effectiveness of imprisonment, then this oversimplifies the relationship between the rise and fall of crime and the operation of a criminal sanction.

Schultz said that the rise and fall of crime in a country is not related to changes in its laws or trends in court decisions, but is related to the operation or functioning of major cultural changes in people's lives. Likewise Rubin stated that punishment, whatever its nature, namely whether it is intended to punish or to correct, has little or no effect on the problem of crime.

In connection with the 'mutual influence' between law and legal factors, it is only natural that Wolf Middendorf said that it is very difficult to evaluate the effectiveness of general deterrence (general prevention) because the prevention/prevention mechanism is not known. Because, it cannot be known with certainty the real relationship between the causes and effects of the increase in crimes that occur in society. People may commit a crime or may repeat it again regardless of whether there is a law or punishment imposed. Moreover, according to Middendorf, other means of social control such as parental power, habits or religion, may be able to prevent evil acts as strong as people's fear of punishment.

The effectiveness of criminal law cannot be measured accurately. In fact, it is emphasized that law is only one means of social control. Habits, religious beliefs, group support and disapproval, pressure from interest groups and the influence of public opinion are more efficient means of regulating human behavior than legal sanctions.

Based on the description above, it can be concluded that indicators of the rise and fall of crime frequency cannot simply be used as a measure to determine the effectiveness of imprisonment. What's more, there is another side to the aspect of community protection, namely that punishment also aims to restore balance in society. How far the effectiveness of imprisonment is to achieve this goal, clearly cannot be measured by indicators of the ups and downs of the frequency of crimes which are more quantitative in nature.

The influence of crime on society at large is very difficult to measure, because that influence consists of a number of different and closely related forms of action and reaction, which are called by various names, for example initial prevention, general prevention, reinforcing moral values, reinforcing collective consciousness, reviving a shaky feeling of solidarity, reaffirming the sense of security in society, reducing fear, releasing aggressive tensions and so on. The effect of imprisonment on the offender can be clearly seen but the effect on society as a whole is an area that is not difficult to determine with certainty.

## **2. The effectiveness of imprisonment is seen from the improvement aspect of the perpetrator.**

The measure of effectiveness lies in the aspect of special prevention, the measure lies in the problem of how far the punishment (imprisonment) has an influence on the perpetrator/convict. There are two (2) aspects of criminal influence on convicts, namely aspects of initial prevention and aspects of improvement.

Research with this recidivism indicator is difficult to do in Indonesia, because the available data is usually very brief, namely only showing the number of recidivists at the end of each month or year. From the data presented, it cannot be known with certainty the type and severity of the previous sentence, the type of crime that was committed before and which was repeated later, and the time limit for the repetition. By only knowing the amount, it is impossible to know the level of effectiveness of imprisonment and its comparison with other types of punishment. Measuring a comparison of the effectiveness of punishment cannot be done simply by knowing the number of recidivists, but it is also necessary to know the number of people who have been convicted for the first time, with each type of punishment they received and how many of them have not repeated it. It is also necessary to know how long the resumption period has been since the previous sentencing decision.

The second aspect is the improvement aspect. Related to the problem of changing the attitude of convicts. How far imprisonment can change the convict's attitude is still a question that cannot be answered satisfactorily. This is

because there are several methodological problems that have not been resolved and there is no agreement, in particular regarding:

Based on the methodological problems stated above, it can be stated that there is no research that can prove definitively regarding the effectiveness of imprisonment. The problem of effectiveness is actually related to the problem of the functioning/operation of criminal sanctions. The effectiveness of imprisonment is more specific, that is, it is closely related to the characteristics of the crime and certain perpetrators. Therefore, it may be more appropriate to consider it at the stage of criminal application rather than the stage of determining an in abstracto sentence which requires matters that are generally accepted.

In certain cases, the effectiveness of imprisonment can indeed be considered for the legislative/formulative policy stages. However, it cannot be used as an absolute benchmark to provide justification for determining a particular type of crime. Wolf Middendorf once stated that effectiveness is only one of the criteria for punishment, so it is impossible to use cruel punishment even if it proves to be very effective.

The basis for justifying the need for imprisonment is not solely based on problems or seen from the point of view of the effectiveness of the application of sanctions/criminals. prevention of recidivism is not the only goal of punishment and therefore it is impossible to abolish imprisonment as a means of dealing with crime. Imprisonment at least separates the criminal from society, thus eliminating the opportunity for him to commit another crime. So it prevents punishment again (reconviction) even though it doesn't always prevent it (Sousa et al., 2022).

Prisons are more dominant as schools of crime for inmates due to prisonization of inmates or criminal contamination which is difficult to avoid, especially if supervision by officers is not carried out optimally. As a result, it is not surprising that convicts who were previously convicted of petty theft, after serving their sentences and returning to society, are able to commit bigger crimes such as becoming drug dealers. This is because convicts have

learned to commit crimes while in prison (Ternavska et al., 2020).

Overcrowding at Class II B Lapas Lubuk Pakam has exceeded the limits of tolerance and reasonableness, which is around 361%. So that the problem of overcrowding will remain a worrying "problem" in the prisoner development process if no solution is taken to overcome the problem.

## Conclusion

Based on the results of research and discussion, it can be concluded as follows:

1. The existence of imprisonment as a vehicle for implementing coaching for convicts is still quite relevant to be applied in the criminal justice system in Indonesia. Considering that the implementation of imprisonment in Indonesia is not only a form of retaliation (punishment) against perpetrators, but also aims to restore the situation, namely to rehabilitate perpetrators and at the same time protect society from the perpetrator's actions to repeat his crime.
2. Coaching carried out by Correctional Institutions has an influence on changes in the behavior of convicts. Although it must be admitted that in the implementation of the coaching there are still various weaknesses which indicate the failure of the coaching process. Such as the still high rate of recidivism, which shows the failure of the coaching process for the convicts concerned.
3. Imprisonment as the implementation of criminal sanctions and at the same time a means to change the behavior of convicts is still quite effective, although it cannot be said to be a very effective means to change the behavior of convicts.

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