

The Appropriate Development Model for Convicts of Rape Offenses to Create a Deterrent Effect in the Singaraja City Correctional Institution

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Abstract. Correctional Institutions (Lapas) in Indonesia have changed their function. If at the beginning of their formation they were called prisons (bui) intended to punish people who committed crimes and when the name was changed to Penitentiary Institutions, then their function was no longer solely to punish people who committed crimes. The method used in this writing is an empirical research method. Coaching is a learning process by letting go of things that are already owned and learning new things that are not yet owned with the aim of helping the person undergoing it, to correct and develop existing knowledge and skills as well as gain new knowledge and skills to achieve effective goals. The rehabilitation programs at the Singaraja Correctional Facility include personality development and independence training. For inmates, the rehabilitation process should ideally be more focused on a religious approach. Although legal certainty is generally met, rehabilitation faces challenges due to the lack of specific regulations governing it in the facility. Obstacles in the rehabilitation process include the absence of specific regulations, insufficient human resources among staff, limited funding and budget, low interest from inmates in participating in rehabilitation, inadequate facilities and infrastructure, and the lack of community support for the rehabilitation process.

Keywords : *Development model, Crime, Deterrent effect*

1 Introduction

Correctional facilities in Indonesia have changed their function. If at its inception it was called a prison intended to punish those who committed crimes, and when its name was changed to Correctional Institution, its function is no longer solely to punish those who commit crimes but rather to focus on the rehabilitation of convicts. It means that the convict's place is truly well-prepared so that after serving their sentence, they can return to society with certain skills that have been trained in the correctional facility. Based on the researcher's observations, the issues occurring at the Singaraja Correctional Institution are very concerning. Among the various criminal acts that disturb the community and violate the law, the researcher is interested in analyzing one form of crime, specifically the crime of rape or sexual offenses.

This crime of rape is generally experienced by women, especially young children (teenagers). This incident arises in society regardless of the social stratification of the perpetrator or the victim. The crime can arise due to environmental influences or psychological backgrounds that affect the behavior of the perpetrator in the past, as well as due to spontaneous

psychological shocks resulting from sexual stimuli. This uncontrolled sexual stimulation, in turn, gives rise to moral offenses, particularly the crime of rape. This crime used to be committed only by others against women who were not family members, through threats and coercion or violence [1]. However, nowadays, this crime is not only carried out through threats of violence but has also involved various chemical substances that can erase a woman's consciousness while simultaneously inducing sexual awareness without her realizing it. However, it is very disappointing that the criminal act of rape was committed by individuals well known to the victims (seductive rape), such as teachers, doctors, close friends, and biological parents. This condition is concerning to various groups, including the government, the education sector, the community, and law enforcement officials [2].

The Correctional Institution is a technical implementing unit under the Directorate General of Corrections of the Ministry of Law and Human Rights (it was Department of Justice). Inmates of the Correctional Institution can be either convicts (Napi) or Correctional Residents, including those who are still in detention, meaning those whose status is still under judicial process and have not yet been determined guilty or not by the judge. Civil Servants who handle the rehabilitation of inmates and detainees in correctional facilities are referred to as correctional officers, or formerly more commonly known as prison guards.

The concept of social reintegration was first proposed by Minister of Justice Dr. Sahardjo in 1964 [3] where it was stated that the role of the prison service is not only to carry out punishment, but a much heavier task is to reintegrate those who have been sentenced back into society. The correctional facility, which was previously referred to as a prison, is not only inhabited by thieves, robbers, fraudsters, murderers, or rapists, but also occupied by users, couriers, dealers, and drug lords, as well as gamblers and bookies, along with various others involved in corruption and more [3].

The rehabilitation system for prisoners has shifted from a penal system to a correctional system, transforming prisons into correctional institutions. This change is not merely about physically altering or constructing buildings, but more importantly, about implementing the concept of rehabilitation [4]. Educational efforts for all layers of society, from early childhood to the elderly, including life skills for inmates who are serving time in correctional facilities. The development of life skills education is the task and authority of non-formal education as an effort to enhance human resources, which is felt to be based on human resources. This development of education is very important for inmates, given the number of inmates in correctional facilities.

Prisoners are individuals who have violated the norms of life; they cannot endure the difficult living conditions, leading to feelings of frustration, job loss, and other issues such as unmet basic needs (clothing, food, and shelter). On the other hand, there are also many prisoners who come from economically capable backgrounds, even from elite circles, such as entrepreneurs, politicians, and bureaucrats. As a result, someone dared to commit rape against their victim by forcing a woman to engage in marital relations outside of a legitimate marriage without the victim's consent, which compels the Singaraja correctional facility to play an active role in the rehabilitation of inmates so that they can return to the right path and be accepted by society, thus preventing them from committing or repeating crimes [5].

This writing will discuss two main issues, which include how the regulation of rehabilitation for perpetrators of rape in Indonesia currently stands according to Law Number 22 of 2022 concerning Corrections, and whether the rehabilitation measures outlined in Law Number 22 of 2022 concerning Corrections for convicted rapists have successfully created a deterrent effect [6]. This is discussed because it is quite important to know how effective the current correctional system implemented in prisons is in providing justice to victims and creating a deterrent effect for the perpetrators. The deterrent effect is the main goal of punishment, aimed at preventing the same crime from being repeated.

2 Methods

This writing employs an empirical research method. The empirical research method is an approach that emphasizes the collection of factual data through observation or direct experience to answer research questions or test hypotheses [7]. This process involves direct observation, experiments, surveys, or interviews, allowing for the collection of actual and objective data regarding the phenomenon under study. The collected data may be quantitative, qualitative, or a combination of both. The empirical method process begins with identifying a problem or formulating research questions, followed by selecting an appropriate data collection method, such as surveys or experiments. Once the data is collected, the next step is data analysis to answer the research questions or test the previously formulated hypotheses. The results of this research are then interpreted to gain an in-depth understanding, which may support or refute the hypothesis, thus providing valid scientific contributions [8]. With a systematic and structured approach, empirical research ensures that the obtained data can be verified and that the results are objective and relevant to the problem being examined.

3 Result and Discussion

3.1 Regulation of Guidance for Perpetrators of Rape Crimes in Indonesia Currently According to Law Number 22 of 2022 Concerning on Corrections

The women's prison in Singaraja houses many inmates from various cases, including general and specific criminal offenses. Rehabilitation in correctional institutions such as detention centers is implemented through a correctional system. Regarding the objectives of the correctional system, Article 2 of Law No. 22 of 2022 on Corrections emphasizes that:

"Providing guarantees for the protection of the rights of detainees and children; improving the quality of personality and independence of inmates so that they realize their mistakes, correct themselves, and do not repeat criminal acts, thus being able to be accepted back by the community, live normally as good citizens, obey the law, be responsible, and actively participate in development; and providing protection to society from the recurrence of criminal acts."

The results of the interview with the Singaraja prison officer revealed that, in the rehabilitation of inmates in the detention center, it was explained that: "In general, it can be said that the rehabilitation and guidance of inmates must be improved through an approach based on Pancasila, religion, and existing social aspects, with the aim of restoring self-esteem both as

individuals and as citizens who believe they still have productive potential for national development. Therefore, they are also educated (trained) to master certain skills in order to live independently and contribute to development." This means that the training and guidance provided encompass mental and skill areas that are carried out in a planned and systematic manner.

Based on Government Regulation Number 31 of 1999 concerning the Guidance and Mentoring of Correctional Residents, the guidance is directed as an activity to enhance the quality of faith in God Almighty, intellectual capacity, attitudes and behavior, professionalism, as well as the physical and mental health of inmates and juvenile offenders. The rehabilitation of prisoners within the correctional system is oriented towards the holistic development of individuals, which means there is a close relationship with Community Education Programs. The goal is for them, after completing their prison sentences, to no longer violate the law and to be able to participate in development.

According to the explanation from the head of the guidance section for inmates/students at Singaraja Prison, in carrying out rehabilitation for inmates, Singaraja Prison not only uses laws and regulations as the main reference but also develops their derivatives in the form of Standard Operating Procedures. (SOP). Based on the SOP, there are 3 (three) stages of rehabilitation that are carried out, namely:

- a. High security: 1/3 of the sentence served.
- b. Middle security: 1/2 of the sentence served.
- c. Low security: 2/3 of the sentence served [9]

Development within the community system is an arrangement concerning the limits and methods of community development based on Pancasila, implemented effectively between the mentors and those being mentored within the society. This aims to enhance the awareness of the individuals being guided and the community regarding their mistakes before they are reintegrated into society [10] The development of inmates is guided by the provisions of Law Number 22 of 2022 concerning Corrections. There are several objectives for the implementation of inmate rehabilitation in correctional facilities. First is to provide experience and skills. Then to restore the abilities and motivation of the inmates. If that goal can be achieved, there are several factors that need to be considered, namely: inmates, prison staff, and the community [11].

The affirmation of Article 1, number 1 of Law Number 22 of 2022 concerning Corrections has established Corrections as a subsystem of the criminal justice system that administers law enforcement in the treatment of detainees, children, and inmates. The system referred to above is the Correctional System as defined in Article 1, number 2 of the Correctional Law, which is interpreted as a framework regarding the direction, limits, and methods of implementing correctional functions in an integrated manner. This Correctional System is also outlined in Article 3 of the Correctional Law, which carries out the functions of: a. service, b. guidance, c. community mentoring, d. care, e. security, and f. observation.

Then based on Article 3 of Law No. 22 of 2022 concerning Corrections, the correctional system is implemented based on the following principles:

- 1) Protection, which means safeguarding society from the possibility of reoffending by inmates, children, and residents, as well as providing life skills to inmates, children, and residents so that they can become useful members of society as a form of protection to create security and order in the community.
- 2) Non-discrimination, which means the implementation of the correctional system that does not differentiate treatment based on ethnicity, race, religion, ethnicity, groups, political affiliation, social and economic status, and gender.
- 3) Humanity, which means the implementation of the correctional system based on the protection and respect for human rights as well as the dignity and worth of inmates, children, and residents.
- 4) Mutual cooperation, which means the correctional system is carried out collectively between inmates, children, and residents with correctional officers, law enforcement officials, government officials, and the community to achieve the objectives of the correctional system.
- 5) Independence, which refers to the implementation of a correctional system aimed at developing self-potential based on or considering the abilities of inmates, children, and supervised individuals so that they can enhance their quality of life.
- 6) Proportionality, which means: a balance of treatment adjusted to the needs as well as the rights and obligations.
- 7) Loss of freedom as the sole suffering, which means: the state must not create conditions for those being served or rehabilitated that are worse than before their freedom was taken away. In this condition of lost freedom, efforts should be made to improve and enhance their quality as members of society.
- 8) Professionalism, namely: the correctional system is implemented based on transparent and accountable governance [12].

When linked to legal certainty, it can be assessed that the rehabilitation conducted at the Singaraja Correctional Facility has, in fact, possessed legal certainty, as the rehabilitation process has adhered to the applicable laws and regulations in Indonesia. This is based on the foundational regulation for the rehabilitation process, namely Government Regulation No. 31 of 1999 concerning the Guidance and Coaching of Inmates. However, when discussing inmates with deviant behavior, there is a lack of specific rehabilitation efforts due to the absence of special regulations governing how to rehabilitate inmates with such behavior. This has become an obstacle in the rehabilitation process for inmates exhibiting deviant behavior at the Singaraja Correctional Facility [13].

3.2 The effectiveness of rehabilitation efforts for inmates convicted of rape at the Singaraja Correctional Facility in instilling a deterrent effect

Coaching is a learning process that involves letting go of what one already possesses and learning new things that one does not yet have, with the aim of helping those who undergo it to correct and develop their existing knowledge and skills, as well as to acquire new knowledge and skills to achieve effective goals. W.S. Winkle [12] defines coaching as: "the provision of assistance to an individual or group in making wise choices and in adjusting to life goals.

"According to Bimo Walgito [13], guidance means "the assistance or support provided to individuals or groups of individuals in avoiding or overcoming difficulties in their lives to develop abilities so that the individuals or groups can solve problems on their own and can adjust well to achieve a prosperous life."

In development, there is a process of letting go of things that are owned, which involves shedding knowledge and practices that are no longer helpful and hinder life and work, and learning new knowledge and practices that can enhance life and work [14]. The aim is for individuals undergoing guidance to achieve their life or work goals in a more efficient and effective manner than before. Thus, development can be understood as a learning process that involves letting go of what one already possesses and acquiring new knowledge and skills that one does not yet have, with the aim of assisting individuals in correcting and enhancing their existing knowledge and skills, as well as gaining new knowledge and skills to achieve effective goals.

The Singaraja Correctional Facility is located at Jalan Kancil Number 33, Donggala Village, South City District, Singaraja City. This prison with a capacity of 210 has been in use since it was inaugurated in 1984 by Ali Said SH, who served as the Minister of Justice. At that time, the Singaraja prison was still classified as type B and was under the jurisdiction of the Regional Office of the Minister of Justice of North Sulawesi Province. However, since June 2002, the Singaraja Correctional Institution has separated from the Regional Office of the Ministry of Justice and Human Rights of North Sulawesi Province and transitioned to the Regional Office of the Ministry of Justice and Human Rights of Singaraja Province, and since 2003 it has had a type II A status, as stated in the Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number: M.16.FR.07.03 of 2003 [15].

Currently, the Singaraja prison is home to more than 600 inmates and detainees, including 15 (fifteen) inmates for cases of rape against their own children. Inmates convicted of the crime of incestuous rape of their own children have the following characteristics: those aged 30 years have the lowest frequency, with only 1 person or 6.7%. Meanwhile, those aged between 30 and 50 years have a frequency of 10 people or 66.7%, and those over 50 years have a frequency of 4 people or 26.6%.[10] Thus, inmates in the productive age range (30-50 years) are the ones most frequently committing immoral acts by perpetrating rape against their own children [16].

Inmates with cases of sexual assault against their biological children, who are being held at the Singaraja prison, have varying levels of education. Where inmates who did not complete elementary school are more dominant in committing sexual offenses against their own children, totaling 9 individuals or 60%, while inmates with an elementary school education number 4 (four) individuals with a percentage of 26.6%. Meanwhile, inmates with junior high and high school education each number 1 (one) individual or a percentage of 6.7%. From the percentages above, it is clear that education significantly influences the occurrence of rape against one's own children. The higher a person's level of education, the smaller the potential for committing sexual offenses such as rape against their own children; conversely, the lower a person's education, the greater the potential for committing such sexual offenses against their own children [17].

The Singaraja Correctional Institution conducts rehabilitation for its inmates by paying attention to the principles in its system of guidance, namely: Protection, Equality of treatment and services, Education, Mentoring, Respect for human dignity, Loss of freedom as the only suffering, Assurance of the right to maintain contact with family and certain individuals. Furthermore, the Singaraja Correctional Institution conducts rehabilitation through 4 (four) stages, which include:

- a. First stage: initial development preceded by a period of observation, research, and environmental introduction, starting from the time of acceptance for at least 1/3 of the actual sentence.
- b. Second stage: continued development from above 1/3 to at least 1/2 of the actual sentence.
- c. Third stage: continued development from above 1/2 until at least 2/3 of the actual sentence is completed.
- d. Fourth stage: continued development from above 2/3 until the sentence is fully served [18]

The Singaraja Correctional Institution also implements mental development and skills training programs, which include the following:

1. Mental development, which includes:
 - a. Religious awareness development. This program aims to strengthen the faith of the inmates, particularly to help them understand the consequences of both right and wrong actions. This religious awareness development is primarily focused on Islamic teachings, as the inmates who committed immoral acts/rape against their biological children are all Muslim. The sessions are held at the At-Taubah Mosque located within the prison, scheduled daily for four hours, with facilitators from the Singaraja Correctional Institution and the Singaraja City Ministry of Religious Affairs Office. According to Francy Somafta Ari, the development of Islam is an effort to provide guidance, understanding, development, and enhancement of religious feelings and experiences, both from personal life and the experiences of others, in accordance with the norms of Islam. The aim is to cultivate a soul of a devout Muslim who is pious, possesses noble character, and exhibits righteous behavior.
2. The development of national and state awareness This effort is carried out through P4, including raising awareness so that individuals can become good citizens who can contribute to their nation and state. It is important to realize that serving the nation and state is part of one's faith. (taqwa).
3. Development of intellectual abilities (intelligence) This development is necessary so that the knowledge and thinking skills of inmates increase, thereby supporting positive activities needed during the rehabilitation period. Intellectual development (intelligence) can be carried out through both formal and non-formal education. Formal education is organized in accordance with the existing regulations set by the government to enhance the skills of all inmates in the correctional system. Non-formal education is organized according to needs and abilities through courses, skills training, and so on. The simplest and most affordable form of non-formal education is public lectures and providing ample opportunities to obtain information from outside sources, such as reading newspapers/magazines, watching TV, listening to the radio, and so forth.

4. Legal Awareness Development. The development of legal awareness among correctional residents is carried out by providing legal counseling aimed at achieving a high level of legal awareness so that as members of society, they recognize their rights and obligations in order to uphold the law and justice, protect human dignity, maintain order, tranquility, legal certainty, and foster the behavior of every Indonesian citizen who adheres to the law.
5. Development of Independence The development of independence is provided through the following programs:
 - a. Skills to support independent efforts. This development is carried out through a handicraft program commonly referred to as embroidery on lace fabric, the printing of building materials such as concrete bricks, iron stove mats, and dispenser stands, as well as home industry efforts in cake making. Meanwhile, the craft of electronic tools has not been maximized due to a lack of interest and the absence of a mentor.
 - b. The skills developed are in accordance with their talents. This program is based on the talents of the inmates, carried out through an agricultural program focusing on the cultivation of chili peppers, vegetables, and corn. In addition, the development of skills in raising chicken [19].

4 Conclusions

The rehabilitation programs for inmates at the Women's Correctional Institution in Singaraja City are personality development and independence training. In the process of rehabilitation for inmates with deviant behavior, the approach taken is one that emphasizes religious guidance. If linked to legal certainty, it has actually been fulfilled; however, due to the absence of specific regulations governing the rehabilitation of inmates with deviant behavior, it is difficult for the correctional facility to carry out the rehabilitation process. Factors underlying same sex relationships or lesbianism Women's Prison in Singaraja: Weak knowledge about religion, mutual feelings of affection, a sense of protection, as a form of entertainment during the punishment process, because the prison consists only of women, feelings of boredom from living alone, trauma from being hurt by men, environmental factors, and naturally occurring sexual orientation differences. Barriers in the rehabilitation process of inmates with deviant behavior at the Singaraja Correctional Institution: the absence of specific regulations governing the process, a lack of human resources among correctional staff, insufficient funding or budget for rehabilitation efforts, a lack of interest from inmates in the rehabilitation process, inadequate facilities and infrastructure at the Singaraja Women's Correctional Institution for inmate rehabilitation, and a lack of community support in aiding the success of the rehabilitation process for inmates.

Future research is expected to delve deeper into the crime of rape from different perspectives, such as the rape of men, which has not been extensively studied. Additionally, it is hoped to obtain more comprehensive copies of court rulings to serve as considerations and strengthen the analysis of the research results. Furthermore, it is also recommended to focus on the most recent cases of rape to obtain all the necessary court rulings. Perpetrators or society must have a gender perspective that can be fostered by the government or religious leaders and the surrounding community to view women as weak beings. Religious leaders and the

community can conduct outreach to the public, and the government can hold seminars that address topics on how to protect society from sexual violence, particularly the crime of rape.

5 References

- [1] G. T. Ibipurbo, Y. A. Wibowo, and J. Setiawan, "Pencegahan Pengulangan Kekerasan Seksual Melalui Rehabilitasi Pelaku Dalam Perspektif Keadilan Restoratif," *J. Huk. Respublica*, vol. 21, no. 2, pp. 155–178, 2022.
- [2] R. Maulani, "Pendekatan Terapeutik dalam Rehabilitasi Narapidana Tindak Pidana Seksual," *Psikol. Peradil.*, vol. 1, 2023.
- [3] K. S. Panyarikan, *DR. SAHARDJO SH*. 1983.
- [4] O. S. . Simanjuntak, *Hukum Pidana dan Pembinaan Narapidana*. Jakarta: Hukum, 2020.
- [5] D. Finkelhor, *The Sexual Victimization of Children: A Review of the Literature*. Washington: US Department of Justice, 2019.
- [6] B. Santoso, "Peran Keluarga dalam Proses Rehabilitasi Narapidana," *J. Sociol. dan Kel.*, vol. 2, 2023.
- [7] S. Wulandari, *Laporan Penelitian "Efektivitas Program Rehabilitasi untuk Narapidana Pelaku Kejahatan Seksual"*. Jakarta: LPAI, 2019.
- [8] Amiruddin and Z. Asikin, *Pengantar Metode Penelitian Hukum*. Jakarta: Rajagrafindo Persada, 2016.
- [9] T. J. M. M. van der Linden, "Understanding Recidivism in Sexual Offenders: A Study of Predictors and Prevention," *Int. J. Offender Ther. Comp. Criminol.*, vol. 6, 2023.
- [10] E. M. B. Rachmawati, "Keterlibatan Masyarakat dalam Proses Rehabilitasi: Tantangan dan Peluang," *Sociol. Perspect.*, vol. 3, 2022.
- [11] Yulianti, "Peran Pendidikan dalam Rehabilitasi Narapidana Pelaku Tindak Pidana Seksual," *J. Pendidik. dan Huk.*, vol. 1, 2023.
- [12] W. . Winkel, *Psikologi Pengajaran*. Jakarta: Gramedia, 1987.
- [13] B. Walgito, *Bimbingan dan Konseling (Studi dan Karir)*. Yogyakarta: Andi Offset, 2010.
- [14] S. K. Weitzman, "The Role of Family in the Rehabilitation of Offenders: A Review of the Literature," *J. Fam. Psychol.*, vol. 2, 2020.
- [15] J. A. M. Putra, "Model Rehabilitasi bagi Narapidana Tindak Pidana Seksual," *Psikol. Krim.*, vol. 3, 2021.
- [16] A. S. Heri Edrino Sihombing, "Kebijakan Hukum Dalam Penanggulangan Tindak Pidana Yang Terjadi Pada Warga Binaan Di Lembaga Masyarakat," no. 01, pp. 130–139, 2022.
- [17] K. H. dan HAM, *Panduan Program Rehabilitasi Narapidana*. Jakarta: Kementerian Hukum dan Ham, 2022.