

PROBLEMS IN THE IMPLEMENTATION OF THE FULFILLMENT OF THE RIGHTS OF PRISONERS IN THE FIELD OF EDUCATION IN CLASS 1 SURABAYA CORRECTIONAL INSTITUTION

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ABSTRACT

Education is very important, especially as the first step in forming a person's character. Based on the 1945 Constitution Number 20 of 2003 concerning the National Education System, obtaining education is a right for all citizens, including prisoners. This research aims to find out and examine the implementation of the fulfillment of prisoners' rights in the field of education at the Class 1 Correctional Institution in Surabaya. The research method used is empirical legal research using a qualitative descriptive approach. This research method places the law as a guideline for behavior in life which is always interacting and connected in social aspects. This research concludes that according to the author, the implementation of fulfilling prisoners' rights in the field of education at the Surabaya Class 1 Correctional Institution has been well structured in accordance with statutory regulations, but in its implementation there are still many obstacles. Even though there are obstacles, based on the results of the author's interviews with several prisoner representatives, prisoner development activity programs such as the Sekar Mentari Elementary School Equivalency Course (KPSD) and Pursuing Equivalency Program Examination (UPK) Packages A, B and Package C must still be implemented to fulfill prisoners' rights in the field of education.

Keywords: Education, Prisoners, Institutions, Corrections.

INTRODUCTION

Obtaining education is a right for all citizens and the state has the obligation to fulfill and provide education equally and equally to every citizen. Noeng Muhadjir in

Laksono (2012: 1),¹ said that education comes from the Greek word *paedagogy* means a child who goes to and from school accompanied by a servant. In the Roman language, education is termed *educate* which means to bring out something that is inside, while in English education is termed to *educate* which means to improve morals and train intellectuals. Education is a tangible manifestation of the goals of the Indonesian state itself as stated and stated in the preamble to the 1945 Constitution of the fourth alenia.

Burhannudin (in Prihatin, 2011),² stated that there are at least several factors that cause school dropouts, namely economic factors, interest in attending low school, lack of family attention, less supportive learning facilities, cultural factors and location or location. In addition, there are internal factors that cause school dropouts, namely low interest or willingness of children to go to school, school is considered unattractive and inability to follow lessons. Location or location factors are one of the factors that make an inmate unable to obtain the right as a citizen, namely education. A prisoner is someone who has committed a mistake or crime has been convicted by a judge and must serve a sentence. Penitentiary or commonly referred to as prison is a place to conduct training for prisoners.

In Article 1 Paragraph (1) of Law Number 22 of 2022 concerning Corrections which reads: "Correctional is a criminal justice subsystem that organizes law enforcement in the field of treatment of prisoners, children and fostered citizens."³ In this article, the implementation of the correctional system is required to provide treatment that can achieve the objectives of correctional services that are nurturing, guiding and fostering in accordance with the principles of the correctional system. So that the current prison penal system has really been implemented as a forum for moral renewal of prisoners. Education is the first step in the formation of one's disposition. Therefore, despite a person's status as a prisoner, their human rights as human beings that must be protected including to get an education should be fulfilled. As this has also been regulated in Article 1 Paragraph 2 Number 22 of 2022 concerning Corrections.

Limited facilities, infrastructure, and facilities can be one of the factors

¹ Prof. Dr. H. Noeng Muhadjir, *Qualitative Research Methodology Rake Sarasian Publisher*, Yogyakarta, 1996.

² Ni Ayu Krisna Dewi, "Analysis of Factors Causing Out-of-School Children of Primary Education Age", Vol. 4, No. 1, (2014).

³ Article 1 Paragraph (1) of Law Number 22 of 2022 concerning Corrections

preventing prisoners from getting an education. In addition, internal factors such as lack of awareness, low interest and lack of will in oneself are also obstacles to the implementation of prisoners' rights in the field of education. Currently, there are many prisoners who decide to drop out of school, based on data from the Surabaya Class 1 Penitentiary, only 18 prisoners who are serving their criminal terms until 2023 are aware of the fulfillment of the right to education. From the data of 1,575 prisoners of Surabaya Class 1 Penitentiary, there should still be approximately 1,182 prisoners who have not fulfilled the right of a citizen, namely to get an education

RESEARCH METHODS

The research method used in this study is using empirical legal methods through a qualitative descriptive approach. This research method puts the law as a guideline in question into behavior in life that always interacts and relates in social aspects. To obtain the legal materials needed in writing this research, the author uses techniques for collecting and managing legal materials by means of literature study studies, questionnaires, and interviews. Literature study through tracing primary legal materials, by studying literature related to the Law on Education and Prisoners' Rights, including existing and relevant legislation. The questionnaire was conducted to collect information from prisoners as respondents about the importance of prisoners' rights in education. While the interview aims to determine the conditions of implementation of prisoners' rights in the field of education at the Surabaya Class 1 Penitentiary.

RESULT AND DISCUSSION

Implementation of Prisoners' Rights in Education

Getting an education is one of the rights of prisoners as stipulated in Article 7 of Law Number 22 of 2022 concerning Corrections. In the implementation of prisoners' rights in the field of education can be carried out through a series of community guidance activities, consisting of self-reliance development, personality development, registration coaching and granting remission.

In the Surabaya Class 1 Penitentiary, which has 1,575 prisoners, only 10% of

them successfully graduated from elementary to college, the following list includes:

1. Did not graduate from elementary school by 30 percent
2. Only 45 percent of basic education graduates
3. High school graduates as much as 15 percent
4. The remaining Diploma or Bachelor is 10 percent⁴

According to Habib Hanafi, staff officer in the field of inmate development, Education and Training Programs provided during the prisoner's sentence. One form of the program is the Sekar Mentari Elementary School Equality Course (KPSD) and the Education Equality Center in the Equality Program (UPK) Package A, B and C. However, even for the KPSD schedule, it is only carried out if there is a request from prisoners in need.⁵

Surabaya Class 1 Penitentiary collaborates with external parties, namely the Sekar Mentari Sidoarjo Social Institution Foundation. This activity is a learning for prisoners where the learning is carried out in accordance with elementary school standards. In implementation, KPSD activities tend to lean towards the study of Islamic religious sciences. Therefore, it is often also called Madrasah. First implemented in 2002, teaching staff from the Sekar Mentari Sidoarjo Social Institution Foundation came to conduct the teaching and learning process for free. The implementation time is carried out in the morning starting at 08.30 WIB until 10.30 WIB, in one week there are two days off, namely Sunday and Friday. Held in the Sugeng Handrijo Hall building of Surabaya Class 1 Penitentiary, with benches and tables and blackboards. The teaching staff assigned by the Sekar Mentari Sidoarjo Social Institution Foundation itself every day varies with the ability to teach in their fields. However, in its implementation, KPSD activities have less anticipation from prisoners. In the latest data carried out by KPSD in April 2023, there were only 14 prisoners.⁶

The Penitentiary also collaborates with external parties, namely the Jati Mulya Sidoarjo Community Learning Activity Center (PKBM). The package chase activity is one of the fulfillment of prisoners' rights in obtaining education, which aims to later

⁴Data Source: *Results of the Questionnaire "The Last Education of Inmates in Surabaya Class 1 Penitentiary"*, April 2023

⁵ Data Source: *Habib Hanafi Interview*, May 2, 2023

⁶ Data Source: *Surabaya Class 1 Penitentiary Registration*, April 2023

when prisoners are free/discharged from prison, they already have a diploma and can be used to get a better job and livelihood. From the latest data in March 2023, the equivalency exam program has been held on March 23-27, 2023 with 2 subjects in accordance with the current education curriculum. It was held at the Sugeng Handrijo Hall building of Surabaya Class 1 Penitentiary, which was attended by 7 inmates with three groups, namely Package A (SD) as many as 3 inmates, Package B (SMP) as many as 1 inmate, and Package C (SMA) as many as 3 inmates.⁷

Based on the results of interviews with several inmates as resource persons for several inmates, the majority said that educational activities are needed for prisoners of the Surabaya Class I Penitentiary, because as it is known that there are still many prisoners who have not completed their obligations in the field of education. Regarding the activities of prisoners in the Surabaya Class 1 Penitentiary, the author is of the view that the activities that have been programmed by the officers of the Surabaya Class 1 Penitentiary have been well arranged in accordance with the Government Regulation of the Republic of Indonesia Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Assisted Citizens, namely in Articles 9 - 13, and fulfill the rights of prisoners in obtaining education as stipulated in Article 7 of Law Number 22 In 2022, however, in its implementation, there are still many obstacles.

In the implementation of the fulfillment of the rights of prisoners in the field of education at the Surabaya Class 1 Penitentiary, there are several factors that support the implementation of education. The supporting factors are the first existence of laws and regulations, such as Article 17 of Law Number 20 of 2003 concerning the National Education System, Article 7 of Law Number 22 of 2022 concerning Corrections, and Article 9 of Government Regulation (PP) Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Prison-Assisted Citizens.

Another supporting factor is the support from the government through an MOU on a memorandum of understanding between the Minister of Law and Human Rights and the Minister of Education and Culture⁸, there are parties involved including officers and third outside parties who cooperate, and there is already a mobile library of Laskar

⁷ Data Source: *Surabaya Class 1 Penitentiary Registration*, April 2023

⁸ Data Source: Hadisaputro, Gatot., *Interview*, Surabaya. May 5, 2023

Ilmu. While the inhibiting factors include lack of interest in prisoners, insufficient budget allocated for coaching, and inadequate infrastructure facilities, such as not provided paper, pens, books, computers, and also facilities, such as special buildings and study rooms

CONCLUSION

Based on the explanation above, it can be concluded that the implementation of the fulfillment of prisoners' rights in the field of education at the Surabaya Class 1 Penitentiary, according to the author, has been well arranged in accordance with laws and regulations, but in its implementation there are still many obstacles. Despite the obstacles, based on the results of the author's interviews with several prisoner representatives, prisoner development programs such as the Sekar Mentari Elementary School Equality Course (KPSD) and the Equality Program Examination (UPK) Chase Package A, B and Package C must still be carried out to fulfill the rights of prisoners in the field of education.

Factors that affect the implementation of the fulfillment of prisoners' rights in the field of education at the Surabaya Class 1 Penitentiary can be in the form of supporting factors and inhibiting factors. Supporting factors include regulations on education, government support, contributions from parties involved, and the availability of library programs. Meanwhile, the inhibiting factors are the lack of awareness of prisoners in education, limited infrastructure, and the budget that is not allocated for the development of prisoners in the field of education.

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