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THE IMPORTANCE OF FOSTERING LEGAL AWARENESS OF THE PERSONALITY OF PRISONERS IN REALISING GOOD AND RESPONSIBLE CITIZENSHIP

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Abstract

Coaching has an important role in realizing the purpose of correctional facilities. One of the coaching that is important in forming the foundation of the prisoner's personality is the development of legal awareness that is instilled to form a good and responsible citizen. Legal awareness coaching is implemented programmatically in various prisons in Indonesia. However, in its implementation, there are various challenges faced, one of which is overcrowding. This paper aims to find out the implementation of the legal awareness coaching program, especially in Lapas Klas IIA Kediri as the main locus amid various obstacles faced. Data collection techniques used in making research are obtained from direct observation and interviews with officers and prisoners. The results obtained in the field show that there are various efforts and innovations made by the Kediri Klas IIA Correctional Facility in fostering legal awareness, both in terms of coaching programs, as well as humanist approaches taken by officers related to instilling values, morals, and understanding of the law. Therefore, as the frontline in realizing the correctional goal, various technical implementation units must compete in innovating in realizing coaching programs, especially legal awareness in the obstacles faced such as overcrowding.

Keywords: Guidance, Legal Awareness, Prisoners

Abstrak

Pembinaan memiliki peran penting didalam mewujudkan tujuan pemasyaraktan. Salah satu pembinaan yang menjadi penting dalam membentuk pondasi kepribadian narapidana adalah pembinaan kesadaran hukum yang ditanamkan guna membentuk warga negara yang baik dan bertanggung jawab. Pembinaan kesadaran hukum di implementasikan secara terprogram di berbagai lapas di Indonesia. Namun dalam pengimplementasiannya terdapat berbagai tantangan yang dihadapi salah satunya adalah overcrowding. Tulisan ini bertujuan untuk mengetahui pelaksanaan program pembinaan kesadaran hukum khususnya di Lapas Klas IIA Kediri sebagai locus utama ditengah berbagai kendala yang dihadapi. Teknis pengumpulan data yang digunakan dalam membuat penelitian didapat dari hasil observasi dan wawancara secara langsung dengan petugas dan narapidana. Hasil yang didapat dilapangan memperlihatkan bahwa ada berbagai upaya dan inovasi yang dilakukan oleh pihak Lapas Klas IIA Kediri dalam melakukan pembinaan kesadaran hukum, baik dari segi program pembinaan, maupun pendekatan humanis yang dilakukan oleh petugas terkait dengan penanaman nilai, moral

dan pemahaman hukum. Oleh karenanya sebagai garda terdepan dalam mewujudkan tujuan pemasyarakatan, berbagai unit pelaksana teknis harus berlomba-lomba dalam berinovasi mewujudkan program-program pembinaan, khususnya kedasaran hukum di tengah kendala yang dihadapi seperti overcrowding.

Kata kunci: Pembinaan, Kesadaran Hukum, Narapidana

INTRODUCTION

Ubi societas Ubi Ius, where there is society there is law. In this case, Cicero explained that the law exists and lives in society so that law and society cannot be separated in their roles. This statement is real and proven in the era of the 20th century when all modern countries in the world began to apply the concept of the rule of law (Chesterman, 2020). In line with this, Indonesia is one of the countries that implement it. Indonesia is a state of law, this is stated in the basic constitution of this country article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia. The logical consequence of the choice of state is the existence of the rule of law and high recognition of the principle of human rights values. The application of this principle is contained in Article 28, letters A-J of the 1945 Constitution of the Republic of Indonesia. In community life, everyone has the right to develop themselves better than before, this is stated in Article 28 C of the 1945 Constitution of the Republic of Indonesia which states that 'Every citizen in Indonesia has the right to develop themselves through the fulfillment of their basic needs, the right to obtain education and benefit from science and technology, art and culture to improve the quality of their lives and for the welfare of the people' (Tirza & Cendana, 2022).

Based on this article, it is clear that those who have the right to develop themselves are not only law-abiding citizens but also correctional inmates who are someone who has been found guilty through a judge's unanimous decision for their actions that violate a criminal offense and then undergo his punishment in a correctional institution. Although prisoners are restricted in their right to freedom as a consequence of the sanction of their actions, to make themselves better than before is something that must be supported by the state because prisoners are part of legitimate citizens and guaranteed by the constitution. In making efforts to change and improve the damaged values of correctional prisoners, the state has provided a correctional concept that is believed to be able to foster a prisoner to become a good and responsible citizen. In its implementation, the correctional center has 2 main cores of development, namely personality development and independence development (Kotova, 2020).

Development of independence is related to the livelihood of prisoners, such as work skills, work activities, and job training that can be used as provisions to be able to survive without harming the rights of others in social life later when they return to society. Next is personality development, which prioritizes the improvement of personal attitudes owned by individuals such as matters relating to devotion to God, awareness of nation and state, spiritual and physical health, and legal awareness as citizens. The coaching program carried out in the concept of the correctional system is expected to create an output that is beneficial for the life of the community later (Marewa dkk., 2021).

Legal awareness is a basic factor and is one of the elements that influence the existence

of a crime. According to Schmidt, (2020), legal awareness means awareness of what we should do or do or what we should not do or do, especially towards other people. This means awareness of our respective legal obligations towards others. Based on BPS data in 2020, there were 247,218 incidents of crime in Indonesia. This is quite high and means that there are still many Indonesian people whose legal awareness is still low. Therefore, socialization of the existence of law in society is very necessary. The socialization of the existence of law in society can be in the form of various implementation programs, both through legal counseling by the Ministry of Law and Human Rights, by embedding values in the education curriculum, as well as educational programs carried out in autonomous regions (O'Sullivan dkk., 2020). In conducting a socialization of legal awareness by the state, it should not only be done to the community in general but also to prisoners following the mandate of PP No. 31 of 1999 concerning Guidance and Guidance of Prisoners.

Zivanai & Mahlangu, (2022) Explain that personality development related to legal awareness for a prisoner is an important thing. This is because a prisoner is a lawbreaker, he commits a criminal offense prohibited by criminal law so that he gets a punishment in prison, then in this case it means that his ability and legal awareness are minimal towards existing regulations in Indonesia. Legal awareness coaching is intended so that prisoners understand the dangers of the actions committed so that they will not repeat their actions, provide an overview of what are the rights and obligations of a citizen, provide intellectual insight knowledge about the limits of actions prohibited by the state along with the threats of punishment obtained so that a prisoner can think rationally and feel educated later if intensively taught about it. In addition, with legal literacy, prisoners can understand their rights in serving imprisonment such as clemency, remission, amnesty, and other legal aid rights comprehensively and thoroughly. Of course, the implementation of legal awareness coaching is not carried out partially, but is supported by other personality coaching, one of which is spiritual, which can awaken the hearts of prisoners who have been damaged, so that the coaching process obtained will be well received by prisoners. But often the process of personality development regarding legal awareness is very minimal in prison (Toussaint, 2021).

The implementation of inmate development often experiences problems that hamper the process of inmate development that should receive good and comprehensive guidance to be not optimal (Simanjuntak, 2023). The correctional concept that is carried out cannot run well because of the obstacles caused by various problems in prisons such as overcrowding. Recorded in the Correctional Database System in 2019 shows that the number of prisoners as of 29 July 2019 was 263,790 people with a total capacity of 128,040, with a density percentage of 106% which has an impact on various other prison problems such as disturbances of security, riots, escapes, and narcotics abuse in prisons still occur. So that with this fact, the focus of the prison becomes more on strengthening security given the various threats that exist and less able to maximise guidance because one of the reasons is the minimal infrastructure facilities compared to the number of prisoners who inhabit the prison. Therefore, the goal of the correctional centre is to be able to form prisoners into full human beings who realise their mistakes, improve

themselves so that they can be accepted in society again, and become good and responsible citizens will be difficult to achieve because the instruments of guidance cannot run properly (Bramandita dkk., 2023).

As well as the phenomena obtained from empirical studies of the Correctional Institution Klas IIA Kediri, as of 5 March 2022 prisoners inhabiting the prison amounted to 759 people who should only have a capacity of 350 people. In addition, the number of prison officers is very limited with only 113 employees. This shows a difference in quantity that directly affects the process of guidance and security. The coaching programmes in Correctional Institution Klas IIA Kediri prioritize personality coaching related to spirituality and independence coaching which is carried out regularly every day. Coaching on the understanding of norms, and legal awareness is very minimal due to the lack of human resources who master the field of law placed as functional coaching officials. In addition, the development of legal awareness has very little effect on the understanding of prisoners because in addition to the schedule of legal awareness, development is not carried out regularly, and the influence of overcrowding makes the development cannot be carried out evenly.

METHOD

This research uses a qualitative approach with a descriptive method to examine the importance of fostering legal awareness of the personality of correctional prisoners in realizing good and responsible citizens (Hermawan, 2019). The subjects of this research are prisoners in one of the correctional institutions in Indonesia. The selection of subjects was carried out by purposive sampling to ensure that the participants involved had relevance to the research objectives. Data collection was conducted through in-depth interviews, participatory observation, and documentation studies. In-depth interviews were conducted with prisoners, correctional officers, and other related parties to gain a comprehensive understanding of the legal awareness development process. Participatory observation was conducted to directly observe the coaching activities that take place in correctional institutions. Documentation studies were used to analyze various official documents such as coaching programs, regulations, and personality records of prisoners. Data analysis was conducted thematically with steps including data reduction, data presentation, and conclusion drawing. Data obtained from interviews, observations, and documentation were analyzed to identify key themes relating to the development of legal awareness and its impact on the personality of prisoners (Barlian, 2018). Data validity was ensured through data triangulation, which is comparing data from various sources to ensure consistency and accuracy of research findings. This research aims to understand how legal awareness coaching is implemented in correctional institutions, the challenges faced in the coaching process, and its impact on the personality of prisoners. The results of the research are expected to provide theoretical and practical contributions to the development of coaching programmes in correctional institutions, to support prisoners to become good and responsible citizens after completing their sentences.

RESULT AND DISCUSSION

Implementation of prisoner coaching in overcrowding conditions in a correctional institution Klas II A Kediri

The purpose of corrections is to restore the state of life, life, and livelihood of prisoners whose relationship with the ecosystem/value system in society has been damaged. Prisoners in article 1 point 7 of Law No. 12 of 1995 concerning Corrections is stated as follows:

Rebecchi dkk., (2024) said the prisoners are convicts who are serving a sentence of loss of independence in correctional facilities. In this case, it means that what is declared as an inmate is a convict who has been decided by a judge on his case and is serving his sentence in a correctional institution. The Correctional Institution seeks to reform and repair the damaged values of the convicts by carrying out coaching in the correctional system. The development of prisoners is part of the correctional system in realizing the objectives of the correctional itself. Guidance according to the large Indonesian dictionary means things that include processes, renewal, improvement, efforts, actions, and activities carried out effectively and successfully to get a good result. While explicitly coaching in Article 1 Paragraph 1 of Government Regulation No. 31 of 1999 concerning Guidance and Guidance of Prisoners is stated as follows:

Guidance is an activity to improve the quality of devotion to God Almighty, intellectual, attitudes and behavior, professional, physical, and spiritual health of prisoners and correctional students'. So coaching can be interpreted as a process through a series of activities aimed at prisoners both from a spiritual and physical perspective aimed at becoming someone more than before when he committed an illegal act. According to Harsono, the purpose of coaching is correctional which can be divided into three achievements, namely: 1) after leaving the correctional institution no longer commit criminal offenses. 2) Become a useful human being, and play an active and creative role in building the nation and country. 3) Able to get closer to God Almighty and get happiness in this world and in the hereafter (Dalla Pellegrina & Saraceno, 2021).

Juridically, the basic rules for implementing guidance in correctional institutions are contained in Government Regulation No. 31 of 1999 concerning the Guidance and Guidance of Prisoners. Correctional Institutions led by Kalapas are obliged to carry out guidance, in addition to the state of overcrowding prisons with various innovations carried out as what has become the mandate of the government regulation. Overcrowding is a correctional challenge that every year has not met a bright spot for resolution. It is recorded in the Correctional Data Base System data that overcrowding from 2014 to 2019 has increased the number of residents by 81%.

Table of *overcrowding* levels in prisons 2014-2019

YEARS	NUMBER	OF	TOTAL CAPACITY	PERCENTAGE
	OCCUPANTS			
2014	159.964		113.028	41
2015	173.572		117.128	48
2016	204.549		118.952	72

2017	232.080	124.010	87
2018	256.277	126.253	103
2019	263.790	128.040	106

Source: Correctional Database System of the Directorate General of Corrections of the Ministry of Law and Human Rights, as of January 2014-2019.

The data on the density of prisoners in Indonesia illustrates the real situation of how prisons are overcrowded. When viewed from the perspective of human rights, this condition is certainly inhumane and far from what can be said to be fair. Besides being seen from the perspective of justice, efforts to make prisoners better through guidance will be very difficult to achieve. The purpose of the correctional system is to restore the life, life and livelihood of prisoners to be hampered because of the unevenness of the guidance received. This is a logical consequence of the inverse number of officers with prisoners who inhabit the prison.

In line with this, based on interviews found with correctional officers of Klas IIA Kediri, an officer is aware of the inadequacy of the existing coaching system if the number of prisoners is overcrowding, but this situation is not a problem that should be resolved by the correctional center alone. Criminal justice in Indonesia uses a system approach in tackling crime and processing a criminal offense. Therefore, every agency has the authority to minimize overcrowding in prisons because overcrowding is a problem for all of us. Not only that, but every law enforcement officer goes according to what the law says, and the legal basis of this country regarding criminal law still enforces Law No. 1 of 1946 concerning Regulations on Criminal Law which it contains the Criminal Code which is only a translation of the Wetbook Van Straftrecht made by the Netherlands in 1881 which in the country of origin is no longer enforced. The spirit contained in the WvS is the spirit to punish in the colonial era so it is not under the civilization of independence as it is now, although several new laws appear to adjust to the progressiveness of criminal law in society. In this case, it is actually in line with what Lawren Friedman said in his opinion about the legal system. Based on Aderibigbe dkk., (2023) opinion, an ideal legal system consists of 3 elements, namely substance, structure, and culture.

The substance according to Gonzales dkk., (2023) is defined as the provisions of the governing legislation, while the structure is defined as aspects of law enforcement, and culture means the acceptance of legal products and the treatment of law enforcement by the community. To organize welfare for the people in Indonesia, the application of this legal system must be able to run ideally. Each element forming this legal system has its role. Legal products/substances are identical to the legislature, while in the textual implementation of the law, law enforcers have an important role and are at the forefront as implementers and interpreters of material and formal law in everyday life. In the case of overcrowding in correctional institutions, it cannot only be resolved by one element of the structure/implementing apparatus of the law alone, but in terms of substance/formulation of regulatory norms should also be addressed, because the legal system is formed from a unity of elements that support each other. Therefore, the problem will not be solved if there is one element that remains the source of the problem/problemmaker. The instability of the elements forming the legal system will

directly affect the implementation of law in society. Just like the overcrowding problem that has not been resolved for this reason. This must have an impact on the correctional system which should be carried out under the concept, but in reality, it is hampered and not optimal in achieving its goals (Rachmawati dkk., 2021).

The impact of this instability is felt in the field by various technical implementation units, one of which is in the Correctional Institution Klas IIA Kediri as the front guard in implementing correctional goals. The patterns of coaching carried out must prioritize innovation and breakthroughs to be able to foster lawbreakers to the maximum. From the results of interviews obtained with the sub-section of Bimkeswat Correctional Facility Klas IIA Kediri, as for the obstacles in conducting coaching, among others:

- 1. Limited human resources
- 2. The area of the prison is only 6850 square meters
- 3. Overcrowding which results in the motivation of prisoners to conduct coaching.

With these various obstacles and limitations, there are various coaching breakthroughs carried out by the Kediri class IIA prison, among others:

- 1. Spiritual development that is carried out routinely every Friday in collaboration with the Kedunglo boarding school in Kediri.
- 2. Development of mental formation through the Quranic hut which is carried out 24 hours for 6 months once
- 3. Personality development in the form of drug counseling in collaboration with BNN is carried out every Wednesday.
- 4. Development of state defense in collaboration with the TNI carried out once a month
- 5. Personality development regarding legal awareness through counseling in collaboration with Kadiri University is carried out once every 6 months.
- 6. Development of independence in open prison for inmates who are assimilated
- 7. Development of social work independence in collaboration with non-governmental organizations and others.

The coaching is carried out in turns and programmed so that it is expected that prisoners can feel the changes in themselves.

Efforts to implement legal awareness coaching in overcrowding in Correctional Institution Klas IIA Kediri

Corrections are always faced with the complexity of the results of the legal system in force in Indonesia every year. The obstacles that affect the process of coaching and security make the correctional seek various innovations in conducting inmate coaching programs. In the Correctional Technical Implementation Unit, especially the prison, there are many cooperation programs with agencies/foundations/NGOs related to the field of coaching to strive for the development of prisoners who exceed the number of capacities. The effort is made so that coaching can be felt evenly, patterned, and can change attitudes, and meet the needs of life, life, and livelihood of prisoners (Manurung & Bisono, 2021).

One of the personality development that requires many patterned programs is the development of legal awareness of prisoners. Legal awareness is important for prisoners because, in fact, he is a person who violates the provisions of legal norms. Logically, it means that he is less able to understand the function and role of the law that applies in society or even he does not know about the law that applies positivistically. In the opinion of the researcher, the foundation of learning related to the law and the importance of legal awareness plays an important role in the formation of the personality of prisoners with integrity and loyalty to the state, so that they are embedded in nationalism and consciously understand their position as good and responsible citizens. Legal awareness itself has meaning as a state of a person who understands and understands the function and role of law for individuals and society. According to Paul Scholten, legal awareness is defined as the awareness that exists in every human being about what the law is or what the law should be, a certain category of our psychological life with which we distinguish between law and not law (onrecht), between what should be done and not done. According to Flynn & Higdon, (2022), 4 indicators form legal awareness sequentially (stage by stage), namely:

- Legal knowledge; is a person's knowledge regarding certain behaviors regulated by written law, namely about what is prohibited and what is allowed.
- 2. Legal understanding; the amount of information owned by a person regarding the content of (written) rules, namely regarding the content, purpose, and benefits of these regulations.
- 3. Legal attitude; is a tendency to accept or reject the law because of an appreciation or realization that the law is beneficial to human life. In this case there is already an element of appreciation for the rule of law.
- 4. Patterns of legal behaviour; about whether or not a rule of law applies in society. If a rule of law applies, to what extent does it apply, and to what extent does the community comply with it?

Patterns of legal awareness development programs in prison are implemented programmatically by paying attention to the doctrine of experts and deepening the concept that is expected that the programs prepared can directly have a significant effect on the lifestyle and personality of prisoners. In addition, of course, it still pays attention to the constraints that become obstacles in prisons such as overcrowding.

In the implementation in the field that has been found by researchers through observations and interviews, overcrowding and other obstacles faced in the development of prisoners do not make Lapas Klas IIA Kediri recede in achieving the spirit of correctional goals. Several breakthroughs were made through various collaborations with competent parties in their fields. Based on the results of interviews obtained by researchers regarding the development of legal awareness, there are various innovations made by correctional officers, especially the Head of the Bimkeswat Sub Division, whose main task is to manage coaching patterns in prisons, among others; collaborating with law faculties from various universities in Kediri to conduct legal counseling which is carried out periodically and programmed so that it is hoped that prisoners understand various knowledge about

the law that can provide a foundation for prisoners to form law-abiding thinking, cooperating with the Legal Aid Institute 'Fajar' as a party prepared to accompany and act as legal counsel for a suspect who is in fact still undergoing a judicial period, considering that Article 56 of Law No. 8 of 1981 concerning the Code of Criminal Procedure. 8 of 1981 concerning the Criminal Procedure Code that 'In the event that a suspect or defendant is suspected or charged with a criminal offence punishable by death or a sentence of fifteen years or more or for those who are unable to be punished with a sentence of five years or more who do not have their own legal counsel, the relevant officials at all levels of examination in the judicial process are obliged to appoint a legal advisor for them', In addition to holding legal classes which are carried out intensively given to prisoners every week, then the implementation of moral education, ethics, and norms instilled by RUPAM officers through a humanist approach in each block. This is believed to bring success in the implementation of the legal awareness development program for prisoners.

CONCLUSIONS

Coaching is the most important element in realizing correctional goals. Coaching can be carried out by distinguishing 2 types of coaching, namely independence coaching and personality coaching. Independence coaching is related to the livelihood relationship of inmates such as work skills, while personality coaching is related to the attitude, behavior and personality of individual inmates. Personality development that is important to be discussed is the development of legal awareness because in fact, the convict is a person who violates the law, therefore logically it can be interpreted that he is less able to understand the role and function of the law in society so that he can fall into the formulation of criminal offenses. Thus, personality development regarding legal awareness is important to be carried out intensively and massively to form the foundation of the personality of prisoners to become good and responsible citizens. Empirically, the implementation of coaching is faced with various problems, one of the problems that is the source of the problem is overcrowding. In overcrowding conditions, prisons cannot carry out maximum guidance, because the lack of resources owned is inversely proportional to the number of prisoners. In addition, there are limited facilities and infrastructure used to provide guidance, so the inmate guidance received is uneven. Various innovations and breakthroughs must be taken by the technical implementation unit to provide good and equitable coaching services for prisoners, so that what is expected by the thinker of the correctional concept regarding the purpose of the correctional can be achieved, namely restoring the life, life, and livelihood of prisoners.

As the frontline of the Technical Implementation Unit of the Correctional Institution Klas IIA Kediri has several coaching programs amid overcrowding, among others:

- 1. Spiritual development which is carried out routinely every Friday in collaboration with the Kedunglo boarding school in Kediri.
- 2. Development of mental formation through the pondok mengaji which is carried out 24 hours for 6 months once

- 3. Personality development in the form of drug counseling in collaboration with BNN is carried out every Wednesday.
- 4. Development of state defense in collaboration with the TNI carried out once a month
- 5. Personality development regarding legal awareness through counseling in collaboration with Kadiri University is carried out once every 6 months.
- 6. Development of independence in open prison for inmates who are assimilated
- 7. Development of social work independence in collaboration with non-governmental organizations.

In addition, to maximize the personality foundation owned by prisoners in terms of legal awareness, the Kediri class IIA prison has efforts that are being made so that the coaching program can be carried out intensively and massively and can be felt by prisoners evenly. Personality coaching regarding legal awareness, among others;

- 1. Cooperate with the faculty of law from various universities in Kediri to conduct legal counseling massively.
- 2. Cooperating with the Legal Aid Institute 'Fajar' as a party prepared to accompany and act as legal counsel for a suspect
- 3. Creating legal classes that are used to educate prisoners regarding the importance of law in living as good and righteous citizens
- 4. Humanist approach through RUPAM officers who socialize with inmates every day to instill values, norms, and understanding of the applicable law to form law-abiding prisoners.

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