

Agenda Item 3

Overcrowding of Prisons and Non-Institutional Treatment of offenders in Indonesia

1. Introductions.

The Directorate General of Corrections is under the administrations of the Ministry of Justice of the Republic of Indonesia. In carrying out its responsibilities, the corrections based on '*pemasyarakatan system*' which stated on the Law No. 12 of 1995.

The Directorate General of Corrections currently operate 427 units of Correctional Institutions throughout Indonesia. The Correctional Institutions consist of :

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|---------------------------------|------------|
| a. Detention Houses | : 155 unit |
| b. Branch of Detention House | : 76 unit |
| c. Prisons, consist of | |
| 1). Male Prison | : 129 unit |
| 2). Female Prison | : 4 unit |
| 3). Youth Institution | : 2 unit |
| 4). Male Juvenile Institution | : 13 unit |
| 5). Female Juvenile Institution | : 1 unit |
| 6). Open Institution | : 3 unit |
| d. Parole and Probation Office | : 44 unit |

The total capacity of Detention Houses, Branch of Detention Houses and Prisons are : 62.396 persons. That total capacity is counted based on room space/occupant room (not included bathroom and restroom), with rules that every one has moving space as large as 5,4 m²

That size/standard is the result of analysis and research by Dr. Silvia Casole in the prisons, both in United States of America and the surrounding countries of Atlantic and in European countries. The result of that analysis and research is meant to be applicable with the natural condition in Indonesia with the following considerations :

- Standard of sleeping room for two people (husband and wife) is built by Public Company for National Housing is 3 m x 3 m = 9 m².
- Standard of sleeping room generally in Indonesia is 3 m x 4 m = 12 m²

2. Overcrowding of Prisons

Nowadays the problem for the implementation of imprisonment sentence become very complicated resulting from the efforts to pay more attention to factors relating to human rights, and is expected that this sentence is more functional in its characteristic. There are a lot of criticisms are directed towards the type of this sentence, either seen from its effectiveness or its other accompanying negative results by imprisonment.

Those sharp and negative criticisms are not only directed to imprisonment sentence according to traditional retributive perspective with its suffering manner, but also according to modern perspective with more humanistic values and stressing on rehabilitating values towards the offender. One of those exposures towards imprisonment is the arising of overcrowding prison.

In relation to overcrowding prison in Indonesia, it can be said that the number of Detainees and Prisoners since 1995 is gradually increasing from 44.344 in 1995 to 48.256 in August 1999. This number increase estimated to be affected by the condition of economy, social and politic developed by the society nowadays. Even though there is an increase but that number is still under the capacity of Detention House, Branch of Detention Houses and Prisons.

Table 1 : Prisons and Detention Houses Population and Their Ratio to Total Capacity

Total Capacity	Y e a r				
	1995	1996	1997	1998	June 1999
62.396 (100 %)	42.212 (67,6 %)	44.344 (71 %)	47.235 (75,7 %)	47.209 (75,6 %)	48.256 (77,3 %)

Table 2 : Number of Inmates

Year	Prisoners	Detainee	Total
1995	26.803	15.409	42.212
1996	27.934	16.410	44.344
1997	27.010	20.225	47.235
1998	28.384	18.825	47.209
June 1999	32.318	15.938	48.256

Table 3 : Number of Juvenile Inmates and Their Ratio to Number of Inmates

Year	Juvenile	Inmates	Ratio
1995	3.246	42.212	7,6 %
1996	2.262	44.344	5,1 %
1997	2.096	47.235	4,4 %
1998	2.717	47.209	5,7 %
June 1999	2.663	48.256	5,5 %

If compared to the level of detainees and prisoner occupancy then this number is actually under the capacity of Prison and Detention House all over Indonesia, even though by its spread facet there are some Prisons exceeding the capacity.

As for the effort that has been done by Directorate General of Corrections in tackling some Prisons exceeding the capacity is by doing the following steps :

- a. Carrying out the removal of prisoner from the Prison that exceeds capacity to other Prison with its content under the capacity by observing educational and security interest as well as the classification of working activity in that Prison.
- b. Renovation and modifications of existing building structures
This is mainly to accommodate the sleeping quarters and at times sacrificed the recreational yards.
- c. Increasing the extra mural treatment through pre release and conditional release program.

3. Non-Institutional Treatment of Offenders

The Pemasyarakatan system in Indonesia as a system of treatment of offender holds more humanistic approaching system reflected in the efforts of offender treatment, as arranged on the Law No. 12 of 1995 about *The Pemasyarakatan*, especially in the framework to shape the Prisoners to be whole human. This contains the meaning that the treatment of offenders in Pemasyarakatan system is the effort to manifest social reintegration, that is the recovering of relationship unity of the prisoners as individual, social creature and God's creature.

In its capacity as member of society, the effort in recovering this relationship unity is impossible to be achieved if there is no positive interaction between prisoner with the prevailing values in free society, in other words that the treatment of offender effort will

not succeed if the related prisoner is outside the interaction with the prevailing system in the society. Estrangement or isolation to the prevailing system in free society also means estrangement and making the prisoners poor of the prevailing system in free society. Getting the prisoner used to with interaction with the prevailing system and norm in the society is catalyst for the creation of social reintegration.

This problem is indeed able to arise misunderstanding, since when they are going through the punishment they lose their freedom, which according to Pemasyarakatan system they are not to be estranged from the society. As what is actually meant here, *"physically"* estranged, but *"culturally"* is not estranged. That they gradually will be led outside the prison, this is a need in Pemasyarakatan process.

The program of Non-Institutional treatment of offenders in Indonesia, consists of :

1. Assimilation is the process of offender treatment implemented by assimilating the prisoner with the life of society.
2. Conditional release is releasing for prisoner that has done 2/3 of sentenced punishment period, minimum 9 months.
3. Pre Release Treatment is the extra mural treatment for offender that going through short punishment period.
4. Family Visiting Release is a treatment process for prisoner with 3 year punishment or more is given furlough to visit family in the form of chance to gather together in his/her family residential house for the period of 2 (two) days or 2 x 24 hour as many as 2 (twice) annually.

Table 4 : Number of Assimilation, Conditional Release, Pre Release Treatment and Family Visiting Release.

	Y e a r				
	1995	1996	1997	1998	June 1999
Assimilastion	328	338	163	401	434
Conditional Release	1.507	1.467	891	1.629	3.813
Pre Release Treatment	365	322	114	104	50
Family Visiting Release	472	295	138	373	335

That *"the community based treatment"* concept can be made as the basis of treatment of offender conception basis to achieved social reintegration either through external treatment approach to put the offender away from bad influence of the prison, and internal treatment approach in small neighborhood scope inside the institutional walls to create social civilization as the people outside the wall.

The system of offender treatment in the midst of society (external) or in the midst of mini neighborhood inside the institution basically is to create family relationship as the family life pattern. Human being naturally can not be separated from family, friends and his/her society, thus the implementation of imprisonment sentence by putting into squashing space compared to outside world will oppose to nature. Based on that concept, then the life condition inside the Prison as much as possible in the society in general.