



Analysis of the Benefits of Prison for Convicts and Society

INFO PENULIS

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Abstrak

Tujuan dilakukannya penelitian ini adalah untuk mengetahui bagaimana manfaat penjatuhan pidana penjara terhadap terpidana dan bagaimana manfaat penjatuhan pidana penjara terhadap masyarakat. Dengan menggunakan metode penelitian yuridis normatif, disimpulkan: 1. Manfaat penjatuhan pidana penjara terhadap terpidana yaitu membina terpidana menjadi orang yang lebih baik dan berguna sehingga ia tidak mengulangi perbuatannya dan membebaskan terpidana dari rasa bersalah serta membina terpidana agar dapat diterima dalam masyarakat. 2. Manfaat penjatuhan pidana penjara bagi masyarakat yaitu memberikan rasa aman kepada masyarakat dari gangguan pelaku kejahatan, karena pada dasarnya pidana penjara merupakan pidana perampasan kemerdekaan, maka dengan dirampasnya kemerdekaan pelaku tindak pidana, berarti pembatasan terhadap ruang gerak pelaku untuk melakukan kejahatan sehingga melindungi masyarakat terhadap sifat berbahayanya pelaku tindak pidana.

Kata Kunci: penjara, terpidana, masyarakat

Abstract

This research was carried out to determine and describe the effectiveness of the The purpose of this research is to find out the benefits of imposing a prison sentence on convicts and the benefits of imposing a prison sentence on society. By using normative juridical research methods, it can be concluded: 1. The benefits of imposing a prison sentence on the convict are to develop the convict to become a better and more useful person so that he does not repeat his actions and to free the convict from feeling guilty and to develop the convict so that he can be accepted in society. 2. The benefit of imposing a prison sentence for society is that it provides a sense of security to the public from being disturbed by criminals, because basically imprisonment is a crime of deprivation of liberty, so by depriving the perpetrator of a crime of liberty, it means limiting the perpetrator's space to commit crimes so as to protect the public against the nature of dangerous criminals.

Key Words: prison, convict, society

A. Introduction

The imposition of a crime against a person who has committed an act that violates the law or a criminal act aims to fulfill a sense of justice in society which is the aim of criminal law. The aim of criminal law is to frighten people so that they do not commit crimes, either by scaring many people or by scaring certain people who have committed crimes so that in the future they will not commit crimes again and to educate or correct people who have indicated that they like it. commit crimes in order to become a person of good character and be useful to society (Wisnu Pujoyono, 2020).

Penalty is a punishment imposed on the maker for committing an offense. Criminal law is a characteristic of criminal law that differentiates it from civil law. Crime cannot be avoided in society, although it must be acknowledged that criminal punishment is indeed a last tool of defense. Crime is the end and peak of the entire system of efforts that can move people to carry out certain behavior as expected by society.

To eradicate crime in society, crime is absolutely necessary. We cannot live now or in the future, without crime. Crime is the best tool or means available, which we have to face major and immediate dangers and to face threats. from danger (Swardhana, 2020). At one time, crime was the main or best guarantee and at one time was the main threat to human freedom. Criminal sanctions are a guarantee if used carefully and are humanely threatening if used carelessly and coercively.

Criminal impositions essentially require their presence in society, even with various restrictions. In other words, as long as punishment is used humanely for goals that are oriented towards and upholding human honor and dignity, then crime is still relevant to be used as a means of guaranteeing in society (Marwin, 2019).

Imprisonment is a crime that limits the convict's freedom in certain matters, for example freedom of movement with family and society. A person who is sentenced to prison will feel like he has lost his freedom. This limitation of freedom is carried out by imprisoning a person for a certain time limit, so that he is not free to carry out his activities in society as before. Thus, imprisonment causes suffering to the convict for a certain period of time. Even though imprisonment causes suffering for the convict, it is a means of eradicating crime so that the presence of this criminal law is still needed by society. Imprisonment is still considered the only final answer in eradicating crime, so there are efforts to reduce crime by increasing the severity of prison sentences. imposed on convicts to protect society.

Even though imprisonment is a suffering for the convict, on the other hand it must be acknowledged that the guidance given to convicts in correctional institutions is an effort so that the convict repents and becomes a useful human being in the future, and is accepted in social life.

B. Methodology

This research is normative legal research. Normative legal research is also called doctrinal legal research (Sonata, 2015). To collect data, the library research method was used, namely by studying legal literature relating to the subject matter, a collection of statutory regulations, legal articles and various other written sources.

C. Finding and Discussion

The benefit of imposing a prison sentence on a convict is to develop the convict into a better and more useful person so that he does not repeat his actions and frees the convict from feeling guilty. Imprisonment is a crime in the form of limiting the freedom of movement of a convict which is carried out by closing the person in a correctional institution which causes The person must obey all disciplinary regulations for those who have violated these regulations (Lilipory et al., 2023).

Those who directly benefit from the imposition of a prison sentence are primarily people who have been convicted. This punishment has not yet been felt in real terms by the convict when a new decision is handed down by the judge, but it will be truly felt when it has been implemented effectively. By imposing a prison sentence, it is intended that the convict will not commit another crime.

Not much is known about the benefits or effects of imposing a prison sentence on a convict. In fact, what is desired is that the punishment imposed is truly beneficial, it must be possible to

estimate how beneficial the punishment will be for the person concerned. For example, in the case of murder, theft, assault and so on, what has happened cannot be repaired. In the sense that the original condition cannot be returned again. There is little point in looking back, what is important is what to do with the person who committed such an act. Therefore, it is very important to know to what extent the benefits of imposing a prison sentence on the convict (A, 2019).

Imprisonment as one of the main penalties listed in the Criminal Code is the only punishment that can be used as a means to develop convicts into good and useful human beings. Because through imprisonment, training for convicts can be carried out in a directed and integrated manner (Flora, 2021). Imprisonment is one of the main penalties that limits the freedom of movement of prisoners. Restrictions on the movement of prisoners are carried out by sending prisoners to prison, which means that other people are not influenced by the evil nature of prisoners, so that correctional officers can easily provide guidance to the prisoners themselves, so that prisoners do not repeat their actions after leaving prison and also so that they do not escape.

If imprisonment is compared with the various basic crimes contained in Article 10 of the Criminal Code, then in my opinion, imprisonment has special characteristics. The special characteristic intended is that imprisonment can be used as a more effective means of developing prisoners in a directed and integrated manner. Through the death penalty and fines, it is not possible to train prisoners in prison. Meanwhile, through imprisonment for a relatively short period of time, it is difficult to implement regular and targeted guidance for prisoners in prison. Because it is related to human nature. There are those who can immediately realize and correct their mistakes, thus becoming a better person than before, and there are also those who only realize their mistakes because they are afraid of being punished, but make mistakes over and over again. So it is not uncommon for us to notice people who repeatedly go into and out of prison for the same actions.

Prison sentences can guarantee the security of prisoners and provide prisoners with the opportunity to be rehabilitated. And while the prisoner is in prison, the family is given the opportunity to visit the prisoner. Visits to prisoners while in prison by their families, which are carried out regularly, are very important, meaning they will grow the prisoner's self-confidence as an independent human being, even though the reality they face is difficult. For this reason, family and those closest to them have a very big meaning for the convict and everyone (Hidayati et al., 2012).

Having a visit from the prisoner's family means they will not be ignored or forgotten by the family, and psychologically this will have a positive impact on the prisoner. Lack of attention from the family can result in prisoner frustration and this will certainly make it difficult to develop the prisoner himself. Because there are some people who carry out actions to attract the attention or sympathy of other people. Likewise, religious officers who are brought in for the spiritual formation of prisoners are very useful in helping the prisoner's mental awareness process and providing instructions for living in society better. A prisoner or everyone needs advice and opinions from other people, because humans are social creatures, who cannot be separated from other people.

Prisoners are people who carry out sentences in correctional institutions that are handed down by a judge at a court hearing. Correctional institutions as the spearhead of the implementation of prison sentences aim to protect the public against the possibility of criminal acts being repeated.

Currently, imprisonment or loss of liberty is carried out in correctional institutions. The use of the term correctional institution should provide a guarantee that the prisoner is truly prepared to become an independent human being and is able to face the future through the guidance he receives while in the correctional institution.

In the author's opinion, the benefit of imposing a prison sentence on a convict is to develop the convict into a better and more useful person so that he does not repeat his actions and free the convict from feeling guilty. The prison sentence imposed on the convict should not only be intended to increase the defendant's suffering, but also intended to foster these prisoners towards a better future so that they can be accepted in society.

The benefit of imposing imprisonment on convicts for the community is that it provides a sense of security to the community from harassment by criminals, because basically imprisonment is a crime of deprivation of liberty, so by depriving the perpetrator of a criminal act of liberty, it means limiting the perpetrator's space to commit crimes (Pratiwi, 2022).

Imposing prison sentences as a general prevention is considered inappropriate by those who do not agree with it, because in this case someone is being sacrificed as an example to others. In this way, the prison sentence imposed is disproportionate to the convict's guilt and the convict is made an object and used as a tool to achieve an unclear goal. This degrades humanity. Moreover, if there is a benefit, then the benefit may be for those who are aware of the decision of the judge concerned.

If the general public does not know about it, then the benefits of the judge's decision will never be there. Most likely those who know about the judge's decision are close family members or people in the area where the defendant lives. Therefore, communication or mass media in this case plays an important role. However, it must be acknowledged that the imposition of imprisonment on a convict by a judge has benefits for the convict and other people who obey the law.

The benefit of imposing a prison sentence is not actually from the prison sentence itself, but from the power that comes from the authorities and is accepted and recognized by society. What needs to be remembered in this connection is that the intensity of the benefit is not the same for all types of criminal acts. For more serious crimes, for example murder, serious moral offenses, extortion, basically acts that are generally seen as immoral and reprehensible, the role of criminal law or the benefits of imposing a prison sentence, is not much. On the other hand, for offenses that regulate society, for example violations of city cleanliness, traffic and economic regulations, criminal law is a fairly effective means of controlling society (Capera, 2021)

Imprisonment is carried out by inmates in correctional institutions with the aim of returning community inmates (convicts) as good citizens and also aims to protect society against the possibility of criminal acts being repeated by correctional inmates.

One of the main problems in criminal law that is often debated by legal experts is criminal matters, in addition to other main problems, namely the problem of criminal acts and the problem of error. Each of these three main problems has its own problems, each of which is closely related to basic human issues, namely human rights (Kumala Sari & Budoyo, 2019)

Criminal matters will give rise to problems regarding the administration of punishment as well as problems regarding the implementation of the sentence. While the issue of criminal acts will involve issues of criminalization and decriminalization with all the conditions contained therein, the issue of guilt will involve various very complicated issues.

Imprisonment as a tool for dealing with crime has gone through a long history of changes and developments, from a method of retaliation against people who commit crimes, turning into a tool for protecting individuals from disturbances by other individuals in society and protecting society from crime disturbances, continues to change. and developing towards the function of punishment, especially prison sentences, as a forum for developing prisoners for their return to society.

The most important benefit of imposing a prison sentence for society is that in imposing a prison sentence the judge must be aware of the benefits of his decision as to what the sentence imposed is intended to achieve. Although not every judge's decision has to be a scientific essay, a logical explanation in its considerations can be followed or understood by the public. Understanding the public's understanding of the reasons why such a judge's decision occurred will bring peace not only to the convict but also to public. Indeed, the judge's personality has a big influence on his decision. Apart from rational considerations in determining the penalty, emotional matters, for example the extent of his affection for fellow humans, will influence his decision.

To a certain extent, judges are free to determine the type of crime and the severity of the crime. The extent of the judge's freedom in awarding punishment depends on the legislator, so it depends on the legal politics adopted. It must be acknowledged that in criminal law there has been a reform in the criminal system in general. Apart from the penalties imposed as recompense for the perpetrator's mistakes, in various criminal law regulations, sanctions are provided in the form of actions, which aim to protect the public against the dangerous nature of perpetrators of criminal acts.

D. Conclusion

The benefit of imposing a prison sentence on a convict is to develop the convict into a better and more useful person so that he does not repeat his actions and free the convict from feeling guilty and to develop the convict so that he can be accepted in society. The benefit of imposing a prison sentence for society is to provide a sense of security to the community from disturbance perpetrators of crimes, because basically imprisonment is a crime of deprivation of

liberty, then by depriving the perpetrator of a crime of liberty, it means limiting the freedom of movement of the perpetrator to commit a crime so as to protect the public against the dangerous nature of the perpetrator of a crime.

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