

Study on the Problematic of Development Prisoners in Penitentiary

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Abstract

The problems that can be referred to as acute in managing urban chaos Penitentiary, among them the issue of coaching occupants Penitentiary (Prison). trendly which shows the consequences arising, are not achieving the goal of correctional due to various factors. The dominant factor of development failure caused by excess capacity (over capacity) occupants of prisons in Indonesia in May 2016 reached 60.23%. The next domination associated with problematic human resources in the development of inmates in prisons Indonesia include a lack of human resources clerk / builder of inmates, both the quantity, quality and morality. There is another factor that is the placement of prisoners in prisons and correctional placement of students in Adult Prison. From this observation indicates that the input of inmates in prisons indicate that the increase in the number of inmates who are sent the criminal justice system more than the number of additional rooms in prisons. In terms of real budgeting that is still very less budget for equipment, facilities and training of inmates in prisons. While it also turns out that the set of rules in the coaching process that reduces the rights of inmates was not protective. This condition is also exacerbated by the fact their indifference, apathy and the stigma of society against the prisoners.

Keywords: Development, Citizens Patronage, Penitentiary

1. Introduction

Implementation of the criminal held in Penitentiary (Prison) through guidance given to those who have committed a crime is a correctional system that reflects Indonesia is a country that upholds human rights. Prison as a technical institution Ministry of Law and Human Rights being socialize the means and the container back (resocialization) any person (individual) who have committed criminal acts. Therefore, it seems relevant to the fore and payed for prisons as institutions dealing directly with the coaching prisoners, especially prisoners.

Development of inmates in the System of Corrections was organized in order to form of inmates (prisoners, a protégé of correctional and client correctional) to be fully human, realized the error, improve ourselves and not to repeat the criminal act again so it can be received by the community, can actively participate in the development and a normal life as a good citizen and responsible. This means that the formation of prisoners should also be helpful, both during the relevant out a sentence in prisons and once completed a criminal. Therefore the program after being released back into society (post release programs) need attention.

The purpose of correctional such a beautiful and noble in fact often we hear and see in the media the incidence of violence in prisons, such as the riots in prisons Tanjung Gusta, Medan, North Sumatra sometime in July 2013, rioting inmates triggered by inmates discontent over power outages that disrupt the water supply in prisons. In addition, prison riots occurred also because of excess capacity (over capacity) to about 247 percent, inhabitants 2,694 inmates. As a result of the unrest, five people from prison officers and inmates were killed and hundreds of prisoners fled.

Next, Class II B Kerobokan Prison, Bali since June 2011 until now experienced four times the unrest. First, at the end of the leadership of Chief Siswanto Prison June 25, 2011. Second, on February 22, 2012, there was a period amok inmates who are not satisfied with the leadership of the Head of Kerobokan Prison. In these riots, prison inmates burned and occupied for eight hours. Riots marred scuffle between inmates versus prison officers assisted the police.

The violence was ended baled by the military to control the situation. As a result of this unrest state losses of billions of rupiah. Third, riots broke out on Wednesday, December 17, 2015. The unrest in Kerobokan extends up to Tengku Umar street that caused two people were killed and three others injured. Fourth, Denpasar Kerobokan Prison riots occurred again on Thursday, April 22, 2016. This was triggered by the refusal of the Denpasar District The prosecutor custody are held temporarily, as it will undergo a trial.

Meanwhile, in prisons Malabero, Bengkulu on Friday, March 25, 2016 is also a riot some time after a search conducted by the National Narcotics Agency (BNN) Bengkulu. At first shakedown process takes place is conducive, but upon examination of the evidence and found half a bag of methamphetamine, which further ACENG and other prisoners were taken, there was a provocation which resulted in dozens of prisoners rampage. Riots broke out when a group of prisoners from one of the rooms made it out of rooms.

They allegedly damaging a padlock and break down the wall. They were immediately pelted officers with stones and wood. Provincial BNN officers and prison officers whose number was not comparable to the number of detainees, immediately came out carrying ACENG and three other prisoners and any evidence. Of course we are concerned and on repeatedly deplored the riots in prison Indonesia.

From some of these cases it appears that the coaching problematic inmates in prisons is an issue that is very complex and structured. The problems in prisons is not only the problem of excess capacity and a lack of budgetary funds in coaching inmates but more extensive and complex nature.

Therefore, to understand the problematic development of inmates in general and prisoners in particular need seen that the penal system is a subsystem of a broader system that is the Criminal Justice System and the Criminal Justice System that is a sub-system of the wider system again called sub-systems of social ,

Thus problematic inmates coaching is not just menjaditugas and responsibility of the Ministry of Justice and Human Rights, but the duties and responsibilities of all parties, both government and society in general.

2. Problems of Development Residents Patronage

a. residents Patronage

As referred to in this analysis are social welfare issues who gets care and assisted by an agency to increase the independence and can run their social functioning.

At the normative level, coaching and guidance correctional generally through mental coaching approach (religion, Pancasila and so on) include the restoration of self-esteem as individuals and as citizens. Restored to the existential consciousness believes he still has a productive potential for nation building and the surrounding communities in particular. Therefore they are educated (trained) to master certain skills, in order to live independently and be useful for development. This is the meaning or the essence of coaching in general.

The above means that the coaching and guidance provided covers the fields of mental and skill. With the provision of mental and skill they have expected that they can successfully integrate themselves in society. Two dimensions, outer and inner guidance is the basis on which integrative dioterapkan in the draft guidance to the inmates, especially in the Penitentiary.

All these efforts are made to plan and systematically in order for them in coaching can repent and realize to guilt and had a determination to become a human being useful to society, the state and the nation, especially the people around him, when the later of inmates back into society after undergoing a series of processes for coaching.

In technical implementation of coaching protege inmates and correctional done through certain stages. Each stage must be passed by the prisoners in accordance with the prescribed stages. The stages of guidance for prisoners is determined by the duration or period of coaching is concerned. The process of formation for the rest of the criminal inmates more than one year.

In connection with the above, there are four stages, namely:

1. The first stage: initial formation that preceded the observation period, the research and introduction of environment (*Mapenaling*), the date of adoption until at least 1/3 of the criminal past onwards. Guidance on the maximum implemented.
2. The second stage: ongoing formation above 1/3 darii actual criminal past and if in the opinion of the Board of Trustees community has achieved considerable progress, among other things showed conviction, improvement, discipline and abide by the rules applicable discipline in correctional Institution, then inmates are concerned be given a lot more freedom and placed in medium security correctional Institution.
3. Step three: If the training ground for the inmates have undergone ½ from the actual criminal past and by Correctional Observer Team has achieved considerable progress either physically or mentally, and also in terms of their skills, then expanded with the coaching process container assimilation whose implementation consists of two ie part time starting from the end of the initial phase of up to ½ (half) of its criminal past. The second phase started since the expiration of the first advanced up to 2/3 of a criminal past. In advanced stages of this inmate has entered the stage of assimilation, and therefore could be given parole or leave freely with minimum supervision towards security.
4. The fourth stage: advanced coaching / guidance on 2/3 until the completion of the criminal. At this stage, the formation of prisoners eligible granted leave nearing release or parole and coaching done outside Penitentiary by Correctional Centres (*Bapas*) then called Mentoring Client Corrections. Mentoring is the provision of guidance to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and spiritual health of correctional clients.

b. Correctional Institution

At the conceptual level, the Correctional Institution called Prison is the place to carry out coaching Prisoners and Correctional Learners. (Article 1 paragraph 3 of Law No. 12 Year 1995 regarding Correctional) . Before known prison term in Indonesia, where it is called the prison term. Penitentiary is a Technical Implementation Unit (UPT) under the Directorate General of Corrections Ministry of Law and Human Rights (formerly the Ministry of Justice).

Penitentiary of the existence of this, its existence has a specific purpose. For the purpose question is formed Citizens Patronage of Corrections in order to be fully human, realized the error, improve ourselves and

not to repeat the criminal act that can be received by the community, can actively participate in the development and normal life as a good citizen and responsible.

The next goal of coaching prisons citizens are guaranteed protection of human rights of prisoners detained at the State Prison and Detention Branch of the State to expedite the process of investigation, prosecution and examination before the court.

No less important is Providing guaranteed protection of human rights of prisoners / parties litigants as well as the safety and security of the objects seized for purposes of evidence on the level of investigation, prosecution and examination before the court as well as objects that otherwise seized for the state under the court ruling ,

Normatively, where prisons are idealized for something function is to prepare citizens Patronage Correctional healthy in order to integrate with the community, so that it can play a role again as members of the public who are free and responsible. Thus conceived in the provisions referred to in Article 3 of Law 12 Th.1995 About Penitentiary).

In connection with the above, targeted coaching and Mentoring that Citizens is to improve the quality of Corrections Patronage Patronage Correctional Residents were initially partly or wholly in poor condition, namely;

1. Quality of devotion to God Almighty.
2. Quality of intellectual
3. Quality of attitudes and behavior
4. Quality of professionalism / skill; and
5. Quality of physical and spiritual health

The objectives of the penal system is basically the realization of correctional purposes that are part and efforts to improve the resilience of social and national security, as well as the indicators used to measure the results achieved in the implementation of the penal system as follows:

1. Fill Penitentiary lower than capacity.
2. The reduced gradually from year to year, the number runaway and security and orders.
3. The increasing gradually the number of inmates who are free before their time through the process of assimilation and integration.
4. The decline in numbers from year to year recidivists.
5. The number of types of institutions according to the needs of various types / classes Prisoners.
6. Gradually comparison of the number of inmates who work in industrial and maintenance is 70:30.
7. Percentage of deaths and sick prisoners the same as the percentage in society.
8. The cost of the same treatment with minimal needs of the Indonesian people in general.
9. Penitentiary in pristine condition and well-maintained; and
10. The establishment of a coaching environment that illustrates the projected values of society into Correctional Institution and the decreasing values of sub-culture in prison in the Penitentiary.

3. Description and Analysis

The following description and analysis with respect to the problematic coaching Citizens inmates in prisons. To reveal problematic inmates coaching complex and structured it properly it is necessary to use a systems approach input, throughput and output, in order to identify the problematic thoroughly and finally expected this seminar can reconstruct the concept of development of inmates in prisons.

Source problematic that occurs in the formation of inmates did not stand alone in the transformation process of coaching inmates in prisons alone (throughput), but is also influenced by many things that are beyond coaching convict himself, both input, input instrumental nor environmental input. The issue of over-capacity that occurs in the formation of the inmates in this prison inmates are not separated from the input of such a large amount.

Above occurs because the criminal system prevailing today rely heavily on imprisonment and imprisonment. It is a source of problematic issues that must be resolved if this over-capacity would like to find the solution, because the increase in the number of rooms in prisons can not offset the increase in the number of prisoners. In addition to these inputs, the input instrumental issues also need attention, inter alia, the lack of development budget funds inmates in prisons and devices of the regulation of citizens to obtain remission. Similarly, the input of environmental issues also require attention, such as society, people's views of the former convicts

Based on a systems approach can be identified problematic in the process of formation of inmates in prison are excess capacity, human resources, and placement of prisoners in prisons. This can be explained as follows:

1. Excess capacity (over capacity).

Prison Overcrowding is a complex issue, which is difficult to resolve, because if only rely on increasing the

number of prisons is unlikely to be able to finish masalah. Data in March 2015 showed the number of inmates in prisons across Indonesia reached 168 894 people, while our capacity is only 117 121 people ,

In a ceremony to day consecrated Correctional 51st in the field of the Directorate General of Corrections (Ditjen PAS), Jakarta Minister of Law and Human Rights inaugurated 13 prisons recently that prisons Class III Blangpidie, prisons Female Class III Sigli, Prison Grade III Batam, Prisons Open Class III Tassel, prisons class III Dharmasyara, Narcotics Prison class III Sawahlunto, Rutan class IIB Padang, Palembang Narcotics Prison class III, class IIB Bengkulu Rutan, prisons class IIB Depok, prisons Banjarbaru class III, class III Pahuwanto prisons and detention class IIB Weda. With addition of prisons , then per 16 April 2015 recorded 477 169 697 prisons have been occupied by prisoners. Still, these conditions still showed excess prison capacity by 45 percent.

Based on data of prisoners and Detainees per Regional Office of Ministry of Law and Human Rights last month was in May 2016 was 190 276 118 746 capacity of prisons in Indonesia, resulting in overcapacity as many as 71 530 people or 60.23%. Indeed, not all prisons in 33 provinces have excess capacity. Prisons in seven provinces were accommodating prisoners under or on the capacity, namely Yogyakarta, Maluku, North Maluku, Papua, West Papua, and West Sulawesi. While Jakarta, Jambi, East Kalimantan, Riau and North Sumatra over capacity above 100 percent. Even in South Kalimantan excess capacity reaches 203 percent.

The cause overcapacity prisons and prisons in Indonesia are Firstly, 50% more prisoners are drug cases. That should be rehabilitated drug user, by police investigators, prosecutors, judges often do detention. Second, for assimilation and parole pay money to the prison officers. Prisoners who have entered the criminal past half not given assimilation, which has entered 2/3 criminal past is not granted parole, if the inmates or their families do not take care of it and give some money to the prison officer / prison.

This fact makes the number of inmates increased, due to the entrance more than the inmates out. Third, moratorium and Government Regulation No. 99 of 2012 that inmates case of narcotics, terrorism and corruption tightened remissions, assimilation and parole by the government, so that they can not get timely appropriate penal legislation, it also contributes to overcapacity in prisons and prison seIndonesia. Kempat, culture lazy to work.

In practical understanding, like wealthy but by how easily and quickly, thereby stealing, corruption, drug dealers etc. Imprisoned good life, free rooms, free meals, while if outside the prison, want to eat hard, willing to contract expensive homes, finally after free prison, back in committing a crime, in order to go to jail again, with the aim to eat and sleep for free. Fifth, the physical building prisons and prisons less. the higher the crime rate, police, prosecutors and judges have no choice but to make arrests kepada suspects and defendants. In America and Europe are not all offenses should be imprisoned, could be subject to bail or social work, but in Indonesia there is no rule of law.

2. The problematic of human resources.

In terms of quantity, the ratio of the total number of prison officers prisoners in Indonesia, it is still far from ideal. This is what makes efforts to guard against Prison judged to be the maximum. Head of Public Relations Directorate General of Prisons and the Ministry of Justice and Human Rights, Akbar Hadi Prabowo said, currently there are approximately 183 thousand prisoners across Indonesia, which only protected prisons. That approximately 14,600 officers were divided into four teams, so about 3,400 in one shift, must maintain 183 thousand.

Ideally, one officer keep 25 prisoners. While in fact about 55 inmates to be guarded by a prison officer. In fact, the shortage of prison officers is also happening in the big cities. Akbar pointed out, in Rutan Salemba, Jakarta, there were about 3,700 prisoners were guarded by prison officers just 23 votes. While 23 people divided into several posts, such as at the front post, security post, the main door and the post above. Then divided per block, one block of the contents of 400 inmates.

This shortage of prison officers who allegedly often cause a riot in prisons in Indonesia. Asrul Sani said the quantity and quality of human resources in prisons should also be improved. In terms of quantity, the ratio of prison officers by the number of prisoners still showed a high ratio. Prisons there overcapacity. There are 370 more inmates guarded only five petuga.

In terms of quality, they concentrated on the prison officer security officer, while power coaches and educators in general are still minimal. Director General of Corrections still rely graduates Correctional Academy of Sciences in the process of securing prisoners. This certainly would be a separate issue when talking about the quality of training for inmates in prisons that aims to equip inmates after getting out of prison.

In terms of morality, we often hear and sometimes we see from the various media that the mentality of prison officers is also a problem on its own. In prison, there was a slogan, anything can if there is money, from small things bribes to the circulation of illicit goods could also be served. This happens because there is a will of prisoners and prison officers mentality is very low.

3. Placement of detainees in prisons

That often called surrogate custody, it seems like a normal thing in terms of placement of prisoners in prisons

that could be perceived / seen that the prisoner-like items can be deposited everywhere, in case a suspect or defendant is a person suspected or accused of committing a crime, which has certain rights that must be respected. He was still waiting in the process penyelesaian case.

Often in this understanding is based on the presumption of innocence, but it does put the prisoners in the prison in accordance with the principle of presumption of innocence? Despite the different treatment of prisoners by prison inmates in it, but the placement of prisoners within the prison have mental degrade suspects accused in custody, as if he already positioned as narapidana. Jadi psychologically, the placement of prisoners in the prison harm the interests of the suspect or the defendant. From the criminological, the farther a person involved in the criminal justice system more powerful evil cap label (stigma) he had received from masyarakat. Pada things we know that removing the stigma that has been attached to someone that is very difficult.

Similarly, students correctional placement in adult prisons for various reasons means special prisons for children are still not in an area, so it should be placed together with adult prisoners.

The third problematic, is a problem that occurs in the process of formation of inmates (throughput). The next problematic is the question of coaching input of inmates in prisons that criminal system.

4. Input coaching of inmates in prisons.

That are the number of inmates who are sent by the criminal system. This is one of the largest sources that cause overcapacity prisons (over capacity).

The increase in the number of inmates who are sent the criminal justice system more in number than the number of additional rooms in prisons. The issue of criminal system is the lack of alternative sanctions in our criminal system. The main types of criminal sanctions can be imposed only imprisonment and criminal fines.

Of the two alternative types of criminal almost all the judges chose imprisonment. For it is very urgent to immediately formulate and provide an alternative sanction, in particular for alternative sentencing deprivation short term. In various countries have imposed criminal sanctions alternative which victim- oriented compensation, criminal surveillance, criminal social work and so on.

Detention Center Researcher Studies (CDS) Gatot Goei said overcapacity occupancy prisons should be further examined. When viewed from the upper reaches of this issue as a result of the criminal policies of the Criminal Code that this center focuses on imprisonment. Billy calls imprisonment punishment still be excellent. Nearly 97 percent, or 575 formulation offense punishable by imprisonment. Even the mention of international penal reform prison density is a result of a criminal justice policy. Not because of increased crime.

Hence the policy of punishment such as police investigators, prosecutors and judges do not have much choice but to apply the arrest and conviction of the threat of imprisonment. In addition to legislative policy to change the type of sanctions, measures can be taken to reduce the number of speed inmates who sent the criminal justice system is a model for settling disputes with the application of restorative justice, which is a model in handling cases out of court by way of consent and agreement between actors with victim.

Asrul Sani, Commission III revealed that developed countries already implementing the criminal social work. Especially countries in Europe. In an example, the case of tax fraud that ensnared the former Prime Minister, a politician once famous millionaire Italy, Silvio Berlusconi. Berluconi have a penalty to be a social worker at the clinic patients with Alzheimer's disease. Berlusconi obligatory social duty for 4 hours a week for a year, after imprisonment for 4 years he got amnestied.

On the other hand, Bersluconi freed from imprisonment because he was already past 70 years. Silvio Berlusconi law imposed even social work for old age. He did a punishment such as sweeping streets. I think it gives a remarkable effect. Imagine, if the new inmate acquainted with prisoner-prisoner who had recidivists, the school was complete prisons as crime, is no longer a place coaching. The riots that often occurs in prisons and detention centers in various regions in Indonesia as a result of over-capacity, always makes the Ministry of Justice and Human Rights as the most blame. In fact, the culprit of the problem there is the policy of criminal law in the Criminal Code.

5. Lack of budget funds for the development of inmates in prisons.

This problematic included in input instrumental in the formation process of inmates. Although only instrumental input problem, but has enormous influence in the coaching process.

The issue of the costs to be incurred by the state to fund the inhabitants of detention and prisons are the responsibility of the state, so any kind of funding from the start food until the drugs must be borne by the state, the larger the occupants of the burden borne by the state greater. Therefore, efforts to reduce the amount of excess capacity of prisons will simultaneously reduce development cost budget inmates. As an example of the problem honor guards and budget money side dishes and daily necessities that must be borne by the state certainly will be even greater as the number of prisoners.

Previously, until the debt is tens of billions to tackle this money side dishes. Then money on night watch were very minimal then it needs to be improved. You can imagine the money the side dishes, the night watch just can not be resolved, how this issue is so complicated.

6. The device regulation in the coaching process that reduces the rights of inmates.

This problematic can be included in the input instrumental in the formation process of inmates. Government Regulation number 99 of 2012 that changed the terms of a prisoner received reprieves, namely the condition that is very difficult, especially in the case of narcotics convict must be willing to cooperate to uncover crime (justice collaborator).

On the one hand, when indeed he was a drug dealers, he was under pressure syndicate with the threat killed for thus it has become a sub-culture of criminal own and on the other hand actually it is the right of every prisoner to testify or not testify, so that if the right to obtain a remission was thus required to surrender their rights then it has been a reduction (reduction) the rights of suspects accused.

Moreover, for example, schoolchildren who are new to narcotics, in terms of the drugs obtained from his friend that he did not know who the seller. It's a dilemma for school children because he could not be justice collaborator. Hal things like this are troubling because of the presence of government regulation of the many inmates narcotic received reprieves.

In the case, remission is an effective instrument of development, being able to motivate inmates to do well in the hope of remission. The loss of the right to obtain a remission can lead to despair and feel discriminated in coaching in prisons.

7. Indifference, apathy and the stigma of society.

This problematic can be included in enironmental input in the process of formation of inmates. Communities that difficult to accept back the presence of ex-prisoners is a separate issue that directly experienced by former prisoners. How to foster community interest to play an active role in the process of formation of inmates. Public participation must be seen as an integral aspect of development efforts, so that the public support is indispensable in achieving the desired goals in coaching inmates. How the partnership program in various forms of cooperation between the prison / Bapas community can heartily resocialization of prisoners.

4. Conclusion

From the description of the problematic development of inmates in prisons can be summarized as follows:

1. Excess capacity (over capacity) occupants of prisons in Indonesia in May 2016 reached 60.23%
2. The problematic of Human Resources in the development of inmates in prisons Indonesia include a lack of human resources clerk / builder of inmates, both the quantity, quality and morality.
3. Placement of detainees in prisons and correctional placement of students in Adult Prison.
4. Input inmates in prisons indicate that the increase in the number of inmates who are sent the criminal justice system more than the number of additional rooms in prisons.
5. Lack of budget funds for equipment, facilities and training of inmates in prisons.
6. The device regulation in the coaching process that reduces the rights of inmates.
7. Indifference, apathy and the stigma of society.

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