

HANDLING RIOTS IN CORRECTIONAL FACILITIES

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ABSTRACT

This study aims to find out what is the background of the incidents of riots in correctional facilities in Indonesia, to find out steps to overcome the riots by the police and to find out what factors influence the handling of the riots which is carried out by the police. The results of the study reveal several causes of the riots from upstream to downstream. The handling of the riots involves several elite police units, including Sabhara (Mass Control Unit) function and Mobile Brigade function (Riot Control Troops). The handling of the riots conducted by the police uses preventive, preventive to full repressive and repressive methods. The results of the study also reveals that there are several factors influencing the prevention of the riots, such as legal factors (laws and regulations), law enforcement factors (prison security unit/correctional facilities and the police), supporting facilities or facilities factors, community factors and cultural factors (prison subculture).

Keywords: riot, correctional facilities, countermeasures, police

1. INTRODUCTION

1.1 Background

Correctional facilities are closely related to criminals. They are sometimes also called prisons. The incidents of a crime is closely related to several factors, such as poverty, education, unemployment and other socio-economic factors, especially in developing countries where violations of norms are mostly motivated by those factors (Widyanti and Weskita, 1987: 62). However, correctional facilities are then faced with a number of problems. One of the most problematic problems is population. In general, population

growth is directly proportional to the increase of the number of prisoners (Smelser, 1962). Smelser also explains the value-added theory, stating that with the increase in the population of prisoners or inmates, the availability of facilities and basic needs of prisoners must also be added. As a matter of fact, the construction of correctional facilities is relatively slow. Such unbalanced growth has resulted in the capacity of prisons or correctional facilities being overcrowded.

The problems of correctional facilities or prisons are also related to the

unprofessional process and management of prisons. This aspect is actually the most dominant factor in the emergence of a number of problems in prisons, including prison riots. In several countries, there are some dark histories of prison riots. In April 1990, a terrible riot occurred at Strangeways Prison, Manchester, England which lasted for 25 days, resulting in two deaths and 194 injuries. Another riot at Carandiru Prison, Sao Paulo, Brazil, in October 1992 left 111 prisoners dead. In February 2012, a riot in Apodaca Prison, Mexico resulted in 44 inmates being killed.¹

Likewise in Indonesia, in recent years, several prison riots have become a social phenomenon that is rife in several areas. A prison riot incident occurred on March 25, 2016 at Malioboro Prison in Bengkulu City, resulting in five deaths; a riot occurred on April 1, 2016, in Class II B Prison, Kuala Simpang Aceh Tamiang; on April 23, 2016, a riot hit Class II Banceuy Narcotics Prison in Bandung; on April 21, 2016, a riot occurred in Class II A prison in Denpasar (Kerobokan Prison); and on June 1, 2016, there was a riot in Class IIA Gorontalo prison. The series of prison riots that occurred during 2016 is a bad precedent that must be the subject of government's analysis and evaluation.

The existence of prisons as one of law enforcement agencies in Indonesia has been regulated in Law Number 12 of 1995 concerning Corrections. The

organizational structure and management of correctional Institutions is regulated in the Decree of Minister of Justice of the Republic of Indonesia Number: M.01.PR.07.03 of 1985 concerning the Organization and Work Procedure of Correctional Institutions. Based on these laws and regulations, prisons actually have an internal security unit whose figure is considered to be ideal, namely KPR (Correctional Facilities Security Unit). However, such riots occurred in several prisons in Indonesia illustrate that the ideal figure for KPR is still not in line with the expectations. In critical situations in prisons, cross-sectoral coordination between KPR and Indonesian National Police or other relevant agencies is one of the efforts to anticipate the spread of prison riots.

In relation to the prison riots, Article 13 of Law Number 2 of 2002 concerning Indonesian National Police can be a guideline for the National Police to ensure the maintenance of security and public order, including helping KPR to restore orderly situations in prisons. In dealing with the rioting of prisoners, it is necessary to know how the procedures for implementing security are good and correct in order to determine the steps and patterns of police action in preventing disturbances of security and public order in a comprehensive and integrated manner by involving all existing police functions.

Due to the fact that how important the mitigation of handling prison riots, the author is interested in studying the ideas and conducts a research on it.

¹ <https://www.news.okezone.com>

1.2 Problem Formulation

Referring to the background as described, the problem to be raised is "how to deal with prison riots by the Police". To answer the main problem, it is then elaborated into several main research questions, including:

- a. What causes prison riots?
- b. What steps are taken by the National Police in dealing with prison riots?
- c. What factors influence the National Police's steps in handling prison riots?

2. LITERATURE REVIEW

2.1 Riots

According to a dictionary,² the word 'riot' means an occasion when a large number of people behave in a noisy, violent, and uncontrolled way in public, often as a protest. Merriam-Webster dictionary³ mentions that riot means a violent public disorder, specifically a tumultuous disturbance of the public peace by three or more persons assembled together and acting with common intent. Meanwhile, Collins dictionary⁴ defines 'riot' as a crowd of people behave violently in a public place, for example they fight, throw stones, or damage building and vehicles.

Riots usually involve destruction of property, public or private. The property targeted varies depending on the riot and the inclinations of those involved. Targets can include shops, cars, restaurants, state-owned institutions, and religious

buildings.⁵ According to Smead and Tager,⁶ riots often occur in a reaction to a Grievance or out of dissent. Historically, riots have occurred due to poverty, unemployment, poor living conditions, governmental oppression, taxation or conscription, conflicts between ethnic groups (race riot) or religions (sectarian violence, pogrom), the outcome of a sporting event (sports riot, football hooliganism) or frustration with legal channels through which to air grievances.

Dealing with riots is often a difficult task for police forces. They may use tear gas or CS gas to control rioters. Riot police may use less-than-lethal methods of control, such as shotguns that fire flexible baton rounds to injure or otherwise incapacitate rioters for easier arrest.⁷

2.2 Correctional Facilities

The idea of 'corrective labour' is born in December 1917 in Soviet Russia.⁸ From 1929, the USSR

² www.dictionary.cambridge.org

³ www.merriam-webster.com

⁴ www.collinsdictionary.com

⁵ Braha, D. (2012). "Global Civil Unrest: Contagion, Self-Organization, and Prediction". *PLOS ONE*. 7 (10): e48596. Bibcode:2012PLoS...748596B. doi:10.1371/journal.pone.0048596. PMC 3485346. PMID 23119067.

⁶ Smead, Howard; Tager, Jack (December 2001). "Boston Riots: Three Centuries of Social Violence". *The New England Quarterly*. 74 (4): 669. doi:10.2307/3185445. ISSN 0028-4866. JSTOR 3185445.

⁷ Davison, Neil (2009), "The Early History of 'Non-Lethal' Weapons", *'Non-Lethal' Weapons*, Palgrave Macmillan UK, pp. 12–39, doi:10.1057/9780230233980_2, ISBN 978-1-349-30656-5

⁸ Beermann, R (1985). "Corrective labor". In Feldbrugge, F. J. *Ferdinafdbhjnnd Joseph Maria* (ed.). *Encyclopedia of Soviet Law. Law in Western Europe*. 28 (Revised ed.). Brill. p. 200. ISBN 9789024730759

started using the terminology 'corrective-labour camps and 'corrective labour colonies.'⁹ The terminology change in US academia from "penology" to "corrections" occurred in the 1950s and 1960s which was driven by a new philosophy emphasizing rehabilitation. It was accompanied by concrete changes in some prisons, like giving more privileges to inmates, and attempting to instill a more communal atmosphere. At least nominally, most prisons became "correctional institutions", and guards became "correctional officers".¹⁰

2.3 Social Engineering Law Theory

The theory is initiated by Roscoe Pound (1916-1936). Pound argues that law is a tool of social engineering.¹¹ Traditional policing theory or conventional policing emphasizes on the police and policing activities in order to achieve conditions of security and order.¹²

3. METHODS

The study employs the qualitative approach with descriptive analysis method. The source of data or information includes primary data and secondary data. Primary data are

obtained directly through interviews with informants. The informants are the head of the National Police's Security Maintenance Agency (Kabaharkam), Assistant Operations (As Ops) of Police Mobile Brigade Corps, Director General of Correctional Facilities/Director of Security and Order of Directorate General of Correctional Facilities and Correctional Facility Practitioners (Hasanuddin Massaile and Dindin Sudirman). Secondary data is a source of research data obtained indirectly through intermediary media in the form of evidence, records or historical reports arranged in archives. Secondary data of this study are books/scientific literature, digital information media, statutory regulations and administrative completeness.

4. RESULTS AND DISCUSSIONS

4.1 Analysing the background of prison riots

Prison occupants in general throughout Indonesia have exceeded the capacity of prisons. Based on the Correctional Database System (SDP), in 2016 the number of prisoners and detainees spread across 33 Regional Offices throughout Indonesia reached 201,176 people, while the residential capacity was only 116,681.¹³ Based on this figure, the overcapacity has reached 72%. Since the 1998 reformation, there has been a demand for reforming the government organizations, including in the correctional environment. Various instruments as derivatives of Law no. 12 of 1995 concerning Corrections have

⁹ Ivanova, Galina Mikhailovna (2015). "Chapter 1: Repression and Punishment". In Raleigh, Donald J (ed.). *Labor Camp Socialism: The Gulag and the Soviet Totalitarian System*. New Russian history. Routledge. p. 23. ISBN 9781317466642

¹⁰ John T. Whitehead; Mark Jones; Michael Braswell (2008). *Exploring Corrections in America* (2ed.). Elsevier. p. 8. ISBN 978-1-59345-512-5.

¹¹ Fuady, Munir. (2013). *Teori-Teori Besar (Grand Theory) Dalam Hukum*. Jakarta: Kencana.

¹² Angkatan IV Program Studi Kajian Ilmu Kepolisian Program Pascasarjana Universitas Indonesia, 2003. *Bunga Rampai Pemikiran Tentang Kegiatan Kepolisian*. Jakarta: KIK Press.

¹³ http://sdp.ditjenpas.go.id/sdp_website/, diakses tanggal 3 Januari 2017.

been issued by the Minister of Law and Human Rights and the Director General of Prisons. The instrument on securing prisons is contained in the regulation of Ministry of Law and Human Rights No. 33 of 2015 concerning Security in Correctional Institutions and State Detention Centres.

Based on the findings obtained by the author at the time of conducting the research, the analysis of the causes of riots in several prisons in Indonesia is the emergence of problems from upstream to downstream.¹⁴

A. Upstream

- 1) *The treatment of prisoners is the last priority in Government policy*—based on the information compiled by the author from ditjenpas.go.id, information was obtained that the budget provided by the Government to bear the burden of the prisoners' food rations is IDR 7,500 per person. This amount is smaller than the food budget for detainees at the Police, Prosecutor's Office and the KPK. Food rations for prisoners in law enforcement agencies amounted to IDR 40,000.¹⁵ This is one example of how the government is not paying attention to the fulfilment of the rights of prisoners in prisons.

- 2) *Policies of law enforcement agencies are not integrated*—As a criminal justice system, the mechanism requires cooperation between its sub-systems. If one of these sub-systems is not running, it will disrupt the system as a whole. In reality, this criminal justice system does not work as expected. One of the reasons is that each sub-system has its own authority and power (Discretion of power). The components of law enforcement in Indonesia are more likely to show themselves as components with different ways of achieving goals. This is due to differences in duties and authorities based on differences in laws and regulations.
- 3) *There is injustice because their rights are reduced by certain regulatory policies*—Government Regulation Number 99 of 2012 concerning Terms and Procedures for Implementing the Rights of Correctional Inmates. In this PP, it is indicated that the regulation of granting remissions to prisoners, except for cases of drugs, corruption and terrorism, is contained in Article 34A, Article 36 paragraph (2) in conjunction with Article 43A paragraph (1). The articles above show that there is discrimination against the rights that

¹⁴ Interview with Hasanuddin Massaile, Bc.IP., MM. on Tuesday, 13-12-2016 at 20.00 WIB

¹⁵ Interview with Dindin Sudirman, Bc.IP, Drs, MSi on Wednesday, 14-12-2016 at 13.00 WIB

should be obtained by every inmate.

B. Downstream

- 1) *Over capacity*—Based on the Correctional Database System (SDP), in 2016 the number of prisoners and detainees spread across 33 (thirty three) Regional Offices throughout Indonesia reached 201,176 people, while the residential capacity only reached 116,681. Based on these figures, overcapacity was recorded at 72%. The problem of overcrowding has an impact on the decline in the quality of service for the rights of prison residents. In the above atmosphere, it will be easy to create conflict between fellow inmates. The resources owned by the environment are not enough to create equal access to every occupant equally. Likewise, the demand for services for the rights of inmates regulated in the legislation will also increase, while the supporting personnel and facilities will remain relatively constant.
- 2) *There is injustice in getting the facilities in the prison*—Inmates who have material stability generally use money to get more facilities. The limited facilities in prisons are used by several prison officers to gain profit. The person "sells" the prison facilities to the inmates to get more comfortable

facilities compared to the facilities obtained by other inmates. This condition can lead to jealousy among fellow inmates which in turn can lead to conflict within the prison.

- 3) *Unemployment*—It is one of the triggers for problems in prisons. The concept of prison industry can reduce prison budget problems and at the same time help inmates get jobs and income. The work program contained in the prison industry concept will have a positive influence on prisoners. "Work programs also expose offenders to the norms and practices of the "world of work," including responsibility for time accounting, the linkage between individual productivity and economic rewards, self-discipline, and other factors.¹⁶ Guidance of convicts in a productive direction has not been evenly distributed in several prisons in Indonesia. The pattern of coaching that is not optimal in the end provides many opportunities to waste time while in prison. Physically and psychologically, prisoners do not have the means to express their skills and abilities, so there are great opportunities for

16 Kathleen E. Maguire, Timothy J. Flanagan and Terence P. Thornberry. 1988. Prison Labor and Recidivism. *Journal of Quantitative Criminology*, Vol 4, No. 1. P. 3.

deviant behaviour and negative thinking.

- 4) *Violent behaviour*— Culture in prisons (prison sub-culture) has a very dominant influence in triggering the violence that often occurs in prisons. Violence in prisons, according to Masdiana (2007) as quoted by Teja¹⁷, is closely related to the loss of several prisoners' rights, including: Loss of liberty; Loss of autonomy (lots of autonomy); Lack of freedom to own goods and services (loss of good and services); Loss of opportunity to channel sexual desire with the opposite sex (loss of heterosexual relationship); Loss of sense of security (loss of security); Loss of freedom in communication (loss of personal communication); Loss of self-esteem (loss of prestige). Loss of self-confidence (loss of self-confidence); Loss of creativity (loss of creativity). These various pressures cause prisoners to be easily provoked and emotionally ignited.
- 5) *Inadequate prison facilities and facilities*— this factor can arise as the impact of overcapacity, the limited facilities of prisons are not proportional to the

capacity of the occupants. One of the theories that can explain the occurrence of prison riots is the Value-added theory (Smelser, 1962). As quoted from an article by Pate,¹⁸ this theory explains that with the increase in the population of prisoners, the availability of facilities and basic needs of prisoners must also be added. Based on what the informant said in an interview on Tuesday, 12-13-2016 at 20.00 WIB, the use of security technology in several prisons in Indonesia is still very limited.

- 6) *Poor management of prison security*— Correctional institutions are also faced with incompetent human resources. One of the informants, Hasanuddin Massaile said that KPR did not receive special education on prison security. The knowledge and skills of prison security are obtained from experience and knowledge that has been passed down from generation to generation from senior fellow prison guards. Prison security and management competencies are only owned by prison officers who are graduates of the Academy of Correctional Sciences (AKIP), while KPR

17 Teja, Muhammad. 2013. Kerusuhan Dalam Lembaga Pemasyarakatan Sebagai Sebuah Masalah Sosial. Pusat Pengkajian, Pengolahan Data dan Informasi (P3DI) Sekretariat Jenderal DPR RI. Hal. 11.

18 Kristen Pate. 2008. "Collective Behaviour And The Factors That Cause Prison Riots". A Report of a Senior Study Maryville College, Fall., p. 4

generally only have high school education.

4.2 Analysing prison riot control by the National Police

The legal authority attached to the Police is used to change the irregularities that arise in society or also called social engineering. The brutal and destructive behaviour carried out by the prisoners during the prison riots has violated the norms and positive laws. Meanwhile, the deviant behaviour of the prisoners causes impacts, threats and public unrest. The presence of the police in this critical situation, through repressive legal action by the police, is expected to be able to suppress the escalation of riots. The police's legal action is meant that the law is able to manipulate the behaviour of deviant inmates into creating an orderly situation again in the prison environment.

Legal products that serve as guidelines for the National Police in dealing with anarchy in prisons include: (a) In the Criminal Code, Articles 49, 50 and 51 (protection of law enforcement), Articles 216, 218 and 503 (Sanctions for people who do not obey orders from officials who authorized); (b) In the Criminal Procedure Code, the articles that state the position, authority, duties and responsibilities of Law Enforcers are Articles 1, 4, 6, 7, 10, 16, 32, and 38; (c) Law no. 2 of 2002 concerning the Police in Articles 1, 2, 4, 5, 13, 14, 15, and 18; (d) Law no. 39 of 1999 on Human Rights in Articles 1, 3, 5, 6, 7, and 8; (e) Regulation of the National Police Chief No. 1 of 2009 concerning the Use of Force in

Police Actions; (f) Regulation of the National Police Chief No. 8 of 2010 concerning Procedures for Passing Changes and Ways of Acting in Combat Management; (g) Regulation of the National Police Chief No. 9 of 2011 concerning Police Operations Management; (h) Regulation of the National Police Chief No. Pol: 16 of 2006 concerning Guidelines for Crowd Control; (i) Standard Procedure (Protap) No. Protap/1/X/2010 concerning Anarchy Management.

Prison riots in some places are contingent events. They appear suddenly and are difficult to predict. In this condition, law enforcement is prioritized over preventive efforts, namely through traditional policing style actions. This policing style emphasizes police activities in order to achieve security and order conditions. The function of implementing this type of police is carried out by *Sabhara* who is under the control of the National Police Security Maintenance Agency and the National Police Mobile Brigade.

In dealing with rampant riots in several prisons in Indonesia, the National Police Security Maintenance Agency emphasizes the participation of the National Police NCOs posted in villages (*Bhabinkamtibmas*). The NCOs have the tasks of gathering information, as an effort for early detection of the police which is presented to the head of police sectors and police resorts in order to make decisions.¹⁹ Likewise, *Sabhara* officers posted

¹⁹ Interview with head of Security Maintenance Agency on Monday, 19-12-2016 at 14.30 WIB

at police resorts should carry out visit patrols to vital objects, including prisons. Sabhara personnel are the National Police's back bone to support the initial Mass Control Unit (*Dalmas*) or Advanced Mass Control positioned at police regions and police resorts. In every contingency event, such as demonstrations or mass riots, *Dalmas* officers are the initial force before the PHH (Riots Police) officers arrive at the location. This is due to the position of *Dalmas* officers who are attached to police resorts, while the Riot Police of Mobile Brigade (PHH) are positioned at police regions. They are deployed once the chiefs of police regions ask them to back up police resorts.

PHH of Mobile Brigade is an elite unit owned by the National Police which is trained and organized in military units. This brigade's main function is as an elite corps to deal with emergency situations, namely assisting regional police duties and dealing with high-intensity crimes using semi-military weapons in operations that require rapid actions. They are deployed in police operations with special anti-riot equipment. They have been specially trained to handle mass demonstrations or riots.²⁰

The presence of the police in the midst of a critical prison situation is a representation of reactive policing, which is a reaction to the community's need for law enforcement rather than anticipatory action. In this condition, law enforcement is

prioritized over preventive efforts because the risk of material loss and loss of life will be even greater if the irregularity is allowed to drag on. An effective approach to dealing with this situation is paramilitary policing. This is in accordance with what Kraska states, "Police agencies deploy police paramilitary units (PPUs) to high-crime locations" (Kraska, 1999, 2007; Kraska and Kappeler, 1997).²¹

The National Police *Dalmas Sabhara* and Mobile Brigade are the technical implementing units of the National Police having paramilitary capabilities. The riot control carried out by the unit is carried out based on the following stages:

A. Planning—it is the implementation of police region operations carried out by police resorts which is backed up by police regions, with the following stages: a chief of police resort submits a request for assistance to the head of police region, which is coordinated with the head of police region operational bureau. Then the chief of police resort and head of police functions check the personnel, equipment, and tools of *Dalmas* and prepare sufficient *Dalmas* strength to deal with the number and characteristics of the masses. The head of correctional facility and the head of police resort coordinate with other institutions, such as fire

²⁰ Interview with Asisten Operasional of Mobile Brigade Corps on Tuesday, 20-12-2016 at 13.30 WIB

²¹ Kraska PB and Kappeler VE (1997) Militarizing American police: the rise and normalization of paramilitary units. *Social Problems* 44: 1–18.

brigade to anticipate the activities of destroying/burning prison facilities and ambulance/health workers to evacuate seriously injured victims/life victims.

B. Implementation—shortly after arriving at the location, *Dalmas* of police resort will evacuate the prison officers and secure the entrance/exit of the prison. Other police functions owned by police resort carry out their duties according to their duties and responsibilities. Entry/exit security is to ensure all prisoners are inside the prison environment and are not trying to escape. Preparations are made after the PHH troops arrive at the location, platoon and company commanders of Mobile Brigade read the intelligence reports or predictions in order to determine the facilities and infrastructure as well as the needs of the personnel needed in the operation.

The riot control methods consist of preventive, repressive for preventive and full repressive. For the preventive method, the activity starts with persuasive efforts, then it will increase to the use of the lowest level of violence with the aim that the masses are willing to disperse and give up their intentions. The PHH unit seeks to eliminate the influence of the leaders/mass movers. Calling for action against the law through loudspeakers, the masses are invited to come to

their senses and disperse. With the preventive method, control measures are directed to raise the anger of the masses so as not to commit acts of violence. The next action is to arrest the leader who is the driving force of the masses to facilitate the handling of riots, so that the objectives of the response can be achieved without the use of violence.

The head of correctional facility and prison officers are given the opportunity to have a dialogue with the prisoners and their leaders. This was given because prison officers better understand the characteristics and psychological conditions of prisoners than the police. The use of police force in the prison environment is the final alternative if the dialogue carried out by prison officers is not heeded. In the Criminal Justice System, police institution acts as an actor in charge of proving the criminal elements of the perpetrators of the crime. In the process of proving the crime, there is usually a bad impression made by police investigators among the criminals. Such impressions will be memorized by the criminals and will be shown if they see the presence of police in a correctional facility.

The method of dealing with riots is repressive for prevention, namely coercive actions will be carried out using riot control equipment

and techniques against some of people who do not want to disperse or tend to be violent. This action is carried out after failing to take preventive action methods or because the situation/condition has developed in such a way that it is necessary to take violent actions against people who are resisting. Preventive repressive measures can cause physical injury by using tools such as tear gas, rubber/plastic bullets, sticks, shields and still many others.²²

Another method is a fully repressive method which can be done if the situation is getting worse. This method is used to prevent greater casualties and losses. The equipment used is the same as in the repressive stage for prevention, but with a higher intensity. At this stage the masses are forced by all means to withdraw and disperse. However, injuries and fatalities can be avoided as much as possible.

The steps of how PHH acts the implementation stage is as follows: (a) crossing-change PHH units with *Dalmas* units; (b) conveying the police's advice; and (c) taking firm actions (Article 21 of Regulation of the National Police Chief No. 8 of 2010). The crossing over of the PHH units as intended is carried out by: (a) PHH units carry out the crossing over with the *Dalmas* unit, if

the masses have led to unlawful acts; and (b) the cross change can be carried out from the side and from behind according to the situation and conditions on the field.

The escalation of incidents into an unlawful act is characterized by the following characteristics: a large mass of rioters; the masses are difficult to control; the masses are successfully influenced by provocateurs or agitators; the demands of the masses in conveying their aspirations have deviated from the original purpose of the demonstration and imposed their will; the masses no longer respect the rights and honours of others, and even act against the law; and the actions of the rioters cause loss of life and property and cause public unrest (Article 21 of Regulation of the National Police Chief No. 8 of 2010). The police then conduct an isolation to break the concentration of the mass group of prisoners into several small groups. The next action is to secure the driving force that has provoked the riots. When the situation is under control, some inmates are transferred to the nearest prison in order to reduce the level of overcapacity and break down the strength of the masses of inmates who carry out resistance.

C. Termination—the preparation, deployment, and

²² Interview with Asisten Operasional Korbrimob on Tuesday, 20-12-2016 at 13.30 WIB

withdrawal of the forces of PHH Mobile Brigade of The National Police Headquarters is carried out at the request of the head of the police region unit in police regions after receiving orders from the chief of police region. The preparation, deployment, and withdrawal of PHH Mobile Brigade of police region is carried out by giving orders to the PHH Detachment Commander. The commander will carry out cross change with *Dalmas*. The tactics for the termination of activities are adjusted to the location and the easing of the nature of the threat.²³

The termination stage is a step to evaluate the implementation of prison riot control tasks that have been carried out. The evaluation is carried out by holding evaluation and consolidation meetings. This evaluation report is used as an illustration as well as improvement if there is another prison riot. This termination stage is needed to assess the extent to which the implementation of the tasks carried out is in accordance with the plans and strategies that have been made. Then, it is useful to evaluate the entire series of activities that have been carried out.

4.3 Analysing the factors that influence the handling of prison riots by the police

²³ Interview with Asisten Operasional Korbrimob on Tuesday, 20-12-2016 at 13.30 WIB

Essentially, the implementation of law does not only include law enforcement, but also peace maintenance because the implementation of law is actually a process of harmonization between the values of the rules and real behaviour patterns that aim to achieve peace. According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values that are outlined in the rules/views of values that are solid and embodied and attitudes of action as a series of elaboration of values at the final stage to create, maintain and maintain peaceful social life.²⁴ Thus, the factors influencing the handling of prison riots by the police will be reviewed from Soerjono Soekanto's study as follows:

a. Legal Factor

The National Police have instruments that serve as guidelines or legal basis for overcoming anarchy. Such instruments are needed to avoid the failure of police operations. Failure in the implementation of riot control can result in non-achievement of operational objectives, procedural errors, abuse of authority, resulting in actions that go beyond proper ethics.

b. Law Enforcement Factor

The legal function, mentality and personality of law enforcement officers play an important role. If the regulations are good but the quality of the officers is not good then a problem will

²⁴ Soekanto, Soerjono. 2004. Pokok-pokok Sosiologi Hukum. Jakarta: Raja Grafindo Persada. Hal. 24.

occur. Therefore, one of the keys to success in law enforcement is the mentality or personality of law enforcement. The leadership style of the commanders in the field has an important role in the success of police operations. They must have skills in organizing the potential of their resources. Likewise with members of the police at the subordinate/troop level, all of the National Police personnel must have proficiency in the use of equipment/weapons so that the success of riot control can be achieved.

c. Factors of Supporting Facilities or Facilities

Factors supporting facilities or infrastructures include software and hardware. One example is the availability of equipment and supplies for individual members of *Dalmas* and PHH. Human abilities alone are not enough without the help of task support equipment. To support the implementation of the task, the amount of the equipment must be sufficient and the condition must always be ready for use.

d. Community Factor

Law enforcement comes from the community and aims to achieve peace in society. Every citizen has a different degree of legal compliance. Community compliance with the law is one indicator of the functioning of the law in the individual concerned. Inmates who have a level of legal awareness will help prevent riots in prisons. In addition,

the support of the community/other agencies, such as the presence of a fire brigade unit, a health unit can determine the success of the response.

e. Cultural Factor

In a correctional facility, the prison subculture develops as Wright (1994)²⁵ explains, "Prison subculture is reflective of the offender subculture on the streets. Thus, behaviours respected behind the walls of a prison are similar to behaviours respected among the criminal population outside of the prison. There is some research that does support this notion. A culture tends to lead to negative behaviour and violent efforts in solving problems. Prison violence stems from a lack of internal social control and the imperfection and overburden of external social control. The greater the structural tension, the greater the opportunity for collective behaviour to occur. In prison society this can happen because of an excessive security approach. The arrogance of unscrupulous officers and other actions that show the existence of injustice that is felt very strongly by the prison inmates so that the high resistance of prisoners,

²⁵ Prison Subculture and Prison Gang Influence, Chapter 10.
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjsza6Gm6HwAhV77XMBHYRjAVwQFjAKegQIFhAD&url=https%3A%2F%2Fwww.sagepub.com%2Fsites%2Fdefault%2Ffiles%2Fupm-binaries%2F50421_ch_10.pdf&usg=AOvVaw25Tt1kx7Fo1xdOB3h6fGSm

the more difficult it is for the police to carry out law enforcement operations.

5. CONCLUSIONS AND IMPLICATIONS

5.1 Conclusions

- a. The existence of correctional facilities is guided by Law No. 12 of 1995 concerning Corrections. The instrument on securing prisons is contained in the Regulation of Ministry of Law and Human Rights No. 33 of 2015 concerning Security in Correctional Institutions and State Detention Centres. The reasons behind the riots are (1) downstream, including overcapacity, injustice in obtaining existing facilities in prisons, unemployment, culture of violence, inadequate prison facilities and infrastructures, and poor management of prison security and (2) upstream, including the treatment of prisoners is the last priority in government policies, the policies of law enforcement agencies are not integrated and there is injustice because their rights are reduced by certain regulatory policies.
- b. Important points in dealing with prison riots by the police are (1) technical guidelines for the implementation of prison riot control by the police, namely Law No. 2 of 2002 concerning Indonesian National Police, the Regulation of the National Police chief No. 8 of 2010 concerning Procedures for Cross Changes and Ways of Acting in Combat Management, the Regulation of the National Police Chief No.

01 of 2009 concerning the Use of Force in Police Actions, the Regulation of the National Police Chief No. 01 of 2010 concerning Overcoming Anarchy; (2) the National Police and the Ministry of Law and Human Rights have established cooperation as stated in the Memorandum of Understanding Number: PAS-25.HM.05.02 of 2015, Number: B/15/IV/2015 concerning Cooperation in Implementing Correctional Duties and Functions; (3) the appropriate policing style in dealing with prison riots is the traditional policing style; (4) *Dalmas Sabhara* and Mobile Brigade are the elite police implementing units that have the ability to deal with high levels of security and security disturbances. Riot control is carried out through the planning, implementation and termination stages; and (5) the handling of prison riots by the police uses preventive, preventive to repressive and full repressive methods. The use of such methods has to be adjusted with the degree of riot escalation in the location.

- c. Factors influencing in handling prison riots, based on the study of Soerjono Soekanto, are (1) legal factor—rules and regulations; (2) law enforcement factor—the legal function, mentality or personality of law enforcement officers play an important role; (3) Supporting facility or infrastructure factor—include software and hardware, such as the availability of equipment and supplies for individual

members of *Dalmas* and PHH; (4) community factor—law enforcement comes from the community and aims to achieve peace in society. Every citizen has a different degree of legal compliance. Community compliance with the law is one indicator of the functioning of the law in the individual concerned; (5) cultural factor—prison subculture develops and is reflective of the offender subculture on the streets. Thus, behaviours respected behind the walls of a prison are similar to behaviours respected among the criminal population outside of the prison.

5.2 Implications

- a. In line with the findings analysed regarding the background of the prison riots, the author suggests to (1) increase the role of police patrols and the intelligence capabilities of the police through early detection activities to prevent potential prison riots; and (2) change the paradigm of police investigators, the application of criminal sanctions is the final sanction in law enforcement (*ultimum remedium*).
- b. In line with the findings analysed regarding the steps to overcome prison riots by the police, the author suggests to (1) coach and train specifically the National Police personnel, both *Dalmas* or Mobile Brigade regarding riot control in prisons, for example in the form of trainings/simulations; and (2) coordinate with prison officers to prioritize preventive

actions. Thus, the way to act is to give prison officers the opportunity to have a dialogue. In the event that dialogue and appeals are not heeded, the National Police personnel then take firm and measured action.

- c. In line with the findings analysed regarding the factors that influence the handling of prison riots by the police, the author suggests to (1) formulate SOPs for dealing with prison riots so that the police personnel have standards and uniformity in how to act; and (2) regularly check and maintain *Dalmas* and PHH equipment and supplies, both individuals and vehicles so that they are always ready for use.

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