



Problem Failure of the Recidivist Guidance Program in Class I Prison Surabaya

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Article	Abstract
Keywords: Coaching; Recidivist; Correctional Institution	<i>The study is driven by the rise in recidivists in Surabaya's Class I Prisons during the 2022–2023 period. The rise in recidivism at Surabaya's Class I Prison suggests that the coaching program there has not been able to provide targeted guidance to recidivists. As mentioned in Article 2 of Law Number 22 of 2022 concerning Corrections, prisons serve as places where inmates receive guidance to ensure they do not commit crimes again. The purpose of this study is to identify the variables that lead to coaching failures in Surabaya's Class I Prison as well as the barriers that the prison faces in raising recidivists. This study employs qualitative, empirical legal research methods, gathering data through observation, interviews, and documentation, then analyzing it with descriptive analytical methods. The results of the research show that the Surabaya Class I Prison recidivism development program failed because prison officers were still unable to carry out their main responsibilities and the prison development program still carried out activities that were not in accordance with applicable laws and regulations, resulting in poor guidance and recidivism in Prisons Class I Surabaya.</i>

INTRODUCTION

1. Background

Criminalization is a way of imposing punishment or sanctions on someone who has committed a crime (*rechtdelict*) or violation (*wetsdelict*). (Zaini 2019) In this case, criminalization is a stage of imposing sanctions in a series of criminal procedure systems. Criminalization is "an action against a criminal, which can be justified normally, not primarily because the punishment contains positive consequences for the convict, the victim, and other people in society, therefore it is called the theory of consequentialism, punishment is imposed not because of having done something bad but so that the perpetrator of the crime does not do evil again and others are afraid to commit similar crimes." (Zaini 2019) Based on this statement, criminalization is intended to help perpetrators of criminal acts to be deterred and re-socialize with society, not as an attempt at revenge.

Criminalization is carried out or realized by a penal organization formed by the state, namely the Correctional Institution (hereinafter referred to as LAPAS). The legal basis that regulates LAPAS is Law Number 22 of 2022 concerning Corrections (hereinafter referred to as the Correctional Law) Article 1 Number 18 which regulates the existence of LAPAS states "Correctional Institutions hereinafter referred to as Lapas are institutions or places that carry out the function of Guidance for Prisoners". In LAPAS there are regulations related to the procedures for implementing the guidance of Prisoners and Correctional Students. Thus, through the guidance program it is referred to as the Correctional System as stated in Article 1 Number 2 of the Correctional Law that "The Correctional System is a system regarding the direction and boundaries as well as methods for implementing the Correctional function in an integrated manner".

Convicts serving sentences or punishments in prisons are known as Correctional Inmates or WBP as per Article 1 Number 3 of the Correctional Law that "Inmates are convicts, foster children, and clients". As for prisoners as per Article 1 Number 6 of the Correctional Law that "Prisoners are convicts who are serving a prison sentence for a certain period and for life or death row convicts who are awaiting the implementation of the decision, who are undergoing guidance in correctional institutions".

Based on the legal basis above, that the Correctional Institution is a place for someone who has committed a crime which has been decided by the judge to serve a sentence in the Correctional Institution, so that the Correctional Institution is a place to be responsible for the actions that have been done by someone who has violated a crime so that the person changes to be better after going through the coaching process carried out in the Correctional Institution. (Victorio H. Situmorang 2019) The Correctional Institution has the duty and authority to carry out a series of activities in the coaching program which aims to make the WBP or Prisoners become whole human beings and not repeat the crime again so that they can be accepted back into the community, and can live normally as good and responsible citizens. (Victorio H. Situmorang 2019)

Guidance in the Correctional Institution as stated in Article 35 Paragraph (1) of the Correctional Law "Guidance for Prisoners is organized by the Correctional Institution". In addition, the guidance program carried out by the Correctional Institution is also stated in Article 38 of the Correctional Law which states "Based on the results of the Community Research, Prisoners are given Guidance in the form of personality guidance; and independence guidance". Therefore, this is explained by the Explanation of Article 38 of the Correctional Law as follows:

Letter a "Forms of "personality development" include, among others, religious awareness, moral and ethical values, national and state awareness, national defense,

increasing intellectual abilities, legal awareness, integrating oneself with society, and deradicalization.”

Letter b "Forms of "independence development" include, among others, skills training to support independent businesses and industry, job training, and development of interests and talents."

In carrying out its function as a place of guidance, LAPAS has also developed guidance management to realize guidance programs. Guidance management in LAPAS is a planning and operational process to achieve the objectives of the guidance, so that inmates can carry out guidance in accordance with the standards set by LAPAS. Guidance management in LAPAS includes planning, organizing, implementing, monitoring and evaluating. The planning stage in the inmate guidance program is generally based on the Correctional Law which also includes a moral guidance program, namely recitation, reading and writing the Qur'an and Iqro, memorizing Juz Amma, praying in congregation, and other religious activities according to their respective religions. The organizing stage is the division of tasks, responsibilities and authorities of each section in realizing the guidance program. The implementation stage which has referred to the Decree of the Minister of Justice of the Republic of Indonesia M.02-PK.04 of 1990 concerning the Pattern of Guidance for Inmates is the realization of the planned guidance program by realizing the guidance program, time and schedule of guidance, implementers and those responsible during the activity. The monitoring stage is an effort to determine what is being implemented in the coaching program, as well as if there are deviations from the predetermined standards then corrections will be made immediately. The evaluation stage is the final stage in coaching management in prisons. In the evaluation stage, an assessment will be carried out regarding the achievements of the coaching program, whether prisoners have carried out coaching in accordance with the standards set by prisons or not. (Raden 2022)

Although the rehabilitation program has been carefully designed, its implementation in prisons, as outlined by the Corrections Law, remains a mere hope, as the reality shows the opposite. This is indicated by the emergence of criminals classified as recidivists. (Debi Romala Putri 2020) This is evidenced by the 2019 annual report of the Directorate General of Corrections (Ditjenpas), which stated that there were 269,846 inmates, of which 24,459 were recidivists. Therefore, recidivists account for 9.05% of the total inmates in Indonesia.

A recidivist is someone who commits a crime and is sentenced, but after completing his sentence, the person commits another crime and must be sentenced again. There are various types of recidivism, namely a general recidivist is someone who commits a crime and then commits another crime but the type of crime is different from the previous crime; a special recidivist is someone who commits a crime and then commits another crime of the same type as the previous crime; a tussen stelsel

is someone who commits a crime and then commits another crime but the crime is a certain type of crime as referred to in the law. (Fitri Wahyuni 2017)

In this study, the recidivist referred to is a special recidivist, or a recidivist according to the LAPAS, a person who commits a repeat crime of the same type. Thus, a recidivist is a person who has received a sentence for a crime but then repeats the crime of the same type. Based on Article 486 of the Criminal Code, a recidivist can be threatened with a sentence one-third heavier than the normal sentence, provided that the act of the same type is committed within less than five years of serving the sentence imposed. (Debi Romala Putri 2020)

The presence of the Class I Surabaya Penitentiary serves as an implementing unit to protect and provide guidance to inmates residing in the city of Surabaya. It is expected to play a role in carrying out its duties as a correctional institution, protecting and providing guidance to inmates. This is one of the government's programs to develop inmates, who are human resources. (Aldhipa Syafaat Syamrun 2022)

Surabaya Class I Penitentiary is the second largest prison in East Java with a capacity of 1,050 inmates with a total of 1,480 inmates in 2023 based on information from the Registration Officer of Surabaya Class I Penitentiary. The following inmates are classified as recidivists based on information from the Registration Officer of Surabaya Class I Penitentiary, in 2023:

Table 1.1 Number of Recidivists in Class I Prison in Surabaya in 2023

No	Types of Crimes	Number of Recidivists
1.	Narcotics	314
2.	Murder	19
3.	Fencing	2
4.	Theft	30
5.	Persecution	1
6.	Embezzlement	3
7.	Fraud	4
8.	Robbery	9
9.	Child Protection	17
10.	Sharp weapons/Firearms	2
11.	Violence against children	1
12.	Decency	1
13.	Corruption	2
14.	Extortion	1
Total		406 Repeat Offenders

Source: Statement from the Registration Officer of Class I Surabaya Prison

Considering the number of recidivists in Class I prisons, there were 406 inmates in 2023. This means there are still people who reoffend. This situation presents a challenge for prisons in controlling recidivism.

Class I Surabaya Prison itself also has a number of recidivists who have previously served their sentences in Class I Surabaya Prison but because they committed another crime, they returned to Class I Surabaya Prison. The following is data on recidivists who were previously inmates in Class I Surabaya Prison and then returned to Class I Surabaya Prison because they committed another crime based on information from the Class I Surabaya Prison Registration Officer, in 2023 as follows:

Table 1.2 Accumulated Total Recidivism of Inmates in Surabaya Class I Prison in 2022-2023

No	Year	Recidivism Per Year	Recidivist Released	Accumulated Total Recidivism
1.	2022	48 people	13 people	35 people
2.	2023	63 people	16 people	47 people

Source: Statement from the Registration Officer of Class I Surabaya Prison

The accumulated number of recidivist inmates in the Class I Surabaya Penitentiary in 2022-2023 shows an increase in recidivists in the Class I Surabaya Penitentiary who have previously served time for similar crimes in the Class I Surabaya Penitentiary. This condition indicates that the rehabilitation program that has been implemented for inmates is ineffective, as evidenced by the increase in the number of recidivists in the Class I Surabaya Penitentiary from 2022-2023.

The explanation above motivated the author to conduct research and examine the factors causing the ineffectiveness of the coaching program for recidivists and the obstacles encountered in coaching recidivists at Class I Surabaya Prison. Therefore, the author is interested in discussing this in more depth in an entitled "Problematics of The Failure of The Recidivist Counseling Program in Class I Surabaya Prison"

2. Formulation of the problem

1. What are the factors that cause the ineffectiveness of coaching recidivists at Class I Prison in Surabaya?
2. What are the obstacles facing Class I Surabaya Prison in its efforts to develop recidivists?

METHOD

The type of research used is empirical legal research. Empirical legal research is a legal study that uses an approach model that examines the legal reality that occurs in society after the law is implemented. Therefore, the application of empirical law can be related to other scientific studies (such as social sciences) because empirical law essentially studies law and its application in society. (Mukti Fajar 2019)

The research method used in this study is a qualitative approach. A qualitative approach utilizes analysis of research results to generate descriptive research data. This study took place at the Class I Penitentiary in Surabaya. The data used were two types: primary data in the form of interviews with several informants and secondary data using relevant laws and regulations, articles, and legal journals.

This study involved several informants, including the Head of Class I Surabaya Prison, a Class I Surabaya Prison Development Officer, and a Class I Surabaya Prison Recidivist. Data collection techniques included interviews, observation, and documentation. The data analysis technique employed was descriptive analytical, with triangulation data validity techniques used to test the credibility of the data obtained from various sources.

RESULTS AND DISCUSSION

Class I Surabaya Prison is one of the Technical Implementation Units (UPT) in the correctional sector under the auspices of the Regional Office of the Ministry of Law and Human Rights of East Java Province. In this case, as Article 1 Number 18 of the Correctional Law states "Correctional Institutions hereinafter referred to as LAPAS are institutions or places that carry out the function of fostering prisoners", so that in the LAPAS, prisoners will be given guidance. The LAPAS itself also provides guidance using the correctional system as Article 2 of the Correctional Law with the aim of making prisoners realize their mistakes, not repeat criminal acts and can be accepted back into the community. Thus, to realize this goal, guidance programs are created.

Class I Surabaya Penitentiary offers two development programs: personality development and independence development. Personality development is carried out by community guidance staff, while independence development is carried out by career guidance staff. The following is the personality development schedule at Class I Surabaya Penitentiary.

Figure 1.1 Personality Development Program Schedule for Class I Surabaya Prison

JADWAL PEMBINAAN KEPERIBADIAN LAPAS KELAS I SURABAYA

No.	Kegiatan	Senin	Selasa	Rabu	Kamis	Jum'at	Sabtu	Minggu
1	Perpustakaan Keliling							
2	Tahlim Pagi/Sore							
3	Khataman Al Qur'an							
4	Al-Baqar							
5	Sholat Jemaah (Dhuhur dan Ashar)							
6	Yasin Tahil							
7	Sholat Jum'at							
8	KPISD							
9	Kabaktan Gereja							
10	Senam							
11	Pramuka							
12	Pendalaman Al Kitab							

In carrying out the rehabilitation, inmates must adhere to the rehabilitation schedule, particularly the personality development that has been carefully designed by the Class I Surabaya Penitentiary from Monday to Sunday. In implementing the rehabilitation program, specifically personality, Class I Surabaya Penitentiary has several programs, including:

A. Fostering National Insight

Class I Surabaya Prison holds training, for example scouting activities in collaboration with a third party, namely the Sidoarjo Scouts, which are carried out every Saturday by providing national insights to the inmates.

B. Religious Personality Development

The Surabaya Class I Penitentiary for religious personalities has established various places of worship, namely Islamic, Christian/Catholic, Hindu, Buddhist and Confucian within the Penitentiary to guarantee the religious freedom of each prisoner. In terms of coaching programs, the Surabaya Class I Prison has collaborated with various religions, for example it has collaborated with 50 external churches to provide Christian/Catholic religious coaching according to schedule. Apart from that, the Islamic religion has collaborated with the Ministry of Religion of Sidoarjo Regency and several Islamic boarding schools in Sidoarjo to carry out spiritual formation according to the schedule.

C. Intellectual Development

For intellectual development, the Class I Surabaya Penitentiary also features a library called the Latubaya Cerdas Library, which houses 8,940 books. The Class I Surabaya Penitentiary has partnered with the National Library and the East Java Provincial Library and Archives. Furthermore, the intellectual development program also includes Package A, B, and C Catch-up facilities, in collaboration with the Education Office.

D. Physical Health Development

To promote physical fitness, Surabaya Class I Penitentiary also frequently holds Sunday exercise sessions for all inmates, with instructors present. Inmates also participate in sports such as futsal, soccer, volleyball, table tennis, and tennis.

As for fostering independence at the Class I Prison in Surabaya, there are several coaching programs including:

a) Furniture factory

The training provided by Surabaya Class I Penitentiary is conducted by instructors, specifically in the furniture industry. The initial training typically introduces the types of wood that can be processed into furniture. Inmates are taught techniques for cutting and carving wood into desired shapes. They are also taught how to assemble the cut wood to create ready-to-sell furniture.

b) Crystal ice factory

Training provided in the independent crystal ice processing activity is provided by instructors or third parties. Initially, before the ice crystals are made, inmates are taught how to distill water to produce clean, mineral-

rich water. The water is then placed in a sealed container and refrigerated, where it eventually becomes crystal ice cubes.

c) Tofu processing factory

The training conducted at Surabaya Class I Penitentiary specifically focuses on fostering independence, including tofu processing. Inmates are given training in tofu production. Initially, they are taught the process of soaking soybeans for several hours. Afterward, the soybeans are ground using provided equipment until they are ready for cooking. Then, the soybeans are filtered to obtain the sedimented soybean juice.

d) Plantations and agriculture

Surabaya Class I Penitentiary provides skills specifically in plantations and agriculture. This is achieved by bringing in agricultural experts. At the beginning of the training, inmates are usually introduced to various types of seeds that can be planted year-round. For example, at Surabaya Class I Penitentiary, cassava seeds are planted, which require a short harvest time. This ensures that this activity can be carried out continuously and is accessible to all inmates.

In terms of development, prisoners are required to participate in development programs as stipulated in Article 11 of the Correctional Law. The development programs in prisons, as explained in Article 38 of the Correctional Law, include two: Personality Development, which encompasses religious awareness, morals and ethics, national and state awareness, national defense, intellectual development, legal awareness, integration with society, and deradicalization. Meanwhile, Independence Development consists of job skills training and skills to support independent businesses and industry. However, in reality, prisoners only participate in one development program, namely personality development, because it is considered easy and does not require much effort. This phenomenon causes an imbalance between the two existing development programs stipulated by law. This is because prisoners are only focused on fulfilling the qualifications for integration, which requires at least one development program. Consequently, they lack a clear understanding of the nature of development and only use it to fill their free time while waiting for their sentences to expire.

In the prison there are also several disciplinary punishments if prisoners violate the prison regulations as stated in Article 9 of the Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning the Regulations of Correctional Institutions and State Detention Centers, that there are several punishments based on their level as follows:

1. Light Level of Punishment

Give verbal warnings and give written warnings.

2. Moderate Level Punishment

Putting in solitary confinement/isolation for a maximum of 6 days and postponing or eliminating certain rights based on the results of the TPP hearing.

3. Severe Punishment

Being put in a solitary confinement/isolation cell for 6 days can be extended for 2 times 6 days and does not get remission or integration.

In reality, what happens in the field shows the lack of firmness of the prison staff/wardens in giving sanctions to inmates who do not participate in the rehabilitation program. This phenomenon is where prison staff/wardens, especially the Security Administration and Order Section of the Reporting and Order Section, should enforce the rules as in line with the main duties and functions of the Reporting and Order Section to enforce the regulations made especially in the Class I Surabaya Prison. Based on the statements of recidivists, they stated that they were almost never given sanctions even though they did not participate in the rehabilitation program. This causes inmates, especially recidivists, to not realize their mistakes even if they are small, thus causing them to repeat the same actions again because there are no consequences for not participating in the rehabilitation program.

1) Factors Causing the Failure of the Recidivist Development Program at Class I Prison in Surabaya

Based on the description above, the development program carried out at Class I Surabaya Prison has not yet run optimally due to several factors, including:

1. There are rules for at least one coaching program as a requirement for integration

In Class I Penitentiary in Surabaya, one of the requirements that must be met by inmates who wish to obtain integration rights, such as Conditional Release (PB) or Conditional Leave (CB), is to participate in at least one development program. However, Article 9 of the Regulation of the Minister of Law and Human Rights No. 10 of 2020 states that the requirements for obtaining PB or CB include: having served 2/3 of their sentence, having behaved well for the last 9 months calculated before 2/3 of their sentence, being able to receive inmate development activities from the community, and having participated in all development programs properly.

However, in reality, inmates only participate in one rehabilitation program, which is not in accordance with existing laws and regulations, out of the many programs provided by the Class I Surabaya Penitentiary. Therefore, this requirement causes inmates to be reluctant to participate in other rehabilitation programs and tend to choose the easier ones. This is because inmates are only focused on getting released quickly without considering the benefits of other rehabilitation programs that will serve as a bridge for inmates to start a life in society that is much better than before.

2. Employees/wardens who are not firm enough in dealing with violations at Class I Surabaya Prison

Based on Article 9 of the Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning the Rules of Procedure of Correctional Institutions and State Detention Centers, there are three categories in the imposition of disciplinary punishments in the Correctional Institutions (LAPAS): light, moderate, and heavy punishments. Therefore, the Correctional Institution, through the Security Administration and Order Section of the Reporting and Order Section, as its main task and function, is to enforce the existing rules of procedure within the Correctional Institution. However, in practice, inmates who do not participate in the correctional program are simply left alone and not sanctioned. This makes inmates underestimate the rules applied in the Correctional Institution because there are no consequences for not participating in the correctional program.

3. Development programs that are not tailored to the needs of prisoners

Based on Article 7 of Government Regulation (PP) No. 31 of 1999 concerning the Guidance and Mentoring of Correctional Inmates, the implementation of guidance must go through several stages. These stages include the initial stage, the advanced stage, and the final stage. Furthermore, as Article 10 of Government Regulation (PP) No. 31 of 1999 concerning the Guidance and Mentoring of Correctional Inmates, the initial stage of guidance includes an observation period, introduction; planning the required guidance program; implementation of the guidance program and evaluation of the implementation of the guidance program. Thus, in the initial stage, inmates are actually planned regarding the guidance program that must be followed according to their needs.

However, in practice, within the Class I Surabaya Penitentiary, the selection of rehabilitation programs is based solely on the inmates' wishes and interests. Consequently, these recidivist inmates only participate in the rehabilitation programs they prefer, as this also includes qualifying for integration rights, which requires participating in at least one rehabilitation program.

4. There is no obligation to attend work guidance as a form of developing independence.

Based on Article 11 Paragraph (2) of the Correctional Law, it states that every prisoner is required to work by considering health conditions and having utility value. Therefore, in the legislation, it is mandatory for prisoners to carry out work in the Prison as one of the ways to carry out the development program. This is a form of providing work skills obtained from the Prison because by participating in work guidance, when the prisoner has completed

serving his sentence, he can bring a certificate of skills from the Prison, which of course the Prison has also collaborated with the authorized employment agency.

However, the facts on the ground show that in Class I Penitentiary in Surabaya, there are still many inmates who do not participate in job guidance as a form of independence development, but only participate in personality development because it is included in the development program even though they only participate in one type of development program. This condition with inmates who do not participate in job guidance, in the end when the inmates have completed their sentence they do not have any work skills at all, making it difficult for the inmates to find work and not infrequently, according to the confessions of recidivists who were interviewed, because they do not have skills in their work, they return to their former criminal groups and commit crimes again to meet their economic needs.

5. There is no separation between regular prisoners and recidivist prisoners in carrying out the development program.

The implementation of the rehabilitation program at Surabaya Class I Penitentiary does not differentiate between regular inmates and recidivist inmates. This is despite the fact that recidivist inmates require specialized rehabilitation because they themselves have previously committed crimes and are now committing another. The Penitentiary should provide specialized rehabilitation to recidivists. This could include regular legal counseling to prevent them from repeating their crimes. This situation makes inmates who are considered recidivist pessimistic because the Penitentiary does not provide differentiated rehabilitation and maintains the same treatment as general inmates.

6. There is still an urge among prisoners to commit criminal acts again, thus becoming recidivists.

In this case, it concerns the individual's desire to commit an act, even if it is a criminal offense. Therefore, no matter how many and how good the rehabilitation program, if the inmate still desires to commit a crime, the rehabilitation will remain unsuccessful and ineffective.

2) Obstacles to Class I Surabaya Prison in its Efforts to Rehabilitate Recidivists

Implementing a correctional program within a prison often encounters obstacles. Interviews with staff at the Class I Surabaya Prison revealed several obstacles in implementing correctional programs for recidivists. These obstacles are as follows:

1. Conditions at Class I Surabaya Prison which is experiencing over capacity

The phenomenon of overcapacity in correctional institutions (Penitentiaries) is certainly not new. According to data from the Regional Office of the Ministry of

Law and Human Rights in East Java Province, by 2023, most correctional institutions (Penitentiaries and Detention Centers) were experiencing overcapacity. Class I Penitentiary in Surabaya, which should accommodate 1,050 inmates, currently houses 1,700 inmates. This situation makes it difficult for staff to separate regular inmates from recidivist inmates. Therefore, there is no separation between regular inmates and recidivist inmates in the detention block. This lack of separation also makes it difficult for staff to distinguish between recidivist inmates and regular inmates. In Class I Penitentiary Surabaya, all inmates are treated the same, and it is not uncommon for staff to be unable to distinguish between recidivist and regular inmates. This also aligns with the implementation of guidance that cannot be focused specifically on recidivist inmates. Although recidivist inmates should require special attention, in practice they are still treated the same as regular inmates due to the overcrowding of the prison.

2. Lack of human resources/employees in implementing the coaching program

In 2024, based on interviews with Class I Surabaya Prison employees, the current number of employees was 165, with a total of 1,700 inmates. This situation makes it less than optimal in carrying out correctional services. Furthermore, not all employees are fully engaged in correctional services. Specifically, in the correctional sector, only 20 employees provide correctional services. This ratio is equivalent to 1:85, meaning that one employee must supervise 85 inmates. This phenomenon is highly unlikely to be optimal. Therefore, the lack of human resources is a crucial problem for the prison, especially in implementing correctional services.

3. Lack of budget funds from the Ministry of Law and Human Rights to support the development program

Funds are a key factor in implementing development programs within prisons. This is because development programs require equipment and materials to support their implementation. Furthermore, funding is essential because the government must meet the needs of inmates during their stay, such as clothing and food. However, in Class I Surabaya Prison, the government's allocation of funds is considered insufficient, amounting to Rp 4,943,586,000 per year, with a quarterly expenditure target of 30%. This budget is used to run development programs, including meeting inmates' needs for food, healthcare, and other things. This budget can only be used until the 10th month. For the last two months, Class I Surabaya Prison must use profits from product sales on inmates' work to cover the budget shortfall. This disrupts development programs involving third parties, for example, due to a lack of funds, which should have had morning exercise sessions with external instructors every Sunday, but are forced to conduct morning exercise without instructors due to a lack of government funding.

CONCLUSION

Based on the research that has been conducted regarding the Problem of the Failure of the Recidivist Guidance Program in Class I Surabaya Prison, it was concluded that the failure or ineffectiveness of the guidance program run by Class I Surabaya Prison, analyzed using several related laws and regulations and the main duties and functions of each prison employee was due to several factors. The factors causing the failure of recidivist guidance in Class I Surabaya Prison include : (1) There is a minimum rule of only following one guidance program as a condition for integration which causes inmates to be reluctant to follow other guidance programs; (2) Employees/wardens who are less firm in taking action against violations that occur in Class I Surabaya Prison ; (3) Guidance programs that are not tailored to the needs of inmates; (4) There is no obligation to follow work guidance as a form of independence guidance; (5) There is no separation of ordinary inmates from recidivist inmates in carrying out the guidance program; and (6) There is still an urge from inmates to commit criminal acts again, so that they become recidivists.

The obstacles faced by Class I Surabaya Prison in its efforts to develop recidivists include: (1) The condition of Class I Surabaya Prison which is experiencing over capacity; (2) Lack of human resources/staff in implementing development; and (3) Lack of budget funds from the Ministry of Law and Human Rights to support the development program .

SUGGESTION

Based on research conducted by researchers regarding the Problem of the Failure of the Recidivist Development Program at Class I Prison in Surabaya, in this case the researchers provide several suggestions, including:

1. Law enforcement officers should provide other punishments, for example regarding narcotics cases. This is because in Class I Surabaya Prison , most of the regular prisoners and recidivists are involved in narcotics cases, so that Class I Surabaya Prison becomes overcrowded. Therefore, it is better for regular prisoners and recidivists who are involved in narcotics cases, who are in fact drug addicts and not part of a syndicate, to be rehabilitated directly by the National Narcotics Agency (BNN) to undergo treatment or rehabilitation care for narcotics addicts as stipulated in Article 103 Paragraph (1) Letter b of Law No. 35 of 2009 concerning Narcotics. In this way, the number of prisoners will decrease and cause the Prison to not become overcrowded, so that the development program can run more effectively because the number of prisoners has decreased.
2. Society should dispel the stigma that former convicts are frightening. If this mindset persists, it can lead to ex-convicts being ostracized by society, leading them to relapse into their former criminal groups, which are more accepted by their peers. This situation can lead to reoffending and ultimately becoming

recidivists.

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