



The concept of Criminal Construction of Imprisonment from a humanitarian perspective in the Second Pancasila

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Abstract

The concept of punishment, which is solely oriented towards retribution, has been replaced by the concept of correctional punishment. The effectiveness of imprisonment, which is often questioned, is often questioned. Besides the negative consequences of imprisonment, Researchers are very interested in the ineffectiveness of imprisonment in correctional institutions as a deterrent to criminals. This research is normative legal research in Indonesia, The research results show that the concept of imprisonment is ineffective in deterring criminals, particularly in light of the humanitarian philosophy of the second principle of Pancasila. Researchers suggest replacing imprisonment with social sanctions in society.

Keywords: Punishment, correctional institutions, imprisonment, social sanctions, pancasila

Introduction

Background of The Problem

Imprisonment also carries the slogan "criminal education by criminals. Correctional institutions often function as schools for criminals, which produce more professional criminals. The emergence of these professional criminals will ultimately increase the burden on society by creating greater threats. Imprisonment also has the negative effect of dehumanization, as convicts are isolated from society while losing their freedom of movement. Therefore, convicts require a complex process of social adaptation or socialization with the community to become good members again. There are three alternative punishments that can replace imprisonment, namely contracts or agreements for development, revocation and restrictions on certain rights, and community service.

The concept of humanity is the value of the second principle of Pancasila, the view of humanity in the National Criminal Code is derived from the philosophy of the Indonesian state, where the second principle of Pancasila reads "just and civilized humanity." Humanity is interpreted as restoring lost rights to those entitled to them

The criminal justice system is essentially identical to the law enforcement system, as the judicial process is the process of enforcing the law. Therefore, it is essentially identical to the "judicial power system," as judicial power is essentially the power or authority to enforce the law. (Barda Nawawi Arief. 2012. P 42) ^[4]. Understanding of a fair and proper criminal law process also contains an inner attitude of respect for the rights of Indonesian citizens as a philosophy of just and civilized humanity as a reflection of the second principle of Pancasila, even though he is a perpetrator of a crime, his position as a human being allows him to obtain his rights without discrimination.

The logical consequence of adopting a fair and proper criminal law process is that the criminal justice system, apart from having to implement the criminal procedure law in accordance with its principles, must also be supported by the inner attitude of law enforcers who respect the rights of the community

The imposition of a sentence is inseparable from the just and civilized sense of humanity of the parties involved in the process of imposing the sentence of imprisonment. This includes the sense of justice of the judge himself, the sense of justice of the perpetrator of the crime, and the sense of justice of the victim or community harmed by the crime. Researchers will analyze the sense of humanity in the imposition of imprisonment by judges, requiring the concept of humanity in the philosophy of the second principle of Pancasila, which is relevant and directly connected to the inherent authority of judges as decision makers in the realm of criminal courts regarding imprisonment.

The theory of justice proposed by Aristotle is relevant in this study as a foundation for thinking about sentencing by judges. Aristotle defines justice as anything that is based on law or in accordance with the law, and anything that is just, wise, and honest (Aristotle, 2009, p. 81) ^[3]. So a person who is said to be fair is a person who does something based on the law (law) and acts fairly, wisely and honestly. According to Aristotle, rectification justice is correcting a mistake through a form of punishment, either voluntarily in civil cases such as: buying and selling, borrowing and lending, guarantees, etc., or by force in criminal cases such as: theft, adultery, poisoning, murder, robbery.

Aristotle said that when people are in dispute or litigation, those seeking justice turn to judges as a refuge from injustice (Aristotle, 2009.p.109) ^[3]. A person who comes to a judge seeks justice because the judge's natural function is to revive or correct the formulaic justice of the legislative assembly and find the justice that has been lost

The philosophy of Pancasila is the fundamental norm that serves as the source of all legal sources in Indonesia. The agreement that Pancasila is the source of all legal sources naturally creates the assumption that it is a perfect source of law capable of encompassing various aspects. This means that the quality of our legal products is determined by the extent to which the Indonesian people are able to interpret and understand its basic source. The placement of Pancasila as a Staatsfundamental-norm was first proposed by Notonagoro. Pancasila is seen as a legal ideal, a guiding star. This position requires the formation of positive law to

achieve the ideas within Pancasila and can be used to test positive law. (Jimly Asshiddiqie, 2008. p.11)^[8].

Based on the above phenomenon, researchers are very interested in the construction of imprisonment in correctional institutions in Indonesia, whether it has been effective in deterring criminals and how is the construction of punishment based on just and civilized humanity based on the second principle of Pancasila? (Based on the above phenomenon, researchers are very interested in the construction of imprisonment in correctional institutions in Indonesia, whether it has been effective in deterring criminals and how is the construction of punishment based on just and civilized humanity based on the second principle of Pancasila?)

Literature Reviewer

According to Hart, The definition presents the standard case of punishment as exhibiting five characteristics: a). It must involve pain or other consequences normally considered unpleasant; b). It must be for an offense against legal rules. c). It must be imposed on an actual or supposed offender for his offense; d). It must be intentionally administered by human beings other than the offender; e). It must be imposed and administered by an authority constituted by a legal system against which the offense is committed. (Herbert L. Packer, 1968, p 21)^[7]

According to Ross in Muladi, Punishment is that social response which: a). occurs where there is violation of a legal rule; b). is imposed and carried out by authorized persons on behalf of the legal order to which the violated rule belongs; c). involves suffering or at least other consequences normally considered unpleasant; d). expresses disapproval of the violator (Muladi, Barda Mawawi Arief, p.3)

According to Packer, punishment has one or both of two justificatory purposes: deterring undesirable behavior and retribution for perceived wrongdoing. But wherever punishment involves, or in whatever proportion it combines the two, the focus is on the unlawful behavior. (Herbert L. Packer 1968, p.26)^[7].

Imprisonment in Europe from ancient times until the Middle Ages was still interpreted as corporal punishment (Koesnoen, R.A, 1966, p.13)^[13] imposed in the form of oppression in a certain way under the will of the ruler as a legal reaction to anyone who committed a crime according to the definition at that time. Imprisonment sentences that were equated with corporal punishment were carried out in a cruel manner, and the person was placed in an underground room or a place like a well or other places of confinement.

Beccaria wrote *Dei delitti e delle pene* which is part of the classical school of criminal law that focuses on deeds and crimes, but opposes the death penalty because it is considered a waste of human resources and immoral. After the reaction regime, various schools of thought emerged that developed human perceptions of human rights. (Andrew Ashworth., 1991, p. 12)^[1]

The imposition of a prison sentence is the result of a punitive criminal process. Essentially, a crime is a punishment, and the sentencing process is a sentencing process. The sentencing process is part of the criminal justice process, which begins with investigation, inquiry, prosecution, and court decision. One form of court decision is sentencing. Sentencing is a crucial element because it marks the end of the entire sentencing process. According to Ashworth: "A criminal law without sentencing would

merely be a declaratory system pronouncing people guilty without any formal consequences following from that guilt (Andrew Ashworth., 1991.)^[1]. Criminal law without sentencing means declaring someone guilty without any definite consequences for their wrongdoing. Punishment is the deliberate infliction of suffering as a response to a guilty act. (Deirdre Golash, 2005, p.1)^[5]

In principle, punishment consists of intentionally increasing suffering, but intentionally increasing suffering in the form of punishment has another purpose, namely determining sanctions for violations of prohibition regulations, in order to maintain order, tranquility and peace in society. (J. M. Van Bemmelen, 1984, p.13)

According to Plato, punishment is actually good. Plato argued that a just person should not harm others, but Plato also justified punishment because punishment is not destructive but good for the person being punished/suffering. Because according to Plato, a good soul is better than a good body. The implementation of evil deeds indicates a broken soul, and the suffering caused by just punishment will convey the message of justice to the soul. Compared to medical treatment, the most unfortunate people are those who commit crimes (are sick) and are not punished (treated). (Geraldine Mackenzie & Nigel Stobbs., 2010, p.1)^[6] Therefore, punishment is carried out in the interests of the perpetrators themselves. If they do not recover, they should be executed as an example to others.

The most controversial aspect of sentencing is determining the most appropriate punishment for a crime (Mirko Bagaric., 2000, p.2)^[11]. In this regard, the judge plays a crucial role. The judge's decision determines whether a person is guilty or not. If found guilty, the judge will also determine the sentence they must serve. Therefore, the judge's role is vital not only from the perspective of the defendant but also from the perspective of the victim.

According to Michael Tony that, Sentencing generally signified a slightly mysterious process which, it was all but universally agreed, involved individualized decisions that judges were uniquely competent to make, (Michael Tonry., 1996, p.v)^[10].

Meanwhile, according to utilitarian theory, the purpose of punishment is to prevent and "reduce". Prevention here means preventing the perpetrator from repeating the act and preventing society from being harmed again by the perpetrator's actions. Reducing means that punishment will reduce the number/frequency of crime. N. Walker calls the followers of this school reducers. He states that according to reducers punishment reduces the frequency of crime in the following ways: a). Deterring the perpetrator of the crime. b). Deterring (preventing) other people who want to imitate the crime. c). Reforming the perpetrator of the crime. d). Teaching society to be more seriously sensitive to the crime (Antony Duff & David Garland., 1994, p.212)^[2]

Ideology is a strong and solid foundation for a nation to solve these problems. Ideology as a view of life for the nation is the framework for the value system that is lived and owned by society. According to philosophically the value of Pancasila is a way of life. Thus Pancasila is used as a guide in behaving and acting in all areas of life, including the fields of economy, politics, socio-culture, and defense and security. Therefore, Pancasila must be implanted or passed on to the entire Indonesian nation.

Research methods

This research, it is specific to the descriptive-analytical nature of the type of doctrinal or normative juridical

research. The research is descriptive-analytical in nature which means that this paper will describe the problems that occur with a normative analysis regarding the reform of the Indonesian criminal justice system in the future. The research approach used is the statutory and case approach. The statutory approach refers to Indonesian laws and regulations in which there are Pancasila values such as the 1945 Constitution of the Republic of Indonesia, the Law on Judicial Powers, the Law on the Prosecutor's Office. Then approach the case by looking at conditions in society regarding cases of people in conflict with the law. This research relies on secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials obtained through library research as a data collection technique, which is then analyzed using qualitative analysis techniques to get real conclusions.

The definition of law is not only from a practical perspective in society, but also from a theoretical perspective. Furthermore, this research method describes the type/typology of research, research approach, type of research data, data collection techniques, interviews with sources, data analysis techniques and research stages carried out in order to answer the problems that have been formulated. This research is a normative legal research, The method of data collection in normative legal research is carried out through library research on legal materials, including primary legal materials, secondary legal materials, tertiary legal materials, and/or non-legal materials. Searching for these legal materials can be done by reading, viewing, listening, and now, many searches are conducted via the internet.

Discussion

The values contained in each of the Pancasila principles are highly respected by the Indonesian people because they are the identity of the Indonesian nation. Pancasila, especially the second principle, teaches that the Indonesian nation can humanize humans when someone is having a problem, the solution is with fair and civilized humanity. this is inseparable from human nature as the being of God Almighty, as a social being, so the appreciation and practice of Pancasila values will be determined by humans themselves so that they can control themselves and their interests to understand their rights and obligations as citizens of Indonesia. The correctional system is an arrangement regarding the direction and boundaries and methods of fostering prisoners based on Pancasila which is carried out in an integrated manner between the supervisor, the assisted residents, and the community.

This is done to improve the quality of prisoners to be aware of mistakes, improve themselves and not repeat criminal acts so that they can be accepted back by the community, can actively play a role in the development and can live naturally as good and responsible citizens. Criminal and criminal problems in their history have always changed. The theory adopted in the prison system places the inmates as subjects and is seen as individuals and ordinary citizens, and is faced not with a background of retaliation but with guidance.

The purpose of criminalization in Indonesia must consider a theoretical framework that is truly in line with the philosophy of life of the Indonesian people based on Pancasila and the 1945 Constitution, namely basing oneself on balance, harmony, and harmony between social and individual life.

The integrative theory of the purpose of punishment is a combination of various theories of the purpose of the punishment which are considered more suitable for application in Indonesia, of course by using a sociological, ideological, and philosophical juridical approach, which is based on the assumption that criminal acts are a disturbance to the balance, harmony, and life of the community. Correctional Institutions are institutions created by the state to transform criminals or criminals into good citizens. By entering the Penitentiary a criminal gets intervention in the form of education in various fields so that after undergoing his "redemption" period it is hoped that he can return to life in the community and no longer commit acts that violate the law. Prison is a "school" so that former prisoners become new individuals who are more responsible. Counseling, mental spiritual education (religion), formal education, and skills are provided by the state to prisoners. Correctional Institutions provide the cultivation of new values or brainwashing so that prisoners can live normally according to social norms and state regulations. Providing education and skills to prisoners in correctional institutions is one of the interventions to equip them to be able to live normally again so they don't repeat their actions.

Legal science is essentially a normative science about "human and societal concepts/insights", so in the Indonesian context, "Indonesian/National Law" means normative science about the concept of social life (in) Indonesia. When associated with the term in the Preamble of the 1945 Constitution, it can be said that Indonesian Law is "a normative science regarding the concept of 'free national life' in Indonesia which contains very broad aspects, namely all aspects of social/national/state life

The development of National Law Science is closely related to the understanding and nature of "legal science" which is normative science of social relations" or "normative (reality) social relations science" so that legal science is "normative science about reality (das Sein), or "normative science of reality

The National Legal System aspires to is the Pancasila Legal System, then it is appropriate to study and develop the Criminal Law System (which contains the values) of Pancasila, namely criminal law that is oriented toward the values of "Godhead", criminal law which is "just and civilized humanity", criminal law that contains the values of "unity" (among other things: does not differentiate between ethnicity/group/religion, prioritizing common interests), criminal law imbued with "populist values led by wisdom". wisdom in deliberations" (among other things prioritizing the interests/welfare of the people, wisely/deliberative/family conflict resolution), and criminal law that has "social justice".

This is a big problem that is challenging and has not been resolved. 4 The development of a national legal system (criminal law) must be rooted in the noble values of Pancasila which are contained in Pancasila so that it is in accordance with the spirit of the nation Laws that grow and develop from society by integrating noble values in society, in turn, will be able to give birth to laws that are aspirational and accommodative in accordance with the mainstream of society The effort to renew the Criminal Code is motivated by the history of Dutch colonialism in Indonesia. In the past, the Netherlands imposed its country's Criminal Code on its colonial countries, including Indonesia (formerly known as the Dutch East Indies)

As a legacy of colonialism whose implementation was forced on Indonesia, the Criminal Code is currently felt to be incompatible with the spirit of the Indonesian nation and needs to be reformed. In order to have a criminal law that is in accordance with the characteristics of the Indonesian nation, Muladi is of the opinion that the renewal of material criminal law needs to pay attention to the operational characteristics of material criminal law in the future. For example, material criminal law must be structured within the framework of a national ideology; paying attention to aspects related to the human condition, nature, and Indonesian traditions; able to adapt to universal tendencies that grow in the association of civilized society; think about preventive aspects; and must be responsive to developments in science and technology in order to increase the effectiveness of its function in society.

Various reforms to the maximum amount of fines in the Criminal Code have been carried out several times, but this has not made fines free from criticism. The maximum limit for the determination of fines which is carried out partially and the absence of certain patterns indicates that the purpose of reforming fines is unclear and does not have a clear philosophical basis and guidelines. In addition to the main punishment, the Criminal Code also recognizes additional punishments, namely crimes that add to the principal sentence imposed.

This crime cannot stand alone, except in certain cases such as confiscation of certain items. This additional sentence is optional, meaning that it can be imposed, but does not have to. The development of criminal sanctions in Indonesia raises questions about the nature of punishment.

As a nation that has a Pancasila philosophy, criminal sanctions must be carried out using the Pancasila perspective to formulate what is good and right for the people of Indonesia. Various reforms to criminal sanctions in Indonesia have never been separated from controversies that have been influenced by developments in humanity, especially regarding the renewal of criminal sanctions proposed in the 2012 Criminal Code Bill.

As a nation that has Pancasila as its philosophy of life, criminal sanctions are part of the criminal law system which cannot be separated from it of the Pancasila-oriented national legal system which contains a balance between religious morals (divinity), humanity (humanistic), nationality, democracy, and social justice. Therefore, in renewing criminal sanctions, it is necessary to study and explore values.

Position of Pancasila in the Renewal of Sanctions Goodness can only be realized if there is human love for each other, and this love will only be realized if there is justice. Conditions of justice will be formed if there is a law that will be a means for administering love to others. Thus, the law should be based on reason. If the law is structured so that it can bind human actions, the law must be fair and guide humans toward the ultimate goal, namely goodness.

In the relationship between social interaction and the enactment of the law, there is a tendency to defend oneself, a tendency to live in a society, a tendency to obtain the truth, and a tendency to act based on reason's decisions. The four forms of enforceability of the law are very relevant to the essential characteristics of Pancasila which by nature places humans as creatures of the one God who aspires to human existence, as creatures who unite with their environment based on a sense of brotherhood, and as

creatures who must live together and will to create social justice for the people of Indonesia. Indonesia as a system contains a collection of different people, but one because of its unity by eliminating ethnic, religious, racial, and inter-group differences in various aspects.

Pancasila is the ideology (belief) of the Indonesian nation that wants Indonesian people to be Godly, and humane, unite people with their humanitarian ideals, converse with other humans, and be fair as the basis for ideals of justice. It is Pancasila that can be the benchmark for being called a "complete Indonesian human being". The essence of law according to Pancasila for the extended family of the Indonesian nation is a law that is Godly, humane, prioritizes the unity and glory of Indonesia, is democratic, and of course fair. In addition, Pancasila is an ethic that is a benchmark for being called a "complete Indonesian human being".

A complete Indonesian human being is a human being who fulfills his Indonesian laws. This Indonesian law also guides the Indonesian people in behaving and acting, both towards each other and their environment. In line with the development of human civilization, law is not static, but dynamic in nature which is continuously influenced according to the needs and wishes of society.

An appropriate legal system in Indonesia is a legal system that is based on the values of life and culture of the Indonesian nation, namely Pancasila which the founding fathers have determined as the basic philosophy of the nation and state. Thus, the order of the national legal system must refer to the legal ideals of Pancasila. Several legal experts gave their opinion regarding the characteristics of the national legal system based on Pancasila.

The national legal system that is in accordance with the values that live in Indonesian society is the national legal system based on Pancasila which includes the following values: a. Belief in the one and only God The formation of law in Indonesia must be based on divine or religious values. In addition, the law must guarantee freedom of religion and must not prioritize one religion and exclude other religions. b. Just and civilized humanity Every law formation must have guarantees and respect for human rights. c. Unity of Indonesia Law must pay attention to the unity and integrity of the nation and state. The formation of law must not trigger division (disintegration) of the nation and state. d. Democracy led by wisdom in representative deliberations The formation of law must be based on democratic values that involve all elements in the country, including the government, legislature, and society. Social justice for all Indonesian people. The formation of national law must aim to provide justice and welfare for all Indonesian people.

A legal system based on Pancasila can provide a balance between conflicting values in society. The legal system must be able to provide balance points in the state's efforts to carry out development which changes very quickly and will eliminate the old balance, both in relations between individuals and groups in society. In addition, the national legal system will create legal harmonization and eliminate legal system pluralism so that a harmonious national legal system in the sense of harmony, balance, and consistency, and avoiding conflicting legal norms with other legal norms can be formed.

Concepts and Forms of Criminal Sanctions in accordance with the Philosophy of Pancasila and Its Prospects in the

Reform of the Penal System in Indonesia. Philosophy of Benefit Punishment John Andenaes was supported by John Andenaes who stated that punishment must be able to have benefits in the form of preventing the perpetrator from committing a crime (special preventive), preventing the general public from committing a crime (general preventive), and giving effect to strengthening morale. society and encourage law-abiding behavior. Another opinion states that punishment aims to frighten (deter) the perpetrators of crimes. This goal is given so that perpetrators are deterred from committing crimes, to the community so that other people are afraid to commit crimes and to long-term goals so that harmony in people's lives can be maintained. The concept of punishment is conveyed through the concept of restorative justice which places a higher value on the direct involvement of the parties. Victims are able to restore an element of control, while perpetrators are encouraged to assume responsibility as a step in correcting the wrongs caused by the crime and in building their social value system. Active community involvement strengthens the community itself and binds the community to values of respect and mutual love between people. The government's role is substantially reduced in monopolizing the judicial process today. Restorative justice requires cooperative efforts from the community and government to create conditions where victims and perpetrators can reconcile conflicts and repair their wounds. Restorative justice returns conflict to the parties most affected, such as victims, perpetrators, and the interests of their communities, and gives priority to their interests. Restorative justice also emphasizes human rights and the need to recognize the impact of social injustice and in simple ways to restore rather than simply giving perpetrators formal or legal justice and victims not getting any justice. Restorative justice also seeks to restore victims' security, personal respect, dignity, and more importantly, a sense of control. The various purposes of punishment stated above are not written in the Criminal Code but implicitly convey several purposes of punishment. The Criminal Code states that the judge considers aggravating circumstances (giving convoluted statements, not regretting his actions, and being absent) and mitigating circumstances for the defendant (the defendant is young, polite in the trial process, admits and regrets his actions, and has never been convicted before). Post-independence Indonesia has a Pancasila philosophy so the purpose of punishment must be adjusted by prioritizing the principles of punishment in the view of Pancasila philosophy which is carried out in accordance with the culture adopted by the Indonesian people by paying attention to the following principles. 1) Recognition of humans as creatures of God Almighty so that the form of punishment may not conflict with religious beliefs or beliefs held by the people of Indonesia. Punishment against a person must be directed at awakening the faith of the convict so that he can repent and become a human being of faith and obedience. In this case, sentencing must function as a mental development of the convicted person and transform the convict into a religious person.

Conducting humanitarian activities humans are individual and social creatures. It is a basic requirement for every human being to interact with other humans. Likewise, with prisoners, officers must meet the needs of prisoners to socialize. The following is the description of ES (Coaching Staff) related to humanitarian activities that are often

applied in fostering the attitudes and behavior of prisoners in the mentoring phase: "We usually do social activities both inside and outside prisons. We give priority to social activities in (Lapas) because there are several considerations from a security perspective. So with them socializing between prisoners, with officers, and with several sources is enough and easier in terms of supervision. "

Social activities that are implemented by officers are more directed to the guidance in prisons. This is by what was conveyed by HT (Prisoners) that: "Social activities here are cleaning the mosque because when entering the 2/3 period, on average they follow the integration program. So based on PP. 99 of 2012, which is prisoners must recite for religion as a condition of assimilation. There is no assimilation outside, everything is inside. " Humanitarian activities in fostering attitudes and behavior have gone well where these activities aim to shape the value of cooperation and cooperation in humanity.

There are several activities implemented, namely internal and external prison social activities (cooperation with external parties). However, based on information from several sources, social activities, especially for assimilation, are only applied in prisons, by bringing third parties into prisons.

Conclusion

Basically, the development of national law is to carry out legal reconstruction so that it is in accordance with the soul or personality of the Indonesian nation, as well as in an effort to keep abreast of developments in society and science and technology. Therefore, the development of national law should be based on values that live in society, which are believed to be true and binding on society, meaning that they become guidelines in life. Pancasila values because the values of Pancasila are actually the crystallization of religious values and customary values which are believed to be true by the Indonesian people and become a way of life. The meaning of the concretization of Pancasila values really needs its role in law enforcement so that it really becomes the means of development and renewal of society that we hope for and can uphold the law as implied in the full content of Pancasila. The condition of the Indonesian criminal justice system which has not yet achieved a sense of community justice has made the law enforcement system seen by the public no longer as a place for seekers of complete justice. For example, the imposition of a guilty verdict on Asyani's grandmother is a manifestation that the criminal justice system has not yet achieved a sense of justice for society and is considered unable to apply the values contained in Pancasila, especially human values. In terms of reforming the Indonesian criminal justice system in the future, a change is needed in the Indonesian criminal justice system that is oriented towards the 1945 Constitution of the Republic of Indonesia and Pancasila values starting from the structural sub-system, the substantial sub-system, and the cultural sub-system.

Imprisonment in a correctional institution remains the most dominant sanction imposed by judges in the Indonesian criminal justice system. From an effective perspective, imprisonment serves two purposes: community protection and the correction of the offender. The correction of the offender aims to prevent, reduce, or control criminal activity, and restore social balance. The correction of the offender aims to rehabilitate and reintegrate the offender into society, protecting them from unlawful abuse.

The implementation of Pancasila values which is manifested is the second principle, namely a genuine and civilized humanity. Fair and civilized human values are an achievement of the awareness of moral attitudes and human behavior based on individual human potential. As it ensures the stability of the necessities of life, the balance between personal life and life together.

Imprisonment in a correctional institution not only brings negative impacts while a person is serving his sentence, but these bad effects can also be experienced again after he is released from the correctional institution. The bad effects outside the correctional institution include rejection by the community after a convict is released from the correctional institution. This rejection from the surrounding community actually comes from the former convicts themselves who feel proud.

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