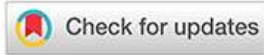


CRIMINOLOGICAL REVIEW OF RECIDIVISTS IN THEFT CRIMES AT CLASS IIB TASIKMALAYA PENITENTIARY



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ABSTRACT

This article discusses the implementation of Article 14, Paragraph 1, Letter (C) of Law Number 12 of 1995 concerning corrections in efforts to prevent recidivism of theft cases in Buleleng Regency. This research is essential for understanding the effectiveness of correctional policies in reducing recidivism rates, particularly among theft offenders. Using a qualitative approach, this study identifies the factors influencing the success of rehabilitation programs carried out in correctional institutions. The findings indicate that comprehensive rehabilitation strategies, including education and vocational skills, significantly impact the social reintegration of inmates after completing their sentences. The study also outlines the challenges in implementing this law, which include a lack of community support and limited available resources. This study recommends strengthening cooperation between correctional institutions and the community, as well as the importance of tighter supervision of released inmates to prevent them from re-engaging in criminal activities.

Keywords: Recidivism; Corrections; Prevention



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INTRODUCTION

The Correctional Institution (Lembaga Pemasyarakatan) is an institution that functions to execute prison sentences while providing rehabilitation and protection to society. The Correctional Institution is the final part of the criminal justice system, where inmates serve their sentences after going through the trial process. In each country, the type and level of security of correctional institutions may vary, depending on the applicable legal policies. In Indonesia, the Correctional Institution is divided into several types, including Child Correctional Institutions, Women's Correctional Institutions, Open Correctional Institutions, and Correctional Institutions with varying security levels, from minimum to maximum. These types are adjusted to the rehabilitation and security needs, but the aim remains the same: to provide a fair punishment while preparing inmates to reintegrate into society.

The Correctional Institution is regulated by Law Number 22 of 2022 concerning Corrections, which emphasizes that the Correctional Institution is not just a place to serve sentences, but also to carry out rehabilitation functions for inmates. The execution of sentences in this institution is not intended as a form of revenge or isolation, but to give inmates the opportunity to improve themselves. This rehabilitation is expected to help inmates restore their lives and prepare to return to society with better attitudes and behaviors. In this context, the Correctional Institution aims not only to enforce the law but also to be a place where rehabilitation and recovery are important aspects. Inmates, according to Law Number 22 of 2022, are individuals serving prison sentences for a certain period, life imprisonment, or the death penalty. This definition aligns with the definition in the Indonesian Dictionary, where an inmate is an individual serving a sentence for committing a crime. Inmates have gone through a complete legal process, from investigation and trial to finally receiving a verdict. After that, they are placed in the Correctional Institution to serve the sentences set by the court. The conditions of inmates in the Correctional Institution vary significantly depending on the type of crime committed.

In Indonesia, inmates often come from various crime backgrounds, such as drug crimes, corruption, terrorism, and theft. Each category of crime presents its own challenges in rehabilitating inmates. For example, inmates involved in drug cases may require different rehabilitation programs compared to those convicted of theft. Therefore, the Correctional Institution must be able to adjust its rehabilitation programs to be relevant to the needs and situations of the inmates. Along with the development of times, various new problems need special attention, especially theft, which increasingly occurs in various areas, such as in Tasikmalaya City. This crime reflects the need for more effective rehabilitation in the Correctional Institution, so that involved inmates can truly change and not repeat their mistakes after being released. Crimes like theft are often caused by economic and social factors, which must be addressed through a more comprehensive approach in the Correctional Institution, both in terms of moral rehabilitation, skills, and economic empowerment of inmates. Ultimately, the primary goal of the Correctional Institution is to create a balance between enforcing justice and providing rehabilitation opportunities, so that inmates can improve and become useful members of society in the future.

Data from Open Data of Tasikmalaya City shows a significant upward trend in theft cases between 2020 and 2023. In 2020, there were 58 theft cases, which decreased to 52 cases in 2021. However, this number skyrocketed in 2022 to 225 cases and continued to rise to 307 cases by the end of 2023. This reflects weaknesses in economic and security aspects in Tasikmalaya City. As a consequence of criminal actions, perpetrators will

ultimately be tried and serve their sentences in the Correctional Institution, where they undergo rehabilitation for reintegration into society. Inside the Correctional Institution, inmates live limited lives with strict routines. The goal of the correctional system is to reintegrate inmates into society, not just to retaliate for their criminal actions. However, challenges in this system are evident from the high rates of recidivism, which is the return of former inmates to commit crimes after being released.

Recidivism highlights weaknesses in the rehabilitation process in the Correctional Institution, especially in theft cases. National data indicates that in 2019, there were 22,132 recidivist inmates, increasing to 23,382 in 2020. In 2021, this number decreased but rose again to 20,066 in 2022. A significant decline occurred at the end of 2023, with the number of recidivists dropping to 13,730. However, despite this decline, the rate of recidivism in theft remains a significant problem, particularly in the Correctional Institution Kelas IIB Tasikmalaya. Factors such as lack of job opportunities, social support, mental health issues, and the effectiveness of rehabilitation programs contribute to the high recidivism rate. This research aims to understand the factors causing the high rates of recidivism in theft cases and seek solutions to improve rehabilitation programs in the Correctional Institution.

LITERATURE REVIEW

The research conducted by Artha et al. (2022) discusses the effectiveness of rehabilitation for juvenile offenders of theft at the Class II Special Child Correctional Institution in Palu. The results indicate that the rehabilitation program at the institution has not been effective. Several challenges faced include the low education level of the juveniles, lack of skills, and insufficient quantity and quality of rehabilitation officers. The study recommends that rehabilitation be made more effective by giving more serious attention to the rehabilitation process, providing specialized training for officers, and offering better character education for juveniles. The rehabilitation program at this institution includes personality development, religious awareness, legal education, nationalism, and enhancing intellectual, physical, and independence skills of the juveniles. The rehabilitation process begins with a one-month observation period, during which juveniles are placed in separate rooms based on recommendations from the institution, considering factors such as age, gender, criminal offense, and detention status. After the observation period, hearings are conducted to determine further rehabilitation strategies. The research also notes that in this institution, juveniles are not only involved in theft but also in other offenses such as robbery, rape, and drug-related crimes. Unfortunately, there is a trend of increasing cases of repeated offenses (recidivism) among juveniles, indicating that the rehabilitation program has not been fully successful. This study emphasizes the importance of improving the quality of rehabilitation to reduce the rates of repeated offenses among juveniles.

The research by Pande et al. (2022) discusses the implementation of Article 14 Paragraph 1 Letter (c) of Law Number 12 of 1995 concerning Corrections in preventing recidivism in theft cases in Buleleng Regency. The findings show that the implementation of inmates' rights at the Class IIB Singaraja Correctional Institution has not been optimal, as evidenced by the high rates of recidivism, particularly in theft cases. Efforts to prevent recidivism are carried out through education and guidance, which include personality development and fostering independence among inmates. However, the implementation has not been effective, especially due to the increasing number of inmates, overcrowding, and the impact of the Covid-19 pandemic that has led to increased criminal activity in Bali, including Buleleng. This research recommends increasing the number of staff in the

correctional institution and intensifying preventive measures. The correctional institution needs to function as a place of rehabilitation, not merely as a residence. Additionally, comprehensive improvements in the implementation of rehabilitation are needed to assist in the reintegration of inmates into society and prevent further recidivism. Collaborative efforts between the community, government, and law enforcement are also crucial for the successful prevention of theft recidivism.

The study by Johari et al. (2022) examines the effectiveness of rehabilitation for repeat offenders at the Class IIB Wonosobo Correctional Institution from a criminological perspective. This research highlights various factors that contribute to recidivism, such as environment, economy, family, habits, and low education levels. Both sociological and psychological criminological approaches are used to understand the behavioral patterns of offenders and the role of rehabilitation. Findings indicate that economic factors are a primary driver for recidivist inmates to re-offend. Furthermore, interactions among inmates in prison also influence their behavior, sometimes leading them to commit more serious crimes. To address the issue of recidivism, the rehabilitation methods at the Wonosobo Correctional Institution include physical, independence, and spiritual rehabilitation. This rehabilitation program needs enhancement through a values-based approach, such as Pancasila, as well as religious motivation to increase the inmates' piety. This research employs an empirical legal approach using primary and secondary data. The authors recommend improvements in the rehabilitation program, as well as increased motivation and spiritual support for inmates to prevent the recurrence of criminal offenses.

The routine activity theory, developed by Lawrence E. Cohen and Marcus Felson in 1979, posits that criminal tendencies are seen as inevitable (Cohen and Felson, 1979), assuming that there is no shortage of motivation available to all social actors to engage in unlawful actions. While they do not deny that motivation can be triggered by social, economic, and other structural factors, they assert that such inducements do not provide sufficient conditions to actually follow through on tendencies toward unlawful activities. Routine activity theory is generally regarded as consistent with the view that individuals freely choose their actions based on anticipatory calculations of the benefits or rewards they expect from their chosen actions. According to Bennett in Cohen and Felson (1979), although routine activity theory demonstrates considerable strength regarding property crimes (which are oriented toward material and economic gains), it is much weaker in relation to expressive crimes, such as interpersonal violence.

According to this theory, crime occurs when there is a convergence of three key elements: a willing offender, a suitable target, and the absence or weakness of guardianship. In the case of theft, offenders seek opportunities to take items that are inadequately protected and have the chance to escape without being caught immediately (Cohen and Felson, 1979).

METHOD

In the development of knowledge, research plays a crucial role in advancing understanding. Other studies also explain that the most important position in the realm of knowledge is research, which is used to protect and develop against extinction (Bungin, 2001). Therefore, it can be concluded that enhancing knowledge is vital for research to remain current, sophisticated, and beneficial for society.

The method applied in this research is a qualitative approach. The qualitative approach refers to a research process that generates descriptive data in the form of written or spoken words, as well as observable behaviors. This approach focuses on the

context and individuals as a whole (Taylor, 1982). Additionally, it aligns with the concept that qualitative research is a distinctive approach in the social sciences that heavily relies on direct observation of individuals in their own context and interactions with those individuals using the language and terminology employed in their environment.

RESULTS AND DISCUSSION

Factors Contributing to Recidivism in Theft

Recidivism in theft is a complex phenomenon where an individual who has been punished for theft commits a similar crime again. This raises questions about the effectiveness of the correctional system and rehabilitation. The causes of recidivism can be distinguished into internal and external factors. Internal factors include personal motivations, low education levels, and individual character, while external factors encompass socio-economic gaps and a less conducive environment (Salamor, 2021). The social environment, such as associating with deviant individuals and lack of family supervision, also contributes to recidivism.

Sanctions in Indonesia often only create shame rather than deterrence. As a result, many offenders repeat their crimes and become recidivists. The relatively light punishment system often fails to provide a strong enough effect to prevent offenders from reoffending. In the Indonesian Penal Code (KUHP), recidivism is regulated in Chapter XXXXI, specifically Articles 486-488, which state that an individual is considered a recidivist if, after serving a sentence, they commit another crime. The lack of strict punishment and unfavorable socio-economic conditions are the main reasons why recidivist offenders continue to commit crimes.

Researchers have identified several factors that lead to reoffending (recidivism) among former inmates, including:

1. Economic Factors

Economic factors have a strong correlation with the likelihood of criminal acts, especially among recidivists. Based on interviews with a recidivist inmate, economic inability often drives them to commit crimes again due to urgent life needs. The lack of employment and income sources forces them to resort to crime as a means of meeting daily needs. Moreover, economic instability often exacerbates the mental and emotional condition of former inmates, increasing the pressure and stress they experience. When they lack access to decent jobs or social support, feelings of despair and frustration can trigger the decision to become involved in criminal activities again. This highlights the importance of improving economic conditions and creating better job opportunities as critical components in efforts to prevent recidivism. Effective rehabilitation programs should include skills training and assistance in job seeking to help former inmates rebuild their lives positively and sustainably.

2. Environmental Factors

Environmental factors play a crucial role in the likelihood of reoffending (recidivism). Interviews with recidivist inmates reveal that they become involved in criminal activities again due to peer influence, whether through direct invitations or traps. A non-supportive or high-risk environment can trigger criminal behavior, as individuals in such conditions are more susceptible to influence and fall back into crime. Additionally, a negative environment often creates situations where individuals feel pressured or isolated, increasing the likelihood of their involvement in illegal activities. The lack of social support and

negative influences from those around them can lead former inmates to return to a criminal path. To address this issue, it is essential for rehabilitation programs and crime prevention policies to focus on improving social environments and building supportive communities, as well as providing appropriate guidance to help former inmates adapt to positive environments.

3. Family Factors

The family plays a crucial role in an individual's life, especially regarding education and the formation of fundamental values. In the context of recidivism, the family is vital in preventing reoffending. The family serves as the primary environment for former inmates; harmonious relationships and family support can reduce their tendency to engage in crime again. Furthermore, emotional support and guidance from family members can help former inmates feel more accepted and valued, which can, in turn, strengthen their motivation to change. A stable and loving family can provide positive encouragement and opportunities for rebuilding a better life. Therefore, rehabilitation and recidivism prevention programs should involve family support as an integral part of the reintegration process, enabling former inmates to adjust more easily and avoid reverting to criminal behavior.

Efforts to Prevent Recidivism in Theft

To prevent recidivism, the Correctional Institution and the Directorate General of Corrections provide guidance to inmates. This guidance aims to equip inmates with specific skills. The hope is that through this training, inmates will gain the independence and personal development necessary to thrive after their release from prison. The ultimate goal is to prevent inmates from reoffending.

In addition to the Corrections program, the Directorate General of Corrections also provides direction regarding inmate rehabilitation. This is accomplished through supervision and continuous reminders for inmates to engage in worship, participate in all activities within the facility, and adhere strictly to the existing regulations. All these efforts aim to ensure that the experiences of inmates in prison serve as valuable lessons, preventing them from repeating their criminal behaviors. The training pattern involves dividing inmates into several groups, ensuring that all receive fair treatment and equal rights in their rehabilitation. The Corrections program offers training from the basics until the inmates can fully understand the material. They also provide personality development training for all inmates.

According to information from informants, inmates have utilized the existing training opportunities. The presence of this training is hoped to be a crucial effort to prevent recidivism among inmates. The types of training they receive include personality development, barista skills, religious study sessions, and weaving. The religious study sessions serve as a component of personality development, where inmates are taught and receive lectures during these gatherings, often led by religious leaders.

The Corrections program emphasizes that the purpose of these training sessions is to prevent further violations by inmates. Within the facility, inmates receive two types of training: personality development and skills training. Personality development aims to provide spiritual guidance to inmates, encouraging feelings of remorse for their past actions to prevent future offenses. Meanwhile, skills training is intended to equip inmates with talents that will be useful upon their reintegration into society, as they will have acquired certain skills learned while incarcerated.

Social factors within the prison also directly influence inmate behavior. However, according to inmate informants, the environment in the prison is relatively peaceful. Inmates respect one another and perceive their fellow inmates as allies in their struggles. They have good relationships with other inmates, and they also maintain positive interactions with prison staff. This supportive environment helps keep them on a straight path. Their social interactions differ significantly from those outside of prison, where they often associate with individuals with poor character or criminal records.

The social factors within the prison directly influence inmate behavior. However, inmate informants reported that their environment in the prison is relatively peaceful. Inmates show mutual respect and consider each other as comrades in their struggle. They have good relationships not only with other inmates but also with the prison staff. This positive atmosphere encourages them to remain on the right track. Furthermore, their social circles within prison are markedly different from those outside, where they often find themselves surrounded by individuals with negative traits and criminal backgrounds (Rosyid et al., 2018).

Findings from the Study on Recidivism Among Inmates at Lembaga Pemasyarakatan Kelas IIB Tasikmalaya

The findings from this research indicate that routine activities play a significant role in the behavior of inmates at Lembaga Pemasyarakatan Kelas IIB Tasikmalaya. Many of the recidivist offenders engaged in theft, including stealing mobile phones, motorcycles, laptops, and even committing robberies. Economic factors are a major reason behind these individuals' recidivism. Limited financial resources compel them to resort to illegal means to acquire money, which they need to support their daily lives and families, as they are often the breadwinners. Additionally, many inmates resort to theft due to unemployment. This directly correlates with the willing perpetrator element in the routine activity theory, which suggests that those willing to commit crimes often have personal drives prompting them to do so (Cohen and Felson in Andresen & Ha, 2017). This need is usually driven by economic demands for personal fulfillment (Andresen & Ha, 2017).

Further findings revealed that inmates vividly recall the chronology of their actions before committing recidivist acts. Prior to theft, offenders observe their target locations for several days to identify suitable opportunities. The most frequently targeted areas are those that are isolated and have low foot traffic. According to testimonies from the offenders, such locations facilitate their criminal activities. They also search for the right timing to reach their victims. Some inmates even carry sharp weapons and resort to violence against their victims. This monitoring is crucial to identify easily accessible targets for theft without witnesses observing their actions. This aligns with the easy target element of the routine activity theory presented by Cohen and Felson in Andresen & Ha (2017). Easy targets are defined as appealing opportunities for offenders to access valuable items or vulnerable individuals for their criminal activities (Andresen & Ha, 2017).

The selection of specific locations and times demonstrates a lack of effective oversight in those areas. The findings of this study show that inmates deliberately seek out deserted places devoid of activities. One offender even set criteria for easily accessible victims, such as targeting individuals riding motorcycles at a slow pace, making it easier for them to execute their thefts. As noted above, the offenders also observe locations before executing their crimes. This indicates a weak protective presence in the environments where these recidivist acts occur. According to Cohen and Felson in

Andresen & Ha (2017), weak guardianship is characterized by the absence of individuals or groups capable of preventing related crimes, such as a lack of security personnel, inadequate security systems, and the absence of bystanders monitoring the area.

In-depth analysis also revealed that Lembaga Pemasyarakatan Kelas IIB Tasikmalaya provides personality development and independence training. According to inmate informants, the presence of these two types of training enhances their awareness of their behavior. Through personality development training, offenders become more diligent in worship, frequently attend sermons, and consistently participate in religious studies. This involvement helps them feel that the lectures and religious activities purify their hearts. Independence training, on the other hand, involves inmates participating in vocational training classes. The classes offered include barista training, weaving, and digital marketing. The purpose of this independence training is to equip inmates with skills that will be beneficial to them upon their release, allowing them to seek employment or even start small businesses to support themselves and their families. The findings align with the routine activity theory, highlighting the efforts made by inmates to avoid recidivism and prevent themselves from engaging in criminal activities (Cohen & Felson, 1979).

CONCLUSION AND SUGGESTION

This study aims to identify the factors contributing to recidivism in theft and the prevention efforts at Lembaga Pemasyarakatan Kelas IIB Tasikmalaya. Utilizing the routine activity theory by Cohen and Felson (1979), the research examines the behavior of recidivist thieves within the institution. The routine activity theory explains that crime occurs when three elements converge: a willing perpetrator, an easy target, and weak guardianship.

The findings reveal that recidivist thieves often choose isolated locations for their actions, as they perceive these areas as conducive to crime. Before committing theft, offenders typically identify easy targets. However, if targets are difficult to access, they do not hesitate to resort to violence. Additionally, the weak oversight in deserted environments further increases the opportunities for criminal activities.

The study also indicates that recidivist inmates express remorse for their actions and strive for self-improvement while incarcerated. Lapas Kelas IIB Tasikmalaya offers personality development and independence training programs. The personality development program helps inmates improve their attitudes and address personal issues, while the independence training provides skills that will be beneficial upon their reintegration into society.

Furthermore, the inmates maintain good relationships with fellow inmates and staff, demonstrating their commitment to change. The prison plays a vital role in assisting inmates in preparing for their return to society through supportive development programs and ongoing social reintegration efforts.

Recommendations for the Class IIB Correctional Facility in Tasikmalaya include the addition of more diverse independent skills training classes beyond weaving, barista training, and digital marketing, as well as providing counseling education involving psychiatrists to help understand the psychological needs of the inmates. Inmates are encouraged to take all training seriously to better integrate into society after their release and secure suitable employment according to their interests. The community is urged to conduct regular patrols in quiet areas involving volunteers and local residents. Individuals are also advised to be more cautious while driving or carrying belongings to avoid becoming victims of theft. Future research could examine recidivism using

criminology theories or quantitative approaches to explore the influence of elements of routine activity theory on the desire to commit theft.

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