

Empowerment of the Prisoners (WBP) through a Partnership Model between Government and Private Actor

(Case Study of Corporate Social Responsibility Program
PT. Holcim Indonesia Tbk Cilacap Plant in Nusakambangan)

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Abstract

The objectives of this research would be defined as follows: (1) To describe the implementation of the empowerment of the prisoners in Nusakambangan before the partnership program of Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant is executed. (2) To identify the implementation of the empowerment of the prisoner between government and private actor through Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant in Nusakambangan. (3) To Develop some alternative models for the empowerment of the prisoners through partnership programs between government and private actor especially by implementing Corporate Social Responsibility program in an effort to optimize the empowerment of the prisoners in the future. The research was conducted through a case study approach in PT. Holcim Indonesia Tbk. Cilacap Plant and some prisons that are located in Nusakambangan. This Research used 61 research informants. Data were collected by interviews, focus group discussions, observations and documents study. The validity of the data is checked through a deeper observation, increasing persistence, method of triangulation and triangulation of data sources were then all analyzed with an interactive model. As the Data support, researchers conducted questionnaires to prisoners and prison officers at Nusakambangan. The results showed: (1) The empowerment of prisoners in Nusakambangan before the implementation of the partnership program of Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant is still less than optimal. (2) The implementation of empowerment programs between government and PT Holcim Indonesia Tbk Cilacap Plant in Nusakambangan is positively perceived by stakeholders, both inside and outside stakeholders, although it still requires some improvement in its implementation. (3) A sustainable collaborative partnerships between government with the private sector to optimize the issue of empowerment in the future is directed to (a) Strengthening the Partnership, (b) Strengthening the Implementation Stages of CSR, (c) Strengthening the Empowerment Development. Suggestion to the government. It is believed that the power of government in making policy playing a paramount importance to obtain he opportunity of CSR program. Moreover, government should seriously consider to renew the structure of ministry of law in terms of institutions that deals with this issue. The suggestion is also addressed to the improvement of the quality of the officers. It should be considered that the quality of the officers play important role in facilitating an effective empowerment. Suggestion to private actor CSR program that is concrete and sustainable shall be implemented by the private actor to support the empowerment running effectively. Suggestion to the society Negative stigma that attached to the prisoners in some circumstances can influence the involvement of the society in the empowerment program. That is why, society is expected that the society can give an opportunity to them to contribute themselves in social interaction when they have already finished their punishment.

Keywords: Empowerment, inmates (prisoners), partnerships, Corporate Social Responsibility (CSR)

1. Introduction

Prison is a sub-institution of the criminal justice system which has a strategic function for the execution of the imprisonment as well as a place for the empowerment of the prisoners, hereinafter in this research will be referred as WBP (prisoners), it is in accordance with Law No. 12 Year 1995. According to Parsons et al., in Mardikanto (2010), empowerment is a process to encourage someone to participate in variety events of their lives. Empowerment emphasizes that people gain enough skills, knowledge and power to affect and influence his life and the life of others.

The function of the correctional system is to prepare the prisoners (WBP) to integrate with the society, so they can replay their role and function as the member of a society, that is free and responsible. In this case, integration means a fully restoration of the relationship between WBP and the society (Article 3 of the Law No.12/1995). Correctional process is a process that must be passed by each WBP from their entry until their criminal sanction is over.

Furthermore, some problems in the prison such as overcapacity have occurred up to 45% (Setiyawan, 2008). Data from March 2013 of Ditjenas shows the number of prisoners in prison in Indonesia has reached 49% (www.smslap.ditjenpas.go.id). Stratification also happens to prisoners in the prisons. Stratification is determined by social and economic status, physical strength or due to a group of certain of skill (Windiasih, 2001).

The room for prisoners who violate the regulations has an approximate size of 2 x 2.5 meters and does not have an adequate facilities and clean water. The bed facilities are similar with those in WBP that is in the form of floor which is elevated to a height of 70 cm, width of 1 meter and 2 meters long. This beds are used in the most of the prisons in Indonesia and according to Asia Watch report, it can lead to cause an injury to the prisoners (An Asia Watch Report ; 1990).

Actually, the officers of the prison have already had enough educational background, but in some circumstances, most of them do not come from some specific expertise that are needed in the prison, such as Doctors, Psychologists, Bachelor in religious science, and Psychiater. Moreover, the facilities such as seminars and training to improve the quality and skills of the officers are also limited in number, most of them are caused by limitation of fund (Windiasih, 2002).

For five years (2005 - 2010), morbidity and mortality of the prisoners with HIV continues to rise, and until now there has no sufficient state budget that specifically addressed to solve the problem of HIV / AIDS in the prison, (Reuters, February 23, 2012). This significantly creates and causes some negative impacts that lead to the failure of the aim of the imprisonment. (Setiyawan, 2008).

The system of the Empowerment of the prisoners will determine the results and it nowadays the system is not effectively implemented. To overcome the problem mentioned above, the partnership between government and the private actor may become an option in order to implement the empowerment of the prisoner. But, the data says that the cooperation from private actor are still limited in numbers.

Furthermore, The Law No. 40 of 2007 on Limited Liability Company Article 74 which states that it is required for any company that carries on business in the field of or relating to natural resources to fulfill its social responsibility and the environment or in the community which is known as Corporate Social Responsibility (CSR), which is then followed by the issuance of PP 47 in 2012.

PT. Holcim Indonesia Tbk Cilacap plant is one business actor that concern with the surrounding environment through its company's CSR program. PT Holcim Indonesia Tbk Cilacap Plant, in 2010 has a program for empowerment of the prisoners in Nusakambangan island, which is one form of partnership between government and the private actor.

In the process of empowerment program for the prisoners in Nusakambangan, PT Holcim Indonesia Tbk Cilacap Plant facing some problems, it includes the lack of infrastructures, limited human resources (HR), insufficient funding and obstacles in maintaining the relationship with stakeholders such as the Ministry of Justice and local Government.

Based on some description mentioned above, it needs to be done a deep understanding and research about the empowerment of the prisoner through the partnership between government and PT Holcim Indonesia Tbk Cilacap Plant.

2. Objectives of the Research

- 1) To describe the implementation of the empowerment of the prisoners in Nusakambangan before the partnership program of Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant is executed.
- 2) To identify the implementation of the empowerment of the prisoner between government and private actor through Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant in Nusakambangan.
- 3) To Develop some alternative models for the empowerment of the prisoners through partnership programs between government and private actor especially by implementing Corporate Social Responsibility program in an effort to optimize the empowerment of the prisoners in the future.

2.1 The Questions the Research Attempts to Answer

- 1) How is the implementation of the empowerment of the prisoners in Nusakambangan before the partnership program of Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant is executed.
- 2) How is the implementation of the empowerment of the prisoner between government and private actor through Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant in Nusakambangan.
- 3) How are the alternative models for the empowerment of the prisoners through partnership programs between government and private actor especially by implementing Corporate Social Responsibility program in an effort to optimize the empowerment of the prisoners in the future.

3. Literature Review

3.1 *The Social Development and Empowerment*

There is no clear definition for the development, however, whatever its aim, its goal and its meaning, it should contain all good purpose. Todaro in Kenny (2006) defines development as combination of processes of social, economic, and to obtain a better life.

For Todaro, the three main objectives of the development are :

- a. To increase the availability and to widen the distribution of basic material needs, such as food and housing.
- b. To improve the standard of living, include the concern of cultural values, higher incomes and more jobs opportunities.
- c. Expanding the range of economic and social choices in society.

Comprehensive understanding about development is defined by Mardikanto (2009) as follow: Development is a conscious effort, carried out continuously by the government together with all members of the community, using technology to meet all the needs or solve the problems that are and that will be faced, in order to achieve the collective social welfare and a good quality of life.

What means by technology by Dhakidae in Mardikanto (2009), it is not just in the form of equipment or physical objects, but it also includes: ideas, methods, techniques and the effort or activity that needs to be done to meet the needs and or improvement of people's lives.

In relation to social development, the strategy that can be implemented in order to improve the standard living of the people, Midgle in Ali (2008) suggests that there are three (3) major strategies, namely:

- 1) The social development through individual (social development by the individual) or known as enterprise individualist approach.
- 2) Social development through community (social development by communities). Where groups of people together attempting to develop its local community. This approach is known as Communitarian approach (Communitarian approach).
- 3) Social development through government (social development by government), where social development is done by agencies of government (govement agencies) this approach is known as a static approach (static approach).

Meanwhile, Empowerment by Jim Ife (2008) means that the development of the opportunity, knowledge, and skills in determining the future. The main concept is to provide a wide opportunity for the community to determine its own direction.

The term empowerment can also be interpreted as an effort to meet the needs of individuals, groups and community so that they have the ability to make choices and control of their own environment in order to meet their own needs and necessities. Correspondingly, empowerment

can be interpreted as an effort to increase the ability of people (the poor, marginalized) to express their opinions and or their needs, choices, to participate, to negotiate, to influence and manage for the better of life (Mardikanto, 2010).

In this sense, empowerment means improving the quality of life of individuals and society, in the sense of:

- (1) Improvement in the economy, particularly food availability
- (2) Improvement of social welfare (education and health)
- (3) Independence from all forms of intimidation and violation
- (4) Ensuring security
- (5) Ensuring the human rights, free from the fear

In harmony with the meaning of empowerment that has been described above, Cattaneo and Chapman (2010) defines empowerment as a process where somebody taking a step towards to achieve goal, observing and implementing certain action to obtain that goal.

3.2 Prison

Juridical approach which is used as a basis of using the system of imprisonment (correctional system) is the Law No. 12 of 1995). The idea is based on ideology and philosophy of Pancasila (Atmasasmita, 1982).

Theoretically, the concept is "healthy reentry into the community" (Zulfa, 2011). It means that the basic concept of imprisonment or correctional (pemasyarakatan) is to create the prisoners to be a good society when they reentry into community.

Purnomo (1986) states that the provision of the correctional system is basically as the application of the concept of "treatment of Offender". The treatment of the offender has a good understanding that are aimed to "repair" the act and attitude of the offender.

The principle of treatment of offenders can be found in the Decree of the Head of the Directorate of Correctional No.KP10.13/31, Jakarta, February 8, 1965. The decree states that the correctional is a process, a therapeutics process in which the prisoners at the time they enter into the prison are considered to be not harmony with society, have a negative relationship with some elements of society, and therefore need to get assistance in which finally they can get back to integrate with the society harmoniously (Nasution, 1993).

3.3 Empowerment of the Prisoners (WBP)

Empowerment of the prisoners according to the Act No: 12 of 1995 is the way, direction and boundaries to empower the prisoners based on Pancasila which is implemented in an integrated manner between the officers of the prison, the prisoners, and the society to improve the quality of the prisoners, to fix themselves and to realize their mistake and finally not to repeat their criminal offense. As the purpose so that they can be accepted by the society, can actively participate in the development, and can live as a good person and responsible citizen.

3.4 Partnership Program

Jim Ife (2008) stated that the community development depended on the participation of everyone. Everyone needs to actively involve achieving the collective goal, but it does not mean they should perform the same contribution, because everyone has their own interest, skill and capacity.

The partnership is an agreement between individuals, groups or organizations that agree to work together to fulfill the obligations or carry out certain activities, together bear the risks and benefits and periodically review their relationship.

Three principles that are essential to perform the partnership:

- a. Equality or balance (equity)
- b. Transparency
- c. Mutual understanding / mutual benefit (Wibisono, 2007)

According to Nelzon and Zadek in Lee (2011), partnership means: Synergy, Overcome social problem, continuous interaction, Mutual Benefit, and the Partnership more than funding.

3.5 CSR (Corporate Social Responsibility)

Corporate Social Responsibility is the responsibility of an organization toward the impacts of its decisions and activities on the society and the environment. Elkingto stated that the companies shall uphold "3P" to remain exist. Besides profit oriented, the company should also pay attention to the fulfillment of the public welfare (people) and actively contribute to protect the environment (planet), Wibisono (2007).

Eight types of CSR International Business Leaders' Forum

- a. Helps to reduce poverty and improve the quality of life.
- b. Build trust and mutual respect.
- c. Minimize conflicts, particularly those caused by the activities of the company.
- d. Help to combat crime.
- e. Support the social entrepreneurs (social entrepreneurship) locally.
- f. Provide of social services in certain situations, for example: disasters and conflicts.
- g. Encourage inter- religious tolerance, ethnic, etc.
- h. Support the cultural activities and cultural heritage preservation (Suharto, 2010).

4. Methodology

This research was conducted in PT. Holcim Indonesia Tbk. Cilacap Plant and prison which is located in Nusakambangan by using a case study approach. The dimensions of the research include: Government Policy on the Sector of empowerment of the prisoners (WBP), Public

responds against the prisoners, the conditions of each prisoners inside the prisons, Government Policies Relating to CSR, Public response Against the Empowerment of the prisoners, the intern Policy of PT Holcim Indonesia Tbk Cilacap plant, CSR program of PT Holcim Indonesia Tbk Cilacap Plant, the results and benefits of the Empowerment and partnership Model in the future.

This research used a total of 61 informants. Data were collected by interview, focus group discussions, observation and the study of books and documents. The validity of the data is furthermore checked through observation, persistence, triangulation method and data sources triangulation were then analyzed with an interactive model.

5. Result of the Reasearch

(1) The Implementation of empowerment of the prisoner in Nusakambangan before the partnership program through Corporate Social Responsibility of PT Holcim Indonesia Tbk Cilacap Plant is still less than optimal. This is because:

To be able to implement the policy of the Government, in the perspective of law, it must be supported by a good legal system. Lawrence M. Friedman (1975), Sociology of Law expert stated that the successfulness or failure of law enforcement depends on: Substance of Law, Legal Structure / Institutions and Legal Culture.

The results of this research revealed that the three elements as stated by Friedman can not be entirely implemented well. In the substance of the law, where the Directorate General of Corrections (Ditjenpas) does not have direct supervision to the prison, the prison under the supervision of the Regional Office of the Ministry of Justice and Human Rights.

In the structure of the law, the officer of the prison in fact, still has the lack quality and quantity. And there are also officers who involve in the criminal case. The quality and quantity of the officers still does not meet what is expected.

Sulaiman Midshipman (2012), stated that the purpose of the empowerment is to to empower the officer in one side and the prisoners in another side. Empowerment of the officer is intended to create the officers more capable, responsive, and accommodative, while empowerment of the prisoners is intended to make prisoners more capable, proactive, and aspirative.

Another thing that finally concluded in this research that the empowerment of the prisoners before the partnership through CSR program is Lack of community participation because people still have a negative stigma against prisoners.

Prior to the partnership through CSR programs, almost all informants also agreed that the facilities and infrastructure in the process of empowerment of the prisoners in the prisons is still minimal or inadequate. Almost all prisons in the prison of Nusakambangan experiencing a over-capacity problem, this problem cause to the unbalance number between the officers and the prisoners.

(2) The implementation of the empowerment of the prisoner between government and private

actor through Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant in Nusakambangan.

CSR in Indonesia needs to be regulated so that there is a role in the completion of the company's problems in Indonesia. This includes problems that the empowerment of the prisoners still remains a serious problem. And CSR are regulated by the state, in line with that implied in Article 33 of the 1945 Constitution.

CSR programs are needed by prisons in an effort to strengthen the empowerment of the prisoners. That is because the budget that allocated by the government for the empowerment of prisoners in the prisons is still insufficient. It is getting worst after the government cuts the budget in 2014 with no adequate reason.

The existing problem for the empowerment of the prisoner needs a significant role from many parties, it can not be solved by the government itself, it requires the participation of the community and the business actor in a whole.

CSR programs of PT Holcim. Tbk. Cilacap Plant for empowerment of the prisoners in Nusakambangan include: human capacity development, business capacity development, and the development of environmental capacity.

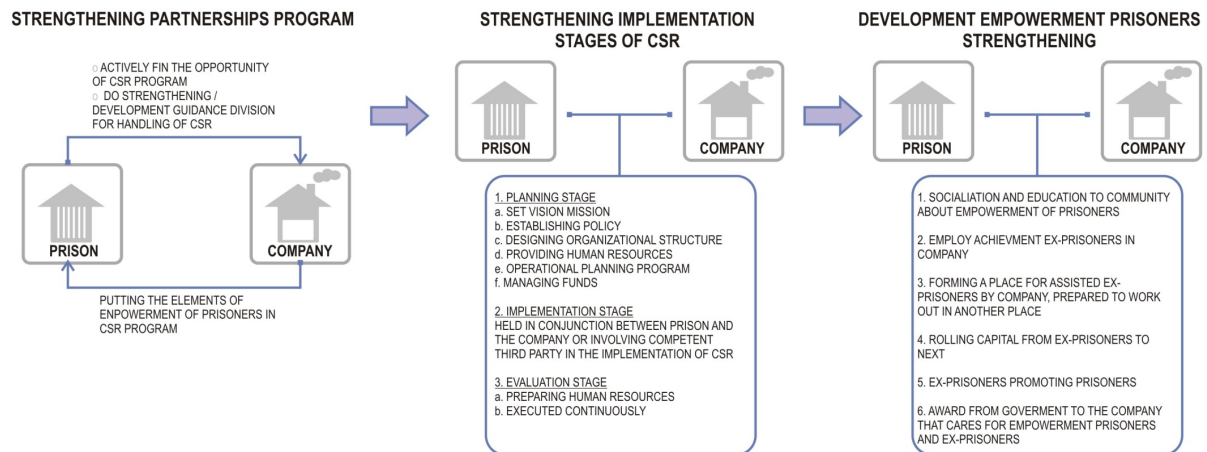
By analyzing at the above discussion, the partnership for the empowerment of the prisoners between the government and PT Holcim Indonesia Tbk Cilacap Plant through its CSR program in Nusakambangan needs the role of another sectors which considered to play significant role, the main reason that the existing problems in the empowerment of prisoners in the prisons can not be resolved by the government itself, the participation of the community and the business sector are also required. Implementation of CSR of PT. Holcim. Tbk. Cilacap Plant in Nusakambangan was responded and greeted positively by stakeholders, although it still requires improvement in its implementation. Furthermore, the CSR programs conducted by PT. Holcim Indonesia Tbk Cilacap Plant for empowerment of the prisoners in Nusakambangan is in accordance with the reference of the International Business Leaders' Forum (IBLF), which is suggest to help in overcoming the problem of crime.

(3) The model for the empowerment of the prisoners through partnership programs between government and private actor especially by implementing Corporate Social Responsibility program in an effort to optimize the empowerment of the prisoners in the future is emphasized to:

- a. Strengthening the Partnership,
- b. Strengthening the Implementation of CSR,
- c. Strengthening the Development of the Empowerment of the prisoners.

MODEL FOR THE EMPOWERMENT OF THE PRISONERS THROUGH PARTNERSHIP PROGRAMS

BETWEEN GOVERNMENT AND PRIVATE ACTOR ESPECIALLY BY IMPLEMENTING CORPORATE SOCIAL RESPONSIBILITY PROGRAM



6. Conclusion

This Research has the following conclusions:

(1) The Implementation of empowerment of the prisoner in Nusakambangan before the partnership program through Corporate Social Responsibility of PT Holcim Indonesia Tbk Cilacap Plant is still less than optimal. This is because:

- a. In the substance of the law, the structural organization of ministry of law and human rights is considered to be less effective, where the Directorate General of Corrections (Ditjenpas) does not have a direct authority in supervising the prison
- b. In the structure of law, the officers of the prison are still less in quality and quantity.
- c. The lack of the participation and role of the society in the empowerment of the prisoners. This is because society still has a negative stigma against the prisoners.
- d. The lack of the facilities and infrastructures in the process of empowerment of the prisoners in the prison. Limited facilities and infrastructure such as over capacity has created a particular sub of culture among prisoners that eventually raise some new problems.
- e. However, some problems mentioned above do not influence the social relations between prisoners and the officers in the process of empowerment of prisoners.

(2) The implementation of the empowerment of the prisoner between government and private actor through Corporate Social Responsibility PT Holcim Indonesia Tbk Cilacap Plant in Nusakambangan

- a. Indonesian law which expressly requires each investor to implement Corporate Social Responsibility through Act No. 25 of 2007 and it is required for the Limited Liability

Company to implement the Social and Environmental Responsibility in accordance with the Law No. 40 of 2007, is appropriate for the conditions in Indonesia at this time.

- b. CSR programs is needed by prisons in an effort to strengthen the empowerment of the prisoners. That is because the budget that allocated by the government for the empowerment of prisoners in the prisons is still insufficient. It is getting worst after the government cuts the budget in 2014 with no adequate reason.
- c. The existing problems for the empowerment of the prisoner needs a significant role from many parties, it can not be solved by the government itself, it requires the participation of the community and the business actor in a whole.
- d. Implementation of CSR PT. Holcim. Tbk. Cilacap Plant in Nusakambangan responded positively by stakeholders and in accordance with the principles of the Triple Bottom Line of Elkington.
- e. CSR programs of PT Holcim. Tbk. Cilacap Plant for empowerment of the prisoners in Nusakambangan include : human capacity development, business capacity development, and the development of environmental capacity.
- f. CSR program of PT Holcim. Tbk. Cilacap Plant for empowerment of prisoners in Nusakambangan is covering the policy, institutional, energy, implementation, financing, monitoring, and control of empowerment.
- g. The results and benefits of CSR programs of PT Holcim Tbk Cilacap Plant in Nusakambangan are responded positively by stakeholders. Both inside and outside stakeholders.

(3) The model for the empowerment of the prisoners through partnership programs between government and private actor especially by implementing Corporate Social Responsibility program in an effort to optimize the empowerment of the prisoners in the future is emphasized to:

- a. Strengthening the Partnership,
- b. Strengthening the Implementation of CSR,
- c. Strengthening the Development of the Empowerment of the prisoners.

7. Recommendations

From the result of the research, some recommendation as further addressed to:

7.1 Advice to the Government

- a. The government needs to review the substance of the law on the structural organization of ministry of Law and Human Rights on Correctional Field, where the Directorate General of Correctional (Ditjenpas) does not have direct authority in supervising the Prison.

- b. The government need to actively find the "opportunity" of CSR programs as a new idea or as an alternative solution to strengthen the program of the empowerment of prisoners.
- c. The officers of the prison as one of the legal structure are expected to have the will to improve their quality in order to be facilitators of the empowerment of the prisoners and indeed it also needs the political will from the government.
- d. Some seminars and trainings should be done for the officers of the prisons and the prospective officers of the prison.
- e. it need to reconsider the term "development (pembinaan) " of the prisoners.

7.2 Suggestion to the Business Sector

- a. Besides profit oriented, it is necessary that the company should also pay its attention to the welfare of the local society and actively contribute to protect the environment. In this case, the sustainable concern of the business community to implement CSR programs for the empowerment of the prisoners is really needed.
- b. The scope CSR program PT. Holcim Indonesia Tbk. Cilacap Plant needs to be expanded and developed, especially in term of its structural.

7.3 Suggestion to the Society

The existing problems in the process of the empowerment of the prisoners in the prison can not only be solved by expecting the role of government, the role of the officers of the prison or the role of the prisoners themselves, but it also requires the participation of the society in a whole.

Society is expected to have a high concern in strengthening the empowerment of the prisoners in the prison. Moreover, society is also expected not to give a negative stigma to the ex - prisoners as well as willing to provide and give the opportunity for them to work and integrate with society.

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