



Forms of Coaching for Recidivist Inmates Convicted of Motor Vehicle Theft: A Case Study at Kendari Class II/A Detention Center

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ABSTRACT

This study examines the factors contributing to theft crimes among recidivist inmates and the effectiveness of their rehabilitation at Class II Kendari State Detention Center in Indonesia, using a normative-empirical approach. Data were gathered through document analysis, field surveys, and interviews, with findings analyzed via qualitative descriptive methods. Internal factors include economic pressures, habitual criminality or addiction, lack of family visits, and revenge motives from prior victimization. External factors encompass environmental influences shaping behavior, alongside development-related issues such as mass media exposure to new crime patterns, social heterogeneity, wealth disparities, limited opportunities for low-educated individuals, and rising individualism. Rehabilitation outcomes under Indonesian law are shaped by facility design, organizational structure, leadership quality, staff competence and numbers, management practices, officer welfare, infrastructure availability, sufficient funding, natural resources, program diversity, and related inmate issues. These elements highlight structural barriers to effective recidivism reduction in correctional settings.

Keywords : Correctional Guidance, Detention Center Study, Inmate Coaching, Motor Vehicle Theft, Recidivism

I. INTRODUCTION

Correctional services form an integral part of Indonesia's integrated criminal justice system, responsible for law enforcement concerning the treatment of detainees, children, and inmates across pre-adjudication, adjudication, and post-adjudication phases. This system operates under the Correctional System, which establishes the direction, boundaries, and methods for integrated correctional functions involving officers, detainees, children, inmates, and society, as outlined in the explanatory notes to Law No. 22 of 2022.

The Correctional System posits that inmates are not mere objects but subjects akin to other humans, capable of errors warranting punishment without necessitating eradication; instead, root causes of law-violating behaviors—contrary to morality, religion, or social duties—must be addressed. Punishment thus serves to foster remorse, self-improvement, and reintegration as law-abiding citizens upholding moral, social, and religious values, thereby promoting societal safety, order, and peace. Violations reflect disruptions in inmates' relationships of life (with the Creator), living (interpersonal), and livelihood (with the environment), aiming for their restoration through reintegration.

Penologically, social reintegration represents a contemporary punitive paradigm, succeeding retributive, deterrent, exile, rehabilitative, and resocialization models. Indonesia's system, rooted in Pancasila and governed by Law No. 12 of 1995 (amended by Law No. 22 of 2022), shifts juridically from imprisonment to corrections, emphasizing rights protection, personality enhancement, and independence to prevent recidivism while enabling societal reintegration and public safety.

Rapid scientific, technological, and economic advancements spur social issues like unemployment, vagrancy, theft, and recidivism, demanding societal adaptation amid modernization's dual impacts. Crime, evolving with society, defies eradication; motor vehicle theft exemplifies persistent threats to public tranquility, as in the September 28, 2023, incident at Jalan Benteng No. 23, Anaiwoi Subdistrict, Kadia District, Kendari City, around 2:30 PM WITA.

Here's a more accessible, professional translation suitable for reports or presentations, maintaining fidelity to

the original while improving flow: Correctional services are part of Indonesia's unified criminal justice system. They handle the treatment of detainees, children, and inmates before, during, and after court processes.

The system follows the Correctional Framework, which guides how officers, inmates, and communities work together on care, guidance, security, and more (per Law No. 22 of 2022 explanation). Inmates are seen as people who err like anyone else—not to be destroyed, but helped to fix root causes of crime and return as responsible citizens. Goals include restoring their ties to faith, community, and environment for peaceful reintegration.

Indonesia's approach, based on Pancasila, evolved from old prison ideas to modern rehabilitation under Law No. 22/2022, protecting rights and cutting recidivism. Yet modernization brings issues like theft; a motorcycle theft hit Jalan Benteng No. 23, Kendari, on September 28, 2023.

II. LITERATURE REVIEW

2.1 Definition of Criminal Act

In Dutch, the term for criminal act is *strafbaar feit*, which Indonesian legal scholars translate in various ways according to their own subjectivity, such as *perbuatan pidana* (criminal act), *peristiwa pidana* (criminal event), *perbuatan yang dapat dihukum* (punishable act), and *delik* (offence). According to Simons (as cited in Andi Hamzah, *Asas-Asas Hukum Pidana*, 2003:54), a criminal act is an act prohibited by a legal provision, where the prohibition is accompanied by a threat of a specific punishment for anyone who violates that provision.

It may also be stated that a criminal act is an act prohibited and punishable under a rule of law, provided that the prohibition is directed at the act itself (that is, a situation or event brought about by a person's conduct), while the threat of punishment is directed at the person who caused that event. Tresna (as cited in Andi Hamzah, 2003:27) argues that a criminal event is an act or a series of human acts that contravene statutes or other regulations, for which punitive measures are imposed.

Moeljatno (2005:54) uses the term *perbuatan pidana* and formulates it as follows: "A criminal act is an act prohibited by a rule of law, where the prohibition is accompanied by the threat of a sanction in the form of a specific punishment for anyone who violates that prohibition." According to Simons (as cited in Andi Hamzah, 2003:224), *strafbaar feit* (literally, "punishable event") is "an unlawful act associated with the fault (*schuld*) of a person who is capable of being held responsible," where fault in this broad sense includes *dolus* (intent) and *culpa lata* (gross negligence or carelessness).

Van Hattum (as cited in Andi Hamzah, 2003:143) states that the term *strafbaar feit* is an elliptical expression, meaning that part of the full phrase has been omitted; the complete term is *Feit ter zake van hetwelk een persoon strafbaar is* (an event on account of which a person is punishable). Furthermore, Pompe (as cited in Lamintang, 2004:173) describes it as "a violation of a legal norm within the legal order, committed intentionally or unintentionally by an offender, where the imposition of punishment on that offender is necessary for the maintenance of legal order and the public interest."

Simons (as cited in Lamintang, 2004:37) also states that *strafbaar feit* is "conduct (*handeling*) that is punishable, unlawful, connected with fault, and carried out by a person who can be held criminally responsible." Bambang Poernomo (2006:1) divides the definition of *strafbaar feit* (criminal event) into two parts:

- A short definition, namely an event (*feit*) that may be punished under statute.
- A longer and more detailed definition, namely conduct that is unlawful because it is carried out intentionally or negligently by someone who can be held responsible.

The word *strafbaar feit* is usually translated as *tindak pidana* (criminal act) or *delik* (offence), and the Indonesian Criminal Code does not provide an explicit explanation of the term. The word *feit* in Dutch means a part of reality, whereas *strafbaar* means "punishable," so literally *strafbaar feit* would mean "a part of reality that is punishable," which is imprecise because, in truth, it is the human person, not an abstract event, who is subject to punishment.

Van Hamel (as cited in P.A.F. Lamintang, 2004:172) explains *strafbaar feit* or *delik* as an attack on, or a threat to, the rights of others, or as a norm of conduct set out in statute which is unlawful, worthy of punishment (*strafwaardigheid*), and blameworthy due to the offender's fault. For criminal liability, the mere commission of a criminal act is not sufficient; there must also be fault or a blameworthy mental attitude, reflected in the unwritten principle *geen straf zonder schuld / ohne Schuld keine Strafe* (no punishment without fault), so that every criminal act must consist of external elements, namely conduct and the consequences that arise from it.

2.2 Definition of Recidivist Prisoner

Before explaining the notion of a recidivist prisoner, it is necessary first to clarify the term \ *narapidana* (prisoner/convict). Before the term *narapidana* was used, the expressions *orang penjara* (prisoner) or *orang hukuman* (punished person) were employed. Article 4 paragraph (1) of the Prison Regulations (*Gestichten Reglement*), Stb. 1917 No. 708, defines "prisoners" as:

1. Persons serving a prison sentence or a term of confinement.
2. Persons held in temporary detention.
3. Persons held under *gijzeling* (civil imprisonment).
4. All other persons who, although not serving a sentence involving loss of liberty, are lawfully placed in prison.

In light of Article 4 paragraph (1) of the Prison Regulations, there appears a now outdated gap in that a person could become a prisoner without going through a judicial process, as long as there was a valid order, thereby blurring

the distinction between a prisoner and a detainee. According to Andi Hamzah (2003:389), "a prisoner (*narapidana*) is a punished person, someone who is placed in a correctional institution because he has been sentenced by a court."

From this definition, it can be concluded that a prisoner is a person who, for violating the law, has been sentenced based on a court decision that has obtained permanent legal force. Thus, where a case is still in process before the court, the person cannot yet be referred to as a prisoner, but only as a detainee, even if held in a Correctional Institution or State Detention Center, until a final and binding judgment is rendered.

Law of the Republic of Indonesia Number 12 of 1995 on Corrections states in Article 1 point 6 that: "A convicted person (*terpidana*) is someone who is sentenced on the basis of a court decision that has obtained permanent legal force." Article 1 point 7 states: "A prisoner (*narapidana*) is a convicted person who is serving a sentence involving deprivation of liberty in a Correctional Institution or State Detention Center."

The term *recidivist* is then explained as follows. According to the Third Edition of the *Kamus Besar Bahasa Indonesia* (2001:951), a recidivist is a person who, having previously been punished, repeats the same type of criminal offence, a habitual offender, or an accused person who has previously been sentenced to at least two years' imprisonment. In the Indonesian Criminal Code, a repeated commission of the same category of crime is referred to as *residive* (recidivism), which is distinguished into "general recidivism" and "special recidivism."

- a. The provision in Article 486 of the Criminal Code is termed "general recidivism," while Article 489 paragraph (2), Article 492 paragraph (2), Article 501 paragraph (2), and Article 516 paragraph (2) regulate "special recidivism." Under the rule on general recidivism in Article 486 of the Criminal Code, the threat of punishment may be increased by one third if: The offender repeats the same offence or another offence considered of the same kind by law (for example, stealing on one occasion and stealing again on another, or committing different offences which the Code treats as similar in kind, such as those listed in Articles 486, 487, and 488 of the Criminal Code).
- b. Between one offence and the other, there is already a court decision (if one of the acts has not yet been decided by a court, the acts constitute a concurrence of offences rather than recidivism).
- c. The punishments that may be included under the "general recidivism" rule are prison sentences, not short-term confinement or fines.
- d. The time interval between the commission of the offences does not exceed five years, calculated from the time the offender begins serving, or has served, part or all of the previous sentence.

2.3 Conceptualization of Penalty and Penalization

The terms *pidana* (penalty) and *pemidanaan* (penalization), corresponding to *straf* and *wordt gestraft*, enjoy widespread acceptance. The Indonesian Criminal Code (*Wetboek van Strafrecht*) employs these precise terms, whereas Dwidja Priyatno (2006:5) opts for *hukum* (law) and *dihukum* (to be punished).

Sudarto, Professor of Criminal Law at Diponegoro University, Semarang, posits that *penghukuman* (sentencing) derives etymologically from *hukum* (law), connoting "the establishment of law" or *berechten* (adjudication). Such determination extends beyond criminal law to civil law domains.

Narrowly construed, *penghukuman* equates to penal imposition in criminal proceedings, synonymous with *sentence* or *veroordeling*, including conditional variants (*voorwaardelijk veroordeeld*). Sudarto deems *pidana* preferable to *hukuman* (punishment) as a substitute for *straf* (Sudarto, 2001:71–72).

Normative discourse on penalties reveals a paradox: protection of societal interests juxtaposed against inflicted suffering on offenders (Bambang Poernomo, 2006:37).

2.3.1 Scholarly Definitions of Penalty

Sudarto defines *pidana* as deliberate suffering imposed on actors fulfilling prescribed conditions (Muladi & Barda Nawawi Arief, 2004:2). Roeslan Saleh views it as state-inflicted distress reacting to delicts (Roeslan Saleh, 2003:9). Simons, per Lamintang (2004:35), characterizes it as legislatively linked suffering adjudicated upon norm violators.

Algra-Janssen conceptualizes *pidana* as an authoritative instrument revoking protections over life, liberty, and property for unjust acts (Lamintang, 2004:35). Penalization (*pemidanaan*), per Sudarto, mirrors civil adjudication but is herein confined to criminal *sentence* or *veroordeling*. A. Hamzah (2003:20) grounds penalization in *nullum crimen sine lege penal* (Criminal Code Art. 1(1)), distinguishing statutory *pidana* from broader *hukuman* encompassing customary sanctions.

2.3.2 Formal and Functional Perspectives

Utrecht, cited by Muladi (2005:397), frames punishment as exceptional suffering preserving order via deprivations like imprisonment, constituting *bijzonder sanctierecht* safeguarding private and public interests. Moeljatno (2005:1–3) delineates criminal law as prohibiting acts with penal threats, stipulating conviction criteria and enforcement modalities. Van Hamel (Lamintang, 2004:34) posits positive-law *pidana* as state-authorized suffering enforcing public order. Penal elements coalesce as: (1) imposed suffering; (2) by authorized entities; (3) upon legal violators (Muladi & Barda Nawawi Arief, 1984:2–4).

2.3.3 Critiques and Alternatives

Hulsman reconceptualizes penalty essence as restorative order (*tot de orde roepen*), prioritizing behavioral modulation and conflict resolution over suffering. Empirical distinctions delineate intentional, foreseeable, and incidental suffering. Hoefnagels aligns sanctions with normative realignment via encouragement and censure (Muladi & Barda Nawawi Arief, 2004:9–10).

Penal systems gauge civilizational maturity, encompassing penalties and modern *tindakan* (measures)

(Sudarto, 2001:21) . Lamintang (2004:102) differentiates penalization, measures, and enforcement institutions like conditional release (Criminal Code Arts. 15, 45; 1917 Ordinances).

The rationale for introducing the *institution of discretion* stems from the observation that Dutch legal scholars associate penitentiary law exclusively with *straf* (punishment), *maatregel* (measure), penalization, and actions. Lamintang contends that this view is not wholly accurate, as a judge's directive to return a defendant to their parents or guardian—previously noted—does not qualify as *straf* or penalization, nor readily as a *maatregel* or action; discretion (*kebijaksanaan*) is the most apt designation (P.A.F. Lamintang, 2004: 9–10).

Notwithstanding this perspective, the introduction of the term *institution of discretion* merits recognition. Yet, the Draft Indonesian Criminal Code (*Rancangan KUHP*) and theoretical discourse subsume this matter within the juridical concept of *actions* (*tindakan*).

A deeper examination reveals that penal philosophy encapsulates core penal ideas, elucidating the legal subject's responsibility for criminal acts and the state's lawful authority to punish. Penal theory, conversely, systematically organizes, explicates, and prognosticates punishment's objectives for the state, society, and convict. M. Sholehuddin delineates two functions of penal philosophy (M. Sholehuddin, 2003: 80):

1. Fundamental function: As a normative foundation furnishing guidelines, criteria, or paradigms for penal issues; intrinsically primary across philosophical systems, it mandates upholding, developing, and applying established principles as obligatory norms.
2. Theoretical function: Operating as a meta-theory underpinning all penal theories.

Implementationally, these functions inform legislative and judicial normativization of penal sanctions and measures, legitimizing enforcement (M. Sholehuddin, 2003: 80–81). Penal sanctions interconnect with penal philosophy, yet their categorical linkage manifests in two antithetical approaches: philosophical inquiry into *why* punish, versus legal/penological focus on punishment's efficacy, efficiency, prevention, and rehabilitation. Efficiency queries resolve via philosophical aims, which embody moral stances on justice in punishing specific acts by specific individuals in specific ways (M. Sholehuddin, 2003: 82–83).

Thus, philosophical arguments yield empirical research hypotheses for jurists and penologists, aiding sanction determination. Penal sanctions pursue philosophically grounded aims—retribution, utility, purposive retribution—serving as justice benchmarks for violations. Dominant in criminal law are *retributive justice* (prevalent in the Indonesian Criminal Code) and *restorative justice*.

Restorative justice prioritizes direct stakeholder involvement: victims reclaim agency, offenders assume accountability to rectify harms and reconstruct social norms; community engagement fosters mutual respect; governmental monopoly diminishes, supplanted by cooperative reconciliation (M. Sholehuddin, 2003).

2.3.4 Simpler Flowing Version (Essay Style)

Dutch writers linked penitentiary law only to punishment (*straf*), measures (*maatregel*), or actions. But Lamintang argues this isn't fully right—a judge sending a defendant back to parents or guardians isn't punishment or a strict measure; it's better called discretion (P.A.F. Lamintang, 2004: 9–10). Still, the term "institution of discretion" is worth introducing. The Draft Criminal Code (*Rancangan KUHP*) already covers it under the legal idea of "actions" (*tindakan*).

Penal philosophy clarifies why we hold people accountable for crimes and why the state can punish. Penal theory explains punishment's goals for society, the state, and offenders. M. Sholehuddin says it has two roles (M. Sholehuddin, 2003: 80):

- a. Basic role: Guides norms and principles for crime and punishment—core to all philosophies, setting rules we must follow and apply.
- b. Theory role: Acts as the big-picture foundation for other punishment theories.

In practice, this shapes laws and court decisions on sanctions (M. Sholehuddin, 2003: 80–81). Sanctions tie back to philosophy: Philosophers ask "why punish?" while lawyers ask "does it work?" Answers depend on goals, which involve fairness in punishing people for specific crimes (M. Sholehuddin, 2003: 82–83). Punishment aims—like revenge, usefulness, or goal-oriented payback—stem from philosophy. It sets justice standards: retributive (payback-focused, like Indonesia's Criminal Code) or restorative (repair-focused). Restorative justice involves victims regaining control, offenders taking responsibility, communities building respect together, and less government control—through teamwork to heal conflicts.

2.4 The Definition of the Correctional System

In essence, imprisonment aims to rehabilitate individuals who have been proven to violate criminal law so that they become good citizens, comply with the law, and live properly within society. However, in practice, imprisonment often brings many drawbacks due to inhumane treatment and various biological and psychological pressures experienced by inmates during their incarceration. As a result, after being released, they are often not motivated to improve their behavior but instead inclined to repeat their offenses.

Therefore, it is necessary to seek alternative measures to avoid such negative impacts. One possible solution is the correctional system, which aligns with the present-day functions of criminal law. This system not only maintains public order but also supports social transformation toward a just and prosperous society based on Pancasila and the 1945 Constitution, with greater respect for humanitarian principles.

The concept of the correctional system was first introduced by Suhardjono (Muladi, 2005:104), who stated that:

1. The purpose of imprisonment, in addition to imposing suffering through the deprivation of freedom, is to guide prisoners toward repentance and educate them to become useful members of Indonesian socialist society.
2. The goal of imprisonment is correction. The reform of imprisonment within the correctional system does not aim to abolish the prison sentence from criminal law but rather to establish new policies concerning its implementation and humane treatment of prisoners.

This policy serves to protect society from crime, prevent criminal acts, and rehabilitate offenders, referred to as inmates. According to Law Number 12 of 1995 on Corrections, Article 1 (2) states:

"The Correctional System is an order regarding the direction, boundaries, and methods of fostering inmates based on Pancasila, implemented in an integrated manner between supervisors, inmates, and the community to improve the quality of inmates so that they realize their wrongdoing, reform themselves, and do not repeat criminal acts, enabling them to be accepted back into society, participate in development, and live normally as good and responsible citizens."

Furthermore, Article 3 of the same law provides that: *"The Correctional System functions to prepare inmates to integrate properly with society, enabling them to return as free and responsible members of the community."*

The concept of correctional systems recognizes that every citizen has equal rights and obligations as stipulated in the 1945 Constitution, Articles 27, 30, and 31(1), which govern citizens' rights and duties, as well as Articles 28, 29(2), and 34, which define the rights and obligations of all residents. For instance:

a. Article 27 states:

1. All citizens have equal status before the law and government and must uphold the law and government without exception.
2. Every citizen has the right to work and to a decent livelihood for humanity.
3. Every citizen has the right and obligation to participate in the defense of the nation.

b. Article 29(2) states: "The State guarantees the freedom of every citizen to practice their own religion and to worship according to their beliefs."

The purpose of these constitutional provisions is to build a democratic and socially just Indonesia. Therefore, the implementation of imprisonment within the correctional system serves as a reform institution guided by humanitarian principles. Correctional activities thus aim to provide personal development and guidance to inmates so that they can become good citizens. According to Bambang Purnomo (2005:187), inmate rehabilitation should focus on:

1. Guiding inmates to prevent recidivism and comply with legal norms.
2. Fostering relationships between inmates and society to support their reintegration and acceptance.

Based on Law Number 12 of 1995, Article 5, the correctional system is founded upon the following principles:

- a. Protection and guidance;
- b. Equal treatment and services;
- c. Education;
- d. Counseling;
- e. Respect for human dignity;
- f. Deprivation of freedom as the sole punishment;
- g. Guaranteed right to maintain contact with family and certain individuals.

Compared to past prison systems, modern correctional practices are more humane and better accepted by society. Traditional imprisonment isolated offenders from the community and often failed to encourage true rehabilitation. Although rehabilitation existed even in older systems, the correctional system distinguishes itself by focusing on humanistic and reintegrative values rather than mere confinement.

The essence of the correctional system is to rehabilitate inmates so that they may return to society as good and productive members. The following ten core principles define correctional philosophy:

1. Provide protection and life skills to enable inmates to play positive roles in society.
2. Punishment is not revenge by the state. Therefore, there must be no physical or psychological abuse; the only suffering permissible is the loss of freedom.
3. Offer guidance rather than punishment to foster repentance and understanding of social norms, including participation in community activities to rebuild social belonging.
4. The state has no right to make inmates worse or more criminal than before imprisonment, for example, by mixing inmates of different offense severities.
5. During incarceration, inmates should be introduced to social life and not isolated from society. This may include community visits, entertainment events, and opportunities to meet family and friends.

2.4.1 Correctional System and Guidance Framework

Development efforts for inmates are conducted continuously, purposefully, and systematically from their admission to correctional institutions (Lapas/Rutan) until release, ensuring achievement of rehabilitation objectives.

Guidance and counseling for correctional clients—*inmates, state wards, parolees, and detainees*—are integrated to facilitate their reintegration as law-abiding citizens post-sentence.

These programs align with Pancasila principles, the 1945 Constitution, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), emphasizing behavioral reform.

2.4.2 Guidance Methods

Programs employ these approaches:

- a. Familial direct interaction between supervisors and inmates (Warga Binaan Pemasyarakatan).
- b. Persuasive-educative methods, using exemplary conduct and equitable treatment to inspire praiseworthy actions, affirming inmates' human dignity, potential, rights, and duties.
- c. Planned, ongoing, systematic development.
- d. Adaptive security enhancements based on situational risks.
- e. Individual and group interventions.

2.4.3 Personality Development

This domain covers:

- a. Religious awareness to reinforce faith and discernment of right from wrong actions.
- b. Intellectual enhancement via formal (government-regulated schooling) or non-formal means (skills courses, lectures, media access like newspapers, TV, radio) to boost knowledge and positive engagement.
- c. Legal awareness through legal counseling, promoting rights, obligations, justice, human dignity, and lawful conduct.
- d. Social reintegration, fostering worship adherence, communal cooperation (gotong royong), and community participation for post-release acceptance.

2.4.4 Self-Reliance and Vocational Training

Self-sufficiency programs include:

- a. Craft skills for independent ventures (handicrafts, home industries, electronics/machine repair).
- b. Small industry processing (agricultural/natural resources into products).
- c. Talent-specific development to nurture individual aptitudes.

2.4.5 Spiritual and Physical Development

Spiritual guidance prioritizes religious life per Pancasila, via approved lectures, counseling, and education with local agencies, ensuring no disruption to security or harmony. Physical development promotes holistic fitness, equating bodily health with spiritual well-being through nutrition and exercise.

2.4.6 Assimilation Process

Assimilation prepares inmates for societal return as compliant, independent, productive members via:

1. Restoring community ties.
2. Enhancing public involvement in corrections.

Objectives encompass motivation for development, skill-building for autonomy, and community engagement.

Supervised by Balai Pemasyarakatan (BAPAS), it integrates inmates under oversight until full release per court terms.

2.5 Motor Vehicle Theft: Definition and Elements

A motor vehicle is any road transport propelled by mechanical engines (excluding rail), per Article 1(7)-(8) of Law No. 22/2009 on Road Traffic and Transportation. Theft constitutes unlawfully taking another's movable property wholly or partly, with intent to possess against rights, per Article 362 of the Criminal Code (KUHP): punishable by up to five years' imprisonment or fines. Elements divide into objective (human act: "taking"; formal/material delik types) and subjective (fault, accountability).

Article 362 KUHP Elements

Element	Description
Barang siapa (Whoever)	Any accountable legal subject.
Mengambil barang sesuatu (Takes movable property)	Intentional removal for possession/sale.
Kepunyaan orang lain (Belongs to another)	Property under others' rights.
Maksud menguasai secara melawan hukum (Unlawful possession intent)	Without consent, forcibly.

Objective elements focus on prohibited acts/consequences; subjective on mens rea and capacity. Aggravated forms (e.g., Article 365) add qualifiers.

III. RESEARCH METHODS

3.1 Research Location

In relation to this study, the research was conducted at the Class II/A State Detention Center in Kendari. This institution serves as the place for implementing the guidance and rehabilitation of inmates, including detainees, prisoners, and recidivist inmates convicted of motor vehicle theft.

3.2 Types and Sources of Data

The types and sources of data used in this thesis are as follows:

- a. Types of Data collected consist of primary and secondary data.

1) Primary data refer to data obtained directly from the first-hand sources (respondents) at the research location. In this study, the primary data were obtained through interviews with recidivist inmates convicted of motor vehicle theft.

2) Secondary data refer to data obtained from written sources such as laws and regulations, books, and documents that are directly related to the issues discussed in this thesis.

- b. Sources of Data in this thesis were obtained from interviews with the respondents.

3.3 Data Collection Techniques

There are two techniques used for data collection in this thesis, namely Library Research and Field Research.

a. Library Research

This aims to seek theoretical foundations, theoretical reviews, and literature studies by:

- 1) Collecting, studying, and analyzing applicable laws and regulations, especially those related to criminal acts committed by recidivist inmates.
- 2) Collecting and studying literature, academic works, and legal journals that support the subject matter of this thesis.

b. Field Research

Data were obtained directly from the field, including police institutions and other informants. These data were compiled and tabulated as primary data, consisting of information on criminal acts committed by recidivist inmates and interviews with relevant parties.

3.4 Data Analysis

In this section, the collected data are processed and analyzed according to the needs and relevance of the study using a qualitative descriptive analysis approach. Quantitative data, if any, serve only as supporting information for the qualitative analysis.

3.5 Research Period

The research was conducted over a period of three months, from February to April 2024, at the Class II/A State Detention Center in Kendari.

IV. RESEARCH RESULTS AND DISCUSSION

4.1 Data on Recidivist Inmates Convicted of Theft Offenses, 2020–2023

In 2024, the Class II State Detention Center (Rutan) Kendari housed 54 inmates convicted of theft offenses, comprising 47 under Article 363 of the Indonesian Criminal Code, 4 under Article 362, and 3 under Article 365. This information derives from interviews conducted on February 29, 2024, with Mr. Kasnu, S.H., Head of the Activity Guidance Subsection, and Mr. Albert Tepu Biringallo, S.H., M.M., Head of the Inmate Services Subsection. Of these, 32 inmates were recidivists, with 26 convicted under Article 363 and 6 under Article 362, as confirmed in a separate interview with Mr. Kasnu on the same date.

4.2 Factors Contributing to Theft Offenses by Recidivist Inmates

Interviews at the research site with Mr. Kasnu, S.H. (February 29, 2024), identified two primary causal factors for theft among recidivist inmates: internal and external.

4.2.1 Internal Factors

Internal factors originate from the offender's personal motivations or family circumstances, including economic pressures, habitual or addictive stealing behavior, lack of family visitation, and revenge for prior victimization. Deviance is assessed against prevailing values and norms upheld by authorities, which are accepted as absolute. Such behavior emerges as a social process influenced by environmental learning and reactions, consistent with Susilo's (2006:39) criminological theory linking crime to economic conditions, unemployment, and household dynamics.

4.2.2 External Factors

External factors, as articulated by Mr. Albert Tepu Biringallo, S.H., M.M. (February 29, 2024), encompass environmental influences shaping behavioral patterns and developmental consequences of technological advancement. These include residential environments fostering crime, mass media dissemination of criminal methods, social heterogeneity, wealth disparities, limited opportunities for the undereducated, and individualism. Additional elements involve adaptation failures, unemployment, frustration, and urban dynamism in areas like Kendari, which promotes independence but elevates rule-breaking propensities, though not as the sole determinant. Eradicating inherent criminal predispositions remains infeasible due to their complex, hereditary nature.

4.3 Statutory Guidance for Recidivist Inmates

Effective post-release guidance under Indonesian law aims to prevent recidivism by addressing supportive and inhibitory factors, as outlined in interviews with Mr. Ahmad, S.H., M.H., Chief of Detention Security (February 29, 2024).

- 1) Building Design and Layout: Governed by Ministerial Decree No. M.01.PL.01.01 of 1995 (April 11, 1985), optimal facility configurations enhance rehabilitation objectives.
- 2) Organizational Structure: Efficient command hierarchies and staff coordination ensure task execution without rigidity impeding operations.
- 3) Leadership (Kalapas, Karutan, Kabapas): Exemplary leadership fosters subordinate motivation, discipline, and professionalism.
- 4) Staff Quality and Quantity: Competent, adequate personnel mitigate security risks through training and organization.
- 5) Management: Leadership and skills enable orderly administration tailored to Indonesian correctional needs.

Staff must address inmate-related challenges, including familial neglect, community reintegration resistance, institutional cooperation gaps, and adverse media portrayals. Comprehensive statutory compliance in guidance programs thereby minimizes reoffending among released inmates.

V. CONCLUSIONS AND SUGGESTIONS

5.1 Conclusions

This concluding chapter presents key findings and recommendations derived from the preceding analysis. The primary factors contributing to theft offenses by recidivist inmates include the following:

Internal Factors:

- a) Economic pressures.
- b) Habitual criminal behavior viewed as an addiction.
- c) Absence of family visits.
- d) Desire for revenge stemming from prior victimization by theft.

External Factors:

- 1) Environmental influences, where residential surroundings shape behavioral patterns and foster criminal tendencies.
 - a) Developmental factors arising from scientific and technological advancements, which yield both positive and negative outcomes. Specific contributors encompass:
 - Mass media dissemination of crime information, expanding awareness of novel patterns and methods.
 - b) Societal heterogeneity.
 - c) Persistent socioeconomic disparities between affluent and impoverished groups.
 - d) Demands for skilled human resources, which constrain opportunities for individuals with limited education.
 - e) Rising individualistic lifestyles.
- 2) Rehabilitation efforts for recidivist inmates, as governed by statutory provisions, are significantly shaped by:
 - a) Facility layout and design.
 - b) Organizational structure.
 - c) Leadership efficacy of the detention center head.
 - d) Quality and quantity of staff.
 - e) Overall management practices.

5.2 Suggestions

Correctional regulations should avoid unduly restricting inmate mobility or imposing unnecessary hardship, while daily schedules for guidance and rehabilitation ought to incorporate diverse, engaging activities to deter recidivism.

Effective implementation of rehabilitation within and beyond correctional facilities requires integrated client management among the Correctional Center, relevant agencies, social workers, inmates, and communities to facilitate societal reintegration and prevent reoffending.

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