

ABSTRACT

ABSTRACT

Total Negotiated Order in Prison (A Phenomenological Study on the Experiences of Inmates and Corrections Officers Engaging in Negotiated Order in the First Class Lowokwaru Prison, Malang)

By Sugeng Pujileksono

A prison (correctional institution) is a unique, closed, and isolated community. Clemmer addressed a correctional institution as both a microcosmic society and a school for crime, while Sykes suggested a type of independent society as the definition. Futher, a contemporary sociologist, Goffman, viewed the correctional institutions as a total institution or asylum due to the authority control over most of residents' behavior. The residents were classified into two distinctive social groups, corrections officers and inmates.

The field findings and the theoretical analysis led to some conclusions. *First*, the inmates were categorized into *rich* prisoners, *glundung* (neutral) prisoners, and *yes-man* prisoners. The officers were categorized into *carer* (bapak wali) officers, *father-like* (bapak-bapakan) officers, and *naughty* officers. The inmate classified in any category could interact with the officer classified in any category since the negotiations were the social process to meet the agreement. *Second*, the inmates' motives in negotiating with the officers were Past Motive referring to *Outside* Motive, Present Motive referring to *At the Moment* motive, and Future Motive referring to *Inside* Motive. Meanwhile, the officers' motives in negotiating with the inmates were Past Motive referring to *Because* Motive, Present Motive referring to *So that* motive, and Future Motive referring to *For* Motive. *Third*, the social construction of the inmates and the officers in the negotiations built a reality requiring mutual secrecy between the inmates and officers without distracting the security and social order in the prison. The findings did not support Goffman's Theory stating that prison was a total institution; a prison was not a total institution, but a total negotiated institution.

Fourth, the negotiation, analogous to a drama stage, occurred not only at the front stage, but also at the back stage. The findings also employed some terms, namely *outside*, *inside*, and *in-inside* stage to describe the negotiation practices in the prison. *Fifth*, the negotiations made by the inmates and officers created the negotiated order in the prison. The negotiations covered security and social order, tacit behavior and mutual secrecy, facility and privilege/favor. The negotiated order suggested that formal rules and social orders could be negotiated. In some cases, the negotiated order even contributed to social order in the prison.

Keywords: prison, inmates, corrections officer, negotiations and negotiated order

RINGKASAN

RINGKASAN

Penjara (*prison*) atau Lembaga Pemasyarakatan (LP) merupakan komunitas unik, tertutup, dan terisolasi dari masyarakat. Clemmer menyebutnya sebagai masyarakat mikrokosmos dan sebagai sekolah kejahatan (*school of crime*), sedangkan menurut Sykes penjara merupakan tipe masyarakat mandiri. Sosiolog kontemporer, Goffman menyebutnya sebagai institusi total atau *asylum*, karena sebagian besar tingkah laku anggotanya dikendalikan oleh sebuah kekuasaan. Di penjara dihuni oleh dua kelompok sosial yang berbeda, yaitu petugas dan napi. Petugas merupakan kelompok sosial yang memiliki kekuasaan dan kewenangan untuk mengawasi aktivitas keseharian napi. Napi adalah orang-orang yang kehilangan kebebasannya karena melakukan tindak pidana/pelanggaran hukum.

Interaksi keduanya selama di penjara memiliki sifat yang dinamis, mulai dari kooperatif, kompromi, sampai konflik. Diantara sifat interaksi yang terjadi antara keduanya yang menjadi fokus studi ini adalah negosiasi (*negotiation*). Pilihan pada interaksi yang negosiatif didasari atas pertimbangan bahwa praktek-praktek negosiasi di penjara seringkali melahirkan tatanan yang dinegosiasikan (*negotiated order*). Tatanan yang dinegosiasikan menjadi tatanan yang dapat menciptakan tertib sosial (*social order*) dibandingkan tata tertib yang baku, kaku, dan formal. Bagaimana keduanya memahami negosiasi dan tatanan yang dinegosiasikan di penjara, menjadi fokus studi ini.

Tujuan studi ini untuk (a) Mengungkap motif negosiasi antara napi dan petugas. (b) Mengungkap dan mendeskripsikan konstruksi sosial napi dan petugas tentang negosiasi dan *negotiated order* di LP. (c) Mengungkap dan mendeskripsikan 'drama' yang terjadi antara napi dan petugas dalam proses negosiasi di LP. (d) Mendeskripsikan dan menganalisis bentuk-bentuk *negotiated order* di LP.

Studi ini lebih menekankan pada pemahaman dan pengalaman napi dan petugas dalam melakukan negosiasi yang melahirkan tatanan sosial yang dinegosiasikan di penjara. Fokus penelitian semacam ini lebih tepat menggunakan metode penelitian fenomenologi. Fenomenologi merupakan salah satu metode penelitian yang memiliki kelebihan untuk mengungkap dan mengembalikan realitas

sosial sebagaimana mestinya seperti yang dialami subyek. Metode ini juga sangat tepat untuk mengungkap pemahaman subyek penelitian pada realitas sosial yang dialami dan dihadapinya secara sadar.

Untuk menganalisa realitas yang diteliti, dipilih teori yang relevan dengan metode penelitian, yaitu Teori Fenomenologi (Schutz), Teori Konstruksi Sosial (Berger) dan Teori Dramaturgi (Goffman). Teori Fenomenologi digunakan untuk menganalisis motif-motif napi dan petugas dalam melakukan negosiasi di penjara. Teori Konstruksi Sosial digunakan untuk menganalisis konstruksi sosial napi dan petugas tentang negosiasi dan tatanan yang dinegosiasikan di dalam penjara. Teori Dramaturgi digunakan untuk menganalisis praktek-praktek negosiasi yang dilakukan napi dan petugas di dalam penjara. Selain menggunakan teori tersebut, analisis teoritik juga mengacu pada beberapa teori Sosiologi Kepenjaran, seperti Teori Prisonisasi (Clemmer), Masyarakat Tahanan (Sykes), Teori Importansi (Irwin), dan Teori Panopticon (Faucoult).

Berdasarkan temuan di lapangan dan analisis teoritik yang dilakukan diperoleh kesimpulan. *Pertama*, napi dikategorikan ke dalam tiga kategori, yaitu napi 'berduit', napi 'glundung', dan napi 'cari muka'. Petugas dikategorikan dalam tiga kelompok, yaitu petugas 'bapak wali', petugas 'bapak-bapakan', dan petugas 'bapak nakal'. Keduanya saling berinteraksi secara dinamis pada saat bernegosiasi. Setiap kategori napi bisa bernegosiasi dengan setiap kategori petugas, karena negosiasi merupakan proses sosial untuk mencapai kesepakatan. Misalnya, jika, napi 'berduit' tidak bisa bernegosiasi dengan petugas 'bapak wali', maka akan berusaha bernegosiasi dengan petugas 'bapak-bapakan' atau petugas 'bapak nakal' sampai pada akhirnya terjadi negosiasi. Begitu pula sebaliknya. Interaksi keduanya berlangsung dalam kondisi 'waspada jangan-jangan'.

Kedua, motif napi melakukan negosiasi dengan petugas meliputi motif masa lalu (identik motif 'di luar sana'), motif saat itu (identik motif 'kekinian'), dan motif masa datang (identik motif 'di dalam'). Sedangkan, motif petugas dalam melakukan negosiasi dengan napi didasari oleh motif masa lalu (motif 'sebab'), motif masa kini (motif 'agar'), dan motif masa datang (motif 'untuk'). Dalam hal ini motif napi dan

petugas melakukan negosiasi didasari oleh tiga dimensi waktu, yaitu masa lalu (pengalaman), masa sekarang (kepentingan), dan masa mendatang (tujuan).

Ketiga, konstruksi sosial napi dan petugas tentang negosiasi yang melahirkan tatanan yang dinegosiasikan di penjara, sebagai sebuah 'keharusan' yang penting keduanya 'tahu sama tahu' serta tidak mengganggu keamanan dan ketertiban di penjara. Bagi napi yang tidak mampu melakukan negosiasi dengan petugas, negosiasi dikonstruksikan sebagai area diskriminatif, sedangkan napi yang bisa bernegosiasi dikonstruksikan sebagai area yang aman. Oleh karena itu di dalam penjara akhirnya melahirkan tatanan 'yang aman belum tentu tertib' dan 'yang tertib belum tentu aman'. Temuan ini sekaligus meruntuhkan teori Goffman, yang menyatakan penjara sebagai institusi total. Penjara bukan institusi total, melainkan institusi negosiasi total.

Keempat, negosiasi sebagai sebuah panggung sandiwara (Goffman) tidak hanya terjadi di panggung depan (*front stage*) dan panggung belakang (*back stage*). Negosiasi napi dan petugas juga tidak sekedar pengelolaan kesan secara individual, tetapi juga secara kolektif. Temuan penelitian ini menggunakan istilah panggung 'luar', panggung 'dalam', dan panggung 'ke-dalam-an' untuk menjelaskan praktek negosiasi di penjara. Panggung 'luar' adalah realitas penjara yang bisa diketahui oleh masyarakat luas melalui pemberitaan media. Panggung luar ini lebih bersifat pencitraan, bahwa di penjara tidak ada praktek suap, pungli, kompromi (bentuk negosiasi). Panggung 'dalam' merupakan realitas yang terjadi di dalam penjara dan hanya diketahui oleh pihak-pihak yang terlibat dalam negosiasi di dalam penjara. Di panggung 'dalam' ini negosiasi antara napi dan petugas telah menjadi pengetahuan umum. Panggung 'ke-dalam-an' merupakan panggung negosiasi yang hanya diketahui detailnya oleh pihak-pihak yang bernegosiasi.

Kelima, tatanan yang dinegosiasikan di penjara sebagai hasil negosiasi antara napi dan petugas, diantaranya: yang penting aman dan tertib, saling tahu dan saling diam, tidak ada fasilitas/sedikit kebebasan/kebaikan yang diperoleh tanpa negosiasi. Tatanan yang dinegosiasikan semacam ini menunjukkan bahwa, seketat-ketatnya peraturan, sekaku-kakunya tata tertib di penjara masih bisa dinegosiasikan. Dalam

beberapa hal justru tatanan yang dinegosiasikan memberikan kontribusi dalam terciptanya tertib sosial (*social order*) di penjara.

Penelitian tentang negosiasi dan tatanan yang dinegosiasikan memiliki ruang lingkup yang sangat luas, karenanya penelitian ini tidak mungkin mencakup keseluruhannya. Pada aspek ini, penelitian ini memiliki keterbatasan, baik pada tingkatan fokus kajian, teori, temuan penelitian, maupun metodologi. Atas dasar hal tersebut, peneliti menyarankan perlunya penelitian lebih lanjut terkait tema-tema berikut: (1) Dampak negosiasi yang melahirkan diskriminasi di kalangan napi dan ancaman kerusuhan di LP, (2) Konstruksi masyarakat tentang praktek-praktek negosiasi di LP, (3) Peran negara dalam mengendalikan penyimpangan negosiasi di LP, (4) Pemaknaan praktek negosiasi oleh eks-napi, (5) Skandal napi dengan petugas LP dalam konstelasi politik dan kejahatan.

SUMMARY

Total Negotiated Order in Prison (A Phenomenological Study on the Experiences of Inmates and Corrections Officers Engaging in Negotiated Order in the First Class Lowokwaru Prison, Malang)

By Sugeng Pujileksono

Keywords: prison, inmates, corrections officer, negotiations and negotiated order

A prison (correctional institution) is a unique, closed, and isolated community. Clemmer addressed a correctional institution as both a microcosmic society and a school for crime, while Sykes suggested a type of independent society as the definition. Further, a contemporary sociologist, Goffman, viewed the correctional institutions as a total institution or asylum due to the authority control over most of residents' behavior. The residents were classified into two distinctive social groups, corrections officers and inmates. Corrections officers performed a social group with the power and authority to control the inmates' daily activity, while inmates are those without freedom due to their criminal or law offense.

The dynamic interactions between inmates and officers comprise of cooperation, compromise, and conflicts. Accordingly, the study focused on the negotiation for the consideration that, in many cases, it created negotiated orders in the correctional institutions. Further, the negotiated order created social order rather than normative and formal rules or orders.

The study aimed at (a) investigating the motives in negotiations, (b) investigating and describing social constructions of the inmates and officers in the negotiations and negotiated orders, (c) investigating and describing the "drama" of negotiating process made by the inmates and officers in prison, (d) describing types of negotiated orders in the prison.

The study focused on the understanding and the experience of the inmates and officers engaging in the negotiations in which the negotiated orders were established. Therefore, the study employed phenomenological research method. Phenomenological research method was able to reveal and recall the social reality

experienced by the research subjects. In addition, it was able to reveal the research subjects' (the inmates and officers) understanding of their social reality.

The study employed some relevant theories to analyze the social reality; they were Schutz's Phenomenological Theory, Berger's Social Construction Theory, and Goffman's Dramaturgy Theory. Phenomenological Theory analyzed the motives in negotiations made by the inmates and officers in the prison. Social Construction Theory analyzed the social constructions of by the inmates and officers in the negotiations and negotiated order in the prison. Dramaturgy Theory analyzed the practices of the negotiations made by the inmates and officers in the prison. In addition, theoretical analysis employed some theories of Prison Sociology, such as: Clemmer's Prisonization Theory, Sykes' Society of Captives, Irwin's Importation Theory, and Foucault's Panopticon Theory.

The field findings and the theoretical analysis led to some conclusions. First, the inmates were categorized into *rich* prisoners, *glundung* (neutral) prisoners, and *yes-man* prisoners. The officers were categorized into *carer* (bapak wali) officers, *father-like* (bapak-bapakan) officers, and *naughty* officers. Both the inmates and officers performed dynamic interaction in the negotiations. The inmate classified in any category could interact with the officer classified in any category since the negotiations were the social process to meet the agreement. For example, when a *rich* inmate could not negotiate with a *carer* officer, he might negotiate with *father-like* officers, or *naughty* officers, and vice versa. Both sides were "vigilant" in conducting the interactions.

Second, the inmates' motives in negotiating with the officers were Past Motive referring to *Outside* Motive, Present Motive referring to *At the Moment* motive, and Future Motive referring to *Inside* Motive. Meanwhile, the officers' motives in negotiating with the inmates were Past Motive referring to *Because* Motive, Present Motive referring to *So that* motive, and Future Motive referring to *For* Motive. In conclusion, the motives of both the inmates and the officers in the negotiations were classified into three time dimensions; they were past (experience), present (interest), and future (purpose).

Third, the social construction of the inmates and the officers in the negotiations built a reality requiring mutual secrecy between the inmates and officers without distracting the security and social order in the prison. Further, the negotiation describing the inmates' inability in negotiating with the officers was constructed as a discriminative area, while the negotiation describing the inmates' ability in negotiating with the officers was constructed as a safe area. Therefore, it might create "safe-yet-disorderly" and "orderly-yet-not safe" order in the prison. The findings did not support Goffman's Theory stating that prison was a total institution; a prison was not a total institution, but a total negotiated institution.

Fourth, the negotiation, analogous to a drama stage, occurred not only at the front stage, but also at the back stage. The negotiations made by the inmates and officers did not only include the individual but also collective impression management. The findings also employed some terms, namely *outside*, *inside*, and *in-inside* stage to describe the negotiation practices in the prison. *Outside* stage referred to a reality involving what society perceived about the prison through media. In addition, it was related to the prison's image portraying no bribery, illegal levies, and compromise (a form of negotiation). *Inside* stage referred to a reality involving the prison residents, performing the negotiations. The negotiations in this stage came up to be a common knowledge for the residents. *In-inside* stage referred to details of negotiations known only by the parties in particular negotiations.

Fifth, the negotiations made by the inmates and officers created the negotiated order in the prison. The negotiations covered security and social order, tacit behavior and mutual secrecy, facility and privilege/favor. The negotiated order suggested that formal rules and social orders could be negotiated. In some cases, the negotiated order even contributed to social order in the prison. Therefore, a prison was not a total institution but a total negotiation institution since everything could be negotiated.