

Provision of Services to The Rights of Prisoners While in Class II B Tanjung Pura Detention Centre

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Submission date: 22-May-2024 08:33AM (UTC+0700)

Submission ID: 2385266731

File name: IJSL_Vol_1_No._2_May_2024_Hal_194-204.pdf (222.41K)

Word count: 4749

Character count: 25485

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Abstract: The Correctional System has been able to change the prison system for the better by treating prisoners as subjects. This is where the human factor is more emphasised and prisoners are also increasingly valued. The Correctional System has been able to change the prison system for the better by treating prisoners as subjects. This is where the human factor is highlighted and prisoners are also increasingly valued. The hope is that after the prisoner leaves the correctional institution, the prisoner will not repeat the criminal act again or the prisoner has had a deterrent effect on the prisoner. The research used in this journal is normative legal research. Normative legal research is research that examines the laws and regulations that apply to a legal problem. Normative research with the object of study of legislative documents by studying and by examining library legal materials or can be called a study of legal science. Prisoners are people who are undergoing a period of punishment or punishment in the penitentiary, but however the prisoner is also a human being, so the human rights of prisoners must also be protected. Related to the provision of the rights of prisoners in the Provision of services to the rights of prisoners that have been in the Class II B Tanjung Pura Detention Centre including the revocation of conditional release, granting permission to leave the city, requests for medical recommendations given to prisoners, transfer at the request of their own legal counsel in the region or between regions, delegation of correctional client guidance, social rehabilitation for drug users, referral for further treatment outside the prison, legal consultation in the field of correctional services, legal aid facilities, conditional leave for general crimes and the assimilation of general crimes.

Keywords: Services, rights, detention centre, prisoners

INTRODUCTION

A convict is a person who is serving a sentence in a correctional institution. Based on Article 1 paragraph (7) of Law Number 12 of 1995 concerning Corrections, a convict is a convict serving a sentence in a correctional institution. According to Article 1 paragraph (6) of Law Number 12 of 1995 concerning Corrections, a convict is someone who is convicted based on a court decision that has obtained permanent legal force. From the above statement, it can be concluded that a convict is a person or convict who is serving his/her sentence in a correctional institution.

State Detention Centre (abbreviated as Rutan) is a place where suspects or defendants are detained during the process of investigation, prosecution, and examination in court in Indonesia. State Detention Centres are technical implementation units under the Ministry of Law and Human Rights (formerly the Ministry of Justice). In addition to the detention centres managed by the Directorate General of Corrections of the Ministry of Law and Human Rights, several agencies have their own detention centres.

Received April 26, 2024; Revised May 21, 2024; Published May 31, 2024

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Correctional Institution (Lapas) is a place to carry out the guidance of prisoners and correctional students as stated in Article 1 paragraph (3) of Law Number 12 of 1995 concerning Corrections. In Indonesia, the concept of Correctional Institution has been officially recognised and considered as a success against prisoners because before the correctional institution was enacted, Indonesia used a prison system that treated prisoners solely as objects. As an object the inmate is given a number and treated as a human being who is less valued. Prisoners are not given guidance but their energy is often utilised for the benefit of the prison.

The Correctional System has been able to change the prison system for the better by treating prisoners as subjects. This is where the human factor is more highlighted and the inmates are also increasingly valued. The hope is that after the prisoner leaves the correctional institution, the prisoner will not repeat the criminal act again or the prisoner has received a deterrent effect while in prison and the prisoner can mingle and be well received by the surrounding community. Therefore, prisoners who are free from correctional institutions are not considered enemies by the community but as good friends. From the explanation above, according to the author that related to the development of prisoners there are several factors related to each other, namely: deterrent effect, respected and well accepted in the community.

According to Law No. 12/1995 on Corrections Article 1 point 1, what is meant by correctional is 'activities to provide guidance to prisoners based on an institutional system which is the final part of the punishment system in the criminal justice system'. The correctional system is a system of treatment for prisoners that adheres to the concept of renewal of imprisonment based on Pancasila and universal humanitarian principles. The rights of prisoners are seen in the content material contained in Article 14 of Law Number 12 of 1995 concerning Corrections, that prisoners are entitled to health services and proper food.

In relation to the fulfilment of the right to health, Article 25 paragraph (1) of the Universal Declaration of Human Rights (UDHR) states that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including the right to food, clothing, housing and health care and necessary social services, as well as the right to security in times of unemployment, illness, disability, widowhood, old age, or other circumstances resulting in a lack of income, which are beyond his control.

RESEARCH METHODS

The research used in this thesis is normative legal research. Normative legal research is research that examines the laws and regulations that apply to a legal problem. Normative research with the object of study of legislative documents by reviewing and examining library

legal materials or can be called a study of legal science related to the rights of prisoners in Tanjung Pura Detention Centre.

Normative legal research tends to place law as a perspective discipline that is only seen in a normative perspective whose research themes include several things such as legal principles, legal systematics, vertical and horizontal synchronisation, legal comparisons and legal history. It is called normative legal research because it contains the object of study in the form of research on legal principles and horizontal synchronisation, namely there are studies on several articles in the Law regarding the fulfilment of rights for prisoners in Tanjung Pura Detention Centre by conducting qualitative research and using library research methods which are one type of research approach, namely in the form of normative / juridical normative.

In conducting research, the author uses a method by researching the principles of written law, and then the author conducts research on legal systematics on a legal understanding both subjectively law, obligations, and legal events in the law. Related to the research conducted by the author in the type of normative research, the research approach carried out by the author is with a statute approach, and a conceptual approach, as according to Peter Marzuki, approaches in normative legal research include the following:

a. Case Approach

The statutory approach must certainly be carried out in normative legal research, because the object of study is to use the rule of law as the main theme in a study. The Statute Approach is an approach that is carried out by examining laws or regulations related to the problem being resolved.

b. Statute Approach

c. Historical Approach

d. Comparative Approach

e. Conceptual Approach

In this study, the law is seen from the views and doctrines that develop in legal science. By exploring aspects of the legal concepts behind it, or it can even be seen from the values contained in a regulation in relation to the concepts used whether it is in accordance with the spirit contained in the underlying legal concepts.

According to Peter Mahmud Marzuki 'legal research does not recognise the existence of data, to solve legal issues and at the same time perceptions of what should be, research sources are needed'. Legal research sources can be divided into research sources in the form of primary legal materials and secondary legal materials. The source of legal material carried out

by the author is to use secondary data, secondary data obtained based on literature studies or literature studies consisting of legal materials concerning the problem.

In analysing the collected legal materials, it is determined by qualifying by determining the facts of a law based on the formulation of the problem and then carried out by analysis through the method of one of them, namely the method of interpretation of legal rules related to the principles of written law with legal facts to determine the formulation of the problem, and accompanied by a critical description based on legal theories arranged systematically and regularly, and describing the events of legal sanctions.

All data collected will be processed through the process of analysis, reduction (selection of relevant data and elimination of unnecessary data), classification, interpretation (development of correlation between laws and regulations), and closed with conclusions. Data analysis was conducted using descriptive qualitative method through statutory approach, analytical approach, and normative-comparative approach. The research conclusions are compiled using a systematic interpretation method, namely by interpreting one legislation related to the release of prisoners by law and then building correlations with other legal products, so that the data collected can be analysed with qualitative methods and then drawn conclusions.

DISCUSSION AND ANALYSIS

The Correctional Institution as a forum for the development of ¹⁴prisoners based on the correctional system seeks to realise integrative punishment, namely fostering and restoring the unity of a good and useful community life. In other words, the Penitentiary carries out rehabilitation, reeducation, resocialisation and protection of both prisoners and the community in the implementation of the correctional system. With the correctional system as the basis for the pattern of inmate development in the Penitentiary, it is hoped that it can be successful in achieving the goals of resocialisation and rehabilitation of criminals / convicts, which in turn will reduce crime and ultimately achieve social welfare as the goal of the criminal justice system (short, ²⁹medium and long term).

¹⁶ Thus, the success of the correctional system in the implementation of guidance for prisoners in correctional institutions will affect the success of achieving the objectives ¹⁸of the criminal justice system. Since the imposition of imprisonment crimes and getting legal power always, until a prisoner in prison wants to be put in prison or detention for coaching throughout the era of his sentence until he is released based on legal determinations in this way of coaching the prisoner takes a way with the system and pattern of socialisation system coaching. Prisoners or inmates in the course of their sentences will take a method of guidance that is broken down

into stages of guidance and guidance at the Socialisation Agency (Lapas) or Detention Centre or at the Socialisation Building (Bapas) which moves from one to the next stage according to the duration served and the results of the directed coaching, the coaching carried out. This stage is very useful in the framework of efforts to foster prisoners for the improvement process, where with this process prisoners will get a treatment and conditions in accordance with the circumstances and positive results obtained at each stage. The stages of guidance carried out by prisoners are divided into three stages, namely: (Article 9 and Article 10 of Government Regulation Number 31 Year 1999).

In providing services to the rights of prisoners that have been in the Class II B Tanjung Pura Detention Centre, including

1. Revocation of parole
2. Granting permission to leave the city
3. Requests for medical recommendations to be given to prisoners
4. Transfer at the request of self / family / legal representative within the region or between regions.
5. The delegation of correctional client guidance
6. Social rehabilitation for drug users
7. Referral for further treatment outside prison
8. Legal consultation in the field of prison
9. Legal aid facility
10. Conditional leave for general criminal offences
11. Assimilation for general criminal offences

As for the implementation of the rights of prisoners, it will first be explained about the rights of prisoners. The rights of prisoners in accordance with Article 14 of Law Number 12 of 1995 are as follows:

- a. Prisoners have the right to worship in accordance with their religion or beliefs, receive care both spiritual and physical care, get education and teaching, get health services and proper food, submit complaints, get reading materials and follow other mass media broadcasts that are not prohibited, get wages or premiums for work performed, receive visits from family, legal counsel, or certain other people, get a reduction in the period of punishment (remission), get the opportunity to assimilate including leave to visit family, get parole, get leave before release, and get other rights in accordance with applicable laws and regulations.

- b. ⁴ Provisions regarding the conditions and procedures for the implementation of the rights of prisoners as referred to in paragraph (1) shall be further regulated by Government Regulation.

The implementation of ³² the rights of prisoners is regulated in Government Regulation No. 99/2012 jo. Government Regulation No. 28 of 2006 jo. ¹¹ Government Regulation of the Republic of Indonesia Number 32 of 1999 concerning Conditions and Procedures for the Implementation of the Rights of Prisoners. The first part regarding the right to be able to worship in accordance with their religion or belief is regulated in Article 2 to Article 4, which in essence prisoners are required to follow religious education and guidance programmes according to their respective religions and beliefs. The second part regarding the right to receive care, both spiritual and physical care is regulated in Article 5 to Article 8. This right is given in the form of providing opportunities for sports and recreation, obtaining clothing, sleeping and bathing equipment.

The correctional centre is fully obliged to provide education and teaching for prisoners and correctional students. The implementation of education and teaching is carried out in cooperation with government agencies or institutions related to education and teaching. Prisoners are entitled to health services and proper food, this is regulated in Article 14 to Article 25 where the correctional centre is obliged to pay attention to the health of prisoners and provide proper food in accordance with health and existing regulations. The implementation of the right to submit complaints is contained in Article 26 where prisoners have the right to submit complaints to Tanjung Pura Detention Centre in the event of good or bad actions from fellow prisoners or detention centre officers in Tanjung Pura that interfere with the human rights of prisoners. Article 27 and Article 28 explain that prisoners have the right to obtain ² reading materials and follow other mass media broadcasts that are not prohibited, this must support the prisoner's personality development programme. Prisoners who take part in the work programme from the prison are entitled to get a wage or premium for the work done, this is in accordance with Article 29.

Although prisoners lose their freedom, they cannot be isolated from the outside environment, they are still entitled to receive visits from family, legal counsel, or certain other people, in accordance with Article (30) to Article (33). In addition to visits, convicts are entitled to ³⁶ remission or reduction of the criminal period. This is ²⁷ regulated in Article (34), Article (34)A, Article (34)B, Article (34)C and Article (35). In this provision, convicts must fulfil the requirements in accordance with article (34) paragraph 2. These conditions include:

1. The convict is of good behaviour
2. Has served a criminal period of more than 6 (six) months. Not undergoing disciplinary punishment within the last 6 (six) months, and has participated in the coaching programme organised by Tanjung Pura Detention Centre with a good predicate.

Assimilation can be revoked if the prisoner or Correctional Student violates the terms of assimilation. In Article 38A Assimilation for prisoners convicted of committing criminal offences as referred to in Article 34A paragraph (1), is given in the form of social work at social institutions. In addition to being entitled to remission and assimilation, convicts are also entitled to Prisoner Leave for convicts regulated in Article 41 paragraph (1) to paragraph (4). Every Prisoner and Correctional Student is entitled to leave. Leave as intended includes:

1. Leave to visit family; and
2. Leave Ahead of Release.
3. Leave to Visit Family shall not be granted to prisoners convicted of criminal acts of terrorism, narcotics and psychotropic substances, corruption, crimes against state security and serious human rights crimes, and other transnational organised crimes while Leave Ahead of Release shall not be granted to juveniles. Leave Ahead of Release is granted if the requirements in accordance with Article 42 A (1) are fulfilled as follows: Has served at least 2/3 (two-thirds) of the criminal period, provided that 2/3 (two-thirds) of the criminal period is not less than 9 (nine) months; Good behaviour during the criminal period of at least 9 (nine) months calculated before the date of 2/3 (two-thirds) of the criminal period; and The duration of Leave Ahead of Release is equal to the last Remission, maximum 6 (six) months.

Prisoner development is a way of treating prisoners desired by the correctional system in an effort to achieve the goal, namely so that upon returning the prisoner can behave as a good and useful member of society for himself, society and the state. In accordance with Government Regulation Number 32 of 1999 concerning Conditions and Procedures for the Implementation of the Rights of Prisoners, Development is an activity to improve the quality of devotion to God Almighty, intellectual, attitudes and behaviour, professional, physical and spiritual health of Prisoners and Correctional Students.

Prisoners as human beings have the same position to continue to enjoy their basic rights. The fulfilment of these rights has been stated in Law No.12 of 1995 concerning the Correctional System which was previously confirmed internationally about the minimum provisions in the development of prisoners as outlined through the Standard Minimum Rules For the Treatment

of Prisoners. There are 95 Articles that must be the provisions of member countries in treating prisoners, not least in Indonesia which has become one of the members of the United Nations.

Thus it can be said that prisoner development also means treating someone who has the status of a prisoner to be built in order to rise to become a good person. So what needs to be fostered is the personality and character of the prisoner in order to revive his confidence and be able to develop his social functions with a sense of responsibility to adjust to society. So coaching really needs the support and participation of the community. Such assistance can be seen from the positive attitude of the community to accept them back in society. Based on Law Number 12 of 1995 concerning Corrections, prisoner development is carried out with the principle of:

- 1) Pengayoman is the treatment of prisoners in order to protect the community from the possibility of repetition of criminal offences by prisoners, as well as providing life supplies to prisoners in order to become useful citizens in society.
- 2) Equality of Treatment and Services Equality of Treatment and Services is the provision of equal treatment and services to prisoners without discriminating people.
- 3) Education is that the implementation of education and is carried out based on Pancasila, including the cultivation of a family spirit, skills, spiritual education and opportunities to worship.
- 4) Guidance is that the implementation of education and guidance is carried out based on Pancasila, including the cultivation of a family spirit, skills, spiritual education and the opportunity to worship.
- 5) Respect for Human Rights and Dignity is that as people who have gone astray, prisoners must still be treated as humans.
- 6) Loss of Independence Is the Only Suffering Loss of Independence Is the Only Suffering is that even though prisoners must be in a correctional institution or detention centre for a certain period of time, the State must still fulfil the rights of prisoners and have the opportunity to improve them.
- 7) Guarantee of the right to remain in contact with family and certain people. Prisoners who are in correctional institutions or state detention centres must still be able to have contact with their families or relatives in the form of visits or family visitation leave programmes.

Based on Circular Letter Number K.P10.13/3/1 dated 8 February 195 concerning 'Corrections as a Process in Indonesia', the methods used in the correctional process include 4 (four) stages, which are an integrated process, namely:

1 Orientation/Introduction Stage

Every inmate who enters the penitentiary is scrutinised for everything about him or her, including the reasons why he or she committed the crime, where he or she lives, his or her economic situation, educational background and so on.

2 Assimilation Stage in the narrow sense

In this stage of assimilation for prisoners who have undergone coaching runs less than 1/3 of the criminal period. At this stage it is carried out by placing prisoners in open correctional institutions, with the intention of providing more freedom of movement, and the security programme is medium. Prisoners are given responsibility towards society. At the same time, a sense of self-esteem and good manners is fostered, so that the wider community develops trust and changes its attitude towards prisoners. Contact with elements of society is increased in frequency, such as community service with the wider community. At this time activities are carried out together with elements of the community. This stage is carried out until approximately 1/2 of the actual criminal period.

3. Assimilation Stage In The Broad Sense

This stage begins when the prisoner has served less than 1/2 of the criminal period, then the container of the extended development process is started with efforts to assimilate the criminal with the livelihood of the outside community, such as activities to include public schools, work in private bodies or other agencies, leave to worship and exercise with the community and other activities. At the time of the activity remains still under the supervision and guidance of correctional institution officers. At this level of assimilation the level of security is already minimum while the period of detention that must be served is up to 2/3.

4. Integration stage with the community.

This stage is the last stage in the coaching process known as integration. If the coaching process from the observation stage to integration can run smoothly and well and the actual criminal period has been served 2/3 -nya or at least 9 months, then the convict can be given a conditional release or conditional cti in this stage the coaching process is in the form of the wider community while the supervision is decreasing so that the convict can finally live with the community.

Thus, the purpose of fostering prisoners through correctional institutions in addition to improving and enhancing akhak (character) and mental, also improve the skills and skills of prisoners who are in correctional institutions. Things that both indirectly and directly can be felt to have an impact on the development of prisoners are the conditions of prisons that are

very unlikely, so there needs to be a strong effort to improve the quality of prisons both the system, facilities, including human resources. In addition, community participation in the justice system, especially at the stage of assimilation and integration with the community. At this stage inmates are entitled to obtain permission to work in the general community, although still under the supervision of officers, conditional release, conditional leave. Lack of attention to these matters causes a less than optimal process of fostering the colour of the prisoners.

In its course, the form of guidance established for prisoners in the correctional system includes:

1. Guidance in the form of direct interaction of a family nature between the coach and the fostered.
2. Persuasive coaching, which is trying to change behaviour through example.
3. Coaching is planned, continuous and systematic.
4. Personality development which includes religious, national and state awareness, intellectual, intelligence, legal awareness, skills, mental and spiritual.

CONCLUSIONS

Prisoners are people who are undergoing a period of punishment or punishment in the penitentiary, but however the prisoner is also a human being, so the human rights of prisoners must also be protected. As the basis for the duties and functions of correctional officers is Law Number 12 of 1995 concerning Corrections, which also regulates the rights of prisoners, namely those contained in Article 14 paragraph (1) letters a to m which must be fulfilled regardless of the background of the case / criminal offence. The conditions and procedures for granting these rights are also regulated by government regulations, namely Government Regulation Number 28 of 2006 concerning Amendments to Government Regulation Number 32 of 1999 concerning Conditions and Procedures for Implementing the Rights of Prisoners. The provision of the rights of prisoners in the provision of services to the rights of prisoners that have been in the Class II B Tanjung Pura Detention Centre including the revocation of conditional release, granting permission to leave the city, requesting medical recommendations given to prisoners, transfer at the request of themselves / family / legal representatives within the region or between regions. The delegation of correctional client guidance, social rehabilitation for drug users, referral for further treatment outside the prison, legal consultation in the field of correctional services, legal aid facilities, conditional leave for general crimes and the assimilation of general crimes.

ADVICE

It should be necessary to have a system of supervision or control over the fulfilment of the rights of prisoners in each detention centre or other technical implementation unit by the Government, namely the Ministry of Law and Human Rights in order to guarantee the fulfilment of the rights of prisoners. As well as the improvement of facilities and infrastructure in correctional institutions or other implementing units in order to support the fulfilment of the rights of prisoners so that the process of coaching prisoners can run optimally and the need for the participation of all parties including the general public so that the goals of coaching prisoners can be realised as expected. Community support and attention can have a good impact on the process of coaching prisoners to be able to return to activities in the community.

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