

Treatment of High Risk Prisoners in Batu Nusakambangan Class I Correctional Institutions for Human Rights

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Abstract -- *The Ministry of Law and Human Rights (Kemenkum HAM) has implemented a high-risk system or the security of high-risk prisoners at the Batu Dam White Sand Correctional Institution (Lapas), Central Java. This high risk status is specifically for prisoners of narcotics and terrorism cases. Batu Nusakambangan Lap is a special place for high risk prisoners. Problem formulation in this research are: 1) What are the forms of security for high risk prisoners in Class I Penitentiary Batu Nusakambangan against human rights? 2) How is the implementation of the special treatment policy for high risk prisoners in Class I prison in Batu Nusakambangan? The method used by the author in this study is through a sociological juridical approach that is reviewing the applicable legal provisions and what happens in reality in the community related to the treatment of high risk prisoners in Class I Correctional Institutions Batu Nusakambangan against Human Rights. The standard form of super maximum security in the Class I Batu Nusakambangan prison is supported by the use of high-tech tools and technology, including CCTV, automatic door locks, control rooms, 24-hour activity monitoring rooms for prisoners, use of signal scramblers, installation of shock fences, the use of a voice recording device in each residential room as well as the application of zero identity for correctional officers who are assigned to the Class I Batu Nusakambangan prison. The implementation of the policy was taken based on the initial assessment, annual assessment and special assessment carried out based on a recommendation letter from the directorate for super maximum security handling in the Class I prison in Batu Nusakambangan.*

Keywords: *Prisoner Treatment, High Risk, Penitentiary.*

I. INTRODUCTION

The Ministry of Law and Human Rights in conducting high risk to prisoners applies strict supervision on the high risk system. The treatment of high risk inmates at the Batu Nusakambangan Class I correctional facility

was treated fairly well. This is proven by the existence of one man one cell facility, which means that every movement of every day is monitored by CCTV for 24 for each prisoner and applies super maximum security. It is also intended for high-risk drug prisoners who are equipped with sophisticated and high-tech equipment, including rules when visiting which is equipped with anti-broken glass or a type of fiber and communicates through a recorded iphone so that their conversation can be known. From the results obtained that the treatment of high risk prisoners in Batu Nusakambangan Class I correctional facilities is carried out in accordance with the Directorate General of Corrections Number PAS-58.OT.03.01 of 2010 concerning Permanent Procedures to Treat High Risk Prisoners. This is because there are still obstacles that hinder the implementation of guidelines for the treatment of high risk prisoners from the socialization of regulations, human resources and facilities and infrastructure.

II. PROBLEMS

From the description above, in this case a problem statement can be drawn, namely:

1. What are the forms of security for high risk prisoners in Batu Nusakambangan Class I correctional institutions for human rights?
2. How is the implementation of the special treatment policy for high risk prisoners in Class I prison in Batu Nusakambangan?

III. RESEARCH METHODS

The method that I use in this research is through a sociological juridical approach. The method used is descriptive using a qualitative approach. Data collection techniques use primary data and secondary data and data analysis techniques use qualitative methods, namely assessing applicable legal provisions and what happens in reality in society.[1]

IV. DISCUSSION

A. Form of Security for High Risk Prisoners in Batu Nusakambangan Class I Correctional Institutions for Human Rights

One of the penal principles is that the state has no right to make someone worse or worse than before being imprisoned, therefore it is necessary to provide a clear system for handling prisoners' treatment. The development of the mode and operandi of crime has influenced the methods and procedures for the treatment of prisoners who undergo criminal acts in prison institutions. Based on an assessment conducted by correctional officers, each prisoner has a different risk qualification that includes high risk, medium risk and low risk inmates. This risk qualification requires different treatment. According to Rule of General Directorate of Correction of Law and Human Right Ministry No. PAS.58.OT.03.01 on 2010 about Fixed Procedures for The Treatment of High-Risk Inmate, high risk prisoners are prisoners who based on the assessment are determined as high risk prisoners based on a decree of the Minister of Law and Human Rights.

High risk prisoners are defined as prisoners who are judged to have significant risks related to:

- 1) Safety, endanger yourself, other prisoners or prison staff or visitors.
- 2) Stability, threat to order in prison / provocateurs, is not cooperative.
- 3) Security, the possibility of escape.

4) Reoffending, committing another serious / serious violation after being released.

5) Society, detainees who still have relations related to organized crime, ideology of terrorism, drug trafficking networks or who have money and power to influence.

Besides those who have the risk mentioned above, there are several other groups of prisoners who need special attention in the framework of classifying prisoners based on risk, namely:

- a. Violent extremist prisoners.
- b. Members of certain gangs or groups of mass organizations.
- c. Members of organized crime groups.
- d. Prisoner
- e. Former combatant.
- f. Prisoners with a long criminal sentence and a death sentence / life sentence

Based on the Permanent Procedure for the Treatment of High Risk Prisoners Directorate General of Corrections Number: PAS 58.OT.03.01 of 2010, April 23, 2010 states that high-risk prisoners are prisoners who through evaluation meet classification A and Classification B. Classification A is an assessment of certain prisoners which contains an assessment fulfilling one of the matters relating to the network that is still active, the ability to access weapons and explosives have a record of running away and have access and influence in Penitentiary and Classification B are prisoners who are at risk and are prone to transmit serious serious illnesses they suffer based on diagnosis health.[2]

Drug Drugs is one of the A High Risk Qualifiers inmates who have the ability to access active tissue, have influence in Corrections Institutions and hypnotherapy abilities that are used to influence fellow cells or their blocks. Besides that, the Narcotics Port is supported by the ability to use communication technology access and even has access to the circulation of money within the Penitentiary. Besides that Narcotics Bandar is able to indoctrinate or hypnotize fellow cellmates even with correctional

officers by using several methods or modes which include, bribery of correctional officers, extortion, as well as seduction and invitations in exchange for money, property and other rewards used to carry out crime .. Not a few prisoners even prison officials are tempted by the tricks of narcotics prisoners in carrying out the action. Therefore, Bandar Narcotics is classified as a high-risk prisoner who is qualified A that requires special safeguards to prevent abuse of authority, SOPs and regulations within the Penitentiary.

The behavior of high-risk prisoners can endanger themselves, others and their environment so that it can disrupt the penal system, therefore it must be separated from other prison residents. But now many of these prisoners are still getting the same treatment as other prisoners. They are still many who are placed in blocks / rooms that allow interaction with other prisoners so that it can affect other prisoners or have a negative impact on their environment. Nusakambangan High Risk / Super Maximum Correctional Institution is one of the Penitentiary Institutions in Indonesia which is located in a confined place or a limited and isolated area, namely Nusakambangan Island, which is located separately from the Java Island region. High Risk Prison uses the Super Maximum Security method, aka super tight security.

Based on the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH-07.OT.01.01 of 2017 Determination of High Risk Penitentiary for High Risk Prisoners and Prisoners, including placing Class 1 Correctional Institutions in Batu Nusakambangan and Class Correctional Institutions IIA Pasir Putih Nusakambangan as a High Risk or Super Maximum Penitentiary in Indonesia. Also based on Permenkumham No. 33 of 2018 concerning Penitentiary Revitalization namely Class IIA Penitentiary Karanganyar is a Special Penitentiary as a High Risk Prison supported by reliable security facilities, death execution

facilities for inmates, the latest security system technology and qualified implemented for High Risk Prisoners, one of which is supported by reliable security facilities, executions facilities for inmates, the latest security technology systems and qualified implemented for High Risk Prisoners, one of which is Narcotics Prisoner.

Safeguarding High Risk Prisons in prisoners in the Nusakambangan area emphasizes the security of Perimeter or perimeter security. Michael J Arata 2006 means that perimeter security is the protection of a facility, use natural or artificial barriers, to prevent intruders from entering or preventing prisoners from escaping from an area with clear boundaries. Perimeter security prioritizes the principle of external and internal security in order to prevent interference and threats to outside and internal security. In securing the perimeter there are five principles known as 5D (Deters, Detechs, Deny, Delay, and Defend). Perimeter Deter is a security for the unit farthest away from the assets that are secured. This security is in the form of a fence or the most outermost space limiting from security. A tall, sturdy and thick fence will have an impact to provide fear of crime for prisoners to try to escape. In addition, security is equipped with surveillance technology, aka eagle eyes (Surveillance) in the form of CCTV to prevent threats to security and order in the area of Correctional Institutions both inside and out.

1. Perimeter Detect is a security that emphasizes security on an area in a wide scope to accurately detect quickly and precisely when there are movements that are not authorized or not recognized for respond quickly to security threats and threats at the right time. This security is supported by the use of security with the help of tools and drone technology which is controlled manually by Mata Elang Penitentiary officer.
2. Pereny Deny is aimed at limiting and preventing unauthorized persons from

entering the Correctional Institution in Nusakambangan. This Perimeter emphasizes the use of entry access in the Nusakambangan era or in other words only people who have access are allowed to enter the Nusakambangan area. This Perimeter is implemented with the help of technology, Access Control System, High Security Road Blocker, Dynamite Protective Barrier, Main Gate Mobility Rotore, GPS System, Fence Border and Security Border Access or barrier doors and other tools to support metal detector, X Ray, Item Inspection, Scanner System, Body Scanner and Temperature Measuring Device (Thermal System).

3. Perimeter Delay is intended to slow down the activity of infiltration or escape by forcing the perpetrators of the escape to surrender and to provide an opportunity for the Security Team to call and make appropriate ambush and arrest efforts. This safeguard is carried out by the Emergency Response Team which is a member of the Nusakambangan Regional Security Unit in several High Risk Penitentiary Institutions in the Nusakambangan area whose task is to anticipate the risk of threats to security and order that can occur at any time in the Nusakambangan area and take action if the perpetrators try to take action resistance and endanger against him and the Security Team.
4. Perimeter Defend is intended to permanently expel or capture intruders and runaway attempters. Apart from the Emergency Response Team of the Penitentiary Security Unit, this security was carried out with the coordination and cooperation of the team and law enforcement officers on duty in the Nusakambangan area namely the Army Special Forces Command (Kopassus), the Army Armed Forces Rider Unit, the Anti-Terror Police Detachment 88 The Republic of Indonesia, the National Intelligence Agency, the National

Counterterrorism Agency of Indonesia, the Indonesian National Narcotics Agency, the Cilacap Regency Regional Government and other legal officers assigned to carry out security in the Nusakambangan Island region.

By considering all aspects of security and special treatment for narcotic criminal convicts, the Nusakambangan Region High Risk Prison is the best alternative choice for narcotic criminal convicts as a goal to carry out narcotics eradication and reduce prisoners' occupancy rates, especially for narcotic crimes. In addition this was carried out based on Minister of Law and Human Rights Regulation No. 33 of 2018 concerning Penitentiary Revitalization carried out with the aim of optimizing the implementation of correctional facilities by strengthening security and limitation of movement space for modifying prisoners' behavior so that prisoners regain consciousness and do good and received back in the community.[3]

B. Implementing the Policy for the Special Treatment of High Risk Prisoners in Class I Penitentiaries in Batu Nusakambangan

Prisoners need to be separated based on sex, legal status, type of crime, and age so that they can be placed in appropriate prisons according to their safety and needs. As stated in article 12 of Law Number 12 of 1995 concerning Correctional Facilities which reads:

- 1) In the framework of fostering prisoners in prisons, classification is carried out on the basis of:
 - a. Age.
 - b. Gender.
 - c. Long sentence imposed.
 - d. Type of crime.
 - e. Other criteria according to the needs or development of the guidance.
- 2) Guidance for female prisoners in prisons is carried out in prisons for women.

This classification of prisoners is necessary, both in terms of security and coaching as well as maintaining the negative influences that can affect other prisoners.

However, the current implementation is not in accordance with the rules as stated in Law Number 12 of 1995 concerning Corrections, because the number of prisoners exceeds prison capacity. Criminal groupings and placement based on new sex are effective.[4] There are three distribution systems for high-risk inmates, namely:

- a. Put in one place of concentration.
- b. Blocked / special rooms in prison (separation).
- c. Isolated from one another (isolation).

There are no specific rules on whether high-risk detainees must be concentrated in one or more institutions or scattered within the prison system, but what needs to be noted is that the placement of prisoners must always pay attention to the provisions in the minimum standards.

For prisoners who are suspected of being high-risk prisoners who have been placed in a special residential block, the breaths through the coaching section instruct immediately determine and appoint a guardian. Appointment of guardians is based on education and experience in handling prisoners suspected of being high risk prisoners. Guardians have at least received special training to handle the research of high-risk prisoners. Separation of a high-risk prisoner is carried out because the existence of the prisoner in a conventional prison is feared to be able to disrupt the penal system and disturb fellow prisoners and officials.[5]

The fundamental difference in the treatment of prisoners based on the level of risk is the security provided. Security systems in prisons / remand centers are:

1. Static security systems are facilities and infrastructure as well as other equipment used to ensure prisoners can be physically controlled, consisting of deterrence, monitoring, delaying, stopping and minimizing disruption attempts.
2. Dynamic security system is creating a good and right interaction between officers and prisoners / detainees in a

residential block based on respect for human rights.

3. A security system is the correct implementation of rules and procedures by officers in a residential block to detect possible security problems. The implementation of this security system includes identification and placement of prisoners / detainees, control of prisoners or prisoners 'movements, routine control of officers, room locking systems and control of prisoners / detainees' communication access.

The three security systems must go together to create a humanist condition. Adequate physical security is needed to prevent prisoners from escaping, supported by a good and consistently implemented security system and harmonious professional relations between prisoners and employees.[6]

Guidance for high risk inmates starts to be handled in accordance with existing coaching plans. The training program is intended to reduce the risk of prisoners committing acts of violence and violations in prison and repetition of crimes when free. Efforts to reduce risk include rehabilitation and restrictions that are routinely evaluated.[7]

High risk inmates are not always placed at maximum security. Evaluation and reassessment is an important part of every prisoner classification and classification system in an effort to balance safety and rehabilitation. These activities must be scheduled and carried out with a reasonable frequency and by observing the development of individual prisoners.

There are three assessment methods used in the treatment of high risk prisoners, namely:

- a. The initial assessment is based on the recommendation of guardian, bapas and other information, the period of assessment is done 1 (one) month after the prisoner undergoes admission and orientation, is carried out by a penitentiary (the person responsible for the assessment is Kalapas).

- b. The annual assessment is carried out by the Directorate based on recommendations from the TPP Lapas, to conduct an analysis and review of the status and types of treatment of prisoners and high-risk prisoners.
- c. Special assessment is carried out at the request of the regional office or directorate for changes in the status of high risk prisoners based on the existence of convincing evidence regarding the reduction or increase in security risk. Placement of prisoners in prison based on maximum security (maximum security) is only applied (imposed) to only a small portion of prisoners, so the evaluation and reassessment of prisoner risk levels must be carried out.

To ensure that principles are implemented it is necessary to provide a clear system for handling prisoners' treatment which consists of aspects of guiding officers, establishing clear regulatory provisions and fulfilling facilities and infrastructure, fulfilling budgets and clarifying their management.

V. CONCLUSION

The standard form of super maximum security in the Class I Batu Nusakambangan prison is supported by the use of high-tech tools and technology, including CCTV, automatic door locks, control rooms, 24-hour activity monitoring rooms for prisoners, use of signal scramblers, installation of shock fences, the use of a voice recording device in each residential room as well as the application of zero identity for correctional officers who are assigned to the Class I Batu Nusakambangan prison. The implementation of the policy was taken based on the initial assessment, annual assessment and special assessment carried out based on a recommendation letter from the directorate for super maximum security handling in the Class I prison in Batu Nusakambangan.

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