

Problem Analysis of Proposing Parole Relation to Narcotics Prisoners related to PP Number 99 Year 2012 in Nusakambangan Narcotics Prison

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Abstract--The phenomenon of narcotics crime that is rampant in Indonesia requires a special approach to suppress its circulation, including in terms of punishment and penal. Correctional institutions as a place that plays a role in fostering narcotics inmates not to repeat his actions. Conditional release is an effort to restore prisoners' relations with the community in a healthy manner. Procedure for granting parole for narcotics prisoners has its own specialty in its implementation. This relates to efforts to eradicate narcotics on a large scale so that prisoners need cooperation, on the other hand it aims to deradicalize radical understandings of narcotics prisoners. The formulation of the problem in this study are 1) What is the policy on granting parole according to PP No. 99/2012 at the Narcotics Institution? 2) What are the problems in proposing conditional giving according to Government Regulation Number 99 Year 2012 at the Nusakambangan Narcotics Institution? The research method in this study uses the sociological juridical method. The results showed that the granting of parole according to Government Regulation No. 99/2012 at the Nusakambangan Narcotics Institution includes tightening the conditions for filing Remission, Assimilation, Parole, and Leave. This tightening of conditions is specific to prisoners from certain categories of crime such as terrorism, corruption, narcotics and narcotics precursors, psychotropics, crimes against state security, gross human rights crimes and other organized transnational crimes.

Keywords: Parole; PP Number 99 of 2012.

I. INTRODUCTION

The phenomenon of narcotics crime that is rampant in Indonesia that requires a special approach to suppress its circulation, including in terms of punishment and penal. Correctional institutions as a place that plays a role in providing guidance to narcotics prisoners not to repeat his actions. Conditional release is an effort to restore prisoners' relations with the community in a healthy manner.

The procedure for granting parole to narcotics inmates has its own specialty in its

implementation. This relates to efforts to eradicate drug dealers or users on a large scale, so that prisoners need cooperation. On the other hand this is for the deradicalization of radical notions of narcotics inmates. Government Regulation Number 99 of 2012 concerning the requirements and procedures for the implementation of prisoners' rights is the second amendment to government regulation Number 32 of 1999 where the first amendment is Government Regulation Number 28 of 2006.

Proposing parole for narcotics convicts related to PP No. 99/2012 in the Nusakambangan Narcotics Lap will not be proposed for assimilation or integration. That is because that will cause the impact of crime cases in the category as specified in PP No. 99/2012 is the increasing intensity of the occurrence of these cases which has a major negative impact on social life. So that it becomes a problem of proposing parole for narcotics prisoners, because it can have an impact on social disintegration because of panic, anxiety, and paranoia which results in weak social resilience and vulnerable to negative incitements that could potentially divide the unity of the nation and state.

II. PROBLEMS

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

1. What is the policy on granting parole according to Government Regulation Number 99 Year 2012 at the Nusakambangan Narcotics Institution?
2. What are the problems in proposing conditional giving according to Government Regulation Number 99 Year 2012 at the Nusakambangan Narcotics Institution?

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. *Policy on granting parole according to Government Regulation No. 99/2012 at the Narcotics Narcotics Correctional Institution*

Government Regulation Number 99 of 2012 concerning Requirements and Procedures for the Implementation of Prisoners' Rights is the second amendment to Government Regulation Number 32 of 1999 where the first amendment is Government Regulation Number 28 of 2006. As stipulated in the "Considering" clause in Government Regulation Number 99 of 2012, the purpose of the second amendment to Government Regulation Number 32 of 1999 is to tighten the formulation of the conditions for granting Remission, Assimilation and Conditional Release for perpetrators of criminal acts of terrorism, narcotics and narcotics precursors, psychotropics, corruption, crimes against state security, crimes against human rights severe human beings, and other organized transnational crime [2].

Government Regulation Number 99 Year 2012 regulates the tightening of the conditions for granting Remission, Assimilation and Conditional Release for perpetrators of criminal acts of terrorism, narcotics and narcotics precursors, psychotropics, corruption, crimes against state security, serious crimes of human rights, and other organized transnational crimes. The background to the formation of government regulations is not only from the legal aspect but also from social phenomena. Many complaints and criticisms from the public regarding the lack of legal action against corruption perpetrators who were rewarded with small verdicts and did not appear to have a deterrent effect on the

perpetrators became channels of community aspirations that motivated the formation of Government Regulation No. 99/2012 [3].

Controversy arose with the formation of Government Regulation No. 99/2012, there are those who want the government regulation to be reviewed, even revoked because its existence has eliminated the right of prisoners to get remission, given the basis for granting remission, assimilation, and parole which is the Indonesian Government's initiative to pay attention to prisoners' rights especially after the ratification of the Universal Declaration on Human Rights (UDHR) [4].

Article provisions governing parole in Government Regulation Number 99 of 2012 concerning the Requirements and Procedures for the Implementation of Prisoners' Prisoners Rights are regulated in articles 43, 43A, and 43B. Changes in Government Regulation No. 99/2012 in the regulation of parole are contained in tightening certain conditions to obtain parole for prisoners with certain criminal offenses.

There is an amendment to clause clause 43 which adds points (c) and points (d) which are conditional release procedures involving the process of prisoners in prisons during the criminal period up to parole and measuring social integration between prisoners and the community that serves as a guarantor for their current guarantor the coaching process during the parole period. With the existence of two additional points in Article 43 Paragraph (1), it can be interpreted that the conditional release procedure involves two important agendas, namely the process of guiding prisoners while in Correctional Institution through various kinds of coaching programs and evaluating the coaching program process involving community perspectives. Another change in Government Regulation No. 99/2012 is regarding the specificity of the conditions for granting parole. In article 43A Government Regulation No. 99/2012 regulates specific criteria for perpetrators [5].

Following are the contents of article 43 Government Regulation Number 99 Year 20s12 Article 43A:

- 1) Granting Parole for Prisoners convicted of committing criminal acts of terrorism, narcotics and precursors of narcotics, psychotropics, corruption, crimes against state security and gross human rights crimes, and other organized transnational crimes, in addition to fulfilling the requirements referred to in Article 43 Paragraph (2) must also meet the following requirements:
 - a. Willing to cooperate with law enforcement to help dismantle criminal cases he committed.
 - b. Has served at least 2/3 (two thirds) of the criminal period, with the provision that 2/3 (two-thirds) of the criminal period is at least 9 (nine) months.
 - c. Has undergone assimilation of at least 1/2 (one half) of the remaining criminal period that must be served.
 - d. Has shown awareness and guilt for wrongdoing that has led to criminal conviction and has stated a pledge:
 - (1) Loyalty to the Unitary State of the Republic of Indonesia in writing for Prisoners Indonesian Citizens.
 - (2) Will not repeat the act of terrorism in writing for a Foreign Citizen Prison convicted of a criminal act of terrorism.
- 2) Inmates convicted for committing narcotics and narcotics, psychotropic precursors as referred to in Paragraph (1) only apply to Prisoners convicted with imprisonment for a minimum of 5 (five) years.
- 3) Willingness to cooperate as referred to in Paragraph (1) letter a must be stated in writing by law enforcement agencies in accordance with statutory provisions.

B. Procedures for Proposing Parole Relation to Narcotics Prisoners related to PP Number 99 Year 2012 at the Narcotics Narcotics Penitentiary Institution

Parole is the release of prisoners after undergoing at least two-thirds of his sentence with the provisions of two-thirds not less than 9 (nine) months. Parole must be beneficial for prisoners and children and their families and be given in consideration of the interests of security, public order and a sense of community justice [6].

In general, the granting of parole is carried out through a penal information system. Correctional information system is a correctional information system that is integrated between the Correctional Technical Implementation Unit, Regional Offices, and the Directorate General of Corrections. Procedure for granting parole:

1. Correctional officers record Prisoners who will be proposed for Parole. Data collection was carried out on the conditions for granting parole and completeness of documents.
2. Completeness of documents must be requested after 7 (seven) days Prisoners are in prison / LPKA. All documents must be fulfilled no later than 1/2 (one half) of the prisoners' criminal period in prison.
3. Furthermore, the Prison correctional observer team recommends the proposal to provide Conditional Release for Prisoners to the Prison Head based on Prisoners data that has fulfilled the requirements.
4. In the event that the Head of the Lapas agrees to the proposal for the provision of the Parole, the Lapas Head shall submit the proposal for the Provision of Parole to the Director General with a copy to the Head of the Regional Office.
5. Then, the Head of the Regional Office verifies the copy of the proposal for the provision of the Parole, the results of which shall be submitted by the Head of the Regional Office to the Director General of Corrections.
6. The Director General of Corrections shall verify the proposal for the granting of the Parole Exemption no later than 3 (three) days from the date the proposal for the provision of the Parole is received from the Head of Prison.
7. In the event that the Director General of Corrections approves the proposal for the provision of parole, the Director General of Corrections on behalf of the Minister of Justice and Human Rights determines the decision to grant parole. The decision to grant Parole is conveyed to the Head of Prison to be notified to the Prisoner or Child with a copy to the Head of the Regional Office [7].

Narcotics inmates can be given conditional release if they are completely clean of narcotics, and for terrorism convicts willing to make a statement of Justice Collaborator to be asked to related parties, whether related parties are willing to provide a statement of Justice Collaborator, if not willing, then close the opportunity for drug convicts / terrorism get remission.

PP No. 99 of 2012, among others, regulates the elimination of remission of drug convicts and terrorism convicts. Remission (Reduction of the Criminal Period) Remission is a reduction in the period of serving a criminal sentence given to Prisoners and Criminal Children who meet the conditions specified in the legislation. To be given a remission, inmates must fulfill the following conditions:

1. Prisoners in good behavior This good behavior requirement is proven by:
 - a) Not undergoing disciplinary action within the last 6 (six) months, counted prior to the date of Remission.
 - b) Has participated in a coaching program organized by LAPAS with a good title.
2. Has served a criminal period of more than 6 (six) months. If you are convicted of committing acts of terrorism, narcotics and narcotics precursors, psychotropics, corruption, crimes against state security, serious human rights crimes, and other organized transnational crimes, in addition to the above conditions, there are additional conditions, namely:
 - a) Willing to cooperate with law enforcement to help dismantle criminal cases he committed.
 - b) Has paid off the penalty and compensation in accordance with the court's decision for the convicted person for committing a criminal act of corruption.
 - c) Have participated in the deradicalization program organized by LAPAS and / or the National Counterterrorism Agency, and stated the pledge:
 - 1) Loyalty to the Unitary State of the Republic of Indonesia in writing for Prisoners Indonesian Citizens.

- 2) Will not repeat the act of terrorism in writing to a Foreign Citizen Prisoner, who has been convicted of a criminal act of terrorism.

Parole can be submitted by fulfilling the conditions set and following the process outlined above until the issuance of the decision to grant parole from the Director General of Corrections on behalf of the Minister of Justice and Human Rights [8].

C. Analysis of the Problem of Proposal for Parole Relation Regarding PP Number 99 Year 2012 in Narcotics Narcotics Prison

The application for granting parole in accordance with existing legal regulations, namely as stipulated in PP Number 99 of 2012 and Regulation of the Minister of Law and Human Rights Number: 01.PK.04-10 of 2007. Regulation of the Minister of Law and Human Rights contains substantive and administrative requirements that must be fulfilled for inmates.

The process of parole in the Narcotics Narcotics Prison is carried out with an online system and has reduced the risk of transactional in the event of abuse of power. Every month prisoners who have served 2/3 of their prison period will be announced through the announcement wall so that prisoners know about it. Qualified or eligible prisoners can then submit conditional release and prison staff will provide blanks filled out by prisoners, prisoners' families, and village heads as those who know through attachments to the statement form and family capacity guarantees.

From the process of parole in nusakambangan narcotics prison, it becomes a problem in proposing parole related to PP No. 99/2012, which is related to administrative constraints, staffing, juridical constraints, cultural and community constraints, and constraints for prisoners' economic conditions and constraints of limited facilities and infrastructure.

The results of the community research and the resumes of the results of the prison observation team session were the main benchmarks of the successful submission of prisoners' parole in the Narcotics Narcotics prison. Thus the social research and assessment of inmates is done as well as

possible. Because the one who knows exactly the prisoner's situation is the officer who deals directly with the prisoner.

Prisoners who get parole consist of various types of perpetrators of criminal acts. One indicator of the success of correctional institutions in implementing a penal system is a gradual increase in the number of prisoners who are free before their time through the process of assimilation and integration.

V. CONCLUSION

Problematic Analysis of Proposal Proposal Release for Prisoners related to PP Number 99 Year 2012 in Narcotics Narcotics Prison related to the Policy on granting parole according to PP Number 99 Year 2012 at Nusakambangan Narcotics Institution, including tightening requirements for filing Remission, Assimilation, Parole, and Leave. This tightening of conditions is specific to prisoners from certain categories of crime such as terrorism, corruption, narcotics and narcotics precursors, psychotropics, crimes against state security, gross human rights crimes and other organized transnational crimes. Besides that, in the process of parole in nusakambangan narcotics prison, it becomes a problem in proposing parole regarding PP No. 99/2012, which is related to administrative, employee, juridical, cultural and community constraints, and constraints for prisoners' economic conditions and constraints limited facilities and infrastructure.

REFERENCES

- [1] B. Waluyo, *Penelitian Hukum dalam Praktek*, Jakarta: Sinar Grafika, 2002.
- [2] B. Simarmata, "Pemberian Pembebasan Bersyarat terhadap Narapidana Koruptor dan Teroris," *Mimbar Hukum*, vol. 23, no. 3, p. 56, 2013.
- [3] I. Sulthin, "Filsafat (Sistem) Pemasyarakatan," *Jurnal Kriminologi Indonesia*, vol. 7, no. 1, p. 105, 2010.
- [4] Muladi, *Demokrasi Hak Asasi Manusia dan Reformasi Hukum di Indonesia*, Jakarta: Habibie Center, 2002.
- [5] "hukumonline.com," Jum'at Juli 2020. [Online]. Available: <https://www.hukumonline.com/klinik/detail/ulasan/lt4d55589454589/syarat-dan-prosedur-pengajuan-pembebasan-bersyarat/>
- [6] A. Chazawi, *Pelajaran Hukum Pidana Bag. I, Stelsel Pidana, Tindak Pidana, Teori-Teori Pemidanaan dan Batas Berlakunya Hukum Pidana*, Jakarta: Raja Grafindo, 2002.
- [7] Muladi, *Lembaga Pidana Bersyarat*, Bandung: Alumni, 2002.
- [8] N. S. P. Jaya, *Kapita Selekta Hukum Pidana*, Semarang: Universitas Diponegoro, 2005.