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Implementation of the Right to Remission for Prisoners of Narcotics Abuse in Lapas 1 Medan

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Abstract: This research aims to find out the fulfillment of remission rights for narcotics abuse inmates in Lapas 1 Medan. Prisoners who have rights that are protected from human rights and which are regulated in Law Number 12 of 1995 concerning Corrections in Article 14 paragraph (1) explains the rights of prisoners, one of which is the right to get remission. Remission is the right of every prisoner that must be fulfilled. However, Government Regulation Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning Conditions and Procedures for the Implementation of Rights and Prisoners of Corrections tightens the granting of remission to prisoners of narcotics crimes.

Keyword: Remission Rights, Prisoners, Narcotics.

INTRODUCTION

Drug abuse is a serious problem faced by many countries around the world, including Indonesia. According to data from the National Narcotics Agency (BNN), in 2020 there were around 1.5 million drug users in Indonesia. In addition, the number of cases of drug abuse also continues to increase from year to year. The government has issued legal products that are expected to be able to prevent and eradicate narcotics crimes through Law Number 22 of 1997 concerning Narcotics which has been amended into Law Number 35 of 2009 concerning Narcotics.

In the Indonesian criminal law system, the State Detention Center (Rutan) and the Penitentiary (Lapas) are two types of institutions that play a role in the implementation of training and correctional assistance. The two institutions have something in common, namely being a Technical Implementation Unit: Both Detention Center and Prisons are Technical Implementation Units under the auspices of the Directorate General of Corrections of the Ministry of Law and Human Rights (article 2 paragraph [1] PP No. 58 of 1999).

The factors leading to an increase in narcotics can be complex and involve a variety of social, economic, psychological, and policy aspects. Some factors that can be the cause of the increase in narcotics include, the availability and circulation of narcotics: the presence of

narcotics narcotics that are widespread and easily accessible is an important factor in the surge in drugs. The circulation of various types of narcotics makes it easier to obtain by various levels of society.

The large number of narcotics prisoners (NAPI) who are punished based on positive law in force in Indonesia causes the number of prisoners in prisons (LAPAS) to dominate due to the inadequacy of special narcotics prisons, causing prisons in Indonesia to be full or overloaded. This can be seen from the frequent conflicts between prisoners and between prisoners and the prison guards themselves. The impact of this can be seen where many prisoners escaped, damaged prison facilities and even burned prisons as happened on Thursday, July 11, 2013, where Tanjung Gusta Class 1 A prison, North Sumatra Medan caught fire which resulted in around 300 (three hundred) prisoners escaping.

METHOD

This type of research carried out in a scientific activity uses empirical legal research methods. Empirical research uses primary data (data obtained directly from people's lives by observation). This research was conducted by 2 people at Penitentiary Institution 1 Medan which is located at Jl. Penitentiary No. 27, Kel. Tanjung Gusta Kec. Medan Helvetia, Medan City. The primary data source in this study is the recording of the main data source through direct observation or observation as well as interviews with Medan Prison 1 employees as informants. While secondary data sources are supporting data that can help support primary data. Such as laws and regulations, official documents related to prisoner remission, journals and online websites. The data analysis techniques in this study start from problem identification, document selection, analysis and interpretation, and verification.

RESULTS AND DISCUSSION

The basis for granting remission to drug abuse in Prison 1 Medan

Every prisoner is entitled to remission. Remission is a reduction in the period of punishment given to prisoners and criminals who have met the requirements in the applicable laws and regulations. The criminal child in question is a child who is 14 years old, but not yet 18 years old who is undergoing guidance in a special child development institution. The Legal Basis for the granting of Remission Rights is regulated in Law Number 12 of 1995 concerning Corrections in Letter i Article 14 paragraph (1) states that prisoners are entitled to a reduction in the period of punishment (remission). The right to remission for narcotics abuse is seen in terms of the principle of equality in public as one of the Human Rights guaranteed in the Law.

The granting of remission is regulated in Regulation of the Minister of Law and Human Rights Number 3 of 2018 concerning Conditions and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Leave Ahead of Release, and Conditional Leave. According to Article 3 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 03 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Leave Ahead of Release, and Conditional Leave that remission consists of general remission and special remission.

General remission as referred to in paragraph (1) letter a is given on the anniversary of the Proclamation of Independence of the Republic of Indonesia on August 17. Special remission as referred to in paragraph (1) letter b is given on the occasion of religious holidays adhered to by the Prisoner or Child concerned, provided that if a religion has more than one religious holiday in a year, the chosen one is the holiday that is most honored by the adherents of the religion concerned.

In addition to Remission as referred to in Article 3, Article 4 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 03 of 2018

concerning Conditions and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Leave Ahead of Release, and Conditional Leave mentions that Prisoners and Children can be given: Humanitarian remission, additional remission, and supplementary remission.

1. Humanitarian Remission is a remission given for the benefit of humanity. With a maximum sentence of one year, aged 70 years or suffering from prolonged illness.
2. Additional Remission is granted if the person concerned performs services to the state, performs actions that benefit the state or humanity, performs actions that assist development activities in prisons / LPKA; and be a witness to perpetrators who cooperate with law enforcement.
3. Subsequent remissions consist of 2, namely supplementary general remissions are remissions given to prisoners and convicts who on August 17 after serving a minimum detention period of 6 months and have not received a court decision that is legally binding, while special remissions are remissions given to prisoners and criminal children who on religious holidays in accordance with their religion have served a minimum detention period of six months and have not received a court decision that is legally binding.

In the Medan Correctional Institution (Lapas) 1, in granting Remission, certain conditions are needed for prisoners and juveniles to be able to receive the Right to Remission, such as:

1. Inmates of good conduct
2. This requirement of good behavior is evidenced by:
 - a. not currently undergoing disciplinary punishment within the last 6 (six) months, starting before the date of granting Remission; and
 - b. has participated in a formation program organized by the Penitentiary "(Lapas)" with good predicate.
3. Have served a criminal term of more than 6 (six) months
4. Excluding register F, if the prisoner is exposed to register F on the date of grant/designation of remission, the Revocation Decree will be revoked. What is meant by register F is a record of violations of the order of an inmate. The forms of violations categorized as serious violations included in register F include:
 - a. Smuggling or storing or abusing drugs.
 - b. Smuggling or storing and using mobile phones.
 - c. Attempt to escape.
 - d. Smuggling or storing and using sharp weapons.
 - e. Committing persecution including beatings or mobbing.
 - f. Breaking locks/padlocks, provoking other inmates to make noise, etc..

Implementation of remission rights for prisoners of narcotics abuse in Lapas 1 Medan

Correctional Institution (LAPAS) is a place of guidance for prisoners and correctional students in Indonesia, both physical and spiritual guidance. The correctional institution is responsible for the detention, guidance and supervision of prisoners while serving a criminal sentence. The residents of the Prison Institution are not only prisoners, but also Prisoners (WBP) who are still in detention, meaning that they are still in the judicial process and have not been convicted or not by the judge. In the implementation of guidance and granting the right of prisoners to obtain remission at Medang Correctional Institution 1, it has been carried out in accordance with applicable regulations, especially Government Regulation Number 99 of 2012 concerning the implementation of Presidential Decree Number 174 of 1999 concerning remission, which contains:

1. In the event that the Head of Lapas/LPKA approves the proposal for granting remission, the Head of Lapas/LPKA submits the proposal for granting remission to the Director General of Corrections with a copy to the Head of the Regional Office.
2. The Head of the Regional Office verifies the copy of the proposal for granting remission a maximum of 2 days from the date the remission proposal is received from the Head of Lapas/LPKA. The verification results were submitted by the Head of the Regional Office to the Director General of Corrections.
3. The Director General of Corrections verifies the proposal for granting remission, a maximum of 3 days from the date the proposal for granting remission is received from the Head of Lapas/LPKA.
4. In the event that the Director General of Corrections approves the proposal for granting Remission, the Director General of Corrections on behalf of the Minister of Law and Human Rights determines the decision on granting Remission.
5. The decision to grant remission is submitted to the Head of Lapas/LPKA to be notified to the Prisoner or Child with a copy to the Head of the Regional Office and printed in Lapas/LPKA with the electronic signature of the Director General of Corrections on behalf of the Minister of Law and Human Rights.

The benchmark requirements for the implementation of fulfilling the reduction of criminal period (remission) are contained in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 03 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Parole, Leave Before Release, and Conditional Leave. The implementation of the Remission carried out, namely:

1. General Remission, the general remission amount is
 - a. The first year for prisoners who have served 6 (six) to 12 (twelve) months is given a remission of 1 (one) month, for those who are more than 12 (twelve) months can be 2 (two) months;
 - b. The second year is given a remission of 3 (three) months;
 - c. The third year is given a remission of 4 (four) months;
 - d. The fourth and fifth years are given a remission of 5 (five) months;
 - e. The sixth year onwards is given a remission of 6 (six) months.
2. Special remission, the amount of special remission is
 - a. The first year for prisoners who have served 6 (six) to 12 (twelve) months is given a remission of 15 days (fifteen);
 - b. The second and third years are given a remission of 1 (one) month;
 - c. The fourth and fifth years are given a remission of 1 (one) month 15 (fifteen) days;
 - d. The sixth year onwards is given a remission of 2 (two) months.
3. Humanitarian remission, consisting of:
 - a. Child remission, only for children under 18 years old on the date of remission designation, the amount of remission is given as much as the proposed RU but the implementation is on the child's day (July 23) which is included with the Birth Certificate and Diploma, and when July 23 is not yet 18 years old.
 - b. Remission of the elderly, given to those over 70 years old, the amount of remission given is as large as the proposal of the RU but the implementation is on the day of the elderly (May 23) which includes a birthmark / certificate / civil registration letter explaining the age, and when May 29 is more than 70 years old.
 - c. Remission of prolonged illness, given on health day, the amount of remission given is as large as the proposed RU but its implementation is on World Health Day (April 7) by fulfilling a prison doctor's certificate / expert doctor stating that the disease is difficult to cure, life-threatening, and requires expert care.
4. Additional remissions, which are given along with general remissions.

- a. Remission does service to the state, the amount of remission is $\frac{1}{2}$ (one half) of the general remission obtained concerned. Suppose the inmate does organ donation and blood donation.
- b. Remission of acts that assist formation activities in the Community Institution as a leader, the amount of remission is $\frac{1}{3}$ (one third) of the general remission obtained in the relevant year.

The Medan Penitentiary (Lapas) 1 in 2023 will be inhabited by 3091 people, consisting of 53 prisoners and 3038 inmates. Of these, 61 inmates are serving death sentences and 240 inmates are serving life sentences. Based on the results of the study, there is a number of data on narcotics prisoners who have received the right to remission, namely:

Table 1. Number of Inmates Remission in 2022 in Medan Correctional Institution 1

Remission	General Remission	Special Remission	Additional Remission
General Remission I	2,059 people	-	-
General Remission II	1 person	-	-
Special Remission I	-	1,940 people	-
Special Remission II	-	1 person	-
Additional Remission	-	-	-

Table 2. Number of Inmates Who Received Special Remission for Narcotics Prisoners in 2022 at Medan Correctional Institution 1

Remission	General Remission	Special Remission	Additional Remission
General Remission I	1,532 people	-	-
General Remission II	-	-	-
Special Remission I	-	1,400 people	-
Special Remission II	-	-	-
Additional Remission	-	-	-

Table 3. Number of Inmates in Remission in 2023 in Medan Correctional Institution 1

Remission	General Remission	Special Remission	Additional Remission
General Remission I	2,510 people	-	-
General Remission II	1 person	-	-
Special Remission I	-	2,301 people	-
Special Remission II	-	1 person	-
Additional Remission	-	-	-

Source : Penitentiary 1 Medan

Table 4. Number of Inmates Receiving Special Remission for Narcotics Prisoners in 2023 at Correctional Institution 1 Medan

Remission	General Remission	Special Remission	Additional Remission
General Remission I	1,878 people	-	-
General Remission II	-	-	-
Special Remission I	-	1,477 people	-
Special Remission II	-	-	-
Additional Remission	-	-	-

Source : Penitentiary 1 Medan

From the comparison of the table above, the Right to Remission granted by LAPAS has increased because many prisoners do in accordance with existing rules (are eligible for remission) and have never been sanctioned. For example, in 2022 prisoners are not eligible because they have not served 6 months or more of their sentence, so in 2023 prisoners are eligible for or proposed for remission because they have met the requirements, such as having served 6 months or more and behaving well. Every inmate shall and shall be granted general remission and special remission.

CONCLUSION

The basis for granting remission to drug abuse prisoners in Medan Class 1 Correctional Institution is Law Number 12 of 1995 concerning Corrections and Regulation of the Minister of Law and Human Rights Number 03 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Parole, Leave Before Release, and Conditional Leave. During the prison period, prisoners must behave well in order to get remission which has become an absolute requirement and must also meet other conditions.

The implementation of remission for narcotics abuse in Medan Class 1 Community Institution is carried out in accordance with applicable regulations. The Head of LAPAS and the TPP Team held a hearing to discuss the remission request with supporting data. If approved by the Kepala Prisons and with the consideration of the TPP Team, it is forwarded to the Head of the Regional Office, after the Head of the Regional Office receives the remission application then forwards the remission proposal to the Director General of Corrections. If based on the judgment of the TPP Team, the prisoner is not eligible for remission, the Chief of Prisons must notify the refusal to the prisoner concerned.

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