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Potential Management of Nusakambangan Island as a Special Area for Rehabilitation and a National Defense and Security Zone

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Abstract: As an area restricted solely to the execution of penal functions, research interests, and mining activities, Nusakambangan Island primarily serves the purposes of securing and rehabilitating inmates. Consequently, the development of Nusakambangan Island should ideally focus on implementing a robust penitentiary system. Currently, however, development efforts on Nusakambangan Island are limited to constructing facilities supporting correctional institutions, overlooking its broader potential and functions for national interests. The aim of this study is to analyze the existing conditions to ascertain its potential and identify the challenges in managing Nusakambangan Island as a special area for rehabilitation, national defense, and security. The research methodology employed is qualitative, utilizing a participatory observation approach with full participation. Primary data was gathered through direct observation by the researcher, while secondary data was obtained through a juridical normative approach. The findings reveal that annual population migration into the Nusakambangan area is increasingly uncontrollable, sedimentation issues in the Segara Anakan area lack clear management, ongoing debates over island management persist, and the Directorate General of Corrections' limited authority over Nusakambangan Island exacerbates these complex issues. To optimize the penitentiary system, it is recommended that Nusakambangan Island be designated as a proportionally closed special area solely open for research, protected forests, and mining interests under clear policy directives.

Keyword: Corrections System, Nusakambangan Island, and National Security.

INTRODUCTION

Penal administration is an integral part of the criminal justice system managed by the government to support law enforcement with a focus on service, guidance, and rehabilitation for social integration. The implementation of penal administration has evolved in accordance with the direction of legal development at national, regional, and international levels.

According to Waluyo (2023), these changes reflect a shift in societal attitudes towards the treatment of offenders as whole individuals. With the enactment of Law Number 22 of 2022 on Penal Administration, Indonesia's legal system has transformed from a prison paradigm to a rehabilitation-focused paradigm.

To support this objective, it is necessary to optimize the available facilities and infrastructure, including through the management optimization of Nusakambangan Island. Nusakambangan Island is generally known to the public as a prison island, symbolizing its role in rehabilitating criminal offenders (Mauludin and Sumirat, 2023). Located in the southern part of Central Java Province, Nusakambangan Island spans approximately 120.568.000 square meters according to the calculation by the National Geospatial Information Agency, which serves as the authoritative reference due to its jurisdiction in determining island dimensions without mainland borders.

Since the Dutch East Indies era, Nusakambangan Island has been used as a place for serving criminal sentences and employing convicted individuals in rubber plantations during the rubber boom of 1910-1913. Under Dutch colonial policy, the Department of Justice (now the Ministry of Law and Human Rights) was mandated to manage Nusakambangan Island as per Governor's Decree No. 32 of 1937, regulating administrative and operational aspects including governance and security arrangements.

Currently, operational coordination related to the management of Nusakambangan Island falls under the responsibility of the Chief of Class I Batu Penitentiary, acting as the coordinator of penal administration on the island. This coordination encompasses security, supervision, inmate rehabilitation, and the protection of human rights in accordance with national and international legal standards. However, as a unit of work, there are challenges and limitations in managing Nusakambangan Island and limited authority to independently regulate the area. In addition to its role as a correctional facility, Nusakambangan Island serves other purposes based on policy developments:

1. By Presidential Decree No. 6 of 2017, Nusakambangan Island was designated as part of Indonesia's outermost small islands with strategic functions in national defense and security.
2. According to Government Regulation No. 26 of 2008 on the National Spatial Planning Plan, amended by Government Regulation No. 13 of 2017, Nusakambangan Island is designated as a national strategic area for environmental purposes.
3. Based on Provincial Regulation No. 6 of 2010 concerning the Spatial Planning Plan of Central Java Province for the period 2009-2029, the western and eastern parts of Nusakambangan Island are designated as nature reserves managed by the Natural Resources Conservation Office of Central Java Province.
4. Under Government Regulation No. 50 of 2011 on the Master Plan for National Tourism Development 2010-2025 and Provincial Regulation No. 10 of 2012 on the Master Plan for Tourism Development in Central Java Province 2012-2027, Nusakambangan Island is planned for national and provincial tourism destinations.
5. Presidential Decree No. 38 of 1974 repealed Governor General Decree No. 25 of August 10, 1912, Third Dictum, which designated Nusakambangan Island as a closed area, declaring it open for research and mining purposes in response to contemporary developments.

The management of Nusakambangan Island must consider various aspects including environmental concerns, penal administration duties, and national defense and security. Based on the foregoing introduction, the study aims to analyze existing conditions to identify the potential and challenges in managing Nusakambangan Island as a special area for penal administration, national defense, and security. It is hoped that this research will contribute positively to the formulation of management policies for Nusakambangan Island.

METHOD

This research employs a qualitative method utilizing participatory observation with full participation. Full participation involves the researcher's complete involvement in the observation process, although not directly engaging in the researched activities (Sugiyono, 2013). Primary data is obtained through direct observation conducted by the researcher, while secondary data is acquired through a juridical normative approach, focusing on the analysis of applicable legislation, legal doctrines, and principles relevant to the research.

RESULTS AND DISCUSSION

Challenges in Managing Nusakambangan Island as a Special Area for Penal Administration

According to Yulianto and Muhammad (2021), the primary goal of the implementation of penal administration duties is to build social trust or integrity. This integrity applies not only to convicts or inmates but also strives to protect their rights, including civil rights, property rights, and legal rights. The penal administration system aims to enhance the personal capacity of offenders to contribute positively as individuals. This approach includes continuous, structured, and targeted rehabilitation, emphasizing humane treatment and respect for their human rights. These principles are reflected in the execution of penal administration duties within organizational contexts.

In carrying out these duties, particularly in social reintegration and penal system management, the Directorate General of Corrections chose Nusakambangan Island as a pilot project to reintroduce penal administration. This selection was based on the island's location within a specific area, facilitating easier supervision and inmate allocation (Lukito and Sinaga, 2021). The island is considered a perfect example for a correctional institution with an isolated system (Stutje, 2019). Currently, Nusakambangan Island faces significant challenges related to suspected illegal activities such as land encroachment and deforestation both on the island and its surrounding areas. These phenomena indicate potential serious environmental damage in the region. Land encroachment threatens the island's ecosystem sustainability, while deforestation disrupts biodiversity and reduces natural habitat quality. Such issues raise concerns about their impact on forest conservation and the crucial security stability in the context of inmate rehabilitation.

The migration of population to Nusakambangan continues to increase annually and proves difficult to control. Additionally, sedimentation in the Segara Anakan area, ongoing debates over island management, government development plans, minimal supervision on Nusakambangan Island, and limited authority of the Directorate General of Corrections over its management contribute to increasingly complex challenges.

Several issues arise due to the Directorate General of Corrections' limited authority over Nusakambangan Island management. Responsible as the primary sector in inmate rehabilitation, the Directorate General of Corrections has restricted involvement in planning, development, and monitoring the implementation of penal administration tasks and functions on Nusakambangan Island. The technical execution units of penal administration on the island operate under the coordination of the Ministry of Law and Human Rights Regional Office in Central Java through its Corrections Division. The geographical distance between the Corrections Division and Nusakambangan Island severely weakens the Directorate General of Corrections' oversight and control. This situation minimizes the Directorate General of Corrections' role in Nusakambangan Island management.

In addition to the aforementioned issues, the designation of Nusakambangan Island management as a special penal area is hindered by the issuance of Presidential Decree No. 38 of 1974. This decree revoked Governor General Decree No. 25 dated August 10, 1912, Third Dictum, which closed Nusakambangan Island, deeming it unsuitable for contemporary circumstances and opened it for research and mining purposes. The impact of this revocation

led to limestone mining operations currently operated by PT. Solusi Bangun Indonesia, tbk. The limestone mining agreement ended in late 2021. According to Allagan et al. (2022), the collaboration was made considering that Nusakambangan Island, a state-owned asset, is utilized to support the functions of relevant ministries/agencies, particularly the Ministry of Law and Human Rights. The use of state assets is delegated to the Directorate General of Corrections for inmate rehabilitation purposes. However, questions arise regarding why Nusakambangan Island was partnered with others for limestone mining activities, considering state-owned assets should ideally be optimally utilized for supporting ministry/agency functions. If state property is not used optimally or even productively, it adds burdens such as maintenance costs, security, and other expenses related to idle or underutilized assets. According to Ministry of Finance Regulation No. 115/PMK.06/2020 on the Utilization of State-Owned Goods, the use of state-owned goods aims to optimize their utilization without altering ownership status to ensure secure management and enhance performance and value.

Based on juridical aspects, the collaboration between PT. Solusi Bangun Indonesia, tbk. and the Ministry of Law and Human Rights is legally justified. Article 1338 paragraph (1) of the Civil Code states that valid agreements have the force of law for those who make them. The agreement stipulates its termination after a 30-year period in 2031, subject to earlier termination if PT. Solusi Bangun Indonesia, tbk. fails to fulfill its obligations. These obligations include compensation for land use and compensation for goods corresponding to the limestone volume produced. The agreement may also be terminated by mutual agreement between the parties. The primary concern regarding this collaboration is whether PT. Solusi Bangun Indonesia, tbk.'s mining activities have negative implications for Nusakambangan Island's role as a special penal area and a national defense and security area. To date, observations have not identified negative impacts from PT. Solusi Bangun Indonesia, tbk.'s mining activities. Nonetheless, preventive measures through clear policies regarding their utilization are necessary.

Challenges in Managing Nusakambangan Island as a National Defense and Security Area

Nusakambangan Island has been designated as part of the Outermost Small Islands based on Presidential Decree Number 6 of 2017, which refers to Government Regulation Number 62 of 2010 regarding the Utilization of Outermost Small Islands. This regulation governs the optimization of island resources and adjacent waters within a distance of up to 12 nautical miles from the coastline, as part of Indonesia's sovereignty enforcement strategy in terms of national defense and security. The utilization of Pulau Nusakambangan is restricted to purposes of defense and security, community welfare, and environmental preservation, as stipulated in the Government Regulation. This underscores that the island's use must consider critical aspects such as the preservation of its natural ecosystem and sustainable socio-economic benefits for the local community.

According to Utama (2023), every individual and society has two primary interests: security and welfare. Welfare and aspirations for a better life have driven many residents to come to Pulau Nusakambangan. The influx of new inhabitants raises concerns about its impact on forest preservation and stability on the island, particularly in the context of rehabilitating high-risk prisoners. These newcomers argue that they possess the land they occupy, which is unregulated emergent land. However, under Government Regulation Number 16 of 2004 concerning Land Utilization, emergent land in coastal waters, tidal flats, swamps, lakes, and former river beds is state-owned and regulated under state property management.

Oktavia and Sitabuana (2023) explain that many communities have claimed substantial portions of emergent land, despite its actual ownership by the state. Additionally, Pulau Nusakambangan serves as an Outermost Small Island and frontline area for national

security. However, its inclusion in the National Tourism Master Plan implies that access to the island is no longer restricted to external parties. This suggests a need for strategic policies to refocus on national security on Pulau Nusakambangan, including its management by the Directorate General of Corrections. Security issues around Pulau Nusakambangan are complex and closely tied to its environmental conditions. Surveillance limitations, including the number of officers and security facilities available on the island, significantly affect security dynamics in the area. Currently, surveillance relies solely on correctional officers whose primary role is securing correctional facilities. Left unaddressed, these issues could render Pulau Nusakambangan easily accessible to anyone, potentially disrupting the rehabilitation of inmates and even threatening national security given its direct adjacency to the sea.

Under regulations governing state property management, protection involves administrative, physical, and legal aspects, including requirements for land certification under the name of the Republic of Indonesia by the relevant Ministry/Agency, in this case, the Ministry of Law and Human Rights. However, Pulau Nusakambangan currently lacks full certification under the name of the Republic of Indonesia. Only approximately 774 hectares out of the total area of 12,056.8 hectares of Pulau Nusakambangan have been certified. This situation presents an opportunity for residents living on Pulau Nusakambangan to apply for land certification for the land they occupy (Rivandi and Muhammad, 2021).

Potential Management of Pulau Nusakambangan

The analysis regarding the potential designation of Pulau Nusakambangan as a special correctional area necessitates consideration, given the complexity of issues in implementing correctional tasks on the island. This effort aims to facilitate better control over the range of responsibilities and functions, thereby empowering the Directorate General of Corrections to manage, plan, and utilize Pulau Nusakambangan for the rehabilitation and reformation of inmates. Currently, the utilization of Pulau Nusakambangan to support the correctional process remains suboptimal due to the lack of comprehensive planning for its development.

The current planning activities on Pulau Nusakambangan have not fully optimized all functions and potentials available on the island. This situation presents a challenge to the Directorate General of Corrections in its role as the administrator of Pulau Nusakambangan. Limitations arise from the absence of a specialized unit empowered to identify, design, and implement optimal strategies for the effective utilization of Pulau Nusakambangan for correctional purposes. These conditions indicate that the development of Pulau Nusakambangan faces significant obstacles in enhancing its effectiveness. It is hoped that there will be greater government support and prioritization in the short, medium, and long term to develop the island sustainably. The community anticipates that the development of Pulau Nusakambangan will become an integral part of the national development agenda, considering the island's natural role and potential for national interests. The Directorate General of Corrections is required to expand its role in managing Nusakambangan by involving various relevant parties to effectively optimize the potential of this island. Additionally, coordination with relevant agencies is necessary to manage and utilize the potential of Nusakambangan to support security and the rehabilitation of inmates. As the leading sector, the Directorate General of Corrections is expected to formulate and execute cooperation in developing Nusakambangan as a security defense area, a strategic national area, a protected forest area, and other potential areas.

The management of Nusakambangan as a high-risk detention center must be integrated with the national security system. With a correctional institution housing high-risk inmates and limited human resources, security surveillance needs to be further enhanced through the use of advanced technology and layered security systems. This is crucial not only to prevent inmate escapes but also to mitigate internal threats such as riots or smuggling of

contraband. Effective management of this correctional institution undoubtedly requires collaboration among stakeholders.

Pulau Nusakambangan holds significant potential in managing national defense and security aspects. Its strategic role in national defense and security has led to its designation as a Critical National Security Area (PPKT). This designation necessitates special attention in formulating strategic defense plans involving military infrastructure development and enhanced border surveillance. This status underscores the critical importance of Nusakambangan in safeguarding Indonesia's sovereignty, particularly against threats originating from the sea. Positioned strategically in the southern region of Java, Pulau Nusakambangan serves as a natural defense stronghold effectively protecting the southern coast of Java from potential external threats.

Its strategic location in the southern region of Java makes Pulau Nusakambangan an effective natural defense stronghold. The island's presence can serve as a monitoring and control point for movements in the Indian Ocean waters. Moreover, its diverse terrain, ranging from dense forests to rugged coastlines, is suitable for various military exercises. Developing training facilities and war simulation on the island's geographical conditions can enhance the skills and readiness of forces in real combat situations. Its relatively secluded location provides an additional advantage in maintaining the confidentiality and security of these military exercises.

To realize Pulau Nusakambangan as an effective national defense and security area, stringent policies and enhanced coordination among relevant agencies are necessary. The government needs to strengthen oversight, law enforcement, and ensure that defense and security developments consider environmental aspects. Furthermore, collaboration among stakeholders through comprehensive and coordinated approaches is essential to ensure Pulau Nusakambangan continues to function optimally as a national defense stronghold while supporting inmate rehabilitation efforts.

One effort to optimize Pulau Nusakambangan's management in supporting the goals of the Correctional System and national defense and security is to strengthen the scope of control over Nusakambangan. Establishing a Special Correctional Authority in the Nusakambangan region aims to empower the Directorate General of Corrections in the development, management, planning, and utilization of the island, which has not been fully optimized to date. The establishment of this Special Authority is intended to address existing issues and enhance efficiency in implementing the rehabilitation of inmates on Nusakambangan. Management of Pulau Nusakambangan will also be proportionally restricted, meaning the island is solely dedicated to correctional tasks and functions, with limited access for research, protected forests, and mining interests. Moreover, optimizing security on Pulau Nusakambangan requires coordination among stakeholders.

CONCLUSION

Nusakambangan Island, designated as a Critical National Security Area (PPKT), holds substantial potential for management both as a special correctional area and for national defense and security. The island benefits from its isolative geographic advantage, facilitating the supervision and distribution of inmates and supporting social reintegration programs. Furthermore, its strategic location on the southern coast of Java provides added value as an effective natural defense stronghold and is suitable for military infrastructure development. However, the management of Pulau Nusakambangan faces various complex challenges, including annual population migration into the Nusakambangan area, sedimentation issues in the Segara Anakan region, ongoing debates over island management, governmental disparities in Nusakambangan management plans, minimal surveillance in the Nusakambangan area, and limited authority of the Directorate General of Corrections over Pulau Nusakambangan management, exacerbating the complexity of arising issues.

To optimize the island's potential, the establishment of a Special Correctional Authority is deemed necessary by the author. Such an authority would confer full powers in planning, development, management, and implementing proportionally closed management policies to maximize correctional functions and positively impact national defense and security. Furthermore, the management of Pulau Nusakambangan would adopt a proportionally closed approach, meaning the island would solely serve correctional tasks and functions, with restricted access granted for research, protected forests, and mining interests.

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