

Implementation of Fulfillment of Rights Prisoners in State Prison Houses Class II B Bangli



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ABSTRACT: The development of Correctional Inmates (WBP) at the Class II B Bangli State Detention Center (Rutan), aims to improve morals and character as well as providing a deterrent effect for WBP. The detention center as the technical implementer of correctional development for WBPs is tasked with developing WBPs, which of course involves the WBPs themselves, detention center officers and the community. Bangli Detention Center is one of the detention centers in Bali Province, which is located in Bangli Regency. The Bangli Detention Center, which is located at Banjar Bebalang Bangli, accommodates WBPs who not only receive cases from the Bangli District Court, but also receive deposits from WBPs from almost all districts/cities in Bali Province. This causes overcapacity in the Bangli Detention Center. With these conditions, of course there will be obstacles in the implementation of WBP training in the Bangli Detention Center.

KEYWORDS: Implementation, Detention Center, Prisoner's Rights

INTRODUCTION

Indonesia is a rule of law country that requires the state (state) and citizens (society) to uphold the supremacy of law. As legal subjects, citizens are obliged to comply with applicable legal regulations. This is related to the legal system which explains that laws or regulations are binding and coercive. This means the enactment of laws that force citizens to comply with established legal regulations. Any act that is considered criminal will give rise to legal consequences in the form of punitive punishment. These Terms apply strictly in accordance with state law. Indonesia imposes 5 main types of punishment as regulated in Article 10 of the Criminal Code, namely the death penalty, imprisonment, imprisonment, fines and cover-up penalties.

Law enforcement is an effort to create order, security and peace in society, whether it is an effort to prevent or eradicate or take action after a law violation occurs, in other words, both preventively and repressively. In addition, the law also provides protection for the human rights of citizens from possible violations in the use of this authority. The Republic of Indonesia highly upholds the law and human rights as well as the equality of citizens before the law as mandated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Every citizen who is suspected of committing an act against the law, that person will be subject to punishment. The law aims to prevent someone from committing a criminal act, so that the person who committed the crime can be aware and behave better again and can reintegrate into society. (Munir Fuady, 2015)

In the criminal procedural law as contained in article 17 of the Criminal Procedure Code, it is stated that if a person is strongly suspected of committing a criminal act based on 2 (two) sufficient preliminary evidence, he can be arrested. After an arrest is made, the investigator or assistant investigator, on the orders of the investigator, for the purposes of the investigation, must immediately determine whether the person arrested should be immediately detained or released. Arrest is a temporary restriction on a suspect's freedom if there is sufficient evidence for investigative purposes. The authority to detain someone who is strongly suspected of committing a criminal act belongs to the investigator in the investigation process, the public prosecutor for the purposes of prosecution and the judge for the purposes of examination at trial. (Syamsuddin, 2013)

For the placement of detainees in State Detention Centers, the Minister shall establish State Detention Centers in each district or municipal capital, as long as State Detention Centers have not yet been established, the Minister can determine and designate certain correctional institutions, places of detention within the ranks of the Indonesian National Police and the Prosecutor's Office as State Detention Centers.

Bangli Detention Center is one of the detention centers in Bali Province. As stipulated in Article 1 number 16 of Law Number 22 of 2022 concerning Corrections (hereinafter referred to as the Corrections Law) states that a State Detention Center, hereinafter referred to as a Rutan, is an institution or place that carries out the function of providing services to prisoners, and detainees are suspects or defendants who are currently undergoing processing. trial and detained in state detention center. (Article 1 number 7 of the Corrections Law).

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Provisions for the implementation of legal aid in detention centers remain based on Law Number 16 of 2011 concerning Legal Aid, where Law Number 16 of 2011 also explains the rights and obligations of legal aid recipients, including: (Febriana, 2013)

- a. Obtain legal assistance until the legal problem is resolved and the case has permanent legal force, as long as the legal aid recipient concerned does not revoke the power of attorney.
- b. Obtain legal assistance in accordance with legal aid standards and the Advocate Code of Ethics.
- c. Obtain information and documents relating to the implementation of providing legal assistance in accordance with statutory provisions.

The classic problem that often arises in various State Detention Centers and Correctional Institutions is of course overcrowding or over capacity, over capacity is the root of the problem that underlies various kinds of irregularities that occur in State Detention Centers, over capacity causes the coaching process which is the basic aim of the process The punishment did not run perfectly, the limited number of officers also became an obstacle due to overcapacity

Starting from the background above, several problems arise in relation to the title of the proposed research. This problem can be formulated as follows: How do detainees' rights be fulfilled at the Bangli Class IIB State Detention Center?

RESEARCH METHODS

Research methods are ways of thinking and doing, which are well prepared to conduct research and to achieve goals. (Kartono, 1995). This research uses empirical legal research. Empirical legal research is research in the form of empirical studies to find data regarding the process of occurrence and the process of how law works in society (Sunggono, 2003) The problem approach used in this research is a sociological approach, examining the problems studied based on facts in the field, supported by statutory and conceptual approaches, namely examining the problems studied based on statutory regulations and legal theories.

RESULTS AND DISCUSSION

The State Detention Center is a place where suspects or defendants are detained during the process of investigation, prosecution and examination at court hearings in Indonesia. The State Detention Center building is a facility in the form of buildings and land intended to support development activities consisting of class I detention center and class II detention center. The State Detention Center is a Technical Implementation Unit under the Directorate General of Corrections, Ministry of Law and Human Rights, which exists in every Regency/City throughout Indonesia. The State Detention Center is a special institution that is responsible for the care and services of prisoners from the investigation level to the judge's decision, then after the judge's decision it becomes the responsibility of the Correctional Institution (Lapas). (Sunaryo, 2004) The function of the State Detention Center is to provide guarantees for the protection of the human rights of state prisoners in order to expedite the process of investigation, prosecution and examination in court, supporting prisoner development activities. Protecting society against crime, providing a deterrent effect so that people do not commit crimes again by correcting and educating prisoners, preventing and healing, protecting human rights, including those who commit crimes. (Sunggono B. A., 2009)

To carry out operational technical tasks in the field of corrections carried out by the Directorate General of Corrections, a Technical Implementation Unit was formed consisting of:

- 1) Correctional Institution: Technical Implementation Unit which carries out operational technical tasks of implementation and reporting in the fields of prisoner registration, prisoner development, prisoner security and order, and prisoner health and care.
- 2) Correctional Center (BAPAS): Technical Implementation Unit which carries out operational technical tasks of implementation and reporting in the fields of registration, guidance of correctional clients and child alleviation;
- 3) State Storage House for Confiscated Goods (RUPBASAN): Technical Implementation Unit which carries out operational technical tasks of implementation and reporting in the field of management of confiscated objects and state confiscated goods;
- 4) State Detention Center (RUTAN): Technical Implementation Unit which carries out operational technical tasks of implementation and reporting in the fields of prisoner registration, prisoner service and care and prisoner security and order. (Citrawat, 2020)

The Bangli Regency Class IIB Detention Center is one of the 14 Technical Implementation Units (UPT) in the field of corrections at the Ministry of Law and Human Rights for the Bali Region. The Bangli Regency Class IIB Detention Center which was previously located on Jalan Lettu Anom, Kawan Village, Bangli District, since 1940. Since 1982 it has been moved to Jalan Merdeka Number 95 Bebalang Bangli, on an area of 19,365 m² plus the land roelag from the Regional Government with an area of 1,270 m² so that the total area becomes 20,635 m² and the building area is 3,013 m². The Bangli Regency Class IIB Detention Center has 5 blocks, namely Block A, B, C, D, and block W. Blocks A, B, C are special blocks for male inmates while block W is a special block for female inmates. (Sentana, KTU Rutan Bangli, 2024)

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As objects that are targets for the functioning of the correctional system, correctional inmates are a crucial element in this research. Until now, as of August 2024, the capacity of the Class IIB Bangli Detention Center is 116 people, but this number continues to increase along with the frequency of crime intensity in the jurisdiction of Bali Province, bringing the number of inmates to 305 people, the number of detainees is 35 people, with details of 32 men, men, and 3 women, and there were 270 inmates with details of 253 men, 17 women. (Sentana, KTU Rutan Bangli, 2024)

If you look closely at the data above, it can be said that the Class IIB Bangli Detention Center exceeds its proper capacity, of course this will also have an impact on fulfilling the rights of Prison Inmates (WBP). The rights of correctional inmates include: (Nugroho, 2024)

- 1) Performing worship in accordance with one's religion or beliefs; Bangli Detention Center has provided a special room for inmates to receive spiritual guidance, for inmates who are Hindu, apart from being provided with Padmasana for prayer, Hindu religious counselors are also provided every month, for inmates who are Muslims, religious counseling will be provided every Friday, and for Christians, mass will be provided. weekly every Sunday.
- 2) Get adequate health and food services; Next to the administration room, there is a clinic served by a general practitioner and a dentist and assisted by several nurses who take turns carrying out tasks. Apart from that, the clinic at the Bangli Detention Center also collaborates with the Bangli Regional General Hospital if there are WDPs who need to be treated in hospital, of course with procedures that are in accordance with those that apply to WDPs at the Bangli Detention Center.
- 3) Submitting a complaint; Bangli Detention Center also provides a counseling room for WDPs who have problems while in the detention center.
- 4) Get wages or premiums for the work done; Bangli Detention Center also provides a room complete with sewing machines to employ WDPs who have sewing skills. WDPs who have sewing skills will be assigned to help if a WDP's uniform is torn, and Bangli Prison also accepts orders for ready-made clothes from outside the detention center. Apart from that, the Bangli Detention Center also provides training for WDPs who have carpentry skills. The Detention Center also accepts orders from outside to work on simple furniture. Likewise, WDPs who have the skills to cut hair are also given space to cut the WDP's hair every day so that the WDP's neatness is maintained. The results of WDP's work will be entered into the WDP account in accordance with applicable statutory provisions.
- 5) Receive visits from family, legal advisors, or certain other people; Apart from having a schedule to receive direct visits from family which is scheduled 3 times a week, Bangli Detention Center also provides telephone facilities for WDPs whose families are outside Bali or abroad.

Bangli Prison also provides assistance from legal advisors. The provision of legal aid at the Class IIB Bangli Detention Center can be said to be not optimal, there are only 6 Advocate Organizations that collaborate with the Class IIB Bangli Detention Center, and more activities are limited to legal counseling every month from the bankum and the Kumham Regional Office. There are WDPs who are accompanied but not many, for 2024 there are only 3 WDPs who are assisted, namely Narcotics, child protection who are often accompanied, but there are no cases of fraud and theft yet. This happens because WDPs are reluctant to undertake lengthy administration before they can be accompanied by an advocate.

- 6) Get a reduction in the criminal term (remission); like in other detention centers, the Bangli Detention Center also applies according to the applicable regulations.

CONCLUSION

From the presentation of the discussion, it can be concluded that the Correctional Inmates (WDP) at the Class IIB Bangli Detention Center have implemented their rights, but it cannot be said to be optimal considering the limited infrastructure and human resources of the Detention Center and also the excess capacity of almost 300 people. %, and also from the WDP who are not yet willing to make optimal use of the supporting infrastructure at the Bangli Class IIB Detention Center.

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