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POLITIC OF PAROLE IN INDONESIA SOCIAL SYSTEM

Syahroni Ali [1], Sukamto Satoto [2], Helmi[3]
Correspondence : ronifaza32@gmail.com

Abstract: The correctional system has a place to foster prisoners which is usually called a Correctional Institution (Lapas). Correctional Institutions (Lapas) in Indonesia have the meaning of being a place to train prisoners based on Pancasila norms which are implemented in an integrated manner between the supervisors, those being trained and the community so that prisoners can realize their mistakes and become better human beings and not repeat criminal acts again. . In its development, correctional services aimed at social integration are constantly in process in an effort to face challenges, the dynamics of rapid changes in the times related to politics, law, science, technology, economics and the modernization of social changes in society. In the correctional revitalization program, prisons have classifications based on the level of risk of prisoners occupying prisons. These classifications include Super Maximum Security Prisons, Maximum Security Prisons, Medium Security Prisons and Minimum Security Prisons. This research was also carried out through the study of legal principles, legal systematics, legal synchronization, legal comparison, legal history. This part of the research consists of conclusions and suggestions. Conclusions are the researcher's answer to legal problems that have been formulated. Meanwhile, suggestions are descriptions presented in the form of proposals or responses (comments) for other researchers to carry out further research. Therefore, this section is a section that is more directed towards future improvements.

Keywords: Legal Politics, Correctional Institutions, Justice

[1]'Doctoral Program Student of Law Faculty, Jambi University, Indonesia
[2]'Professor of Law Faculty, Jambi University, Indonesia.
[3]'Professor of Law Faculty, Jambi University, Indonesia.

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Introduction

The word "prison" is still attached and is always used by Indonesian people to denote a place where people are sentenced. The meaning of prison according to the KBBI (Big Indonesian Dictionary) is a building where convicts are confined. Imprisonment from a political perspective of criminal law in Indonesia is still the favorite form of punishment. Punishment can be interpreted as a form of action imposed on a person or group of people because they are deemed to have committed an evil act. Some experts argue that punishment is a condition that must exist as a means of social control. According to Van den Haag, punishment if not the only or first, or even the best means of making people obey laws are ultimately indispensable).

In Indonesia itself, the history of imprisonment began with the period of forced labor between 1872-1905. In this period in Indonesia there were two types of criminal law, namely the Special Criminal Law for Indonesians and the Special Criminal Law for Europeans. Furthermore, in the period leading up to the enactment of "Wetboek van Strafrecht Voor Nederlandsch - Indie" (KUHP 1918/1905 – 1921), this period was marked by efforts to concentrate convicts of forced labor who were scattered everywhere in holding centers. region. The Implementation of Criminal Justice in Indonesia After the enactment of the 1918 Criminal Code was marked by the enactment of the Prison Regulations, Ordinance VI and also household regulations for various criminal houses.

The idea of correctional services was coined by Sahardjo precisely on July 5 1963 in a speech conferring the title of Doctor Honoris Causa in the field of law by the University of Indonesia. In his speech he gave a formulation of the purpose of imprisonment, in addition to causing suffering to the convict due to the loss of freedom of movement, guiding the convict to repent, educating him so that he becomes a useful member of Indonesian social society. In short, the purpose of imprisonment is correctional. The term "correctional" officially replaced the term prison on April 27 1964 through a written message from President Ir. Soekarno which was read at the Prison Officials Service conference in Lembang Bandung. This mandate is intended in the context of "retooling" and "reshaping" the prison system which is considered not in line with the idea of protection as a national legal conception with the personality of Pancasila.

The correctional system has a place to foster prisoners which is usually called a Correctional Institution (Lapas). Correctional Institutions (Lapas) in Indonesia have the meaning of being a place to train prisoners based on Pancasila norms which are implemented in an integrated manner

between the supervisors, those being trained and the community so that prisoners can realize their mistakes and become better human beings and not repeat criminal acts again. . In its development, correctional institutions aimed at social integration are constantly in process in an effort to face challenges, the dynamics of rapid changes in the times related to politics, law, science, technology, economics and the modernization of social changes in society.

Indonesian national legal politics refers to the state vision formulated in the Preamble to the 1945 Constitution of the Republic of Indonesia. In the Preamble to the 1945 Constitution of the Republic of Indonesia it is stated that the aim of the Indonesian state is to protect the entire Indonesian nation, promote general welfare, educate the life of the nation and implement order. world in order to realize social justice for all Indonesian people. Efforts to protect the entire Indonesian nation, one of which is realized by giving respect, protection and fulfillment of the rights of every person to receive recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law as regulated in Article 28D paragraph (1) The 1945 Constitution of the Republic of Indonesia. Based on this, the implementation of every aspect of state life related to law enforcement, including correctional institutions, needs to be directed to support efforts to protect the rights to justice of suspects, defendants and convicts, including their property rights.

In the life of a nation, to realize the prosperity and well-being of its people, there needs to be politics running in a country, politics in the sense of making general policies must be carried out by the State. Legal Politics in relation to correctional institutions is an action of policy making carried out by the Ministry to determine the direction and goals to be achieved by correctional institutions within the working area of the Ministry of Law and Human Rights of the Republic of Indonesia. In making this policy, the Minister has full authority to determine the direction and goals of future correctional services . Such as regulations regarding the management of prisons and detention centers in Indonesia so that they run as expected.

In general, the term "policy" or "policy" is used to designate the behavior of an actor (for example an official, a group, or a government institution) or a number of actors in a particular field. In the context of correctional "policy", the particular field referred to here is at the level of correctional system policy which examines more specifically the field of legal political policy related to prison governance in Indonesia. Policy is a provision that contains principles to direct ways of acting that are planned and consistent in achieving certain goals.

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From the perspective of legal political science, correctional institutions have experienced policy developments according to their era. The transformation of the treatment system for prisoners which is deterrence and retributive into a correctional system is an inseparable part of correctional legal politics which wants the function of punishment to achieve legal objectives, namely legal certainty, a sense of justice and expediency. With the correctional system as the basis for the pattern of training prisoners in correctional institutions, it is hoped that the goals of resocialization and rehabilitation of prisoners can be achieved, which in turn will be able to suppress crime and ultimately achieve social welfare as the goal of the criminal justice system. Thus, the success of the correctional system in implementing training for prisoners in correctional institutions will influence the success of achieving the objectives of the criminal justice system.

The concept of correctional institutions was initially established as regulated in Law Number 12 of 1995 concerning Corrections as a manifestation of a shift in the function of punishment which is no longer just a deterrent, but also an effort to rehabilitate and social reintegrate Prisoners (WBP). Corrections are directed at returning WBPs as good citizens while protecting society against the possibility of criminal acts being repeated by WBPs, and is an application and an inseparable part of the values contained in Pancasila. What is meant by WBP are prisoners, correctional students and correctional clients. In the correctional system, prisoners, correctional students, or correctional clients have the right to receive spiritual and physical development and are guaranteed their rights to practice their religion, communicate with outside parties, both family and other parties, obtain information both through print and electronic media, and obtain education, worthy and so on.

After twenty-two years of the enactment of Law Number 12 of 1995 concerning Corrections, the implementation of corrections has developed considerably. Corrections, whose scope of role was previously limited to the adjudication phase, has now expanded to the pre-adjudication and post-adjudication phases, which are realized in state detention centers (rutan), state storage houses for confiscated objects (rupbasan), correctional centers (bapas) and correctional institutions. (prison). Corrections exist not only as a guarantee of protection for individuals but also cover the material things attached to them.

Currently, the suboptimal quality of the implementation of the correctional system carried out by the Correctional Technical Implementation Unit (UPT), in this case the Correctional Institution (Lapas), is still in the public spotlight. The suboptimal implementation of the correctional system has an impact on the quality of treatment of prisoners

and convicts, as well as the emergence of tactical problems which then surface. Various problems such as ongoing riots in prisons/detention centers, illicit narcotics trafficking networks controlled from within prisons, the growth of radical ideas, discrimination in services, overcrowding, and others are very disruptive to achieving the goals of correctional institutions.

It is also felt that the implementation of correctional services does not guarantee legal certainty for efforts to protect and fulfill the rights of prisoners in vulnerable groups. This indicates a problem in correctional governance. The overcapacity situation that occurs in prisons/detention centers in Indonesia currently causes many losses both for the individuals who undergo them, such as not fulfilling the basic rights of every prisoner/convict, including their families, to the fullest and the State as the organizing party, where this problem has already occurred many years in Indonesia. However, it seems that until now we have not found the right formulation to overcome this problem.

With the problems faced by the ranks of the Ministry of Law and Human Rights under the Directorate General of Corrections (Ditjen PAS) which manages prisons throughout Indonesia, this has become a serious problem that must be faced and evaluation of these various problems needs to be carried out. The problems that are always faced are certainly fundamental things faced by correctional staff, both in terms of policy direction and prison management, that must be addressed. The existence of several of these problems shows that correctional legal politics in the form of regulations, policies and good governance, will determine the sustainability of the organization, in this case the entire Correctional Technical Implementation Unit (UPT) so that it can run in accordance with its ideals and objectives by carry out various strategic policy steps in its management.

This then became the background for the Government through the Ministry of Law and Human Rights of the Republic of Indonesia to issue Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 concerning the Revitalization of Correctional Administration, where all Correctional Technical Implementation Units (UPT) must improve themselves. It cannot be denied that so far prisons and detention centers have not yet optimally carried out their functions, and can even be considered to have deviated from the initial aim of their establishment, which was aimed at coaching.

Several issues that cause the need for correctional revitalization are the increasing number of inmates (overcrowding) and limited housing capacity in prisons/detention centers, the demands of society in providing services for prisoners and the emergence of the image that prisons/detention centers are institutions that only use up the state budget.

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Thus, it is necessary to revitalize correctional institutions. The working mechanisms in all Correctional UPTs must be correlative with statutory regulations as legal substance so that correctional institutions are able to work optimally and effectively in engineering the legal culture of correctional inmates (WBP). Structuring and updating correctional management is necessary to keep up with the dynamics of human life development so that the goal of coaching, namely that prisoners do not repeat legal acts and educating them to have social and entrepreneurial skills can be achieved.

In the correctional revitalization program, prisons have classifications based on the level of risk of prisoners occupying prisons. These classifications include Super Maximum Security Prisons, Maximum Security Prisons, Medium Security Prisons and Minimum Security Prisons. The aim of using prisoner placement classification is to be able to carry out categorization according to the needs and risks of prisoners so that the treatment given to prisoners is successful, because this concept places great emphasis on changing behavior. This classification division is also a progressive step for correctional institutions in implementing individual treatment as part of evidence-based correctional treatment (evidence or data-based development) to encourage objectivity and accountability in prisoner assessments.

The revitalization of correctional institutions further strengthens the role of Community Research (Litmas) in carrying out correctional tasks and functions. Litmas is carried out in an effort to reveal the background to the occurrence of criminal acts to determine the level of risk and needs of law violators, determine prisoner service programs, the process and stages of coaching WBP, evaluate the implementation of the coaching program, and determine the success of handling WBP. Apart from that, as an implementation of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 concerning Revitalization of Correctional Administration, the Directorate General of Corrections, Ministry of Law and Human Rights launched the Prisoner Development Assessment System (SPPN) which functions as an instrument for assessing changes in prisoner behavior which will then be used as a primary supporting data in providing rights and development programs to prisoners.

The challenges and demands on prisons due to the complexity of life in society which has implications for the number of inmates increasing and causing prisons to become overcrowded, making the correctional goal of reintegrating correctional inmates (WBP) difficult to achieve needs to be addressed immediately. The idea of Correctional Revitalization is considered suitable to answer existing conditions. Through the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 concerning Revitalization of Correctional Administration as a form

of seriousness and a new chapter in efforts to overcome the complexity of correctional problems. Correctional revitalization has become the focus of public attention. Not only in terms of its effectiveness but also in its implementation related to fulfilling a sense of justice and upholding human rights.

The implementation of prisoner development through the Revitalization of Correctional Services is divided into 4 stages as placement classification. The first is Super Maximum Security Prison, which is a prison classification intended for prisoners with a high level of risk. As in the correctional revitalization regulations, the elements that classify prisoners as high risk include those prisoners who are at risk of endangering state security and/or endangering the safety of society. The aim of imprisonment at the Super Maximum Security stage is to raise the prisoner's self-awareness which focuses on changing the prisoner's attitudes and behavior which has implications for reducing the level of risk and protecting the community. In the coaching system, the method used is individual separation. The prisoners are placed in one room or one man one cell each. In terms of restrictions, in accordance with the provisions of Article 27 paragraph (2) Permenkumham No. 35 of 2018 concerning Revitalization of Correctional Administration states that prisoners who are in this stage are not given reintegration rights such as remission, assimilation, leave to visit family, parole, leave before release and conditional leave.

Second, Maximum Security Prison is a prison classification that emphasizes coaching patterns to encourage prisoners to obey and obey the law, be aware of the actions of their offenders and internalize disciplinary attitudes and behavior. Prisoners placed at this stage are prisoners transferred from Super Maximum Prisons who meet the requirements by reducing the level of risk and changing behavior based on Litmas and recommendations at the TPP Session. The coaching pattern implemented uses a limited observation method, where prisoners are placed together with other prisoners or grouped. At this stage, prisoners' rights to reintegration are not limited, but they still take into account the provisions and Litmas as well as recommendations at the TPP hearing.

Third, Medium Security Prisons are prisons with treatment that focuses on preparations for the return of prisoners to society and prisoners as subjects are strengthened by providing guidance that directs interests and talents by exploring the prisoners' potential for development. Where in the treatment prisoners can develop themselves in line with the right to self-development. Therefore, in the method of coaching prisoners to optimize potential, there are coaching classifications, namely beginner level skills education and training, advanced level skills education and training, and advanced level skills education and training. So the pattern used by the

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Medium Security Prison is to carry out assimilation and apprenticeship of prisoners.

Fourth, the Minimum Security Prison is a prison with treatment that focuses on providing reintegration and coaching output that leads to the production of goods or services on an industrial scale. Therefore, prisoners are given leeway in security and are given trust and responsibility due to changes in attitudes and behavior. This is done to motivate prisoners to increase their independence and productivity. The embodiment of Minimum Security Prisons is open prisons. Where the concept applied is open prisons with Community Based Corrections, namely a coaching method involving elements of society and providing looser security, even without iron bars like prisons in general, which aims at reintegration (reunification) with society.

If you pay attention to the overall process in the Revitalization of Correctional Administration, there are policies that place restrictions on prisoners' rights based on the classification of prisoner placement. Where this is a strategy to make changes in attitudes and behavior that prepare prisoners to return to society and optimize the correctional process. However, regarding the policy for handling high-risk prisoners which prioritizes security aspects that are "deterrent" rather than coaching, this shows inconsistency among policy makers regarding the implementation of the correctional concept that was formulated by the founding fathers of correctional institutions.

This approach is indeed effective in maintaining security and order conditions in correctional institutions. However, the question is where the correctional concept itself is applied. Corrections prioritizes the coaching and mentoring process in reforming prisoner behavior as the main task, while security duties are only part of the supporting unit in supporting the success of the coaching process. Through a security approach to high-risk prisoners, isn't this a bit at odds with the correctional concept which emphasizes a coaching approach rather than a security approach?

As mandated in the new Corrections Law, namely Law no. 22 of 2022 concerning Corrections which states that in essence the treatment of suspects, defendants and convicts who have been deprived of their liberty must be based on the principles of legal protection and respect for human rights based on Pancasila and the 1945 Constitution of the Republic of Indonesia. In addition to this, the Corrections Law It also explains that one of the objectives of implementing the Correctional System is to guarantee the protection of the rights of prisoners and children. As stated in Article 10 of Law no. 22 of 2022 concerning Corrections states that prisoners who have met certain requirements without exception are also entitled to remission, assimilation, leave to visit or be visited by family, conditional

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leave, leave before release, conditional release, and other rights in accordance with the provisions of statutory regulations.

Policies related to the treatment of high-risk prisoners as discussed in correctional revitalization are more about a prison system that "keeps prisoners" rather than a prison system that fosters prisoners. The main problem regarding the treatment policy for high-risk prisoners is not related to the effectiveness of the policy on security and order in correctional institutions, but the main problem and most fundamental question in the end is where the correctional concept is applied .

The fact that normatively, the restrictions imposed on prisoners placed in prisons with the Super maximum security category refer to Article 27 paragraph (2) of Minister of Law and Human Rights Regulation no. 35 of 2018 concerning the Revitalization of Correctional Administration where prisoners who are at this stage are not given the right to reintegration is certainly very contrary to the aim of implementing a Correctional System which guarantees the protection of the rights of Prisoners and Children. In this case, not only is society protected against repeat evil acts by convicts, but also people who have gone astray are protected by giving them the rights as stated in Article 9 and Article 10 of Law no. 22 of 2022 concerning Corrections and provisions for life as citizens who are useful in social life.

From the principle of protection it is clear that the imposition of a crime is not an act of revenge on the part of the State. Awareness and repentance cannot be achieved by torture, but by providing coaching and guidance. Prisoners may also not be sentenced to torture, but only to loss of liberty. The state has no right to make someone worse or more evil than before he was imprisoned, therefore one of the state's responsibilities is to provide guidance to prisoners. In cultivating prisoners to become useful members of Indonesian society, as long as they lose their freedom of movement they must be introduced to society, and must not be isolated from it.

The policy in the form of restrictions on prisoners' rights based on placement classification in the Revitalization of Correctional Administration, especially in Super Maximum Security Prisons, if seen from the philosophical meaning of correctional institutions, will be inversely proportional to each other. Philosophically, the aim of correctional services is to repair and restore life-life relationships and livelihoods. Life relationships describe a relationship between humans and their God, life relationships describe the relationship between humans and each other, while livelihood relationships relate to the relationship between humans and their work professions. By improving these relationships, it is clear that correctional services not only aim to restore the relationship between

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prisoners and society, but correctional services also aim to restore prisoners' relationship with God and their work. With the hope that through improving these relationships, prisoners can return as normal humans. In looking at the treatment mechanism for high risk prisoners, isn't this very contrary to the goals of the correctional system and the values of justice ?

How can we restore relationships as intended, while prisoners who are labeled "High Risk" are themselves isolated from the outside world, which is contrary to one of the concepts in the correctional system, namely that as long as prisoners lose their freedom of movement, they must be introduced to society, and must not be isolated from him. Apart from that, giving a high risk label also contradicts one of the principles of correctional institutions, namely that every person is a human being and must be treated as a human being. Even though he has lost his way, he must always feel seen and treated as a human being.

In studies of prison sociology, the greater the security approach found in correctional institutions, the greater the pressure and stress on prisoners, so that this does not eliminate existing deviations but rather increases the quality of those deviations. If it is related to the correctional principles that have been explained previously, then this is very contradictory, where the State has no right to make a person worse or more evil than before he was imprisoned and prisoners are only sentenced to loss of freedom of movement while serving their criminal term. This shows that restrictions only on prisoners' freedom of movement and other rights must still be accommodated by the state.

Based on the explanation above, the researcher feels that there is a need for a re-conceptualization in the legal politics of the penitentiary system in Indonesia, especially regarding policy settings in terms of developing prisoners with justice and accommodating prisoners' rights in a professional and proportional manner. Therefore, researchers conducted research entitled POLITICAL LEGAL COMMUNITY SYSTEMS FROM A JUSTICE PERSPECTIVE IN INDONESIA.

Based on the background that the author stated above, the author formulates several problem formulations which will become limitations and guidelines in this writing:

1) What are the legal politics of regulating the penitentiary system in Indonesia?
2) Has the legal politics of the penitentiary system in Indonesia achieved justice for prisoners in Indonesia?
3) How should the legal politics of the penitentiary system be to realize justice in Indonesia?

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Methods

The research in the form of a dissertation carried out by this researcher consists of several research components as follows: The type of research in the research that the researcher applied in this research is normative juridical. This research focuses on examining the application of rules or norms in terms of theoretical matters, principles, conceptions, legal doctrine and the content of positive legal rules. Bahder Johan Nasution stated that "This research was also carried out through the study of legal principles, legal systematics, legal synchronization, legal comparison, legal history." This research is aimed at obtaining legal substance related to the scope of this research which consists of the application of legal politics to the penitentiary system, policy settings in the formation of prisoners which are then reviewed from a justice perspective. Therefore, the researcher chose a type of normative juridical research on the legal politics of the existing correctional system through regulations that apply to correctional system administrators in all Correctional Technical Implementation Units (UPT) in Indonesia, viewed from a justice perspective.

Approach used The approach used in this research and dissertation research is to answer the problem formulation of this research which serves as the research object discussed. The following are several approaches that researchers will apply in this dissertation research and research: The conceptual approach in this research was carried out by collecting various opinions of legal experts, both in the form of legal theory, understanding various legal terminology, and legal principles related to formulation of the problem of this research. The statutory approach is carried out by searching the laws relating to the legal issues that have been formulated. Apart from that, this approach is also carried out by reviewing all statutory regulations under the law relating to the legal issues that have been formulated.

The legal history approach is an approach carried out by conducting an investigation into the history or things that are behind the formation and application of legal rules related to the legal issues discussed in this research. A comparative approach is an approach taken by looking for differences and similarities in a legal rule that applies in another country vis-à-vis the legal rules that apply in a country. The results of this approach will be internalized into the legal system which will reflect the results of the comparison.

Collection of Legal Materials In this research, the collection of legal materials, both primary legal materials and secondary legal materials, was carried out through a literature study of legal materials using a card system

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or document study. This system is used to make it easier to analyze legal materials applied in research. The legal materials in question are: Primary legal materials, namely binding legal materials or positive legal rules. The primary legal material used in this research is statutory regulations related to the problem formulation of this research. The legal rules that the researcher means are as follows:

1) The 1945 Constitution of the Republic of Indonesia;
2) Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections;
3) Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections;
4) Law Number 39 of 1999 concerning Human Rights;
5) Republic of Indonesia Government Regulation Number 31 of 1999 concerning Development and Guidance of Correctional Inmates;
6) Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 concerning Revitalization of Correctional Services;
7) Other laws and regulations related to the formulation of problems analyzed and answered through this legal research.
8) Secondary legal materials are legal materials that provide explanations of primary legal materials. The form of this legal material is scientific work from previous researchers which is directly related to the title of this research, books, journals and documents which review the problems formulated in this research.
9) Tertiary legal materials, namely materials in the form of explanations that provide instructions and explanations for primary legal materials and secondary legal materials. Examples of legal materials are dictionaries and encyclopedias.

Analysis of Legal Materials. Analysis of the legal materials used in this research was carried out by researchers by: interpreting or interpreting provisions in statutory regulations relating to the legal issues discussed; Systematization of laws and regulations related to the problems studied; Interpretation of legal materials related to legal political research problems of the penitentiary system from the perspective of justice in Indonesia.

Results / Discussion

1. The legal politics of regulating the penitentiary system in Indonesia

Political law is "legal policy or an official line (policy) regarding law that will be enforced either by making new laws or by replacing old laws, in

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order to achieve state goals". Thus, legal politics is a choice about laws that will be enforced as well as choices about laws that will be revoked or not implemented, all of which are intended to achieve state goals as stated in the Preamble to the 1945 Constitution.

The term "Legal Politics" is formed from the words politics and law. These two words contain their own meanings, so that the combination of these words will give birth to its own meaning. This understanding of course still retains the meaning of the two original words. For this reason, in understanding the meaning of legal politics, first pay attention to the meaning of the two origins of the word. According to Miriam Budiarjo, in general politics is defined as various activities in a political system (a country) which involve the process of determining the goals of the political system and implementing those goals. Decision making regarding what the goals of the political system are involves selecting between several alternatives and establishing a priority scale for the goals that have been chosen. Meanwhile, according to Fadjar, the term law itself is viewed from an ontological perspective, from the start, the concept of law is not single, each space and generation interprets law differently with the "situational system" of that space and generation.

Based on the description above, legal politics in this research is "legal policy" which is related to the implementation of the correctional system, which is a policy-making action carried out by the Ministry to determine the direction and goals to be achieved by the correctional system within the work area of the Ministry of Law. and human rights of the Republic of Indonesia. In making this policy, the Minister has full authority to determine the direction and goals of future correctional services. Such as regulations regarding the management of prisons and detention centers in Indonesia so that they run as expected. Environmental management as a conscious effort to maintain and improve environmental quality is carried out so that the needs of present and future generations can be met as well as possible in realizing justice between generations. In the context of environmental management, law must be able to carry out its function, where the function of law in society can be returned to the basic question of the purpose of the law itself. The main purpose of law is order (order), the need for order is a basic requirement (fundamental) for the existence of an orderly society. Humans, society and law are words that cannot be separated

Law Number 22 of 2022 concerning Corrections in Article 2 explains that the Correctional system is implemented with the aim of providing guaranteed protection for the rights of Prisoners and Children, improving the quality of personality and independence of Inmates so that they realize their mistakes, improve themselves, and not repeat criminal acts. so that

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they can be accepted again by the community, can live normally as good, law-abiding, responsible citizens, and can actively play a role in development and at the same time provide protection to the community from repetition of criminal acts.

Based on the description above, the correctional system referred to in this research will discuss in depth the objectives of implementing the correctional system which consists of:

1) Provide guarantees of protection for the rights of prisoners and children;
2) Improving the quality of personality and independence of inmates so that they realize their mistakes, improve themselves and not repeat criminal acts;
3) Providing protection to the community from repetition of criminal acts.

2. Has the legal politics of the penitentiary system in Indonesia achieved justice for prisoners in Indonesia?

In legal studies, we often hear that one of the functions of law is to create justice. The relationship between law and justice is often linked to each other until the famous legal adage iustitia fundamentum regnorum emerged, which means that justice is the highest, fundamental or absolute value in law. However, to answer what justice is, experts have different views in formulating the meaning of justice. For Plato, justice is the emancipation and participation of police/state citizens in providing ideas about the good for the state. This is then used as a philosophical consideration for a law. Aristotle explains justice more clearly. According to him, justice is interpreted as balance. The measures of balance according to Aristotle are numerical equality and proportional equality. The division of justice according to Aristotle in his book Ethics, divides justice into two groups, namely Distributive justice, namely the balance between what a person gets and what he deserves. Corrective justice, namely justice that aims to correct unfair events, as a form of balance (equality) between what is given and what is received. For Gustav Radbruch, justice has several meanings, namely Justice is interpreted as a personal trait or quality. Subjective justice as secondary justice is a stance or attitude, views and beliefs that are directed towards the realization of objective justice as primary justice. The source of justice comes from positive law and legal ideals (rechtsidee).

The essence of justice is equality. In this case Radbruch follows Aristotle's view and divides justice into distributive justice and

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commutative justice. Based on the description above, the formulation of the meaning of justice referred to in this research is harmony between the granting of rights and the implementation of obligations which are in line with legal arguments or regulations within the framework of implementing the correctional system, namely equality between the rights received and the obligations that must be carried out by prisoners while serving their sentence. in Correctional Institutions which are guided by Law no. 22 of 2022 concerning Corrections. Because in the administration of the correctional system, justice is a value that is used to create a balanced relationship between prisoners by providing prisoners with what is their right with proportional procedures and distribution (procedural and distributive). Based on the entire concept above, this research focuses on the study, study and analysis of the legal politics of the penitentiary system, namely in relation to the legal policy carried out by the Ministry of Law and Human Rights of the Republic of Indonesia to determine the direction and objectives to be achieved in the implementation of the penitentiary system. includes three important things, among others Providing guaranteed protection for the rights of prisoners and children . Increasing the quality of personality and independence of inmates so that they realize their mistakes, improve themselves and not repeat criminal acts . Providing protection to the community from repeat criminal acts. Where the legal policy carried out by the Ministry of Law and Human Rights of the Republic of Indonesia in administering the correctional system is then reviewed from a justice perspective.

3. How should the legal politics of the penitentiary system be to realize justice in Indonesia?

The Correctional System is based on the core business, namely the treatment of detainees, convicts and clients in terms of coaching, care and guidance. Whereas the main task of the Correctional System is the treatment of law violators, the underlying philosophy is the philosophy that underlies the emergence of theories and practices regarding this treatment. Philosophically, correctional services are a system of punishment that has moved far away from the philosophy of retribution (retribution), deterrence (deterrence), and resocialization. In other words, punishment (punishment) is not intended to cause suffering as a form of retribution, is not intended to deter suffering, nor does it assume the convict is someone who lacks socialization. Corrections are in line with the philosophy of social reintegration which assumes that crime is a conflict that occurs between the convict and society. So that punishment (punishment) is aimed at resolving the conflict or reuniting the convict with his community (reintegration).

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An explanation of the philosophy of the Correctional System includes the following: First, ontologically (at the level of understanding the essence), it must be understood that crimes occur not only because of the free will of the perpetrator, so that their actions deserve to be punished or punished. However, due to social factors, a person is unable to adapt and ultimately chooses to commit a crime. Therefore, if a crime occurs, the act of punishing with the principle of retaliation and causing suffering is considered inappropriate. Punishment measures are more directed at restoring the life of the criminal and preparing him or her to return to society. This is why crime is called conflict, because there is a mismatch between society's expectations and the perpetrator's adaptation choices. This is why in the coaching process, the Correctional System through Correctional Institutions provides education, production work training and other skills as an effort to increase the capacity of prisoners when they return to society and not commit crimes again.

Second, epistemologically it explains how the process of the Correctional System works, especially the guidance provided to law violators. This process is related to the entire system, mechanisms and procedures carried out in order to foster law violators. Third, axiologically, the existence of a Correctional System with a model of guidance for law violators in Correctional Institutions cannot be separated from a dynamic, the main aim of which is to achieve social reintegration or the restoration of the unity of relations between law violators and society as well as providing provisions for both personality and independence for law violators in life. facing life after completing his criminal term and returning to society. Justice comes from the word fair, according to the Indonesian Dictionary, fair is not arbitrary, impartial, impartial. Fairness primarily means that decisions and actions are based on objective norms. Justice is basically a relative concept, everyone is not the same, fair for one person is not necessarily fair for another, when someone confirms that he is doing justice, this must of course be relevant to public order where a scale of justice is recognized. The scales of justice vary greatly from one place to another, each scale is defined and completely determined by society according to the public order of that society.

In Indonesia, justice is described in Pancasila as the basis of the state, namely social justice for all Indonesian people. These five principles contain values which are the goals of living together. This justice is based on and inspired by the essence of human justice, namely justice in the relationship between humans and themselves, humans with other humans, humans with society, nation and state, as well as the relationship between humans and their God. These values of justice must be a basis that must be realized in living together as a state to realize the goals of the state, namely

realizing the welfare of all its citizens and all its regions, and educating all its citizens. Likewise, the values of justice are the basis for relations between nations of the world and the principles of wanting to create an orderly life together in relations between nations in the world based on a principle of independence for every nation, eternal peace and justice in living together (justice). social).

In explaining the definition of justice in legal conceptions, researchers quote the opinions of several experts, because the landscape of theories of justice associated with legal conceptions is not unique. The trio of Athenian philosophers (Socrates, Plato and Aristotle) emphasized aspects of justice. The essence of law is justice. Law functions to serve the needs of justice in society. Law refers to a rule of life that is in accordance with the ideals of living together, namely justice. The content of legal rules must be fair. Without justice, law is just formalized violence. The law is felt to be important when faced with injustice. For Socrates, justice is the essence of law. Plato also said that the basic essence of law is dikaiosune (justice: the primacy of a sense of what is "right", "good", and "proper"). Aristotle connected justice (as the essence of law) with human happiness (eudaimonia). The quality of law is determined by its capacity to bring happiness to humans.

When related to Gustav Radbruch's theory of justice, law is the bearer of the value of justice, and is a measure of the fairness and unfairness of the legal system. Not only that, the value of justice is also the basis of law as law. Justice has both normative and constitutive characteristics for law. Normative justice because it functions as a transcendental prerequisite that underlies every dignified positive law. Then it becomes the moral basis of law and at the same time the benchmark for the positive legal system. It is from justice that positive law originates. Meanwhile, it is constitutive, because justice must be an absolute element for law as law. Without justice, a rule does not deserve to become law.

John Rawls stated that the role of justice is the main virtue in social institutions. As is the truth in a system of thought. Likewise, regarding justice, it is possible that when a law is made and ratified at that time it is considered correct, after time there is a change in thinking because there are several articles that are not in accordance with economic, social and juridical developments as well as the development of people's thinking. Therefore it should be reformed or abolished if it is unfair. Based on natural law theory, the essence of law is fair, so the law must be fair. Justice is a condition that reflects the existence of harmony between the desired law and the applicable law. Justice itself is one of the main legal objectives in addition to legal certainty and also expediency. The author uses the theory of justice as a grand theory in this dissertation research as a basis for

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providing an understanding of the concept of justice related to the legal politics of the penitentiary system in Indonesia, especially the series of policies and regulations related to prisoner development.

The term authority or authority is equated with "authority" in English and "bevoegdheid" in Dutch. Authority in Black's Law Dictionary is defined as Legal Power; a right to command or to act; the right and power of public officers to require obedience to their orders legally issued within the scope of their public duties (authority or authority is legal power, the right to command or act; the right or power of public officials to comply with legal rules within the scope of carrying out public obligations) . In the literature of political science, governmental science, and legal science, the terms power, authority, and authority are often found. Power is often equated with authority, and power is often interchanged with the term authority, and vice versa. In fact, authority is often equated with authority. Power usually takes the form of a relationship in the sense that "there is one party who rules and another party who is ruled" (the rule and the ruled).

Authority is often equated with the term authority. The term authority is used in the form of a noun and is often equated with the term "bevoegheid" in Dutch legal terms. According to Phillipus M. Hadjon, if you look closely there is a slight difference between the term authority and the term "bevoegheid". The difference lies in the legal character. The term "bevoegheid" is used in the concept of public law as well as in private law. In our legal concept, the term authority or authority should be used in the concept of public law. However, power has two aspects, namely the political aspect and the legal aspect, while authority only has a legal aspect, which means that power can come from the constitution, or can come from outside the constitution (unconstitutional), for example through war or coup, while the authority itself is clear. originates from the constitution.

Authority is what is called formal power, power that comes from the power granted by law, while authority only concerns an "onderdeel" or certain part of the authority. Within the authority there are rechtsbe voegdheden authorities. Authority is the scope of public legal action, the scope of government authority, not only includes the authority to make government decisions (bestuur), but also includes authority in the context of carrying out tasks, and granting authority and the distribution of authority is primarily stipulated in statutory regulations. Juridically, the definition of authority is the ability granted by statutory regulations to give rise to legal consequences.

From the various definitions of authority as mentioned above, it can be concluded that authority has a different meaning from authority or competence. Authority is formal power that comes from law, while authority

itself is a specification of authority which means whoever here is a legal subject who is given authority by law, then the legal subject has the authority to do something within the authority because of the order of the law. invite.

Conclusion

Apart from being a place of punishment, correctional institutions also function to carry out development programs for prisoners, where through the programs carried out it is hoped that the prisoners concerned after returning to society can become useful citizens in society. Coaching is an activity to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and spiritual health of prisoners and correctional students.

Based on Law Number 12 of 1995 Correctional Services are "Activities to provide guidance for Correctional Inmates based on systems, institutions and methods of guidance which are the final part of the punishment system in the criminal justice system". Correctional institutions as the spearhead of development are places to achieve the goals of education, rehabilitation and reintegration. In line with the role of the correctional institution which carries out coaching duties, officers are designated as functional officials. To implement a correctional system, community participation in development is required with an attitude of being willing to accept former criminals back.

Corrections are stated as a system of guidance for law violators and as justice which aims to achieve social reintegration or the restoration of the unity of relations between correctional residents and society. "Correctional correction is a training process carried out by the state for convicts and detainees to become human beings who realize their mistakes."

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Law Number 12 of 1995 concerning Corrections states that the correctional system is implemented in order to form Correctional Inmates to become complete human beings, realize their mistakes, improve themselves, and not repeat criminal acts so that they can be accepted again by the community, can play an active role in development, and can live reasonably as good and responsible citizens. Many judicial institutions choose the alternative of imposing criminal sanctions as an effort to handle and resolve children who commit criminal acts after going through the judicial process. With the existence of Law Number 12 of 1995 concerning Corrections and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, it

is hoped that it can provide better guarantees in making decisions that are fairer, wiser and wiser for children who commit criminal acts. In this law, children who have committed criminal offenses should be given special treatment by being placed in correctional institutions that are separate from adult prisoners.

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