

THE PAROLE AND PURPOSES OF SENTENCING

Wizna Gania Balqis

Diponegoro University
JL. Imam Bardjo, S.H, Kampus Pleburan, Semarang, Central Java, 50241, Indonesia
Telp./Fax: +62-853-27843518 Email: wzngania@gmail.com

Submitted: Jul 31, 2019; Reviewed: Aug 13, 2019; Accepted: Dec 29, 2019

Abstract

The policy of determination of parole has strong relevance to the correctional idea as correctional idea is one model of purposes of sentencing that was initiated in order to achieve the goal of modern criminal punishment, which is to improve the convict (resocialization). Parole, in addition to a way of implementing imprisonment, as well as a form of coaching outside of prison inmates, who have the same purposes with the correctional idea philosophy. As a form of coaching outside of prison inmates, parole can be viewed as a subsystem of correctional system, and it will positively contribute to the achievement of correctional goals, which is to educate and guide inmates in order to return to live as responsible citizens as well as for themselves, family and society.

Keywords: *Correctional; Parole; Purposes of Sentencing*

INTRODUCTION

In order to achieve the goals of the criminal justice system, the issues of crime and criminal punishment are very important, and therefore they cannot be ignored. The issues of crime and criminal punishment today can no longer be regarded as a *stepchild* of the science of criminal law.¹ The issue of granting and execution of criminal punishment, not only related to the law of criminal procedure,

but also the implementation of the criminal law.²

In connection with the implementation of the criminal law, the implementation of the imprisonment which robs of human freedom is surely interesting to be looked and analyzed deeply. Trial judge's decision to impose imprisonment of the accused really make high percentage (96.99 %), on the other hand, this case concerns to the implementation of human dignity who became convicts as well as their position as a citizen or resident of the

¹ Sudarto, 1984, *Kapita Selekta Hukum Pidana*, Alumni, Bandung, p 1.

² Bambang Purnomo, 1986, *Pelaksanaan Pidana Penjara Dengan Sistem Pemasarakatan*, Liberty, Yogyakarta, p 2.

Republic of Indonesia.³ Depend on these opinions can be underlined that even if a people's status as convicts, their dignity as Indonesian citizens must be respected. This is a consequence of the concept of correctional that is used to replace the concept of prison.

Criminal deprivation of liberty today is still also raises into *the pros* and *cons* among the public. Pro-criminal attitudes towards deprivation of liberty based his opinion on a number of rational ideas such as: (1) if it is linked with the purpose of sentencing in the sense of retaliation , criminal deprivation of liberty is the act of getting rid of the convict to protect the public from the threat of criminal acts (general prevention), (2) prevent the potential perpetrator to commit crime (special prevention), and (3) fixing perpetrators crime (rehabilitation) . While the cons of criminal deprivation of liberty has a number of arguments that : (1) criminal deprivation of liberty cause stigmatization ,that is a process where a person's identity has been damaged or disturbed , and (2) criminal deprivation of liberty give rise to *the prisoniation*, that is the process of convict habituation to themselves with rules, behaviors and values that apply to the inmate community .

The development of these streams in criminal law after Classical and Neoclassical stream, namely Positive stream, Social Defences stream and modern stream or New Social Defence, affect the perception of the criminal policies including criminal deprivation of liberty. Streams of the criminal law believe that crime is not a purely legal issue, but a social and humanitarian problems which are not simply to be incorporated into the formulation of the legislation. The criminal is not the only tool to fight crime or offense, therefore the implementation should be combined with other preventive method. The criminal policies is different to the concept of personal responsibility. The development of global issues, especially human rights in today's reality resopnded positively, including in terms of criminal policy.

Parole as a way of criminal implementation and as one form of coaching outside of prison inmates as an integration process between the inmates and the public is surely interest to be studied. First, the study reports on the effectiveness of Revocation of Independence of the Criminal Penal Code of Indonesia which reported by Faculty of Law of Diponegoro University concluded that the parole has less attention in the implementation of crimi-

³ Ibid, p 3.

nal deprivation of liberty.⁴ Second, the concept of parole in juridical - normative can be given to the convict, although with some conditions. Third, when its related with the purpose of sentencing in the sense of retaliation, parole is considered as an advantageous for the convict because it should not undergo the entire criminal punishment in prison, and this means the protection of society from the threat of criminal acts (general prevention) becomes not optimal, it possible for convict committing a crime more.

Fourth, if related to the purpose of sentencing as rehabilitation and social re-integration effort, parole may be possible to integrate the individual into the social order even expected to return the convict to become citizens in the community who are responsible for themselves, their families and the environment, due to the displacement of environment of correctional institutions into the community does not happen suddenly. Fifth, according to sociological perception, a perspective which look in retaliation for convicted criminal is still quite dominant in Indonesian society, which can cause a false perception of the parole as one way of implementation and development of criminal prisoners. Sixth, Nowadays, the prisoners coaching

in Indonesia using the correctional system, which the purposes is for the resocialization and rehabilitation for inmates.

Lately, a lot of parties suing on the existence of parole who considered by many people surely injured the sense of justice, especially against certain criminal acts, specifically against extraordinary crime, such as corruption. Moreover, in its implementation, parole is often accused as an activity that will be full of "game" and serve as "business" by prison officers. Therefore, this paper want to explore beyond what is actually the basic idea of parole and how its relevance to the purpose of sentencing.

ANALYSIS AND DISCUSSION

The Criminal Punishment and Criminal Sentencing

The criminal punishment and criminal sentencing are important in criminal law, both of them will always be associated with other aspects of criminal law that is on the prohibited act, and those who commit the prohibited act. According to Sudarto, the criminal punishment is a suffering that deliberately imposed on those who commit acts that meet certain conditions.⁵ From the definition of crimi-

⁴ Muladi and Barda Nawawi Arief, 1998, *Teori-teori dan Kebijakan Pidana*, Alumni, Bandung, p 117.

⁵ Muladi and Barda Nawawi Arief, 1984, *Pidana dan Pemidanaan*, Badan Penyediaan Bahan Kuliah Fakultas Hukum Universitas Diponegoro, Semarang, p 3.

nal punishment before, we know that the criminal punishment has certain characteristics.

According Muladi and Barda Nawawi Arif, criminal punishment contains some elements or characteristics as follows:

- (1) In fact, criminal punishment was an imposition of suffering or sorrow or other effects which are not pleasant;
- (2) The criminal punishment was given deliberately by the person or entity who has the power (by the authorities);
- (3) The criminal punishment was imposed on a person who has committed a crime under the law.⁶

Sudarto argues that the imposition of criminal punishment is a punishment in the strict sense, ie the judgment in the criminal case.⁷ Further Sudarto found the problem of conducting criminal punishment has two meanings, namely:

- a. in the general sense, is concerned on legislators, is set the stelsel of criminal sanctions (the *in abstracto* criminal provision) ;
- b. in a concrete sense, is related to various agencies or all of departments which support and implement

the stelsel of criminal law sanctions.⁸

Depend on the various opinions as described above, it can be stated that the imposition of a criminal is suffering by the institution that has the authority for it to the person who committed the crime, while the sentencing is giving and implementing the criminal punishment it may be for general or concrete meaning. In relation to the sentencing, there are several known theories of sentencing. According Muladi and Barda Nawawi Arief,⁹ depend on traditional theories, the concept of sentencing in general can be divided into two groups, namely: (1) Theory of Absolute or retaliation theory, and (2) the relative theory or theoretical purposes.

According to the Theory of Absolute or retaliation theory, the criminal punishment is imposed solely because the person has committed a crime or a criminal act. The criminal punishment is the absolute result that must be exist as a retaliation against the person who committed the crime. So the justification lies in the existence of the criminal is in the crime itself.

⁶ Muladi and Barda Nawawi Arief, *op. cit.*, p 4.

⁷ Sudarto, 1984, *Masalah Penghukuman dan Gagasan Pemasyarakatan, Kapita Selekta Hukum Pidana*, Alumni, Bandung, p 1.

⁸ Sudarto, 1986, *Hukum dan Hukum Pidana*, Alumni, Bandung, p 42.

⁹ Barda Nawawi Arief, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*, Bandung : PT Citra Aditya Bakti, p. 10

In contrast to the absolute theory, according to the relative theory, the criminal punishment is not just for retaliation to the people who has committed a crime, but have certain of beneficial goals, such as to protect the interests of the public, to reduce the frequency of crime, so that people do not do crime more and more, and many others.

In addition, as a distinguishing of the two traditional theories, the theory of absolute and relative theory, there is another theory that called by the combined theory. This theory was pioneered by Pellegrino Rossi. Referred to as the combined theory because although this theory remains regarded as a principle of criminal retaliation and that the severity of punishment should not exceed a fair retaliation, but this theory also argues that the criminal has the purpose of the repair of damaged something in the community and get the general prevention.¹⁰

The Parole in the Correctional Systems

The general provision which are also become important provisions regarding to the concept of parole is contained in article 15 of the Penal Code, which reads :

- (1) If the convicted person has served two thirds of the length of imprisonment

handed down to him, which must be at least nine months, then to them can be granted a parole. If the convict has to undergo several successive criminal, the criminal was regarded as a criminal.

- (2) In granting a parole, also determined a trial period, and set the conditions that must be fulfilled during the trial period.
- (3) The trial period is equal to the length of time remaining that have not endured imprisonment, and plus one year. If the convicted person is in lawful custody, then it does not include the probation.

Depend on the provisions of article 15 of the Penal Code, there are four important things contained therein. First, the parole may be granted to the convicts that serving the imprisonment, which imprisonment for a certain time. It means the death penalty, life imprisonment, criminal confinement and criminal penalties cannot be given a parole. Second, the implementation of parole only can be given to criminal convicts who had undergone two-thirds of the length of imprisonment, of which at least nine (9) months. The existence of a phrase *can be given* has a meaning that parole is not a thing that is imperative, not a thing that is automatically as-

¹⁰ Muladi and Barda Nawawi Arief, *Teori-teori dan Kebijakan Pidana*, Bandung, Alumni, p. 19

signed to each inmate. In other words, a parole can be obtained only for inmates who met the specified requirement. Third, in the way of implementation of the criminal punishment with a parole method, there are the requirements that must be met during the trial period. Fourth, the provision of trial period, the remaining time is not yet endured imprisonment, plus one year.

The requirement that must be met for inmates who received a parole consists of general and specific terms. For the general requirements is explained in Article 15a paragraph (1) of the Penal Code : parole granted to the general requirement that the convicted person will commit a criminal act and other acts which are not good. The provisions regarding the general conditions of this kind are very broad meaning, which is not only limited to the particular offense that does not perform but also the convict must not do anything else that is not good. In addition to the general requirements, parole also recognizes the existence of specific requirements. The provision of Specific requirements regarding the parole is explained in Article 15a paragraph (2) of the Penal Code : In addition , also be added to the specific terms of the conduct of the convicted person, if only not reduce the free-

dom of religious and political freedom for him.

The convicts who obtain a parole will be given a fitting (*verlofpas*), which contains the general terms and specific requirements that must be met or carried out by the convict. If the convict is violated the terms and conditions which set forth in *verlofpas*, the convict can be called back to serve the remainder criminal. During the trial period can still be removed , by order of Attorney in place dwells convicted, the person who gets parole can be arrested because they have violated the terms of his letter of fitting in order to maintain public order . While waiting for the release and decision of the Minister of Justice, Attorney can commit against the convict for sixty days in maximum, and if the time has passed and the decision of the Minister of Justice has not come out, then the convict should be released from custody.

In the design of the Indonesian Penal Code, the provision on parole is generally same with the provisions in the Penal Code, although there are some changes. Some of the changes include: first, the term used for the parole of the draft Penal Code is parole. Parole under article 67, 68, 69, and 70. Secondly, the provision that the convicted person must have undergone

at least two-thirds of imprisonment imposed, provided two thirds of the not less than nine (9) months plus the provision that the convicted well-behaved. In the explanation of Article 67 of the Draft Penal Code stated that the inmate may be granted parole period is simply criminal convicts least 1 ½ (one half) year. With the condition of the convicted person must be of good character, show that the behavior of both the convict should have begun shown when a sentence in a correctional institution. Terms of well-behaved prisoners held in the hope can be developed in such a way to reintegrate with society. Third, implementing regulations regarding the parole should be regulated by law as explained in Article 17 of the Penal Code, the draft Penal Code stated and explained that the procedures for parole is regulated by Decree of the President contained in Article 67 paragraph (6)), and about the manner of execution the terms of trial period set by Government of Regulations. Fourth, the agencies that provides opinions to the Minister of Justice (Ministry of Justice and Regulations) which originally as prosecutors and penitentiary officials, in consideration of the draft of Penal Code provided by observer team of Correctional supervisors and judges. Article 45 paragraph (4) of Law No. 12 Year 1995 About

Corrections, explains that the observer team of correctional made up of officials of Corrections, Correctional Center or its other officials.

Correctional is a concept and term to replace the terms and concepts of prison. Forerunner to the implementation of the concept of sentencing in Indonesia is same with correctional system is based on Sahardjo speech in the time of accepting Doctor Honoris Causa grace in Legal Studies from the University of Indonesia, on July 5, 1963 in Jakarta.¹¹ According to Sahardjo, the main duty of legal system (law) is to give a protection to the community, as well as for inmates. For prisoners, the law must be well served by giving them guidance to get back into society.

Corrections is to conduct training activities for correctional inmates which based on systems, institutions, and ways of coaching which is the final part of the penal system in the criminal justice system. While the correctional system is:

"An order regarding the direction and boundaries and how the right coaching of correctional inmates based on Pancasila which implemented in an integrated between the coach, coachee, and the community to improve the quality of cor-

¹¹ Loebby Loqman, 2002, *Pidana dan Pemidanaan*, Datacom, Jakarta, p 33.

rectional inmates in order to realize the errors, improve themselves, and not repeat the criminal offense that can be received by society, can actively participate in the development, and can live naturally as a good and responsible citizen”¹²

From the formula above, it can be underlined that the correctional system requires the participation of all components as like as coaches prisoners, inmates and the community in the development of correctional system in the future.

According to the Decree of the Minister of Justice of the Republic of Indonesia No. M.01-PR.07.03 year 1985 on the organization and work of corrections, the correctional institution is a technical unit in correctional field that has the tasks of conducting correctional inmates and students. \Meanwhile, according to article 1 (3) of Law No. 12 Year 1995 on correction, correctional institution (prisons) is the place to carry out the fostering inmates and correctional protégé. From the formulation of the legislation can be concluded that the prison is the last institution of a criminal justice system that play some roles in education, rehabilitation, and reintegration for inmates and correctional students. Prisons function as contained in

article 3 of the decree of the Minister of Justice of the Republic of Indonesia No. M.01 - PR.07.03 1985 on the Organization and Work of Corrections is:

- a. executing prisoners and students,
- b. provide the guidance, the structures and manage the work,
- c. guidance on social implementing/spiritual guidance for inmates and coaching students,
- d. maintenance of security and rulers,
- e. perform administrative and correctional household

The Relevance of Parole to the Purpose of sentencing

Based on various views on purpose of sentencing that mentioned above, Barda Nawawi Arief concluded that the purpose of sentencing contains of two main aspects, namely :

- a. Protection aspects of society basically cover the purpose of preventing, reducing or controlling a criminal act and restore the balance of the community.
- b. Protection of the individual basically includes the aim to rehabilitate and re-socialize criminal worker to obey and comply with the law. Individual protection as-

¹² Ditjen Hukum dan Perundang-undangan Departemen Kehakiman RI, *Undang-undang Nomor 12 Tahun 1995 tentang Pemasarakatan*, Jakarta, 1996, p. 1

pect is often referred to the criminal aspect of individualization.¹³

As Sahardjo's speech on the chapter "*Pohon Beringin Pengayom Hukum Pancasila-Manipol USDEK*" delivered on July 5, 1963 at the University of Indonesia, in addition to containing conception of national law which is described by a banyan tree was to be interpreted as an extension to the officers in treating inmates. The task of the law is to give shelter and protect the community, as well as for inmates. For prisoners, the law must be well served by giving them guidance to get back into society. The purpose of imprisonment according to Sahardjo¹⁴ is in addition creates a feeling of pain on prisoners since the removal of freedom of movement, guiding prisoners to repent, to educate people so that became the socialists and useful for the country. Briefly, the aim of imprisonment is for correctional.¹⁵

From the explanations above, it appears that the purpose of imprisonment is to guide the convict to repent, and educate them to become a socialist and useful society for Indonesia. With the purpose of imprisonment as the treatment of prisoners is

an effort of re-education and resocialization. According to Soedarto,¹⁶ the explicitly inclusion that the purpose of imprisonment is correctional, it has meaning that laid the presence of a base to direct and guide the prisoners which well known as treatment of philosophy or *behandellings-filosofie*. Furthermore, Soedarto¹⁷ stated that the definition of the term correctional can be equated with the term resocialization and rehabilitation.

According to Baharudin Soerjobroto perspective¹⁸ which delivered as *praeadvies* on the Conference of the Directors and Prison leaders in Sarangan in 1955, there are some things that need attention, such as :

- a. The two convicted interest to note is that the self-interest of convicted himself and the interests of his family.
- b. When the fee of the work that carried out by the prisoners destined to finance the convicted himself and his family, then this employment would truly is one of the effort in terms of the needs of re-education and resocialization.

With Sahardjo¹⁹ statement that the purpose of imprisonment is correctional

¹³ Barda Nawawi Arief, 1996, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara*, Badan Penerbit Universitas Diponegoro, Semarang, p 93-94.

¹⁴ Soema dipraja and Romli Atmasasmita, 1979, *Sistem Pemasyarakatan di Indonesia*, BPHN, Departemen Kehakiman, Jakarta, p 13.

¹⁵ Soema dipraja and Romli Atmasasmita, *loc. cit.*

¹⁶ Soedarto, 1986, *Kapita Selekta Hukum Pidana*, Alumni, Bandung, p 73.

¹⁷ Sudarto, *loc. cit.*

¹⁸ Soemadiprojo dan Romli Atmasasmita, *op. cit.* p 7.

¹⁹ Soema dipraja dan Romli Atmasasmita, *op. cit.*, p 13.

then this indicates that has been the existence of a paradigm shift to the purposes of sentencing in Indonesia. The sentencing which opposed from the principles and characteristic of imprisonment has changed into the opposite sentencing of the concept rehabilitation and social reintegration. The characteristic of imprisonment which stresses to the element of revenge and deterrence and accompanied by prison home institution is seen as a system and means that no longer fit with the times development. One characteristic of the times development today is the increasing awareness of and respect for human rights. The correctional concepts contained therein rehabilitation, and social reintegration of prisoners in order to foster intends realizing his mistake, no longer willing to commit a crime and go back to the community member as responsible person for themselves, their families and the environment

Correctional as a sentencing purposes also contained a view and perspective that prisoners not only as the object but also the subject which has no much more different with other human beings who sometimes can make a mistake or an oversight which may be the subject of criminal, so it should not be eradicated. Something that must be eradicated is the factors

that can cause inmates to do things that are contrary to law, morals, religion or other social obligations that may be subject of criminal. Criminal punishment is an attempt to awaken the inmates that regretted it, and make them to be good citizens, obey the law, uphold moral values, social and religious life of the community so as achieve a safe, orderly and peaceful.²⁰

The purpose of imprisonment is called by correctional method actually become a form view which is in line with the reform measures that have been made to reduce the negative consequences of criminal deprivation of liberty. According to Muladi²¹ reform measures that have been made to reduce the negative consequences of criminal deprivation of liberty, among others, is the receipt of the Standard minimum Rules of the Treatment of Offenders abbreviated by SMR by the First Congress of the United Nations on the Prevention of Crime and the Treatment of Prisoners (The First United Nations Congress for the Prevention of Crime and the Treatment of Offenders) on August 30, 1955. SMR is accepted by the Social Economic Council in 1957 (res.

²⁰ The complete explanation of the rule No. 12 year 1995 on correctional system has explained in *Himpunan Perundang-undangan Tentang Pemasyarakatan*, 1999, Direktorat Jenderal Pemasyarakatan Departemen Kehakiman RI, Jakarta, p 221.

²¹ Muladi, *op. cit.*, p 100.

663 C / XXIV). The establishment of the SMR get through a long history, which started from the desire of the prison reformers both in Europe and in the United States to draw up the principles and standards that can provide direction to the management of the prison system.

The implementation of SMR in Indonesia, for some aspect, cannot be applied and implemented satisfactorily. According to Muladi²², there are some factors that make SMR cannot be implemented satisfactorily, among others :

- a. The attitude of employees who have not been fully able to conform themselves with the spirit of renewal;
- b. The absence of legislation governing that regulate the prisoners guidance and completely replaces the old law. In many respects of departmental policies, there are lot done that reduce the gap between the existing regulations and underneath organs (Gestichten Reglement Stb. No.708 year 1917) with the new developments in coaching prisoners, such as SMR and the penitentiary or correctional.
- c. Scarcity of available funds. Lack of financial funds has hampered the

implementation of SMR, although not always that every SMR rule need costs.

The purpose of a correctional punishment as described above, if the policy is associated with the determination of the parole will becomes clear that both have the same purposes. The main purpose of the correctional are : (a) trying to inmates, correctional students do not break the law again in the future society, (b) make the inmate / correctional students as active and creative participants in the development of country , and (c) help inmates / correctional students to be happy and safe in this world and hereafter.²³ Correctional intended that prisoners realized their mistake, improve themselves, and do not repeat the criminal offense that can be accepted back by the environmental community, can actively participate in the development, and can be reasonably live as good and responsible citizens.²⁴ The main purpose of parole is replacing inmates institutional coaching into coaching in the community at the right time and in profit circumstances. In article 6 of the Decree of the Minister of Justice of the Republic of Indonesia Number : M.O1 - PK.04.10 1999 February 2, 1999 on Assimilation,

²² *Ibid*, p 103.

²³ Soema dipraja and Romli Atmasasmita, *op. cit.*, p 24.

²⁴ Pasal 2 Undang-undang Nomor 12 Tahun 1995 tentang Pemasayarakatan

Parole and leave Toward Free stating, explained that parole aims:

- a. Upgrade the motivation or encouragement to the inmates themselves toward the achievement of development goals ;
- b. Provide opportunities for inmates to acquire the education and skills to prepare for independent living in the community after undergoing free criminal;
- c. Encourage people to participate actively in the organization of the correction .

Prisoners who get parole, should implement criminal punishment outside prison partially, that is by being in the midst of society. This means that the parole of the convicted person does not have to undergo the entire criminal punishment, in the Penitentiary. Through parole should be realized the integration between the inmates and the community.

The purpose of the correctional and parole policy when placed within the framework of the theory of the purpose of sentencing, both of theory surely agree that crime as a means to achieve a useful purpose. At least, viewing from the purposes, correctional and parole can be categorized into Relative Theory; Theory of

Public Protection (Social Defence Theory),²⁵ reductive theory (the reductive point of view), and Theory of purpose (utilitarian theory), or both could also be categorized into theory combined .

Corrections and parole are categorized to the relative theory, because in the concept of correctional and parole, criminal not just for retaliation to the person who has committed a crime, but have certain beneficial goals. Both of corrections and parole have the similiar goal in order to convicts realize their own mistakes, improve themselves, and do not repeat the criminal offense more , so far can be accepted and live responsibly in society. Correctional and parole categorized into theory of society protection because of the removal of the freedom of movement for inmates in prison as a means to protect the public interest. Criminal punishment is not imposed for the sake of itself, but for a useful purpose, that protect the public or as guardianship. Through correctional and parole, inmates are expected to be responsible citizens, living naturally and not committing a crime. Therefore, as appear from the purposes, correctional and parole can be categorized also into the *theory of reductive point of view*, because one of the

²⁵ J. Danenaes, dalam Muladi and Barda Nawawi Arief, *op. cit.*, p 16.

correctional and parole purposes is to reduce the frequency of crime.

As seen from corrections and parole purposes, both can also be categorized into the combined theory. The combined theory advocated the possibility to hold the articulation of the theory of punishment that integrates several functions at once, as like as, Retribution and utilitarian, for example, the function of prevention and rehabilitation.²⁶ Combined theory is also well known as theory of teleological retributive. Although this theory is still regarded as a principle of criminal retaliation and that the severity of punishment should not exceed a fair retaliation, but this theory also argues that the criminal has the purpose of the repair of damaged to something in the community and general prevention.²⁷ Correctional and parole can be seen into the combined theory, because the stages of development and coaching of inmates is in accordance with the concept of correctional in penal system, in the first stages, the inmates have to undergo of being lost independence, although at the end they can be fostered in the middle of society. Similarly, in order to obtain a parole, inmates must have demonstrated a conscious behavior at an early stage and advanced stage before it

and finally entered the stage of integration of inmates through parole.

CONCLUSION

1. The Policy of determination of parole has a strong relevance to the idea of penal and correctional idea as one model of sentencing purposes that was initiated to achieve the goal of modern crime punishment, which is to improve the convict (resocialization). Parole in addition to a way of implementing of imprisonment, as well as a form of coaching outside of prison inmates, who have the similar purpose and idea with the correctional philosophy. As a form of coaching outside of prison inmates, parole can be viewed as a subsystem of correctional, because it will contribute positively to the achievement of correctional goals, which is to educate and guide inmates in order to return to live as responsible citizens, well for themselves, family and society.
2. Along with the development of various ideas in criminal law and respect for human rights, the policy of parole is a policy that needs to be supported for its realization, it's because of parole become an alternative to criminal deprivation of liberty outside of pris-

²⁶ Soedarto, *Kapita Selekta Pidana, op. cit.*, p 83.

²⁷ Muladi and Barda Nawawi Arief, *op. cit.*, p 19.

on. By paying attention and learning from parole policy in other countries in the future, in criminal law reform in Indonesia, the policy of parole can be more accommodating for any changes system and ideas. The form of accommodation to changes and ideas among others, related to the existence of prisoners undergoing for life imprisonment, a short imprisonment, the length of time that should have been undertaken to obtain the parole, and more serious attention to the guidance and supervision of inmates who obtain parole.

BIBLIOGRAPHY

Books

- Arief, Barda Nawawi. *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. PT Citra Aditya Bakti. Bandung.
- _____, 1996. *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara*. Badan Penerbit Universitas Diponegoro. Semarang.
- Ditjen Hukum dan Perundang-undangan Departemen Kehakiman RI. 1996. *Undang-undang Nomor 12 Tahun 1995 tentang Pemasysarakatan*. Jakarta.
- Loqman , Loebby. 2002. *Pidana dan Pemidanaan*. Datacom. Jakarta.
- Muladi, Barda Nawawi Arief. 1984. *Pidana dan Pemidanaan*. Badan Penyediaan Bahan Kuliah Fakultas Hukum Universitas Diponegoro. Semarang.
- _____. 1998. *Teori-teori dan Kebijakan Pidana*. Alumni. Bandung.
- Purnomo, Bambang. 1986. *Pelaksanaan Pidana Penjara Dengan Sistem Pemasysarakatan*. Liberty. Yogyakarta.
- Soedarto. 1986. *Kapita Selektu Hukum Pidana*. Alumni. Bandung.
- Soemadipraja, Romli Atmasasmita. 1979. *Sistem Pemasysarakatan di Indonesia*. BPHN. Departemen Kehakiman, Jakarta.
- Sudarto. 1986. *Hukum dan Hukum Pidana*. Alumni. Bandung.
- _____. 1984. *Kapita Selektu Hukum Pidana*. Alumni. Bandung.
- _____. 1984. *Masalah Penghukuman dan Gagasan Pemasysarakatan, Kapita Selektu Hukum Pidana*. Alumni. Bandung.

Constitutions

- Kitab Undang-Undang Hukum Pidana (KUHP).
- Undang-undang Nomor 12 Tahun 1995 Tentang Pemasysarakatan.
- Keputusan Menteri Kehakiman RI Nomor M.01-PR.07.03 Tahun 1985 tentang

Organisasi dan Tata Kerja Lembaga
Pemasyarakatan.
Keputusan Menteri Kehakiman Republik
Indonesia Nomor: M.O1-PK.04.10
Tahun 1999 tanggal 2 Pebruari 1999

tentang Asimilasi, Pembebasan Ber-
syarat dan Cuti Menjelang Bebas.
