

**FULFILLMENT OF THE RIGHT TO REDUCTION OF CRIMINAL PERIOD
AGAINST CONVICTS IN PENITENTIARY CLASS II PALU****Ridwan¹, Kartini Mallarangan², Vivi Nur Qalbi³,
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Abstract

Granting remission is a right owned by prisoners, but these rights can be obtained by meeting the criteria of the applicable laws and regulations. One of the prisoners' rights is to reduce their criminal period (remission) regarding Corrections. The correctional system is a system that is not just rehabilitation and resocialization but is equipped with educative-correlative-definitive and individual and social aspects ideally based on the Pancasila philosophy. This system itself in correctional facilities must have certain conditions or sizes. These certain elements are interrelated and proceed according to specific concepts so that this legal concession can only be used as a tool for law enforcement officers to provide conditions. Therefore, in this study, the author raises the issue of the Fulfillment of the Right to Reduction of Criminal Period at the Penitentiary Class IIA Palu. This study uses an empirical research method, which concludes that the right to a reduction in the sentence at the Penitentiary Class IIA Palu has been running

smoothly every year. This can be seen from the increasing number of remissions each year based on the applicable laws and regulations. The inmates have good behavior and have met administrative requirements such as completeness of files from inmates and meeting the assessment requirements of prison officers. According to law, the prisoner will be processed to obtain his right of remission.

Keywords: *Convicts; Penitentiary; Remission*

INTRODUCTION

Correctional institutions as protectors and implementers in fostering community members to become fully human, realize mistakes, improve themselves, and not repeat criminal acts to be accepted again by the community and are helpful in society to carry out the duties borne by the correctional institution, strong regulation is needed so that in carrying out its duties, the objectives of punishment can be achieved, namely rehabilitation and integration.

The position of remission in the purpose of punishment in the correctional system is to motivate and educate inmates to behave well during their criminal period. After being released, they can be accepted back into society properly. Granting remission is a right owned by prisoners, but these rights can be obtained by meeting the criteria of the applicable laws and regulations, following Article 14 paragraph (1) letter i of Law no. 12 of 1995 concerning Corrections that one of the rights of prisoners is to get a reduced sentence (remission). By granting remission,

convicts do not fully serve their criminal sentence, and it is a gift given by the government to prisoners. Remissions or reduced sentences while convicts serve their criminal penalties also change from time to time. The prison system places remission as a gift, meaning that remission is a gift from the government to prisoners. Since 1950, remission is no longer a gift but has become the right of every inmate who meets the requirements set by the new system of prisoner development. As a gift as in the prison system, but as a prisoner's rights and obligations, meaning that if the prisoner carries out his obligations, he has the right to get remission, as long as the requirements have been met.¹

In general, it can be said that correctional coaching and mentoring must be improved through a mental coaching approach, including restoration of self-esteem as individuals and as citizens who believe they still have the productive potential for nation-building; therefore, they are educated to master specific skills to be

¹ Harsono. (1995). *New System of Prison Training*. Jakarta: Djambatan, 1995, p. 25

able to live independently and be helpful for the community development. The correctional system is a system that is not just rehabilitation and resocialization but is equipped with educative-correlative-definitive and individual and social aspects ideally based on the Pancasila philosophy. This system itself in correctional facilities must have certain conditions or sizes, certain elements that are interrelated, and proceed according to specific concepts.² The difference in requirements for prisoners is based on the type of crime committed in the implementation of the type of justice as a legal goal. Of course, this is intended so that the perpetrators of crimes as specified in Presidential Decree no. 32 of 1999 concerning the terms and procedures for the implementation of the rights of prisoners in prison, in paragraph (3), the provision is not automatically given remission and is equated with other criminals. However, in its application, the benchmark for this provision of good behavior is limited by law and other regulations. This legal concession can only be used as a tool for law enforcement officers to provide conditions. Therefore, in this study, the author raises the issue of the Fulfillment of the Right to Reduction of

Criminal Period at the Penitentiary Class IIA Palu.

METHOD

This research is conducted using the empirical legal method, located in the Penitentiary Class II A Palu.

ANALYSIS AND DISCUSSION

Implementation of the Fulfillment of the Right to Reduction of Criminal Period at the Penitentiary Class IIA Palu.

The legal basis used in fulfilling the right to reduce the criminal period of remission of prisoners at the Penitentiary Class IIA Palu is based on the results of interviews with the respondent Mr. Effendi as follows:

“The legal basis used in fulfilling the right to reduce the period of imprisonment in the Penitentiary Class IIA Palu is first based on Law Number 12 of 1995 concerning Corrections, the second is Government Regulation Number 99 of 2012 concerning Amendments to Government Regulation Number 28 of 2006 concerning Amendments to Government Regulation Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Inmates, the third Decree of the President of the Republic of Indonesia Number 174 of 1999 concerning Remissions”.³

² Bambang Purnomo (1992). Principles of Criminal Law. Jakarta: Ghalia Indonesia. p. 190.

³ Interview with Mr. Effendi, Registration Staff at the Penitentiary Class IIA Palu, on 8 May 2021.

Mr. Yoga also commented on the legal basis used in the Penitentiary Class IIA Palu in granting remission,

“The legal basis used in Penitentiary in Palu refers to the Criminal Code regulations that every general prisoner has the right to get remission in general after a convict is convicted as a prisoner and for special prisoners such as terrorism crimes and narcotics crimes, it is regulated in the latest government regulations which are Government Regulation Number 99 of 2012 concerning Terms and Procedures for the Implementation of the Rights of Correctional Inmates”.⁴

From the results of the interview, the author can conclude that in fulfilling the right of remission, each inmate has its own rules, such as the opinion conveyed by Mr. Effendi that there are three legal bases that must be used, namely based on Law Number 12 of 1995 concerning Corrections, the second Government Regulation Number 99 of 2012 concerning Amendments to Government Regulation Number 28 of 2006 concerning Amendments to Government Regulation Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Inmates, the three Presidential Decrees of the Republic of Indonesia Number 174 of 1999 concerning Remissions, while Mr.

⁴ Interview with Mr. Yoga, Prison Guidance Section Staff at the Penitentiary Class IIA Palu, on 26 October 2021.

Yoga is of the opinion that General convicts and special convicts have different rules in granting remission for general convicts such as crimes of theft, criminal acts of violence and other general crimes can be given remission after convicts have served a sentence of more than 6 months while for special convicts such as narcotics crime is regulated in Government Regulation Number 99 of 2012 concerning Terms and Procedures for the Implementation of the Rights of Correctional Inmates.

Based on the above statement under the explanation from the results of the interview with Mr. Effendi that organized and organized crime has different rules in the process of granting remission, Mr. Effendi stated,

“Giving remissions for narcotics crimes and corruption crimes must have a justice collaborator letter from the court so that the remission process can be obtained by criminal acts; therefore narcotics convicts and other organized crimes such as terrorism, psychotropic crimes, and crimes against national defense must have the letter is ready to cooperate with the law to dismantle the crime to obtain a justice collaborator after obtaining it from the court then the remission process can be processed by the ministry of law and human rights to process the granting of remissions to prisoners.”⁵

⁵ Interview with Mr. Effendi, *Op. Cit.*

In this case, the author also obtains data on the number of inmates that the author can use as a population and sample for the author in the author's research at the Penitentiary Class IIA Palu, which the author gets and the author can write down as follows.

a. Research Population

A population is some people or units that have the same characteristics or characteristics; in connection with this study, the population used is all prisoners in the Penitentiary in Palu, which can be written starting from the number of prisoners and the entire structure of the management in the Penitentiary Class IIA Palu.

b. Research sample

The sample can be interpreted as part of the number and characteristics possessed by a population. Sample measurement is carried out through statistics or based on research estimates to determine the size of the sample in researching an object. Sampling aims to assist researchers in overcoming the limitations that researchers can encounter in the field, such as:

1. If the population is too large or the range is too wide, the author can't collect data on the entire population.
2. Constrained in terms of limited manpower, time, and cost

3. There is an initial assumption that the whole population is uniform so that it can be represented by several samples that the writer will take.

In this study, the authors obtained data on the population or number of prisoners in prisons which the authors wrote in tabular form and explained in a description or explained based on table data and explanations accompanied by the results of interviews with the informants as follows:

Table 1: Number of Prisoners and Their Crime in Penitentiary Class IIA Palu (2021)

Crime	Conviction	Number of Prisoners
Public Order	Article 154-181 Criminal Code	1
Arson	Article 244-251 Criminal Code	1
De-cency	Article 281-297 Criminal Code	13
Kid- nap- ping	Article 336 Criminal Code	1

Murder	Article 338-350 Criminal Code	37
Torture	Article 351-356 Criminal Code	12
Steal	Article 362-364 Criminal Code	81
Robbery	Article 365 Criminal Code	7
Extortion/ Black mail	Article 368-369 Criminal Code	1
Embezzlement	Article 372-375 Criminal Code	7
Fraud	Article 378-395 Criminal Code	2
Confiscation	Article 480-481 Criminal Code	1

Narcotics	Law No. 9 of 1979, Law No. 5 of 1997, and Law No. 22 of 1997	491
Korupsi	Law No. 31 of 1999	52
Child Protection	Article 81 Law No. 23 of 2002	104
Money Laundering	Law No. 25 of 2003	1
Health	Article 80 Law No. 22 of 1992	1
Common Crime	Juvenile de-	12

lin- que ncy whi ch is not liste d in the Pen iten tiar y Da- taba se Syst em (PD S)	
Total Num- ber of Pris- oners	825

Source: Penitentiary Class IIA Palu.

Based on table 1 above, it can be seen that the number of prisoners in the Penitentiary Class IIA Palu in 2021 consists of 825 individuals of adult male inmates.

Table 2: Number of Prisoners Who Receive Remission in 2021

Amount of Prisoners	Special Remission-Muslim Religious holiday 13 May 2021			
	15 days	1 day	1 month 15 days	2 month
458	29 indi- viduals	369 individ- uals	56 indi- viduals	Eight individ- uals

Source: Penitentiary Class IIA Palu

Table 2 above explained that the prisoners who received special Eid al-Fitr remission in 2021 amounted to 458 people, of which 29 people for 15 days had served six months in detention and had behaved well and had met the requirements, the next 360 people with a criminal period that has been served for one year or more get remission for one month and have fulfilled the requirements, next 56 people with an illegal period that has been performed for four years or more get remission for one month 15 days and eight people with a period of criminal offenses that have been performed for six years and so on getting remission for two months. The following table shows the data of prisoners who do not receive remission:

Table 3: Number of Prisoners Who Did Not Receive Special Remission in May 2021

Number of Prisoners	Protestant	Catholic	Hindus	Buddhist
367	60	7	3	1

Source: Penitentiary Class IIA Palu

Based on the table above, the number of inmates who have not received remission and will be proposed further remission by the prison, which is still processed, is 367. People if viewed table it can be explained that 60 non-Muslim prisoners who are Protestant who do not get remission and 7 Catholic, 3 Hindu prisoners and 1 Buddhist, the reason for not getting remission is because the conditions for getting this special remission must be based on the religious holidays of each religion adhered to by the inmates so that it can be concluded that non-Muslim prisoners do not get remission during Eid al-Fitr, and non-Muslims have to wait for follow-up remissions.

In addition to the prisoner data that can be obtained, the authors also obtain population data for the last three years in granting remissions based on data from the Penitentiary Class IIA Palu and written in tabular form as follows:

Table 4: Number of Prisoners Who Received General and Special Remission

Year	Number of Prisoners	General Remission	Special Remission
2018	547	153	245

8			
2019	770	157	467
2020	727	185	490

Source: Penitentiary Class II A Palu

The table above explain that the granting of general remission and special remission that the author got from the results of the last three years of data in 2018 to 2020, the number of prisoners in 2018 as many as 547 people who received general remission amounted to 153 people and the number of prisoners who received general remission 247 special remissions and in 2019 the number of inmates was 770 and the number of inmates who received general remission was 157 people and the number of inmates who received special remission was 457 people and in 2020 the number of inmates was 727 and the number of inmates who received general remission was 185 490 people and the number of inmates who received special remissions, from the results of the table data above the authors conclude that the granting of remissions at the Penitentiary in Palu is in accordance with applicable regulations and for prisoners who have obtained their remission are prisoners who have met the requirements p regulation in legislation.

Based on the data for the last three years of granting remissions, the authors found that the granting of remissions that had been given to prisoners had been fulfilled from year to year based on the results of interviews with Mr. Effendi regarding granting remissions from 2018 to 2020, Mr. Effendi explained and commented,

“The granting of remissions every year has been running smoothly, but there are several things that must be considered in providing remissions for each prisoner where the inmate must complete all the files and behave well during the process to get the fulfillment of the right to reduce his sentence. Therefore we are correctional officers, especially us, the registration staff, must pay attention to every prisoner who wants to get the fulfillment of his right to get the right of remission”.⁶

On the same occasion, the author also obtained the results of an interview from Mr. Yoga as the guidance section at the Penitentiary Class IIA Palu regarding the provision of remissions for officials and ordinary people. He stated that:

“There are no exceptions in granting remissions to prisoners for prisoners, both officials and ordinary people; all remissions are given following existing laws and regulations. Usually, what we take into consideration in determining the amount of remission is based

on the attitude and behavior of the inmate concerned. If it is considered that the prisoner behaves well in prison, we will provide appropriate remission for the inmate.”⁷

Based on this explanation, the author can conclude that Remission is an inherent right of prisoners. This right is regulated in Law Number 12 of 1995 concerning Corrections Article 14 letter i, which states that “convicts have the right to get remission.”⁸ To fulfill the rights of prisoners in the form of reducing their criminal period (remission), the prison party uses a special regulation dealing with the problem of remission, namely Presidential Decree No. 174/1999 on remission. 1999 which regulates the procedures and implementation of the rights of prisoners in prison, then updated with the issuance of Government Regulation No. 28 of 2006 and renewed again into Government Regulation No. 99 of 2012, the issuance of Government Regulation No. 99 of 2012 to distinguish the requirements received by prisoners general with special prisoners in granting remission. From that rule, the author obtained an analysis of the granting of remissions to prisoners were in the granting of remissions according to the inmates who became one of the sources or

⁷ Interview with Mr. Yoga, *Op. Cit.*

⁸ Article 15 Letter i Law Number 12 Year 1995 Concerning Corrections.

⁶ *Ibid.*

samples of the authors to obtain the truth regarding the fulfillment of the right to reduce the criminal period according to the inmate Mr. Sukarman Sauya as a convict of a criminal act of fraud with a sentence of 4 years prison based on the results of interviews with inmates stated that:

“I received a general remission of 2 months and a special remission of one month and 15 days. The remission I received met the various requirements set by the prison. I would be given remission if I had fulfilled all the conditions set by the Correctional Institution, such as having good behavior as long as we Being in a correctional institution in granting remission can obtain my remission rights if we have fulfilled these various requirements and we as prisoners follow all the rules and procedures and rules from the Correctional Institution to obtain our remission rights”.⁹

On the same occasion, the author also obtained the results of interviews with an inmate named Azman, aged 24, a convict of narcotics crime, explaining that:

“I have received a general remission of 1 month and a special remission for 15 days of holidays and in the process of giving the remission that I got has gone smoothly as long as we do good and have carried out all the activity programs made by the Penitentiary, I can get the remission

smoothly, and I am grateful that this remission can reduce the burden of my punishment so that I do not repeat the same mistakes.”¹⁰

Based on the results of interviews, the author can conclude that prisoners who want to get remission must meet the requirements that the legislation has determined; therefore, prisoners who want to get the right of remission must do good and follow the program of activities made by the correctional institution so that it can be assessed so that they can be given remission on time. In terms of granting remissions at the Penitentiary Class IIA Palu, Mr. Yoga commented,

“The granting of remissions every year experiences several obstacles in starting to increase inmates, and we as officers are required to provide extra services in terms of paying attention to every activity of prisoners and providing direction to prisoners to always comply with regulations so that prisoners in prisons can always have good intentions and have good character. Prisons give rewards in the form of remissions; the goal is so that inmates do not repeat their mistakes and can be accepted back into social life.”¹¹

Based on the comments from Mr. Yoga, the author can conclude that the granting of remission itself is judged by

⁹ Interview with Mr. Sukarman Sauya, a convict in Penitentiary Class IIA Palu, on 26 October 2021.

¹⁰ Interview with Mr. Azman, a convict in Penitentiary Class IIA Palu, on 26 October 2021.

¹¹ Interview with Mr. Yoga, *Op. Cit.*

the prison itself and based on the legislation that every inmate has the right to get the right of remission, but in this case, the inmate must pay more attention to every consequence of the rules made by the institution. Correctional facilities to obtain remission following the rules of the law, but if the convict violates and does not comply with any established rules, the inmate will find it difficult to obtain the right of remission.

In the case of granting remission, the prison party already has the rights and authorities under the law so that the inmate can fulfill the right of remission. Supplementary remissions and supplementary remissions can be obtained if the convicts are of good condition and have passed the sentence of six months per Mr. Effendi's comment that

Based on the explanation of the respondent, Mr. Effendy, the fulfillment of the right to reduce the criminal period (remission) in the Penitentiary Class IIA Palu has been running well and smoothly every year, and the granting of remission in the correctional institution is based on the laws and regulations in force in Indonesia as long as the inmates can meet the requirements. and have good behavior, the

granting of remission for prisoners can be fulfilled."¹²

Based on the explanation given by the respondent, Mr. Efendy, it is stated that every year it is stated that the granting of remissions has been running smoothly. The facts that the authors get in the field provide the truth with what was conveyed by Mr. Efendy. It is difficult to get the right of remission based on the results of the author's interview with one of the sources, a convict of narcotics crime named Mr. Sumardi stated,

"In the process of granting remissions, what I got was very different from general crimes, special crimes such as we have different rules in the process of granting remissions where we must have a certificate ready to cooperate with the law to dismantle the crimes we committed and obtain JC justice collaborator, this is what hinders us from getting remissions."¹³

Based on the explanation given by Mr. Sumardi that in order to obtain his right of remission, he must obtain a Justice Collaborator letter and be ready to cooperate with the law to dismantle all the crimes he has committed, in this case, the author can conclude that in granting special remissions of course to narcotics crimes not only good behavior but has al-

¹² Interview with Mr. Effendi, *Op. Cit.*

¹³ Interview with Mr. Sumardi, a convict in Penitentiary Class IIA Palu, on 26 October 2021.

so served a third of his prison term can only get his right of remission in accordance with Government Regulation Number 28 of 2006 concerning the Terms and Procedures for the Implementation of the Rights of Correctional Inmates as stated in

Article 34 Paragraph (3) states that prisoners who have committed acts of terrorism, narcotics, psychotropic, corruption, crimes against state security and serious human rights crimes and transnational organized crimes are granted remission if they meet the following requirements:

1. Well behaved, and
2. Has served 1/3 (one-third) of the criminal term.¹⁴

In the general explanation of Government Regulation Number 28 of 2006, these restrictions are carried out specifically for perpetrators of criminal acts.

1. For narcotics and psychotropic crimes, this government provision only applies to producers and dealers.
2. For corruption, this government provision only applies to certain conditions.

Based on the results of the research that the authors got, the authors can analyze that granting remissions for general

crimes and special crimes have different requirements for the fulfillment of their remission rights where in general, prisoners such as theft, violence, murder, and criminal acts of obscenity, the basis for granting remissions is different from other crimes. Specific crimes where general crimes refer to the criminal Criminal Code and the conditions for obtaining remission inmates must be of good behavior and have passed a criminal period of more than six months, and then a prisoner can be processed to be given general remission and remission in particular based on Presidential Decree No. 174 of 1999 concerning Remissions and Law Number 12 of 1995 concerning Corrections, while for special prisoners such as narcotics, psychotropic, corruption and terrorism crimes and other organized crimes, it is specifically regulated in Government Regulation Number 99 of 2012 concerning the second amendment. on Government Regulation Number 32 of 1999 concerning the Terms and Procedures for the Rights of Correctional Inmates

Based on the explanation above, the author can conclude that the granting of remissions at the Penitentiary Class IIA Palu has been running smoothly and is in accordance with existing laws and regulations. remission granted.

¹⁴ Article 34 paragraph (3) Government Regulation Number 28 Year 2006 Concerning Terms and Procedures For The Implementation of The Rights Of The Inmates.

CONCLUSION

Fulfillment of the right to reduce the period of imprisonment at the Penitentiary Class IIA Palu every year has been running smoothly. This can be seen from the increase in giving remission every year based on the applicable laws and regulations as long as the inmates maintain good behavior and have met administrative requirements such as completeness of files from prisoners and meet the assessment requirements of prison officers, the inmates will be processed by law to obtain remission rights.

BIBLIOGRAPHY

Bambang Purnomo (1992). Principles of Criminal Law. Jakarta: Ghalia Indonesia.

Harsono. (1995). New System of Prison Training. Jakarta: Djambatan, 1995.

Government Regulation of the Republic of Indonesia Number 28 Year 2006 Concerning Amendments to Government Regulation Number 32 Year 1999 Concerning Terms and Procedures for Implementation of the Rights of Correctional Inmates.

Law of the Republic of Indonesia Number 12 Year 1995 Concerning Correctional (State Gazette Number 77 Year 1995 and Supplement to the State Gazette of the Republic of Indonesia Number 3614).

Presidential Decree of the Republic of Indonesia Number 174 of 1999 concerning Remissions (State Gazette Number 223 Year 1999).
