

Development of Prisoners and Convicts During the Covid Pandemic (Research Studies in Aceh Province)

Romi Asmara* Yusrizal Hadi Iskandar

Law Faculty, University of Malikussaleh, Indonesia

* E-mail of the corresponding author: romi.asmara@unimal.ac.id

Abstract

The spread of the Corona virus disease (Covid-19) makes people have to take care of their health. A different situation is currently experienced by prisoners in prison. The numbers of prisoners that keeps increasing could cause depression and prone to Covid. The government issued a policy related to the provision of assimilation and reintegration programs in the context of preventing and overcoming the spread of Corona Virus Disease (COVID-19), which is currently still facing opposition in some circles of society. There are those that think the policy is wrong because in society the prisoners seem to be quarantined like and support the government program to stay at home and when they leave they're still prone to infection. The purpose of this research is to analyze implementation, obstacle and efforts to developing prisoners in prisons in Aceh Province during the covid pandemic. The stages of method, is an empirical legal research with qualitative approach that uses primary data (observation and interview) directly from the specified informants. The process of developing prisoners in prisons will continue to be carried out optimally during this Covid pandemic. The government through the Ministry of Law and Human Rights has also worked around this by making regulations so that the development carried out can be more equitable and prioritize the health/safety of prisoners. Accelerating the process of integration and assimilation of prisoners into society is a solution to reduce overcrowding, which can be an easy factor for contracting Covid. Constraints: not all prisoners get a second vaccine due to lack of supply; overcrowding in prisons; the lack of medical personnel and other facilities, such as no ambulance, makes transportation difficult if there are sick prisoners.

Keywords: development, prisoners, pandemic.

DOI: 10.7176/JLPG/132-04

Publication date: May 31st 2023

Introduction

COVID-19 outbreak has hit all corners of the world, as well in Indonesia that still shows an increase in numbers of infection. According to WHO (World health organization) corona virus is an archetype of virus that caused sickness on animals or humans. In humans, corona is known to cause respiration infection, starting from flu to worse sickness like *Middle East Respiratory Syndrome (MERS)*, and *Severe Acute Respiratory Syndrome (SARS)*.¹ Social distancing is used as one of the ways to prevent COVID-19 spread. Government ordered a ban so people won't make activities/gathering that could cause an easier spread of COVID-19. Compared to last year, there is an increase in the number of pandemics this year. Cumulatively, there are 1,869,325 people who are positive for COVID, 1,717,370 recovered; and around 51,992 died.² Meanwhile in Aceh it was confirmed there are 16578 people, 3,320 in care, 12,610; and 648 people died.³

Although there are prohibitions and appeals, not all appeals to avoid crowds and maintain distance can be carried out smoothly, many things become obstacles such as those in Detention Centers (*Rutan*) and Correctional Institutions (*Lapas*). As it is known that this place is a shelter for people who are undergoing the judicial process and are also undergoing criminal decisions. Inhabited by many people even to the point of being overloaded. This situation is certainly promising for even more widespread and growth of the virus. Overall, nationally when viewed from the number, prisoners and convicts in Indonesia as of March 24, 2020 reached 293,583 people, while the capacity was only able to accommodate 131,931 people (more than 123%).⁴ For the current condition of Aceh, the number of prisoners and convicts is 8,836 people from a capacity of 4,105 people (more than 215%). Class II-A prisons in Banda Aceh are inhabited by 609 people out of a capacity of 800 people; Class II-B prisons in Aceh Besar are inhabited by 436 people out of a capacity of 111 people, (more than 293%); Langsa Class II-B prison is inhabited by 445 people from a capacity of only 145 people (over 207%). The Langsa Class II-B Narcotics Prison is inhabited by 555 people from a capacity of 469 people (over 18%). Lhoksukon Class II-B

¹ Budiansyah Arif, 16 Maret 2020, "Apa itu Virus Corona dan Cirinya Menurut WHO" www.cnbcindonesia.com Diakses pada 22 November 2020 pukul 18:56 WIB.

² <https://www.kemkes.go.id/> akses Juni 2021

³ <https://www.dinkes.acehprov.go.id/>, akses Juni 2021

⁴ lokadata.beritagar.id., akses Juni 2021

Prison is inhabited by 443 people with a capacity of only 70 people (over 533%); Lhokseumawe Class II-A prison is inhabited by 615 people with a capacity of only 150 people (over 310%); Bireuen Class II-B Prison is inhabited by 488 people with a capacity of only 65 people (over 651%). It's a very vulnerable condition for being infected with Covid among other prison residents.¹

During the COVID-19 pandemic, the government through the Ministry of Law and Human Rights, has issued several regulations as well as policies to reduce the impact of the COVID-19 pandemic. The Regional Office of the Ministry of Law and Human Rights in Aceh stated that 911 inmates were released after being assimilated. The guidance is in the context of preventing and controlling the spread of COVID-19, starting from early January to 24 May 2021.

Assimilation is the process of developing prisoners to assimilate them into society. Assimilation is granted to prisoners who have served two-thirds of their sentence. Those who accept assimilation will be supervised by the Correctional Center (Bapas). Assimilation was given to 18 prisons and eight detention centers in Aceh. Prisoners in Class II B Detention Center Banda Aceh received the most assimilation with a total of 88 people. Assimilation is the process of developing prisoners to assimilate them into society.

1. How is the Implementation of Guidance for Convicts and Detainees in Aceh Provincial Prisons During the Covid-19 Pandemic?
2. What are the Obstacles and Efforts to Supervision and Detainees in Lapas in Aceh Province During the Covid-19 Pandemic?

Research Methods

This type of research is empirical juridical research in the regulation of judicial policies, namely reviewing, analyzing the enactment/implementation of regulations relating to correctional institutions, developing prisoners and efforts to overcome covid in prisons. This study uses an analytical descriptive approach by describing the model of developing prisoners and inmates during the covid pandemic which is carried out under the control of a correctional institution. The research location is the Regional Office of Law and Human Rights of Aceh Province (Lapas: Banda; Aceh Besar and Lhokseumawe). Primary Data Collection Techniques were obtained directly from the field or research location and were carried out through observation and in-depth interviews and through distributing questionnaires. Secondary Data Collection is a technique of collecting data obtained through library materials to support the completeness of primary data by means of library research and documentation studies. Analysis of qualitative and descriptive data based on the rules in legislative policies. Furthermore, it will describe descriptively the application of rules and policies towards inmates and inmates in prisons during the pandemic.

Results And Discussion

Penitentiary as the spearhead of the implementation of the principle of protection is a place to achieve the above objectives through education, rehabilitation, and reintegration. In line with the role of Correctional Institutions, it is appropriate for Correctional Officers who carry out the task of developing and securing Correctional inmates as Functional Law Enforcement Officials. The Correctional System, in addition to aiming to restore prisoners as good citizens, also aims to protect the community from the possibility of repeating criminal acts committed by prisoners, and is an application and an inseparable part of the values contained in Pancasila.

To prevent the outbreak of the corona virus on a large scale in places of detention, several countries in the world have initiated the release of prisoners for certain categories. The Ministry of Law and Human Rights (Kemenkumham) through the Directorate General of Corrections (Ditjen PAS) issued the Decree of the Minister of Law and Human Rights number: M.HH.19.PK.01.01.04 of 2020 dated March 30, 2020 concerning the Release and Release of Prisoners and Children Through Integration and Assimilation in the Context of Prevention and Control of the Spread of COVID-9. Minister of Law and Human Rights Yasona H. Laoli since April 1, 2020. At the same time, prisons/detention centers have started to carry out training to undergo the Integration and Assimilation program at Home. Prisoners are given a Decree (SK) issued by the head of government and the provision of other official letters as a valid exit sign for further submission to the Correctional Center (Bapas). To prevent the outbreak of the corona virus on a large scale in places of detention, several countries in the world have initiated the release of prisoners for certain categories. The Ministry of Law and Human Rights (Kemenkumham) through the Directorate General of Corrections (Ditjen PAS) issued the Decree of the Minister of Law and Human Rights number: M.HH.19.PK.01.01.04 of 2020 dated March 30, 2020 concerning the Release and Release of Prisoners and Children Through Integration and Assimilation in the Context of Prevention and Control of the Spread of COVID-9. Minister of Law and Human Rights Yasona H. Laoli since April 1, 2020. At the same time, prisons/detention centers have started to carry out training to undergo the Integration and Assimilation program at Home. Prisoners are given a Decree (SK) issued by the

¹ <https://smlslap.ditjenpas.go.id>. Data Terakhir Jumlah Penghuni, Akses Juni 2021

head of government and the provision of other official letters as a valid exit sign for further submission to the Correctional Center (Bapas).

The spirit of this policy is none other than to save the lives and health of prisoners serving time in institutions established by the government, namely prisons/detention centers. Prisoners as whole humans, Indonesian citizens and also God's creatures must do the same in terms of saving their souls. Integration and assimilation as a state program are given to those who have fulfilled the formal requirements, such as having served 1/2 of the criminal term and 2/3 of the criminal period. For those who commit extraordinary crimes such as crime and drug precursors, psychotropic substances, corruption, crimes against state security, human rights crimes, and transnational organized crimes and have participated in this event for more than five years. not given.¹

Reduction of population in prisons is urgently needed to ensure the effective implementation of sanitation regulations and to reduce the increasing pressure on prison personnel and the prison system as a whole. Meanwhile, those released from detention in need of support should be provided with appropriate access to emergency accommodation and basic services, including health care.

In the Registration Subdivision, the date regarding the stages of decision-making according to the Covid-19 health protocol, general remission and the organizers of the Class II A Correctional Database System (SDP) Banda Aceh Prison. Controlling the spread of infection in assimilation policies is critical to preventing a large COVID-19 outbreak. This policy aims to protect the health and well-being of all who live, work in and visit these places and the general public at large. People who are deprived of their liberty, and those who live or work in their immediate environment, tend to be more susceptible to COVID-19 disease than the general population. In addition, prisons can strengthen and increase the transmission of COVID-19 outside the prison walls.² Even though in the midst of the Covid-19 pandemic, the developing process for prisoners is still carried out with the obligation to comply with health protocols in the prevention and control of Covid-19.

The purpose of developing is imprisonment, which is divided into three things, namely:³

1. After leaving the Correctional Institution, do not repeat his crime.
2. Become a useful human being, play an active and creative role in society and in building the nation and state.
3. Being able to get closer to God Almighty so that you get happiness in this world and the hereafter.

The implementation of the developing program is in accordance with the functions and tasks of developing prisoners who are carried out in an integrated manner so that after completing their criminal period with the guidance they have undergone, they can become law-abiding citizens. The developing programs that become promadona are baking skills and gardening in the prison environment.⁴

In development activities at the Class II A prison in Banda Aceh, inmates develop their potential, talents and interests. This development is aimed at inmates who have skills. The facilities and infrastructure needed in the development of the field of independence such as work guidance tools will be provided by the prison, ranging from raw materials to the marketing process of the work.⁵ The developing conditions are rather difficult because of the excess capacity of the prison's occupants as many as 582 people, which should have been 380 people. Overloaded prison occupants will certainly have an impact on development.

Corrections and detention facilities are high-risk environments for preventing the spread of COVID-19, particularly where they are overcrowded, cannot maintain adequate standards of physical distancing, sanitation and hygiene, and are limited in their capacity to ensure access to medical care. Of course, this condition will complicate the process of preventing and dealing with Covid-19 in the prison environment.

Going through the Covid-19 pandemic, working in prisons during a pandemic is not easy. The characteristics of the rapid and deadly spread of the COVID-19 virus are at a higher risk of threatening the lives of inmates and detainees in prisons and detention centers than free people in general.

Prisoners and incarcerated persons are among those most vulnerable to transmission of the virus as they are held in high-risk environments: in general, detention facilities are not adapted to deal with large-scale epidemics, and basic protective measures such as social distancing and hygiene rules cannot be obeyed as easily on the outside. Moreover, in many countries as well, the pandemic strikes in the context of overcrowded prisons and poor conditions of detention in cramped collective cells, with unsatisfactory healthcare services, and higher rates of infectious and chronic diseases among prisoners, such as tuberculosis, diabetes, and HIV.

In the implementation of these development activities, a number of obstacles were found, such as

¹ Dimas Dharma Setiawan, *Menilik Kebijakan Asimilasi Narapidana di Masa Pandemi COVID-19*, Lihat juga dalam <http://www.ditjenpas.go.id/menilik-kebijakan-asimilasi-narapidanadi-masa-pandemi-covid-19>, Di akses Tgl. 29 Oktober 2021

² Narti, S.E., Kepala Sub Seksi Registrasi pada Lembaga Pemasyarakatan Kelas II A Banda Aceh, Wawancara Pada Tanggal 5 Oktober 2021

³ CI Harsono Hs, *Sistem Baru Pembinaan Narapidana*, Jakarta: Djambatan, 1995, hlm. 5

⁴ Heri Azhari, Kepala Divisi Pemasyarakatan Kantor Wilayah Kementerian Hukum dan HAM Aceh, Wawancara Tgl. 4 Oktober 2021

⁵ Ervan, Kepala Seksi Bimbingan Narapidana/Anak Didik (Kasi Binadik) Lembaga Pemasyarakatan (Lapas) Kelas IIA Banda Aceh, Wawancara Tgl. 5 Oktober 2021

inadequate facilities and infrastructure for coaching. It can be seen that not all prisoners have the same opportunity to participate in these activities. Instead, they choose to hold other activities outside of the established coaching activities, such as watching television or relaxing on the block. In addition to the problem of limited development facilities, there is a reluctance of prisoners to actively participate in the coaching program, as well as how the pattern of inmates' development contributes to the success of inmates coaching in Indonesia.

The guidance for prisoners and convicts in prisons in Aceh Province during the Covid-19 pandemic is as follows:

1. The overcapacity factor of the Correctional Institution is considered disproportionate to the number of prisoners in it.
2. The operational cost factor is not sufficient if it is seen from the number of inmates.
3. In the Class IIA prison in Banda Aceh, there is no ambulance to take prisoners to the referral hospital, especially in the implementation of coaching and care for prisoners.
4. Personnel or Health Personnel Factors. Availability of a health clinic with one doctor, one pharmacist and three nurses.

As for the efforts to foster prisoners and convicts in prisons in Aceh Province during the Covid-19 Pandemic. This is based on the idea that, where the correctional institution is of the opinion that if a prisoner cannot fulfill his needs or cannot obtain his rights in the Correctional Institution, then the possibility of chaos will occur. very high. Because doing other activities such as hobbies is one aspect of happiness because the aspect of happiness is not just a full involvement in a career.

CONCLUSION

The process of inmates development in prisons will continue to be carried out optimally during this Covid pandemic. The government through the Ministry of Law and Human Rights has also worked around this by making regulations so that the guidance carried out can be more equitable and prioritize the health/safety of prisoners. Accelerating the process of integration and assimilation of prisoners into the community is a solution to reduce the density of residents which can be a factor in easily contracting Covid.

The problem is that not all prisoners get the second vaccine due to a lack of supply; overcrowding in prisons; There are still few medical personnel and other facilities, for example there is no ambulance, so transportation is difficult if there are sick prisoners.

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