

## IMPLEMENTATION OF REMISSIONS FOR DRUGS INMATES (Study at Class II B Tebing Tinggi Correctional Institution)

Muhammad Ir Affandy<sup>1</sup>, Danialsyah<sup>2</sup>, Marlina<sup>3</sup>

<sup>1,2</sup> Universitas Islam Sumatera Utara

<sup>3</sup> Universitas Sumatera Utara

Email: [Fandymuhamad38@gmail.com](mailto:Fandymuhamad38@gmail.com)<sup>1</sup>, [danialsyah@fh.uisu.ac.id](mailto:danialsyah@fh.uisu.ac.id)<sup>2</sup>,  
[marlina@gmail.com](mailto:marlina@gmail.com)<sup>3</sup>

### ARTICLE INFO

#### History of the article:

Received: 08/10/2024

Corrected: 13/10/2024

Accepted : 30/10/2024

Published: 30/10/2024

#### Keywords:

Remission, Prisoners,  
Narcotics and  
Psychotropics

### ABSTRACT

Remission is a reduction in the period of serving a sentence given to prisoners who meet the requirements stipulated in the laws and regulations. The implementation of remission for narcotics prisoners at the Class II B Tebing Tinggi Correctional Institution is carried out or proposed at a TPP (Correctional Observer Team) hearing or officers at the Class II B Tebing Tinggi Correctional Institution and the results of the hearing are proposed to the Regional Office of the Ministry of Law and Human Rights of the Republic of Indonesia. Then the Directorate General of Corrections makes a decision letter on the prisoner's remission. The basis for granting remission to narcotics and psychotropic prisoners at the Class II A Binjai Correctional Institution is Law Number 12 of 1995 concerning Corrections, Government Regulation Number 99 of 2012 concerning Amendments to Government Regulation No. 32 of 1999 concerning Requirements and Procedures for the Implementation of the Rights of Correctional Inmates. The formulation of the problem in this thesis is how the legal regulation of granting remission to drug convicts in Indonesia, how is the implementation of remission for drug convicts at the Class II B Tebing Tinggi Penitentiary, what are the obstacles in granting remission for drug convicts in the Class II B Tebing Tinggi Penitentiary who are not given remission for the sentences they have served. Based on the results of the study, it is known that the obstacles in granting remission for drug convicts in the Class II Binjai Penitentiary who are not given remission for the sentences they have served are convicts who commit indisciplinary actions and convicts who are still serving their sentences which are a requirement for remission provisions.

### 1. Introduction

Law is a set of coercive regulations that determine human behavior within society, established by authorized official bodies. Violations of these regulations result in action, typically with specific penalties. Law is a set of norms containing guidelines for behavior.

Indonesian positive law recognizes various types of criminal sanctions, one of which is imprisonment. Criminal sanctions are the punishment imposed on

someone found guilty of committing a crime. These types of punishments vary widely, including the death penalty, life imprisonment, temporary imprisonment, imprisonment, and fines, which are the principal penalties. Additional penalties include revocation of certain rights, confiscation of certain items, and the announcement of a judge's verdict.

Imprisonment or correctional services are one type of punishment that can be imposed on a convict who has been sentenced by a court decision that has permanent legal force (*inkraht*). The function of punishment today is no longer merely deterrence, but rather serves as a means of fostering, rehabilitating, and reintegrating inmates. Deterrence within the penal system carries elements of revenge within correctional institutions. Inmates are often tortured to correct their behavior and actions. Arbitrary or violent actions are indeed highly likely to occur against suspects, defendants, and inmates.

The current correctional system is conceptually and historically very different from that of the prison system. The principles adopted by the correctional system position inmates as subjects, viewed as individuals and ordinary citizens, and faced not with a background of retribution but with guidance and counseling. These differences between the two systems imply differences in the methods of guidance and counseling implemented, due to the differing goals sought to achieve.

Inmates, as convicts serving prison sentences, have rights protected by human rights and Indonesian law, one of which is the granting of remissions. Remission is essentially a right of all prisoners and applies to anyone, as long as the prisoner is serving a temporary sentence, not a life sentence or the death penalty. Indonesian positive law governing remission is contained in Law Number 12 of 1995 concerning Corrections, Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for Implementing the Rights of Correctional Inmates, and Presidential Decree Number 174 of 1999 concerning Remission. It is also specifically contained in Government Regulation Number 99 of 2012, which amends Government Regulation Number 28 of 2006 in conjunction with Government Regulation 32 of 1999 concerning the Conditions and Procedures for Implementing the Rights of Correctional Inmates.

Criminal law in Indonesia is divided into general criminal law and special criminal law. General criminal law contains criminal law provisions that apply to all. Special criminal law contains criminal law provisions that deviate from general criminal law. One of the provisions regulated under special criminal law is the crime of narcotics and psychotropic substance abuse.

Recognizing the significant impact of drug and psychotropic abuse, although the government has enacted laws designed to prevent and eradicate drug and psychotropic crimes through Law Number 35 of 2009 concerning Narcotics and Law Number 5 of 1997 concerning Psychotropics, the existing correctional system appears to be inadequate in minimizing the occurrence of drug and psychotropic crimes, as stipulated in Law Number 12 of 1995 concerning Corrections. This is one of the government's efforts to protect, fulfill, enforce, and respect the rights of inmates. This is not entirely in line with the spirit of eradicating drug and psychotropic crimes. Inmates convicted of drug and psychotropic crimes receive the same treatment as other inmates, with sentence reductions or remissions granted on religious holidays and Indonesian Independence Day. The spirit of the formation of Law Number 12 of 1995 concerning Corrections, at a time when the abuse of narcotics and psychotropics was not yet so widespread, of course, if conditioned in the present day, the spirit of corrections is no longer in line with the high level of circulation of narcotics and psychotropics that occurs.

One of the correctional institutions that handles inmates involved in drug-related crimes is the Tebing Tinggi Class IIB Penitentiary (Lapas), located in Tebing Tinggi City, North Sumatra Province, at Jalan Pusara Pejuang No. 3, Rambung Village, Tebing Tinggi City District. A Dutch heritage building dating from 1928, the Class IIB Tebing Tinggi Prison stands on 1.03 hectares of land. It can accommodate 476 inmates in 71 cells and employs 104 civil servants who consistently work hard, diligently, and with dedication.

To ensure the success of its drug-free zone, Tebing Tinggi Class IIB Prison consistently strives to improve its services and infrastructure. Continuous development activities are carried out to foster positive character inmates. Tebing Tinggi Class IIB Prison continues to develop strategies to realize the development of an integrity zone. Various changes have been implemented across all structural areas of the prison, emphasizing six components of the implementation of change areas, along with several innovations.

The first area of change implementation is change management, related to the formation of a work team to develop an integrity zone development plan, monitoring and evaluating the development of WBK/WBBM, and changing the mindset and work culture at the Class IIB Tebing Tinggi Penitentiary. Second, the governance structure relates to standard operating procedures, e-office, and public information disclosure. Third, the human resource management system is structuring, including employee needs planning, internal transfer patterns, competency-based employee development, individual performance assessment, and disciplinary enforcement, along with an employee code of ethics. Fourth,

accountability is strengthened, including the involvement of the head of the Penitentiary and the management of performance accountability. Fifth, oversight is strengthened, related to the control of gratuities, the implementation of SPIP (Serving Information System), public complaints, and the handling of conflicts of interest. Finally, the quality of public services is improved, including standards for a culture of excellent service and assessment of public satisfaction with services.

## 2. Research Method

This research is descriptive and analytical, describing, reviewing, explaining, and analyzing laws and regulations related to the objectives of this study. The purpose of descriptive research is to accurately describe the characteristics of individuals, circumstances, symptoms, or specific groups, or to determine the frequency or distribution of a symptom, or the frequency of a particular relationship between a symptom and other symptoms in society. The primary purpose of analyzing legal materials is to conceptually understand the meaning of the terms used in statutory regulations and to understand their application in practice.

The type of legal research used is normative juridical, supported by empirical juridical data. This research involves conducting direct fieldwork to obtain primary data through interviews with Ziko Lukita, Head of the Registration and Community Guidance Sub-Division of the Class II B Penitentiary at Tebing Tinggi City.

The data collection technique used to obtain secondary data was a literature study. This research aimed to achieve clear and focused objectives and be accountable as a scientific work.

To develop a theory from the data, a qualitative method was used, referring to legal norms contained in laws and court decisions, as well as prevailing norms within society.

## 3. Research Results And Discussion

The granting of remissions is not considered a form of convenience for inmates to achieve quick release, but rather a means to improve self-esteem and motivate them, thus encouraging inmates to return to the path of righteousness. Awareness and willingness to accept the guidance provided by prisons and detention centers will impact their future lives. Humans have two potentials in life: the potential for good deeds and the potential for evil deeds, so anyone can make mistakes.

The granting of remissions is also intended to mitigate the negative impacts of the subculture of the place where the sentence is executed, disparities in punishment,



and the consequences of deprivation of liberty. Psychologically, remissions have the effect of suppressing frustration, thereby reducing or minimizing disturbances to security and order in prisons, detention centers, and detention center branches, such as escapes, fights, and other disturbances.

Remissions can serve as encouragement and determination for inmates to fill the days leading up to release by increasing their creative work and creativity that benefits others. Therefore, inmates' efforts to obtain remissions can be interpreted as self-preparation and a commitment to not breaking the law again, which will significantly support and contribute to their successful reintegration into the community to which they return.

Remissions can be defined as a reduction in sentence for inmates with good behavior, with the aim of motivating them and other inmates to do good deeds and quickly return to society. Remissions can be used as a means to motivate inmates to implement prison programs effectively and adhere to regulations, in the hope that they will receive a reduced sentence and be able to quickly return to normal life in society. The right to remission is a long-awaited and anticipated right for prisoners, allowing them to breathe freely with a reduced sentence. This right can also spark jealousy among prisoners. This can occur because its implementation is influenced by subjective factors on the part of the assessor, in addition to other contributing factors (e.g., economic factors). For example, one of the requirements for receiving additional remission is to engage in activities that contribute to correctional activities in prisons. This requirement makes it more likely that prisoners with substantial financial resources will be able to achieve this, while those with financial difficulties cannot participate in such programs.

Although the idea of making the purpose of imprisonment a correctional facility has been proposed, and although the term "prisons" has been replaced with "correctional institutions," in practice, this idea has been lacking in clear concepts and adequate facilities, even the regulations currently used as guidelines for implementing sentences in prisons.

Ironically, the purpose of incarceration in Indonesia is unknown to prosecutors, and sometimes even to some judges, who still view incarceration as retribution. This can be seen from the prosecutor's criminal charges or from the judges' considerations regarding the sentence imposed on the defendant in their decisions, which typically emphasize the need for the defendant to be sentenced commensurate with their actions.

The purpose of punishment, or the purpose of incarceration, will never be achieved effectively and efficiently. As long as there are differing views among investigators, prosecutors, judges, and correctional officers regarding the nature

of punishment, particularly regarding the nature of incarceration, the awareness of the need to return to good citizenship in some inmates is not halted by the hard work of the correctional institution, but rather determined by the hard work of the correctional institution and community support. These inmates need to be healed, not isolated from society. Given the fact that some prisoners who are held in correctional institutions for too long become more depraved than they were when they were incarcerated, it would be wise to heed the advice of the former Dutch Minister of Justice, who stated that punishment should be an ultimatum remedium, and that if it is viewed as a remedy, it should not exacerbate the disease itself.

Correctional institutions are not schools of crime, places where criminals are further refined and refined. Rather, they are places where those who have gone astray can repent by protecting them and providing them with good instruction. Guidance is provided in an integrated and comprehensive manner with the aim of improving the behavior of prisoners.

Poverty makes people vulnerable to drug abuse and illicit trafficking. According to Article 1, point (6) of Law Number 35 of 2009 concerning Narcotics, illicit trafficking of narcotics is any activity or series of activities carried out without authorization or against the law, which is defined as a crime involving narcotics and narcotic precursors (the basic ingredients for making narcotics).

Illegal drug use worldwide, including in Indonesia, is showing a sharp increase, affecting all nations and people of all religions, making it truly alarming. In Indonesia, drug abuse has now spread to all corners of the country, across all socioeconomic levels, entertainment venues, workplaces, hotels, and more.

Drug abuse has now penetrated adolescents and young people not only in developed industrialized countries and wealthy nations, but also among adolescents and young people in both urban and rural areas. Drug abuse is the use of several types of narcotics without health regulations or on a regular or routine basis, resulting in impaired physical, mental, and social health.

Drug abuse and illicit trafficking are global problems that pose a serious threat to the life of the nation and state. Drug abuse and illicit trafficking in Indonesia have spread throughout the country. Drug abuse usually begins with first use in elementary or junior high school due to offers, persuasion, and pressure from individuals or peers.

The negative impacts or consequences of drug abuse according to Bagong Suyanto include physical impacts, mental and moral impacts, and impacts on families, communities, and nations. Physical impacts, drug use that has reached a periodic stage will experience withdrawal (unbearable pain) if it is too late to

consume drugs, drug users can also experience damage to vital organs of the body as a direct result of the presence of drugs in the blood, such as: damage to the lungs, kidneys, liver, brain, heart, and intestines. Meanwhile, secondary diseases caused by drug use can be infected with infectious diseases such as hepatitis B / C, HIV / AIDS, and syphilis (a type of sexually transmitted disease caused by the bacterium *spirochaeta pallid*)

Overdose can result in death. The mental and moral impacts of drug use include physical damage to brain cells, nerves, and all body tissues, along with other vital organs. This can lead to stress, leading to changes in character, attitudes, and behavior, such as paranoia or constant suspicion and hostility, psychosis or aggression, and even apathy toward others (antisocial behavior). Furthermore, addiction can lead to mental and moral deterioration, leading to fraud, criminality, and murder simply to obtain money to buy drugs.

The impacts on families, communities, and the nation include psychological problems, economic/financial problems, and violence and crime. Psychological problems can arise in families with drug abusers, including disruption of domestic harmony due to feelings of shame in the eyes of neighbors and the community. Economic/financial problems can also affect families and communities with drug abusers. A great deal of money is wasted on long-term medical treatment, and theft and loss of property are common within families and communities. Violence and crime are the result of economic/financial problems, which can escalate into violence and crime, starting in the family, then spreading to neighbors, then to the wider community, and ultimately to all corners of the country. Crime is ubiquitous, chaos is widespread, and poverty is widespread, all of which will hinder development and destroy the nation's future.

Narcotics do not always bring disaster, nor do they always have negative connotations. When used properly, appropriately, and correctly, they can be beneficial to human life. The permitted use of narcotics and psychotropic drugs is only for medical purposes, for example, as anesthesia during surgery or as a treatment for depression, and for the advancement of science, such as as research materials.

Some narcotics are used legally, while others are used illegally. The abuse of narcotics and psychotropic drugs is fundamentally related to violations of statutory provisions. Narcotics and psychotropic drug abuse refers to the use and abuse of narcotics and psychotropic drugs without the knowledge and supervision of a doctor. Continuous use can lead to drug and psychotropic drug addiction.

Narcotics use, when used without a doctor's prescribed dosage for medical purposes, can lead to addiction, with increasing frequency and strength. This use of narcotics outside of a doctor's control is called drug abuse and is considered dangerous to both individuals and society.

Drug abuse can be committed by an individual, but it has a dual impact on both the individual and society. This is possible because individuals are members of society, and conversely, society is made up of individuals. The use of narcotics and psychotropic drugs by an individual creates vulnerabilities for society, especially those who use the drugs.

#### 4. Conclusion

The legal regulations governing the granting of remissions to drug convicts in Indonesia are Law Number 12 of 1995 concerning Corrections, Government Regulation Number 99 of 2012 concerning Amendments to Government Regulation Number 32 of 1999 concerning the Requirements and Procedures for the Implementation of the Rights of Correctional Inmates, Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number M.HH-21.PK.01.01.02 of 2015 concerning the Determination of Special Sentence Reductions for the Commemoration of the Seventieth Anniversary of the Proclamation of Independence of the Republic of Indonesia, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 21 of 2013 concerning the Requirements and Procedures for Granting Remissions, Assimilation, Visiting Leave to Family, Parole, Pre-Release Leave, and Conditional Leave, Circular Letter of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-04.PK.01.05.06 of 2013 concerning Implementation Guidelines for the Enforcement of Government Regulation Number 99 of 2013. 2012 concerning the Requirements and Procedures for the Implementation of the Rights of Correctional Inmates, Circular Letter of the Director General of Corrections number PAS-PK.01.01.02-395 of 2015 dated August 13, 2015 concerning the Issuance of the Decree on the 2015 Decade Remission and Circular Letter of the Director of Prisoner Development and Detention Services number PAS-PK.01.01.02-987 of 2015 dated August 14, 2015 concerning the Issuance of the Decree on the 2015 Decade Remission.

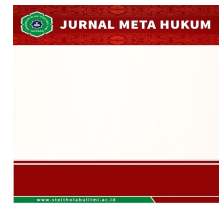
The implementation of remission for narcotics inmates at the Class II B Tebing Tinggi Correctional Institution is carried out or proposed at a TPP (Correctional Observation Team) meeting or officers of the Class II B Tebing Tinggi Correctional Institution and the results of the meeting are proposed to the Regional Office of the Ministry of Law and Human Rights of the Republic of Indonesia and the

regional office also holds a TPP meeting consisting of employees of the regional office of the Ministry of Law and Human Rights and the results of the TPP meeting of the regional office of the Ministry of Law and Human Rights. The Human Rights of North Sumatra was proposed to the Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia, after which the Directorate General of Corrections issued a decision letter regarding the inmate's remission.

Obstacles to granting remission to inmates convicted of narcotics crimes at the Class IIB Tebing Tinggi Penitentiary who were not granted remission for their sentences already served include administrative factors, namely delays in fulfilling the requirements for remission applications; institutional factors, namely the absence of a specific agency or institution that oversees the granting of remissions to inmates; facilities and infrastructure; and factors related to the inmates' own behavior, such as inmates engaging in or committing indisciplinary acts.

## References

- Atmasasmita, Romli, *Teori dan Kapita Selekta Kriminologi*, Eresco, Bandung, 2012.
- A.W. Wijaya, *Masalah Kenakan Remaja dan Penyalahgunaan Narkotika*, Armico, Bandung, 2015
- Bisri, Ilhami, *Sistem Hukum Indonesia: Prinsip-Prinsip dan Implementasi Hukum di Indonesia*, Rajawali Pers, Jakarta, 2012.
- Dellyana, Shanti, *Konsep Penegakan Hukum*, Liberty, Yogyakarta, 2018.
- D. Soedjono, *Segi Hukum tentang Narkotika di Indonesia*, Karya Nusantara, Bandung, 2017.
- Efendi, Erdianto, *Hukum Pidana Indonesia Suatu Pengantar*, Refika Aditama, Bandung, 2011.
- Firmanzah dkk. *Mengatasi Narkotika Dengan Welas Asih*, Gramedia Pustaka Utama, Jakarta, 2011.
- Hadi, Sutrisno, *Metodologi Riset nasional*, Akmil, Magelang, 2017.
- Handoyo, Ida Listryarini, *Narkotika Perlukan Mengenalnya*, Pakar Raya, Yogyakarta, 2014.
- Harkrisnowo, Harkristuti, *Rekonstruksi Konsep Pemidanaan: Suatu Gugatan Terhadap Proses Legislasi dan Pemidanaan di Indonesia*, Fakultas Hukum Universitas Indonesia, Jakarta, 2013.



Hasibuan, Abdurrozaq, Metodologi Penelitian, Nurinsani, Medan, 2013.

Harifin, A. Tumpa, Komentar dan Pembahasan Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika, Sinar Grafika, Jakarta, 2011.

Akhyaruddin, A., Marzuki, M., & Mukidi, M. (2023). ANALISIS YURIDIS TINDAK PIDANA PENCUCIAN UANG DARI HASIL TINDAK PIDANA NARKOTIKA (Studi Putusan Mahkamah Agung RI Nomor 250 K/Pid.Sus/2018). Jurnal Meta Hukum, 2(2), 27-38. <https://doi.org/10.47652/jmh.v2i2.420>

Akhyar, A., Danialsyah, D., & Bukhari, B. (2023). ANALISIS YURIDIS TINDAK PIDANA PEMBUNUHAN DISERTAI PEMERKOSAAN (Analisis Putusan Nomor 271/Pid.B/2019/PN Mrb). Jurnal Meta Hukum, 2(2), 39-50. <https://doi.org/10.47652/jmh.v2i2.421>

Simalango, D. ., Marzuki, M., & Mukidi, M. (2023). PERTANGGUNGJAWABAN PIDANA OLEH KURATOR ATAS TINDAKANNYA YANG MERUGIKAN BUNDEL PAILIT (Studi Kasus Putusan Pengadilan Negeri Jakarta Pusat Nomor 2081/Pid.B/2011/PN.Jkt.Pst). Jurnal Meta Hukum, 2(2), 51-62. <https://doi.org/10.47652/jmh.v2i2.422>

Sianipar, E. P. U. ., Lubis, M. Y. ., & Akhyar, A. . (2023). ANALISIS YURIDIS PERTANGGUNGJAWABAN PIDANA PERMUFAKATAN JAHAT (SAMENSPANNING) DALAM KEJAHATAN NARKOTIKA YANG DILAKUKAN OLEH ANAK (Studi Putusan Nomor 57/Pid.Sus-Anak/2022/PN Lbp). Jurnal Meta Hukum, 2(2), 63-76. <https://doi.org/10.47652/jmh.v2i2.423>

Marzuki, M., Faisal, F., & Akhyar, A. . (2023). PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEMALSUAN SURAT PERSETUJUAN BERLAYAR (Studi Putusan Nomor 249/Pid.B/2021/PN Ktp). Jurnal Meta Hukum, 2(2), 77-88. <https://doi.org/10.47652/jmh.v2i2.424>

Mustamam, M., Bachri, H. ., & Mukidi, M. (2023). IMPLEMENTASI UNDANG-UNDANG NOMOR 35 TAHUN 2009 TENTANG NARKOTIKA MELALUI FUNGSI ASESMEN DALAM UPAYA PENYELESAIAN TINDAK PIDANA PENYALAHGUNAAN NARKOTIKA (Studi Di Kepolisian Sektor Aceh Selatan). Jurnal Meta Hukum, 2(2), 89-104. <https://doi.org/10.47652/jmh.v2i2.425>

Gulo, I. E. ., Mukidi, M., & Mustamam, M. (2023). ANALISIS YURIDIS PENERAPAN DIVERSI DALAM PERADILAN PIDANA ANAK ATAS TINDAK KEJAHATAN PIDANA PENGANIAYAAN DI INDONESIA (Studi Kasus Pengadilan Negeri Gunung Sitoli). Jurnal Meta Hukum, 2(2), 105-115. <https://doi.org/10.47652/jmh.v2i2.426>



- Affan, I., Jonizar, J., & Mukidi, M. (2023). ANALISIS YURIDIS TINDAK PIDANA MENGGUNAKAN SURAT PALSU DALAM PELEPASAN HAK PENGUASAAN DENGAN GANTI RUGI DALAM JUAL BELI TANAH (Studi Putusan Nomor 1722/Pid.B/2021/PN Lbp). Jurnal Meta Hukum, 2(2), 116-128. <https://doi.org/10.47652/jmh.v2i2.427>
- Triyunda, R. ., Mustamam, M., & Danialsyah, D. (2023). PERTANGGUNGJAWABAN PIDANA AHLI WARIS YANG MENJADIKAN HARTA WARISAN SEBAGAI JAMINAN KREDIT TANPA PERSETUJUAN AHLI WARIS (Studi Putusan Pengadilan Negeri Metro Nomor 121/Pid.B/2021/PN. Met). Jurnal Meta Hukum, 2(2), 142-154. <https://doi.org/10.47652/jmh.v2i2.429>
- Montana, V. ., Lubis, M. Y. ., & Affan, I. . (2023). PENEGAKAN HUKUM TERHADAP PRAJURIT TNI YANG MELAKUKAN TINDAK PIDANA PENYALAHGUNAAN NARKOTIKA (Studi Putusan Pengadilan Militer I-02 Nomor 109-K/PM.I-02/AL/XI/2022). Jurnal Meta Hukum, 2(2), 168-181. <https://doi.org/10.47652/jmh.v2i2.431>