



Conditional Release for Convictors of Narcotics Crimes From The Perspective of Indonesian Criminal Law

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Abstract

Parole is one of the rights of prisoners granted for the purpose of social development and reintegration, as stipulated in the Indonesian correctional system. However, granting parole to prisoners convicted of drug offenses remains controversial, given that drug offenses are categorized as extraordinary crimes with far-reaching impacts on society and the nation's future generations. This study aims to analyze the legal provisions for parole for prisoners convicted of drug offenses and their implementation from the perspective of Indonesian criminal law. The research method used is normative legal research with both legislative and conceptual approaches. The results indicate that parole for prisoners convicted of drug offenses is regulated in the Corrections Law and its implementing regulations, with stricter requirements than for prisoners convicted of general crimes, particularly regarding sentence length, behavioral assessment, and the obligation to participate in rehabilitation and correctional programs. However, in practice, obstacles remain, including differences in interpretation, weak oversight, and public concerns about the potential for recidivism. Therefore, regulatory strengthening, procedural transparency, and optimized oversight are needed to ensure that the implementation of parole for prisoners convicted of drug offenses balances the objectives of punishment, legal certainty, and a sense of public justice.

[Pembebasan bersyarat merupakan salah satu hak narapidana yang diberikan dalam rangka pembinaan dan reintegrasi sosial sebagaimana diatur dalam sistem pemasyarakatan di Indonesia. Namun, pemberian pembebasan bersyarat kepada narapidana tindak pidana narkotika masih menimbulkan kontroversi, mengingat tindak pidana narkotika dikategorikan sebagai kejahatan luar biasa yang memiliki dampak luas terhadap masyarakat serta masa depan generasi bangsa. Penelitian ini bertujuan untuk menganalisis pengaturan hukum mengenai pembebasan bersyarat bagi narapidana tindak pidana narkotika serta pelaksanaannya dalam perspektif hukum pidana Indonesia. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa pembebasan bersyarat bagi narapidana tindak pidana narkotika telah diatur dalam Undang-Undang Pemasyarakatan beserta peraturan pelaksanaannya, dengan persyaratan yang lebih ketat dibandingkan dengan narapidana tindak pidana umum, khususnya terkait dengan lamanya masa pidana yang telah dijalani, penilaian perilaku, serta kewajiban mengikuti program rehabilitasi dan pembinaan. Namun demikian, dalam praktiknya masih terdapat berbagai kendala, antara lain perbedaan penafsiran, lemahnya pengawasan, serta kekhawatiran masyarakat terhadap potensi residivisme. Oleh karena itu, diperlukan penguatan regulasi, transparansi prosedural, dan optimalisasi pengawasan guna memastikan bahwa pelaksanaan pembebasan bersyarat bagi narapidana tindak pidana narkotika dapat menyeimbangkan tujuan pemidanaan, kepastian hukum, dan rasa keadilan masyarakat.



Keywords: *Conditional release, narcotics convicts, Indonesian criminal law, correctional system*

INTRODUCTION

Narcotics crimes are serious crimes with multidimensional impacts on social, national, and state life. Drug abuse and illicit trafficking not only damage individual health but also threaten social stability, national security, and the future of the nation's future generations. Therefore, the state views narcotics crimes as extraordinary crimes, the solution of which requires firm, measured, and sustainable legal action through the criminal justice system. In the context of criminal law enforcement, sentencing perpetrators of narcotics crimes is not solely aimed at providing a deterrent effect but is also directed at fostering inmates so they can improve themselves and return to their roles as responsible members of society. This aligns with the philosophy of the Indonesian correctional system, which positions inmates as subjects of development, not merely objects of retribution. One form of such development is the granting of parole, a right granted to inmates after meeting certain requirements stipulated by law.

Parole for drug offenders has generated considerable public debate and debate. On the one hand, parole is viewed as a crucial tool for social reintegration and reducing prison overcrowding. However, on the other hand, granting parole to drug offenders is often seen as potentially undermining drug eradication efforts and raising concerns about recidivism. This perspective demands a balance between legal certainty, justice, and expediency in implementing parole. Normatively, parole is regulated by correctional laws and regulations and their implementing regulations, including specific provisions for drug offenders with stricter requirements. However, in practice, various problems persist, such as differing interpretations of parole requirements, suboptimal oversight of parolees, and a lack of transparency in the decision-making process. (Hatta, 2022) These conditions have the potential to foster public distrust of the criminal justice system. Drug crimes are considered extraordinary crimes, with drug abuse being a common enemy in Indonesia and globally. Drug abuse has far-reaching legal, health, economic, and socio-cultural impacts. (Bambang Sutiyoso, 2004)

Drug abuse cases are increasing rapidly in major Indonesian cities such as Jakarta, Surabaya, Denpasar, and Yogyakarta. Previously known as transit points for drug trafficking, these cities have become markets for drug trafficking. Furthermore, numerous studies have been conducted on individuals involved in drug cases. (Taufik Makarao, 2023) Generally, the perpetrators of these crimes, especially among users, are young people, and these cases often involve law enforcement officers. The rise in drug crimes is usually driven by two factors. First, for dealers, there's the promise of large profits, while for users, drugs offer a sense of calm and tranquility in life, which can lessen the psychological burden they feel. Second, the promises offered by drugs tend to reduce the fear of being caught and can even encourage them to take risks. (Taufik makarao, 2023)

Referring to the objectives of Law No. 35 of 2009 concerning Narcotics (Law No. 35 of 2009) and the classification of narcotics abuse and narcotics trafficking crimes, Law No. 35 of 2009 contains a double-track criminal system, namely the Criminal Justice System (CJS) for trafficking crimes and the Rehabilitation Justice System (RJS) for abuse crimes. This means that there are two narcotics crimes whose criminal accountability processes go through different channels. This is mandated in the objectives of the Narcotics Law. (Anang Iskandar, 2019) Drug

dealers, who are held accountable for their actions through the CJS, end up in correctional institutions, while drug abusers, who are held accountable for their actions through the RJS, end up in rehabilitation institutions.

According to Moh. Taufik Makarao, (Taufik Makarao, 2023) in his book "Tindakan Pidana Narkotika," the causal factors of drug crimes can be divided into two groups:

a. Internal factors, namely things from within the perpetrator of drug crimes, such as emotional turmoil, despair, and other things that cause the need for a sense of calm, security, and comfort so that feelings of anxiety, despair, and turmoil disappear. For example, the unstable economic situation of a low-income family leads to the desire to use narcotics as a means of escaping pressing economic pressures.

b. External factors, namely things that come from outside the individual, such as social circles, environmental influences, pressure from certain parties, and so on. For example, starting with the difficulty of finding employment, this can lead to unemployment problems, which socially create a society that is unable to cope with various existing societal ills, such as prostitution, a crisis of moral values or norms, and so on. In such circumstances, narcotics becomes an escape and a means for them to overcome the problems they face.

Based on the above, crime arises from factors both internal and external to the individual, such as unstable economic conditions and a negative individual environment. Economic issues are the most significant issue affecting people's lifestyles, leading to the desire to commit crimes for profit and significant risks. (Henny Saida Flora, 2020) From this background, the problem is how the process of granting conditional release to narcotics convicts and what are the obstacles in granting conditional release to narcotics convicts.

METHOD

This research is a normative legal research (doctrinal research), focusing on the applicable legal norms regarding parole for drug offenders. This research examines statutory provisions, criminal law principles, and the doctrines and opinions of legal experts to gain a comprehensive understanding of the regulation and implementation of parole in the Indonesian criminal law system.

RESULTS AND DISCUSSION

General Overview of Prisoners

a. Definition of Prisoners

According to Law No. 22 of 2022, Article 1 Paragraph (6) states that "a prisoner is a convict serving a sentence of imprisonment for a certain period of time or life imprisonment, or a convict on death row awaiting the execution of a verdict and undergoing rehabilitation in a correctional institution." In Minister of Law and Human Rights Regulation No. 7 of 2022, Article 1 Paragraph (1) states that "a convict is a convict serving a sentence of deprivation of liberty in a correctional institution."

Article 1, point 32 of the Criminal Procedure Code (KUHAP) does not mention convicts, but rather convicted, meaning someone who can be punished based on a court decision that has permanent legal force. This differs from the definition in the criminal law dictionary,

which states that a convict is someone serving a sentence in a correctional institution. Prisoners are not only objects but also subjects, no different from other human beings, who can at any time make mistakes or errors that can be subject to criminal penalties, so they do not have to be eradicated. (Henny Saida Flora, 2021) What must be eradicated are factors that can cause prisoners to do things that are contrary to the law, morality, religion, or social obligations that can be subject to criminal penalties.

b. Rights and Obligations of Prisoners

According to Article 9 of Law No. 22 of 2022, every prisoner has the following rights:

- a. to practice their religion or belief;
- b. to receive care, both physical and spiritual;
- c. to receive education, teaching, and recreational activities, as well as opportunities to develop their potential;
- d. to receive adequate health services and food according to nutritional needs;
- e. to receive information services;
- f. to receive legal counseling and legal assistance;
- g. to submit complaints and/or grievances;
- h. to receive reading materials and to follow non-prohibited mass media broadcasts;
- i. to receive humane treatment and protection from torture, exploitation, neglect, violence, and any actions that endanger physical and mental health;
- j. to receive job security guarantees, wages, or bonuses for work;
- k. to receive social services; and
- l. to accept or refuse visits from family, advocates, companions, and the community.

In addition to the rights referred to in Article 9, Article 10 of Law No. 22 of 2022 also states that prisoners who have met certain requirements without exception are also entitled to:

- a. Remission;
- b. Assimilation;
- c. Visiting leave or family visits;
- d. Conditional leave;
- e. Leave before release;
- f. Conditional release; and
- g. Other rights in accordance with statutory provisions.

In addition to these rights, based on Article 11 of Law No. 22 of 2022, prisoners also have the following obligations:

- a. Comply with rules and regulations;

- b. Follow the sentencing program in an orderly manner;
- c. Maintain a clean, safe, orderly, and peaceful life;
- d. Respect the human rights of everyone in their environment.

c. Protection of Prisoners' Rights as Human Rights

Protection of human rights (HAM) applies not only to individuals who are free, but also to those in restricted circumstances, such as prisoners. Human rights must be respected by all parties, including society and the state. Although prisoners' rights to liberty can be legally deprived under applicable laws and regulations, they still have minimum rights that must be fulfilled. Prisoners' human rights that can be restricted include physical freedom, as well as the limited right to gather with family and the right to participate in government. (Suharizal, 2023)

2. General Overview of Parole

a. Definition of Parole

According to Article 1, number 6 of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2022, parole is a development program to integrate prisoners and juveniles into society after meeting predetermined requirements. This is regulated in Article 10, letter (f), which is one of the rights of prisoners in correctional institutions. Parole for prisoners is a form of policy within the correctional system that provides prisoners with the opportunity to leave prison and serve part of their sentence outside of prison. Parole is granted to prisoners who have met the specified requirements. (Fahrurrozi Ihza, 2023)

Parole is part of national law, emphasizing educational aspects and the probationary period. For prisoners granted parole, the probationary period serves as a transition from a state of incarceration to a state of freedom. During this period, inmates are burdened with the responsibility to strive for good. In this way, inmates are expected to cultivate good behavior, habits they can continue once they are fully independent in society. (Khomaini, 2021)

b. Purpose and Objectives of Conditional Release

The purpose of conditional release is to restore the relationship between prisoners and the community and to facilitate and enhance active community participation in the administration of correctional services. (Arianus Harefa, 2023)

The purpose of conditional release is to:

- a. Motivate or encourage prisoners toward achieving correctional goals.
- b. Providing opportunities for inmates to improve their education and skills to prepare them for independent living in society after their release from prison.
- c. Encouraging the community to actively participate in the administration of correctional facilities.

The purpose of providing conditional release to prisoners is solely to provide assistance and support to the convict while he is carrying out his sentence and is behaving well and has served two-thirds of the sentence given to the convict by the judge.

c. Conditions that must be met by prisoners or inmates to receive parole

If parole is granted, the main requirement is a probationary period lasting the remainder of the sentence plus one year. The conditions that must be met during this probationary period are:

- a. Absolute general conditions, namely that the convict during the probation period will not commit any criminal offense or reprehensible act;
- b. Optional special conditions, regarding the convict's behavior, but must not diminish religious or political freedom;
- c. To ensure these conditions are met, special supervision is carried out solely for the purpose of assisting the convict.

The conditions that must be met by inmates to receive parole, based on Article 82 of Minister of Law and Human Rights Regulation No. 7 of 2022, stipulate that inmates eligible for parole must meet the following requirements:

- a. have served at least 2/3 (two-thirds) of their sentence, with the provision that 2/3 (two-thirds) of the sentence be at least 9 (nine) months;
- b. have behaved well during the last 9 (nine) months of their sentence, calculated before the 2/3 (two-thirds) of their sentence;
- c. have participated in the correctional program well, diligently, and enthusiastically; and
- d. be able to receive the inmate's correctional program from the community.

Furthermore, Article 83 paragraph (1) states that the conditions for granting conditional release as referred to in Article 82 above must be proven by the following documents:

- a. a copy of the judge's decision and the minutes of the court's decision implementation;
- b. a report on the progress of the correctional process in accordance with the prisoner correctional system, signed by the Head of the Prison;
- c. a community research report prepared by the Community Guidance Officer, approved by the Head of the Prison;

a notification letter to the district attorney regarding the planned

d. Correctional System

The history of prisons during the Dutch colonial period was fraught with suffering, as evidenced by the remains of prison buildings and cells visible today. Prisons were built to deter lawbreakers. The philosophy, procedures, and objectives of punishment in Indonesia differed

from those during the Dutch colonial period and during Indonesia's independence from 1945 to early 1963, when the 1964 detentions occurred. The philosophy of punishment during the colonial period was closely tied to the colonial government's control over the indigenous population, so efforts to achieve the goal of revenge and release from prison was carried out inhumanely. The philosophy of resocialization was more dominant during the period of Indonesian independence until before the concept of corrections was formed (1945-1963) (Suharizal, 2023)

The decision of the Prison Service Leadership Conference on April 26, 1964, established the use of a correctional system for prisons in Indonesia, reinforcing the concept of correctional. This system represents a more humane reform of prison punishment, treating prisoners according to the principles of the Standard Minimum Rules, and viewing prisoners as subjects, not objects. (Yuyun Narulaen, 2012)

Article 1 paragraph (1) of Law No. 12 of 1995 states that correctional services are activities to provide guidance to inmates based on systems, institutions, and methods of guidance, which constitute the final component of the criminal justice system. The concept of correctional services does not merely define the objectives of imprisonment, but rather a system of guidance and methods in the field of "treatment of offenders." (Haryanto Dewiatmojo, 2013)

Furthermore, Article 1 paragraph (1) of Law No. 22 of 2022 states that correctional services are a subsystem of the criminal justice system that enforces the law in the treatment of detainees, children, and inmates.

Furthermore, Article 1 paragraph (2) of Law No. 22 of 2022 states:
"The Correctional System is a system that regulates the direction, boundaries, and methods of implementing the Correctional function in an integrated manner."

Furthermore, Article 2 Paragraph (2) of Law No. 22 of 2022 states the objectives of the correctional system, namely:

- a. to guarantee protection for the rights of prisoners and children;
- b. to improve the personality and independence of inmates so that they recognize their mistakes, improve themselves, and refrain from repeating crimes. This allows them to be accepted back into society, live normally as good, law-abiding, responsible citizens, and actively participate in development; and
- c. to protect society from recurrence of crimes.

Based on the foregoing, the correctional system is an effort not only to punish those who commit crimes but also to provide inmates with opportunities for change and development. This system emphasizes the importance of education and development, involving

various parties—inmates, inmates, and the community. This means that rehabilitation is not the sole responsibility of one party but must be carried out collaboratively. Article 4 of Law No. 22 of 2022, "the functions of the correctional system include services, guidance, community guidance, care, security, and observation." The correctional system is multilaterally oriented, with an approach that focuses on the potential of both the individual concerned and society as a whole. In short, the correctional system is a consequence of imprisonment, which is a fundamental part of the principal punishment in the criminal system for loss of liberty.

The correctional system, besides aiming to return inmates to being good citizens, also aims to protect society against the possibility of repeating criminal acts by inmates, and is an application and inseparable part of the values contained in Pancasila.

The correctional system is a series of law enforcement efforts aimed at ensuring that inmates recognize their mistakes, improve themselves, and refrain from repeating crimes, thereby enabling them to be accepted back into society, actively participate in development, and so on. The correctional system is a unified framework for criminal law enforcement, and therefore, its implementation cannot be separated from the development of a general concept of punishment for the Indonesian state, which is based on Pancasila.

Article 1 of the Corrections Law stipulates that for the implementation and function of correctional services to be carried out in accordance with statutory provisions, the system is run by individuals with specific roles, duties, and activities related to the correctional system's development. The roles and responsibilities within the correctional system as regulated in the Corrections Law include the following:

Article 1 paragraph (8) states, "Correctional Clients, hereinafter referred to as Clients, are individuals under community guidance, whether adults or children." Article 1 paragraph (21) states, "Correctional Officers are functional law enforcement officials who are authorized by law to carry out correctional duties in the criminal justice system."

Article 1 paragraph (23) states, "Community Guidance Officers are Correctional Officers who provide community service, mentoring, guidance, and supervision to clients, both inside and outside the criminal justice process."

Article 1 paragraph (24) states, "Correctional Assessors are Correctional Officers who carry out assessments on prisoners, juveniles, and inmates." Activities carried out in the correctional system under the Correctional Law include the following: Article 1 paragraph (9) states, "Services are activities carried out to provide protection and fulfill the rights of prisoners and juveniles during the judicial process."

Article 1 paragraph (10) states, "Guidance is an activity carried out to improve the personality and independence of prisoners and foster children."

Article 1 paragraph (11) states, "Community Guidance is an activity carried out to assist clients inside and outside the criminal justice process and to prepare clients for the social reintegration process."

Article 1 paragraph (12) states, "Care is an activity carried out to support the physical and psychological well-being of prisoners, children, prisoners, and foster children."

Article 1 paragraph (13) states, "Security is all forms of activity aimed at preventing, responding to, and restoring security and order disturbances, carried out to create safe and orderly conditions in state detention centers and correctional institutions."

Article 1 paragraph (15) states, "Community Research, hereinafter referred to as Litmas, is the systematic and objective collection, processing, analysis, and presentation of data for the benefit of Prisoner or Child Services, Prisoner or Child Development, and Client Community Guidance, as well as serving as a basis for consideration by investigators, public prosecutors, and judges in resolving cases."

In addition to the roles, duties, and activities carried out in correctional facilities as regulated by law, the Correctional Center is another institution involved in carrying out these functions and duties. According to Article 1 of the Correctional Law, "Correctional Centers, hereinafter referred to as Bapas, are institutions or places that carry out Community Guidance functions for Clients." Therefore, Bapas plays a crucial role in implementing community guidance activities for clients in correctional facilities.

3. Process of Granting Parole to Drug Inmates in Correctional Institutions

Guidance provided in correctional institutions is a statutory right granted to inmates to ensure proper correctional guidance and is implemented in accordance with established regulations. This guidance includes several stages, namely:

a. Initial Stage

This stage is the initial stage of guidance within the correctional institution. During this stage, inmates undergo orientation, which introduces them to the environment. Orientation is critical for inmates newly admitted to correctional institutions, as they transition from the free and expansive outside world to the confined and restrictive conditions of the correctional institution. During this stage, the correctional institution maintains very strict supervision (maximum security), and inmates experience a loss of freedom, services, and other aspects. It is highly recommended that inmates adapt to this transition period and lead normal lives within the correctional institution. In the initial stage, the guidance process is carried out by correctional

officers through observation, introduction, and environmental research, which lasts for one month. The guidance provided to drug convicts includes religious awareness, national and state awareness, intellectual ability (intelligence), and legal awareness. If an inmate commits a violation of the law during the introduction phase, they will be given a written report.

b. Advanced Stage

This stage is carried out when inmates have served $1/3$ to $1/2$ of their sentence under medium security. This stage includes personality development and independence development. This stage begins when inmates have served $1/2$ of their sentence and continues until $2/3$ of their sentence, according to the correctional officer's assessment, have made physical, mental, and skills progress. In the advanced stage, after drug inmates have served $1/3$ to $1/2$ of their sentence, further personality development is carried out. At this stage, inmates can be empowered, become companion prisoners, and participate in independence activities so they can support themselves. The independence activities provided include skills to support independent businesses, skills to support small industries, skills developed according to individual talents, and skills to support businesses, such as medium/high-tech plantations and agriculture. These independent activities can provide a source of income for drug inmates, and the proceeds from this independence can be distributed to the state as non-tax state revenue (PNBP), with a portion of the proceeds being donated to the drug inmates.

c. Final Stage

This is the final stage in the inmate development process and is known as integration. If the development process, from the orientation or introduction stage, has proceeded smoothly and well, and two-thirds of the actual sentence has been served, then the inmate can be proposed for Conditional Release (PB), Pre-Release Leave (CMB), or Conditional Leave (CB). Correctional Institutions play a crucial role in administering punishment for crimes committed by inmates. They also provide rewards to inmates who have fulfilled their obligations within the prison. Therefore, correctional institutions provide an expectation for inmates to perform good deeds by complying with existing regulations in order to receive rewards for their efforts good thing. One example of a gift given by the Correctional Institution to prisoners is parole, where parole itself is an absolute right that can be obtained by every prisoner whose court decision has permanent legal force, except for prisoners sentenced to life imprisonment and death row inmates. This is regulated in the Correctional Law, Article 10 paragraph (4), which states "the granting of rights as referred to in paragraph (1) does not apply to prisoners sentenced to life imprisonment and death row inmates." One example of a gift given by the Correctional Institution to prisoners is parole, where parole itself is an absolute right that can be obtained by

every prisoner whose court decision has permanent legal force, except for prisoners sentenced to life imprisonment and death row inmates. This is regulated in the Correctional Law, Article 10 paragraph (4), which states "the granting of rights as referred to in paragraph (1) does not apply to prisoners sentenced to life imprisonment and death row inmates."

Conditional release may be granted to inmates who meet the following requirements:

- a. The inmate has served at least 2/3 (two-thirds) of their sentence, with the provision that 2/3 (two-thirds) of the sentence be at least 9 (nine) months;
- b. The inmate has behaved well during the last 9 (nine) months of their sentence, calculated prior to the date of the 2/3 (two-thirds) of their sentence;
- c. The inmate has participated in the correctional program well, diligently, and enthusiastically;
- d. The community is able to accept the inmate's correctional program.

The requirements for conditional release must be proven by the following documents:

- a. A copy of the judge's decision and the minutes of the implementation of the court decision regarding the inmate;
- b. A report on the inmate's development progress in accordance with the inmate development assessment system, signed by the Head of the Correctional Institution;
- c. A report on the inmate's community research conducted by the Community Guidance Officer, and approved by the Head of the Correctional Institution;
- d. A notification letter to the District Attorney's Office regarding the proposed granting of conditional release to the inmate in question;
- e. A copy of the prisoner's F register from the Head of the Prison;
- f. A copy of the prisoner's change list from the Head of the Prison;
- g. A statement from the prisoner that the prisoner will not commit any unlawful acts; and
- h. A letter of assurance from the family, guardian, social institution, government agency, private institution, or foundation recognized by the village head, sub-district head, or other authorized representative stating that:

- 1) The prisoner will not escape and/or commit any unlawful acts; and
- 2) Assist in guiding and supervising the prisoner during the parole program.

This implementation process is lengthy and quite lengthy due to the numerous documents that must be completed by the prisoner to obtain parole. (Ary ardiansyah, 2022)

Narcotics prisoners who wish to receive parole must attend a Correctional Observation Team Hearing (TPP Hearing). In Article 1 paragraph (12) of the Regulation of the Minister of

State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 22 of 2016 concerning the Functional Position of Community Guidance, it states "TPP hearings are activities carried out by the correctional observation team to provide suggestions and recommendations regarding the implementation of correctional services." The TPP meeting in this case held discussions to recommend which inmates could be eligible for parole. The Correctional Observation Team's role and duty is to provide advice and recommendations regarding whether inmates are eligible for parole, including the following:

d. Obstacles to Granting Parole to Narcotics Convicts

To be successfully reintegrated into society, inmates must be properly rehabilitated in correctional institutions. Within the rehabilitative program, inmates have rights and obligations as stipulated in Articles 9-11 of Law Number 22 of 2022. Article 9 of this article establishes a parole program, one of the rights of inmates, detailed in Minister of Law and Human Rights Regulation Number 7 of 2022 concerning the Requirements and Procedures for Granting Remission, Assimilation, Visiting Family Leave, Parole, and Conditional Leave. (Maidin Gultom, 2012)

Correctional institutions in Indonesia are based on the philosophy of Pancasila as the foundation of the state and a guideline for social life, which prioritizes the principles of harmony, balance, and balance, both physically and spiritually, for each individual. Therefore, correctional institutions are not intended to punish inmates who commit crimes, but rather to provide guidance to those inmates. (Ilham, 2020). A prisoner is someone who has been proven guilty of a crime based on a court decision, resulting in the revocation of their liberty, and is currently serving a sentence in a correctional facility. Prisoners are provided with guidance, protection, and education so that when they complete their sentence, they can be reintegrated into society

Inmates who undergo proper rehabilitation and comply with all prison regulations and have served two-thirds of their sentence may be eligible for parole. (Yogi Adi Pramudhito, 2021) This right to parole is granted by fulfilling certain requirements and requiring the completion of certain documents. Implementing parole carries risks for both inmates and the community; therefore, approval is required for the parole program. Parole is granted to inmates who have served two-thirds of their sentence and after undergoing a TPP hearing conducted by the Correctional Institution and the Directorate General of Corrections.

Obstacles/constraints in the process of implementing parole for drug inmates include:

a. Internal Barriers

Inmates who commit disciplinary violations during their rehabilitation program are not eligible for parole. The granting of parole must comply with the applicable terms and conditions and not be registered in the F register, as referred to in Article 83 paragraph (1e) of Minister of Law and Human Rights Regulation Number 7 of 2022 concerning the Requirements for Granting Remission, Assimilation, Visiting Family Leave, Parole, Pre-Release Leave, and Conditional Leave. Disciplinary violations also result in high scores in the web-based systems, namely the Prisoner Placement Screening Instrument (ISPN) and the Indonesian Recidivism Risk Assessment Instrument (RRI), making it impossible for inmates to obtain parole. Furthermore, inmates who have previously committed a crime and have been given a legally binding sentence and received parole and then commit another crime and are being rehabilitated in prison The inmate will no longer be eligible for parole, and the sentence deducted from the previous sentence will be added to the current sentence. (Mandagi, 1996)

b. External Barriers

The role of the community in the parole granting process is divided into two parts: during the granting of parole and during the implementation of parole. This is regulated in Article 82 letter (d) of Minister of Law and Human Rights Regulation No. 7 of 2022 and Article 83 letter (h) of Minister of Law and Human Rights Regulation No. 7 of 2022. The role of the community in the parole granting process is closely related to the role of the family, who provide a guarantee letter for the inmate as part of the administrative requirements. The absence of a guarantor is one obstacle in the parole granting process, where the family does not agree or is unwilling to sign the guarantee letter. Furthermore, there are obstacles from the guarantor, such as the inability to be contacted. This is because the family no longer considers the inmate part of their family and no longer cares about the inmate because they have committed a drug crime that has tarnished the family's reputation in the community. By willingly providing a guarantee letter for the inmate, the family demonstrates their support for the inmate's safe reintegration into society. This support aims to boost the inmate's confidence in socializing with the general public. The guarantee letter bears the signatures of the village head and village chief, indicating that village or sub-district officials, representing the inmate's home community, also offer their support.

Community environmental factors play an important role in the rehabilitation and reintegration of prisoners, but it cannot be denied that there is still a gap between prisoners and society, thoughts regarding public opinion about criminals that give the impression that criminals do not deserve legal protection as victims of crime. In reality, the community is absolutely necessary in efforts to return prisoners to the right path, because prisoners are an inseparable part of society itself. Although the penal institution in this case the

Prison/Detention Center, has made great efforts to provide guidance to prisoners or correctional residents, if they have completed their sentence and do not receive good acceptance from the community, there is a tendency for these prisoners to commit crimes again.

CONCLUSION

The implementation of parole for prisoners who meet the requirements for parole will be recorded by prison officers, who will then process the completeness of the prisoner's documents. A TPP hearing will then be held. During this hearing, the documents are reviewed and the results submitted to the prison head. The prison head then forwards the results to the central office after review and corrections with notes. Next, a TPP hearing is held by the Directorate General of Corrections, which is then submitted to the Ministry of Immigration and Corrections. Once the prisoner is selected as eligible for parole, the Ministry of Immigration and Corrections issues a Conditional Release Certificate for the prisoner, which is submitted to the Regional Immigration and Corrections Office. The decree is then forwarded to the Technical Implementation Unit (UPT) for processing

In the implementation of parole, there are obstacles or challenges, both external and internal. External obstacles include the lack of guarantors, such as family members, who play a role in guaranteeing the prisoner on parole due to the lingering negative stigma surrounding prisoners within the community, which raises concerns that the prisoner will commit crimes upon returning to society. Furthermore, internal obstacles are the inmates themselves.

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