

ROLE OF LAW PROTECTION OF RIGHTS NARAPIDANA IN CLASS IIA KARAWANG

Lusiana Rahmatiani¹, M.Pd, Andes Safarandes Asmara, M.Pd²

ABSTRACT---Nowadays there are many problems that occur in social life, which eventually in socializing life there is an imbalance between expectations and reality, the inequality becomes a very complex dynamic in various fields of life causing a shortage of daily needs that are felt by the community covering many layers of both society layers of youth and society layers of the elderly. The emergence of life problems, especially from the economic field, ultimately brings losses to himself due to acts against the law. Hence, with the existence of unlawful acts lead to arrests in detention centers (detention centers) or more popularly known as prisons (correctional institutions). Talks about prisoners or prisoners are inseparable from the rights of prisoners who must be kept and given during their detention and as humans cannot be released from their human rights even though prisoners are limited in space and time. The study was conducted in Class IIA prison in Karawang. The purpose of this study is to describe how the role of legal protection of prisoners' rights in class IIA prison in Karawang. The research method used is a qualitative method with data collection, observation, interview and documentation techniques.

Keywords---Prisoners, Legal Protection, Prisoners' Rights, Correctional Institution

I. INTRODUCTION

The emergence of life problems, especially from the economic field which ultimately brings losses to himself due to acts against the law. With the existence of unlawful acts that lead to arrests in detention centers (detention centers) or more popularly known as prisons (correctional institutions). Talks about prisoners or prisoners are inseparable from the rights of prisoners who must be kept and given during their detention and as humans cannot be released from their human rights even though prisoners are limited in space and time.

Every human being who intentionally or unintentionally committed an illegal act means that they will enter a detention cell or prison (prison). In Penitentiary Institutions (LAPAS) the prisoners get a way of fostering with the rehabilitation and social reintegration of prison-assisted citizens. Where the penitentiary system is an arrangement regarding the direction and boundaries as well as how the fostering of fostered citizens is based on Pancasila which is carried out in an integrated manner between the guiding fostering and the fostered community members fostered to improve the quality of the correctional fostered citizens, in the hope that the fostered citizens can realize mistakes, improve themselves, and not

¹PPKn Study Program
Faculty of Teacher Training and Education
Buana Perjuangan University of Karawang
lusiana.rahmatiani@ubpkarawang.ac.id

²PGSD Study Program
Faculty of Teacher Training and Education
Buana Perjuangan University of Karawang
andes@ubpkarawang.ac.id

repeat the crime so that when later free can be accepted again in the community environment and can play an active role in development, can also live properly as a good and responsible citizen.

Law number 12 of 1995 concerning Corrections, a convicted person is a person who is convicted based on a court decision that has obtained permanent legal force. Someone who enters prison, of course, loses complete independence, but prisoners certainly still have prisoners' rights protected by law but their independence is not the same as other human beings who can exercise their independence outside the boundary wall. The entry of someone into prison not only deter people who violate the law, also not to repay their actions for having violated the law, but the entry of someone into prison due to legal action is nothing but the main goal is to sensitize them (inmates) to realize and regret their actions and return them to the community, who are ready to become good and useful citizens, and obey the law in Indonesia.

Correctional Institution is an institution that functions to carry out fostering of fostered citizens. Prison is trying to provide guidance for inmates, namely so that prisoners' rights are fulfilled. Where coaching is meant is fostering inmates that are intended so that fostered citizens can become better human beings, return to the sacred by not remembering the past that he did and discarding all the past through coaching carried out in prison.

Countries that do not mention human rights in the era of globalization will experience difficulties when engaging in international relations. Globalization has now touched all aspects of life ranging from political, economic, socio-cultural, defense and security, science and technology, education and law. Globalization in the political sector, among others, is felt by issues of the environment, transparency, openness and human rights. Globalization further strengthens ideas to operationalize basic human rights values that are universal, invisible, interdependent and interrelated (Muladi, 1997).

II. LITERATURE REVIEW

Inmate

Prisoners used to be often referred to as community rubbish, people who are not useful in daily life, but then the paradigm shifts along with the changing times, where people no longer consider prisoners to be community rubbish because it is not always who inhabits the prison is pure the mistakes made by the prisoners. Prisoners are individuals who have been convicted of a criminal offense and then sentenced by the court or convicted (Fatimah. 2015). Pursuant to Article 1 paragraph (7) of Law Number 12 of 1995 concerning Corrections, inmates are convicted persons undergoing the crime of missing independence at the Correctional Institution.

Legal Protection for Prisoners

Prisoner legal protection can be interpreted as an effort to protect the law of various prisoners 'freedom and human rights (fundamental rights and freedoms of prisoners) as well as various interests related to prisoners' welfare. The Declaration against Torture and Other Cruel in Human Degrading Treatment or Payment (adopted by the general assembly, 9 December 1975), expressly prohibits all forms of: "maltreatment or other cruel, inhumane treatment and crime and degrading human dignity and constitutes a violation of rights basic human rights "(in Fatimah. 2015).

Human rights are a set of rights inherent in every human being that must be respected, upheld and protected by the state even against an inmate. The protection of human rights of prisoners shows the principle of respect for the rights of prisoners as one of the developments in criminal proceedings. Protection of Human Rights (Human Rights) for Prisoners in Correctional Institutions is regulated in legislation. This is confirmed in Article 14 paragraph (1) of Law number 12 of 1995 concerning Correctional Facilities, that prisoners have the right to worship according to their religion or beliefs, receive spiritual and physical care, get education and teaching, get proper health and food services , submit complaints, get

reading material and participate in other mass media broadcasts that are not prohibited, get wages and premiums for work done, receive family visits, legal counsel or others, get remission and assimilation including leave before free, and other rights in accordance with the laws and regulations that still apply. Basic human freedoms are also regulated in article 9 - article 66 of Law number 39 of 1999 concerning Human Rights, namely the right to life, the right to have a family, the right to develop oneself, the right to obtain justice, the right to personal freedom, the right to taste safe, the right to participate in government, the right to welfare, women's rights and children's rights (in Hartini, S et al. 2015).

Prisoner's Rights

The Government of the Republic of Indonesia makes efforts to promote, respect, protect, fulfill and uphold (5P) human rights to prisoners in detention centers and prisons through the Penitentiary System as stipulated in Law No. 12 of 1995 concerning Correctional Facilities. Every prisoner has the same rights during his criminal term, including a life sentence. As the rights of prisoners that have been regulated in article 14 paragraph (1) of Law number 12 of 1995 concerning Corrections, namely:

1. Doing worship according to religion or belief.
2. Get care, both spiritual and physical care.
3. Get education and teaching.
4. Get health services and proper food.
5. Make a complaint.
6. Getting reading material and following other mass media broadcasts that are not prohibited.
7. Get a wage or premium for the work done.
8. Receive family visits, legal counsel, or certain other people.
9. Get a reduction in criminal period (remission).
10. Get the chance to assimilate, including family leave.
11. Get parole.
12. Get free leave.
13. Obtain other rights in accordance with applicable laws and regulations.

One of the laws which is the basis for protecting, respecting, upholding and also advancing the human rights of fostered citizens as a form of real implementation of the government in being responsible for the protection of prisoners' rights and also that must be upheld by the penitentiary where the fostered fostered citizens in giving prisoners' rights.

Correctional Institution

Indonesia is a state based on law as regulated in Article 1 paragraph (3) of the 1945 Constitution and as a state of law, to run a country and protect human rights must be based on law. This condition causes the statutory regulations to play a very strategic role as the foundation and strategy of the country to achieve the goals as specified. In determining a prohibited act or a criminal offense in a statutory regulation, a criminal policy policy is used (Prasetyo, 2010: 1).

Penitentiary abbreviated as prison is a place to conduct guidance for prisoners in Indonesia. Penitentiary is one of the important roles to prevent violent crimes in prison that will result in human rights violations. Because the nature of the prison aims to foster prisoners in order to improve and enhance morals (character) while in prison. A safe and orderly situation is a prerequisite for the implementation of WBP guidance and guidance. In other words, it can be emphasized that the coaching activities could not have been carried out without the support of a safe and orderly atmosphere within the

Correctional UPT. The purpose of this law will certainly be achieved if it is supported by legal duties, namely harmony between legal certainty and legal compatibility, so that it will produce justice (in, Margo H. Pura. 2019).

III. RESEARCH METHODOLOGY

The research design used in this study is a qualitative research design because it will produce descriptive data based on the results of the analysis of the information and behavior of the research object. Miles & Huberman (2007: 2) suggest that with qualitative data we can follow and understand the chronological flow of events, assess causality within the local people's minds, and obtain many and useful explanations. Through this approach, researchers are expected to be able to conduct a comprehensive study related to the research problem. The subjects in this study consisted of three categories, namely humans, processes and settings. The determination of the three categories is based on the view of Alwasilah (2012: 102) which explains that in the study sample selection is not only applied to humans as respondents, but also the setting (setting), as well as events and processes.

IV. RESULTS AND DISCUSSION

Based on the task of class IIA correctional institutions in Karawang, it is clear that the implementation of prisoners and students' training, providing guidance by preparing facilities and processing work, social guidance for prisoners and students' spiritual, conducting maintenance of security and order in prisons, also learning prisoners in helping do business administration. Also expressly the basic duties and functions of the Karawang prison, namely to carry out mental/spiritual and physical development and increase assimilation knowledge and treatment of Prisoners/Students in accordance with applicable regulations in the framework of the smooth implementation of correctional tasks.

Based on the results of research conducted, both through interviews and observations with a number of sources. The argument that underlies the legal protection of prisoners' rights applied in class IIA prison in Karawang, there is already a match between the role of legal protection based on laws and government regulations on the rights of prisoners who synergize with programs in class IIA prison in Karawang.

The logical rationalization that underlies the implementation of a training program in class IIA prison in Karawang is in a program that supports the legal basis of Law No.12 of 1995 Concerning Corrections, in order to protect prisoners' rights that are tailored to their needs, characteristics and the social situation of the correctional institutions concerned. This is necessary because in essence all prisons and community culture is an important element in shaping the character of fostered citizens who are protected by their rights while in prison. The relevance of the implementation of the fostering program which includes personality fostering, fostering independence and social fostering is an effort of the Karawang Class IIA correctional facility made by prisons to become prison programs in protecting prisoners' rights which are also expected through the fostering program of fostered citizens and their character. In carrying out the development of class IIA prisons, Karawang has a standard prison service program that is closely related to the implementation of the protection of prisoners' rights in various fields of services including:

1. Community Guidance Coaching Program

With activities including, Parole, Conditional Leave, Free Leave, Assimilation of Social Work, Extraordinary Permit.

2. Personality Coaching Program

In the personality development program summarized in the activities, Gymnastics Physical Fitness, Flag Ceremony to Increase National Awareness and Nation, Spiritual Guidance.

3. Sports Coaching Program

Sports training program that aims to maintain the physical fitness of prisoners with a number of sports activities, Volley Ball, Badminton, Futsal, Table Tennis.

4. Art Development Program

Not only maintaining physical health, there is also coaching and training in the arts so that they have other skills such as, the Traditional Arts of the Sundanese Gamelan Degung, Band or Organ Arts, Music Training, Performing Arts.

5. Legal Aid Program

As for guarantees or legal assistance provided by prisons such as the existence of legal assistance programs in terms of providing, Legal Aid Facilities, Legal Consultation, Legal Education.

6. Health Services Program

Also there are health services such as, Advanced Care Referral Outside Lapas, Request for Medical Recommendations, Health Checks, HIV and AIDS, TB and Drug Resistance and ARV Therapy Initiation

7. Prisoner Or Prisoner Care Program (WBP)

The existence of this program to humanize human beings while in prison, so that they can live normally like humans in general such as Provision of Clothing, Supplies, Bathing, Washing and Sleeping, Feeding, and also Provision of Clean Water.

Implementing legal protection of prisoners' rights by all elements of the government, fostering in prisons and carried out by fostered citizens in accordance with applicable regulations, of course, legal protection of prisoners' rights will work well and create expected goals. With the collaboration of various parties, it is hoped that they will support each other to achieve the expected goals of printing correctional prisoners to be better human beings than before and have a good character as eleven out of prison.

V. RECOMMENDATIONS

The results of this study are expected to broaden the treasury of science, especially in the field of education, referring to the concentration of human rights and law to add insight and knowledge about the protection of prisoners' rights in prison, particularly in the protection of human rights protected by law. Research on the role of protecting prisoners' rights can provide insight to researchers, the public, government and observers regarding the protection of the rights granted to prisoners or prisoners while in prison.

VI. CONCLUSIONS

Legal Protection of Prisoners' Rights is one aspect that must be incarnated and implemented in every penitentiary in order to create a humanist sense especially inmates in prison are people who have the same human rights legally bound as citizens.

Every prisoner has the same rights during his criminal term, including a life sentence. Therefore the importance of protecting prisoners' rights while in prison is implemented by all elements involved in order to realize the implementation of legal protection of prisoners' rights by all elements of the government, fostering in prisons and carried out by prisoners according to applicable regulations, of course, legal protection of the rights of prisoners will be able to run well and create the expected goals. The right of the prisoners could not be ignored by the authorities. Hence, with the collaboration of

various parties, it is hoped that they will support each other to achieve the expected goals of printing correctional prisoners to be better human beings than before and have a good character as eleven out of prison.

REFERENCES

- [1] Alwasilah, A.C. 2012. *Pokoknya Kualitatif*. Jakarta: Pustaka Jaya
- [2] Fatimah, dkk. 2015. *Implementasi Kebijakan Perlindungan Hukum Terhadap Hak-hak Narapidana di Rutan Kelas IIB Kuala Kapuas Kal-Teng*. Jurnal Pendidikan Kewarganegaraan: Volume 5, Nomor 9.
- [3] Hartini, S. dkk. (2015). *Kebijakan Perlindungan Hak Asasi Narapidana Pada Lembaga Pemasyarakatan di Daerah Istimewa Yogyakarta*. Mimbar Hukum Volume 27 No 2.
- [4] Miles, M & Huberman, A. M. (2007). *Analisis Data Kualitatif*. Jakarta: UI-Press.
- [5] Muladi. (1997). Hak Asasi Manusia, Politik dan Sistem Peradilan Pidana. UNDIP, Semarang.
- [6] Prasetyo, Teguh. (2010). Kriminnalisasi dalam Hukum Pidana, Nusamedia. Bandung.
- [7] Pura, H. Margo dan Kartika Y.R. (2019). *Perlindungan Hukum Terhadap Narapidana Yang Menjadi Korban Over Population Berdasarkan Undang-Undang Nomor 12 Tahun 1995 Tentang Pemasyarakatan*. Jurnal hukum media bhakti, Vol.3, No.1, Juni.
- [8] Undang - undang nomor 12 tahun 1995 tentang Pemasyarakatan.
- [9] Undang - undang No. 39 Tahun 1999 tentang Hak Asasi Manusia.