

Effectiveness of Online Remission Implementation

Bima Ganesha Widyadarma¹

¹Jenderal Soedirman University, Purwokerto - Indonesia

E-mail: bimagw@gmail.com

Abstract - In the process of fostering prisoners, it is known that there is a period of parole for prisoners, which is regulated in Article 14 Paragraph (1) letter k of Law Number 12 of 1995 concerning correctional prison, which states that prisoners are entitled to get parole. The formulation of the problems in this study are: 1) What is the effectiveness of the online remission procedure for prisoners in prison? 2) What are the obstacles in the process of granting remissions online for prisoners in a penitentiary? The author uses a normative approach that will examine the effectiveness of granting parole online through prisoners from legal aspects, namely Law Number 12 of 1995 concerning Corrections, Minister of Law and Human Rights Regulation Number 3 of 2018 concerning Procedures for Granting Remission, Assimilation, Leave for Visiting Families, Conditional Release, Ahead of Free Leave, Conditional Leave. The implementation of parole online was carried out by referring to the Government Regulation of the Republic of Indonesia Number 99 of 2012 concerning amendments to Government Regulation Number 28 of 2006 concerning the Requirements and Procedures for the Implementation of the Rights of Prisoners. Administrative conditions for parole are applied to prisoners under 5 (five) years and above 5 (five) years must pay a subsider just to get parole as a tightening. Guidance in correctional institutions is successful or it can be said that the release of conditional coaching in such coaching is effective

Keywords- *Effectiveness; Online Remission.*

I. INTRODUCTION

Remission is a reduction in the period of serving a criminal sentence given to prisoners and children who are in conflict with the law, who meet the conditions specified in the legislation. Remission of inmates and children can be in the form of humanitarian remissions, additional remissions, remission follow-up. Remission is

given by the Minister of Law and Human Rights taking into account the interests of security, public order and a sense of community justice. The granting of remission is determined by the decision of the Minister of Law and Human Rights in Article 34B Paragraph (4) Government Regulation Number 99 of 2012 concerning the second amendment to Government Regulation Number 32 of 1999 concerning the terms and procedures for the implementation of prisoners' rights and Article 1 of Presidential Decree Number 174 Year 1999 concerning remission. In providing remissions for prisoners and children in general, it can be done through a prison information system, prison correctional observers / LPKA team, the head of the office that verifies the intestinal copy of remission from the prison head / LPKA, and also through the Director General of Corrections.

Related to remission steps for prisoners and children, the author is interested in discussing the effectiveness of the implementation of online remissions in the legal aspects stipulated in Government Regulation No. 99/2012 concerning Terms and Procedures for the Implementation of the Rights of Fostered Citizens. In this study, the author will examine the effectiveness implementation of the procedure for granting remission online and what are the obstacles encountered in the process of implementing remission online.

II. PROBLEM

Based on the description above, that in this case can be drawn a formulation of the problem that the author will examine, first how is the effectiveness of online remission procedures for prisoners in prison? And, second how are the obstacles in the

process of granting remissions online for prisoners in a penitentiary?

III. RESEARCH METHODS

The method I use in this research is through a normative juridical approach, namely by using the statute approach and regulations that relate to the legal issues being handled.[1] In this study the laws and regulations used are Government Regulation Number 99 of 2012 concerning Terms and Procedures for the Implementation of the Rights of Fostered Citizens.

IV. DISCUSSION

A. *Effectiveness of online remission procedures for prisoners in prison.*

Remission is a reduction in serving the criminal period given to inmates and children who meet the conditions specified in the provisions of the legislation. This definition can be found in Article 1 Number 6 PP Number 32 of 1999 concerning the requirements and procedures for the implementation of prisoners' rights and Article 1 Number 3 of the Minister of Law and Human Rights Regulation of the Republic of Indonesia Number 3 of 2018 concerning the terms and procedures for remission, assimilation, family visit, parole leave, parole leave and parole leave.

Remission consists of several types, including namely:

1. General remission, given on the anniversary of the Republic of Indonesia's independence on 17 August.
2. Special remission, given on religious holidays held by prisoners or children concerned, provided that if a religion has more than one religious holiday in a year, then the chosen holiday is the most glorified by followers of the religion in question.

Remission is given by the Minister of Justice and Human Rights by considering the interests of security, public order, and a sense of justice for the community. The party that gets the remission, is:

1. Prisoners and Children.
2. Prisoners and children who are applying for clemency while carrying out their crimes.
3. Prisoners and children of foreign nationals.

The convicts in question are those convicted who have served the crime of missing independence in prison. While the child in question is a child who is in conflict with the law, namely a child who is 12 years old but not yet 18 years old is suspected of committing a crime.

The requirements to get remission are as follows:

1. Prisoners or children who are entitled to remission if:
 - a. Good behavior, proven by:
 - 1) Not undergoing disciplinary action within the last 6 (six) months, counted prior to the date of remission.
 - 2) Have participated in a coaching program organized by prisons with good predicate.
 - b. Has served a criminal period of more than 6 (six) months.
2. For prisoners convicted of narcotics, psychotropic, corruption, crimes against state security, gross human rights crimes and other organized transnational crimes. In addition to the above conditions there are additional requirements, namely:
 - a. Willing to cooperate with law enforcement to help dismantle criminal cases he committed.
 - b. Has paid the fine and compensation in accordance with a court decision for convicted convicted of a criminal act of corruption.
 - c. Has participated in the de-radicalization program organized by prison and / or the National Counterterrorism Agency, and stated its pledge:
 - 1) Loyalty to the Unitary State of the Republic of Indonesia in writing for inmates of Indonesian citizens.
 - 2) Will not repeat the act of terrorism in writing to inmates of foreign nationals.[2]

Terms and procedure for implementing online remission of specific criminal offenses Article 34 A Paragraph (1) PP Number 99 of 2012, namely:

1. Collecting data on inmates who will be proposed for remission aftershocks.
2. Complete data and document input.
3. Make a list of proposed TPP hearings.
4. Carry out TPP hearings.
5. Trial control.
6. Verification of the trial.
7. Upload a cover letter
8. Send / receive data and documents (consolidated).

Related to the above conditions for granting remissions, there are also procedures or procedures for granting remissions for prisoners and children in general, namely:

1. Provision of remission is carried out through a correctional information system, which is a correctional information system that is integrated between the penal technical implementation units, regional offices and the Directorate General of Corrections.
2. The correctional prisons / LPKA observer team recommends the provision of remissions for prisoners and children to the prison head / LPKA based on data from prisoners and children who have fulfilled the requirements.
3. In the event that the Head of Prison / LPKA approves the proposal for remission, the Head of Prison / LPKA submits the proposal for granting remission to the Director General of Corrections with a copy to the head of the regional office.
4. The head of the regional office verifies the copy of the proposal for remission no later than 2 (two) days from the date the remission proposal is received from the prison head / LPKA. The results of the verification are conveyed by the Head of the Regional Office to the Director General of Corrections.
5. The Director General of Corrections shall verify the proposal for remission, no later than 3 (three) days from the date the remission proposal is received from the Head of Prison / LPKA.
6. In the event that the Directorate General of Corrections approves the remission proposal, the Director General of Corrections on behalf of

the Minister of Justice and Human Rights determines the decision to grant remissions.

7. The decision to grant remissions is conveyed to the Head of Prison / LPKA to be notified to prisoners or children with a copy to the Head of Regional Office and printed on the prison / LPKA with the electronic signature of the Director General of Corrections on behalf of the Minister of Justice and Human Rights.

B. Obstacles in the process of granting remissions online for prisoners in prison

In the provision of Article 28J Paragraph (2) of the 1945 Constitution states that in exercising their rights and freedoms, every person is obliged to obey the limitations stipulated by the Law. The aim is to guarantee the recognition and respect for the rights and freedoms of others, and to meet fair demands in accordance with moral considerations, religious values, security and public order in a democratic society. The remission granted as a prisoner's right has been done well and as much as possible. But in fact, various obstacles can hamper the implementation of remission and in the process of filing a remission.[3]

Controversy with the implementation of the current remission that occurs among others with the emergence of Government Regulation Number 99 of 2012 concerning Terms and Procedures for the Implementation of the Rights of Fostered People. There are special requirements to get remission for perpetrators of special crimes, including corruption, drugs, namely by becoming a justice collaborator. The Justice Collaborator is a certain criminal, but is not the main actor who acknowledges his actions and is willing to be a witness in the judicial process.[4]

Obstacles that exist in the process of granting remissions online for prisoners in prison include the requirements for filing remissions, namely in the administration and inmate files, the fulfillment of these files is an obstacle to filing remissions online, because prisoner data must be complete and valid. Another obstacle is on the substantive side, namely in terms of the behavior of prisoners in a detention center as long as inmates can easily follow guidance and behave well, then proposing

remission proposals is also easier to obtain. In addition, the lack of employee computer skills, especially for services or remission submissions, which can now be done online makes it difficult for prisoners to carry out their duties.

Based on the description given in the previous sub-chapter, according to the author the remission is the right of prisoners fostered by citizens and is still given by tightening the requirements, but does not rule out the possibility of getting remission. When a prisoner fulfills the requirements, he has the right to be given a remission even if he is caught in an extraordinary criminal case. Given the state of Indonesia is a country that upholds human rights and does not look at anyone. With the new laws and regulations namely PP No. 99/2012 regarding special requirements for Corruption Inmates, they should be given the opportunity to be willing to help law enforcement officials to expose the crimes they have committed. Thus, it will be easier for our country to eradicate this extraordinary crime so that the prisoners get positive guidance and can change the prisoners' mindset to not commit another crime.[5]

V. CONCLUSION

Related to the effectiveness of online remissions for prisoners in prison institutions can be said to be effective. It is proven that the terms and procedures given to inmates who will be given remission have been carried out in accordance with statutory regulations, namely Government Regulation Number 99 of 2012 concerning Terms and Procedures for the Implementation of the Rights of Fostered Citizens.

Constraints that exist in the process of granting remissions online for prisoners in prison include the requirements for filing remissions, namely in administration, substantive and the lack of computer skills of employees, especially for services or filing remissions which can now be done online making prisoners a bit difficult to do its work

REFERENCES

- [1] P.M. Marzuki. *Penelitian Hukum*. Cet. 11. Jakarta: Kencana, 2011.
- [2] M. Fahmi Al Amruzi. "Analisis Hukum Pemberian Remisi terhadap Pelaku Tindak Pidana" *Jurnal Darussalam*, Vol. 15, No. 2, 2014
- [3] Andi Hamzah. *Asas-Asas Hukum Pidana*. Jakarta: Rineka Cipta, 2014
- [4] Mahkamah Agung, Surat Edaran Mahkamah Agung Nomor 4 Tahun 2011 tentang Perlakuan bagi *Whistleblower* dan *Justice Collaborator*., 2011
- [5] Kadri Husin. 2016. *Sistem Peradilan Hukum Pidana*. Jakarta: Sinar Grafika, 2016.