

Effectiveness of Human Rights-Based Public Services in Narcotics Correctional Institutions Class IIA Nusakambangan Based on Regulation of the Minister of Law and Human Rights Number 27 Year 2018

Wisnu Galih Kusuma¹

¹Jenderal Soedirman University Faculty of Law, Purwokerto, Indonesia
 E-mail: wisnugalihkusuma04@gmail.com¹

Abstract--Penitentiary as a guiding institution aims to make prisoners target. The Narcotics Correctional Institution Class IIA Nusakambangan continues to improve to improve public service facilities in the prison area, from the arrangement of the parking area, the visiting room made more comfortable, children's playground and lactation space prepared for guests to visit. The formulation of the problem in this study are: 1) How is the effectiveness of human rights-based public services in Class IIA Nusakambangan narcotics prison based on Minister of Law and Human Rights Regulation Number 27 of 2018? 2) What are the obstacles in conducting human rights based public services in Class IIA Nusakambangan narcotics penitentiary institutions based on the Minister of Law and Human Rights Regulation No. 27 of 2018? The author uses a sociological juridical approach. Based on the results of research that human rights-based public services in the Class IIA Nusakambangan narcotics penitentiary have been effective in accordance with the Minister of Law and Human Rights Regulation No. 27 of 2018 about Human Rights-Based Public Service Awards. Related to this, that the effectiveness of human rights-based services in Narcotics Correctional Institution Class IIA Nusakambangan has tried as much as possible to meet the Minister of Law and Human Rights Regulation so that the Narcotics Class IIA Narcotics prison can be maximized in providing the best services for families of prisoners who want correctional services. visiting families who are undergoing coaching in prison.

Keywords: *Public Services, Human Rights Based, Minister of Law Regulation and HAM Number 27 Year 2018.*

I. INTRODUCTION

One of the functions of government administration carried out by the government apparatus is public service. Laws and regulations in Indonesia have provided the basis for the delivery of public services by basing on clean and good government general principles. In the case of public services in prisons, they are certainly included in the area of specific public services that involve certain publics. Penitentiary as a guiding institution aims to make prisoners target. However, in terms of public services, especially in visiting / visiting activities, people often complain about them. The Narcotics Correctional Institution Class II A Nusakambangan continues to improve to improve public service facilities in the prison

area, from the arrangement of the parking area, the visiting room made more comfortable, children's playground and lactation space prepared for guests to visit.

II. RESEARCH PROBLEMS

Based on the description above, that in this case a formulation of the problem can be drawn, the author will examine, namely: 1) How is the effectiveness of human rights-based public services in Class IIA Nusakambangan narcotics prison based on Minister of Law and Human Rights Regulation Number 27 of 2018? 2) What are the obstacles in conducting human rights based public services in Class IIA Nusakambangan narcotics penitentiary institutions based on the Minister of Law and Human Rights Regulation No. 27 of 2018?

III. RESEARCH METHODS

The method that I use in this research is through a sociological juridical approach. The method used is descriptive using a qualitative approach. Data collection techniques use primary data and secondary data and data analysis techniques use qualitative methods, namely assessing applicable legal provisions and what happens in reality in society

IV. DISCUSSION

A. *Effectiveness of human rights-based public services in Class IIA Nusakambangan narcotics penitentiary institutions based on Minister of Law and Human Rights Regulation Number 27 Year 2018*

In the opening of the 1945 Constitution mandated that the objectives of the establishment of the Republic of Indonesia, among others, to advance public welfare and educate the nation's life. This means that the state is obliged to meet the needs of every citizen through a system of government that supports the realization of

excellent public services in order to meet the basic needs and civil rights of every citizen of public goods, public services and administrative services.[1]

Indonesia as a country based on law and not based on mere power, must treat every citizen equally before the law. Including and not limited to the rights of every citizen as a free human being to speak freely, and hold opinions, the right to organize, the right to obtain information and so on. One of the rights of a citizen who is revoked because he is a prisoner is to lose his independence. This is as stated in Article 1 of Law Number 12 Year 1999 concerning Correctional Facilities, which explains that prisoners are convicted persons undergoing the crime of missing independence in a prison.

A prisoner who lost his independence due to undergoing a criminal sentence in prison will certainly have an impact both psychologically and psychologically for him. Psychologically prison inmates who will feel lost time together with family before he felt. This condition certainly should not be allowed because it is not impossible that the prisoner will be affected by depression. Therefore, each prisoner must be given time to keep in regular contact with the outside world, especially with their family members. This is the right of every prisoner who is undergoing a criminal term in prison.

In order to provide excellent service to visitors who want to visit their families in the correctional facility, the procedure and how the visit system is to be carried out becomes an important issue. Talking about visiting service procedures certainly talks about so many aspects that will find success or failure of a service. Success itself is certainly very dependent on the level of satisfaction of the community (visitors), which may also be subjective. One aspect is to say for example a matter of time. Restrictions on visiting time can have a positive impact but can also have a negative impact.[2]

Human rights-based public services are the responsibility of the state and the responsibility of the government apparatus. The government apparatus is obliged to fulfill 10 basic rights. One of the efforts is by issuing Permenkumham No. 27 of 2018. The existence of Permenkumham aims to make a good government and transparency.[3]

Based on the Minister of Law and Human Rights Regulation No. 27 of 2018 concerning the Award for Human Rights-Based Public Services explains that:

Human rights-based services are activities or a series of activities in meeting service needs in accordance with statutory provisions and human rights principles for every citizen and population or administrative services and / or services provided by the Technical Implementation Unit within the Ministry of Law and Human Rights. Article 2 of the Minister of Law and Human Rights Regulation No. 27 of 2018 explains that:

Human rights-based public service awards aim to provide a reference, motivation and evaluation of the performance of public services conducted by the UPT for respect, protection, fulfillment and promotion of human rights.

Rule of Law and Human Rights Minister of Indonesia No. 27, 2018 about Human Rights-Based Public Service Award ruled that in providing human

rights-based public services, it must meet several criteria, which are based on:

1. Facilities and availability.
2. Availability of officers who are on standby.
3. Appropriateness of officials, employees and implementation of service standards in each service sector.

As if we look at the effectiveness in the field of law related to human rights-based public services, Achmad Ali argues that when we want to know the extent of the effectiveness of the law, then we must first be able to measure the extent to which legal rules are obeyed or not obeyed. Furthermore, Achmad Ali also argued that in general the factors that influence the effectiveness of a law are professional and optimal implementation of the roles, powers and functions of law enforcers both in explaining the duties assigned to them and in enforcing the law.[4]

In narcotics correctional institutions Class IIA Nusakambangan in conducting human rights-based public services is carried out with an assessment carried out by monitoring and evaluation of the availability of public communication service posts and carried out by checking the facilities and infrastructure of human rights-based public services both to visitors and prisoners, starting from prison. from supporting visiting services, educational services, worship services, health services, residential facilities for the elderly and disability prisoners, guidance services, recreational and sports services as well as food and drink services for prisoners. Human rights-based services at Class IIA Nusakambangan narcotics penitentiary are also carried out in an orderly administration and ensure that visitors have family relations and interests with prisoners, so each visitor must be recorded in a visit register. This is in accordance with Article 31 PP Number 32 of 1999 which states that correctional officers who are on duty at the place of visit must check and examine the identity information of visitors.

The human rights-based public service is carried out to revitalize correctional facilities in the Nusakambangan area to produce a standardized design and working guidelines for prisoners' behavior evaluation systems for officers in super maximum, maximum, medium and medium security prisons.

B. Obstacles in conducting human rights based public services in Class IIA Nusakambangan narcotics penitentiary institutions based on Minister of Law and Human Rights Regulation Number 27 Year 2018

One of the functions of government administration carried out by the government apparatus is public service. Indonesian laws and regulations have provided the basis for the delivery of public services based on general principles of good and clean government. In the case of public services in correctional institutions of course enter the area of public services that are specific to involving certain public. However, in terms of public

services, especially in human rights-based public services are often complained.

Public services have a strong foundation because they are contained in the 1945 Constitution. The state is responsible for public services for its citizens, for example by providing public facilities and health facilities. In implementing Permenkumham No. 27 of 2018 there are still many obstacles, including the provision of UPT infrastructure which is still difficult to realize due to budget constraints. To overcome this, the procurement of facilities must be adjusted to the capabilities and can be realized in stages. In addition to the constraints in the budget, there are also obstacles to the behavior of officers who provide services must approach the values of human rights, for example is a special treatment for fostered people who are included in vulnerable groups.

In providing human rights-based public services, it must be in accordance with the nature and principles of human rights. The responsibility for the protection and fulfillment of human rights is the government. Human rights holders are the people. Human rights violations are born when the state does not actively implement human rights or when neglect occurs. The principle of human rights itself is not discriminatory, universal and equality. Human rights-based public services are efforts to uphold human dignity and values in accordance with human rights values.

In determining whether human rights-based public services in prisons are effective or not, the performance of written law is the law enforcement apparatus. However, the effectiveness of a law is determined by 5 (five) factors, namely:

1. Own legal factor (law)
2. Law enforcement factors, namely the parties who form or implement the law.
3. Factor of means or facilities that support law enforcement.
4. Community factors, namely the environment in which the law applies or is not applied.
5. Cultural factors, namely as a result of work, creativity and taste based on human initiative in social life.[5]

Based on the results of research related to the constraints in conducting human rights based public services in Class IIA Nusakambangan narcotics correctional institutions based on the Minister of Law and Human Rights Regulation No. 27 of 2018 are:

1. There are factors in administrative services related to bribery, which are carried out in public services, especially in the case of visits to fostered citizens. Visitors who try to give money with a variety of motives. Visitors give money is for the purpose of launching / expanding visitors visiting inmates and as an expression of gratitude for being well served by the officers.
2. Lack of facilities and infrastructure related to the availability of information on time / day of visit. The

length of time to visit is not on the notice board but the information is in the visiting room. Time to visit can only be done in accordance with the rules set by the prison. However, it is possible to visit outside the time of visit if there are needs that are considered urgent such as providing information on family members who are sick, of course this is also with the permission of Kalapas.

3. Lack of budget in making new buildings. That is because Nusakambangan is an area of cultural heritage. In addition, the building for object specific toilet criteria for persons with disabilities is inadequate.

The creation of a human rights-based public service that is free from the factors in providing services to fostered citizens, is a hope for the community especially for prison-assisted colors. The factor of prison officers conducting public services plays an important role in carrying out their duties. In conducting human rights based public services, they must reflect the characteristics of:

1. Fair and non-discriminatory.
2. Caring, thorough and careful.
3. Respectful, friendly and not harassing.
4. Be assertive.
5. Be independent.
6. Does not provide a convoluted process.
7. Comply with orders from lawful superiors.
8. Maintain institutional honor.

V. CONCLUSION

Narcotics correctional institutions Class IIA Nusakambangan in conducting public services based on Permenkumham No. 27 of 2018 has been effective in accordance with the nature and principles of human rights. This is evidenced by the assessment carried out by monitoring and evaluation of the availability of public communication service posts, as well as checking the facilities and infrastructure of human rights-based public services both for visitors and prison residents. However, in conducting human rights-based public services in Class IIA Nusakambangan narcotics correctional institutions based on the Minister of Law and Human Rights Regulation No. 27 of 2018, there are obstacles including the lack of an administrative system of public services for the end of the target population, lack of facilities and infrastructure, as well as a lack of inadequate budget in the process of development.

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