

Policy on the Special Treatment of High Risk Prisoners in the Batu Nusakambangan Class I Prison

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Abstract--*The state has no right to make someone worse or worse than before being imprisoned. Therefore, we need a clear system regarding the treatment of prisoners. The formulation of the problem in this study is how the special treatment of high-risk prisoners in the Batu Nusakambangan Class I prison and how the implementation of the special treatment policy for high-risk prisoners in the Batu Nusakambangan Class I penitentiary. This research is a qualitative descriptive study. Data collection techniques using observation techniques. The results of this study indicate that the form of special treatment of high-risk prisoners in the Batu Nusakambangan Class I penitentiary is carried out using two approaches, namely the security and order approach. The two approaches are taken based on the policy of the Directorate General of Corrections in the placement of high-risk prisoners based on deradicalization. The implementation of this policy in Class I Batu Nusakambangan is still very limited, which consists of handling religious awareness and handling awareness of the nation and state. There is no good cooperation between law enforcement agencies and government agencies regarding the handling of prisoners at high risk.*

Keywords: *Policy, Special Treatment, High Risk Prisoners.*

I. INTRODUCTION

It is feared that the existence of high-risk prisoners in conventional prisons can interfere with the correctional guidance system, therefore the Ministry of Law and Human Rights through the Directorate General of Corrections plans to build a prison which will later function as a super maximum security prison. This prison is expected to be able to accommodate prisoners who are troubling fellow prisoners and officers, such as narcotics dealers with serious cases, terrorists who spread ideology, and corruptors with large cases. Currently, prisoners who are identified as potentially having a high risk are placed in the Class I Batu Nusakambangan Prison which is considered to be the maximum security prison, even though institutionally this prison is an ordinary prison. The Directorate General of prisons has responded to the increasing category and number of high-risk prisoners by establishing a policy for the treatment of high-risk prisoners in prisons.

II. PROBLEMS

1. What is the special treatment for high-risk prisoners in the Class I Batu Nusakambangan prison?
2. How is the implementation of the policy of special treatment for high risk prisoners in the Batu Nusakambangan Class I correctional institution?

III. RESEARCH METHOD

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 using observation. The data analysis technique uses qualitative methods, namely examining the applicable legal provisions and what is happening in reality in society [1].

IV. DISCUSSION

Forms of Special Treatment for High Risk Prisoners at the Class I Prison in Batu Nusakambangan

Based on the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-07-OT.01.01 of 2017 concerning work guidelines for special terrorist category prisons, the guidance given to high-risk prisoners in special prisons includes fostering religious awareness, fostering national and state awareness, building awareness law and counseling. The implementation of a training program for high-risk prisoners aims to change the behavior of prisoners, reduce the level of security risk and lose their radicalism. But in fact, there are still a lot of shortcomings in the coaching program carried out so that it will have implications for less than optimal output so that the treatment of high risk prisoners is still emphasized on the security approach to minimize the occurrence of disturbances in security and order committed by high risk prisoners [2].

The guidance system in a correctional institution is carried out through several stages and is carried out by the correctional supervisor. This correctional process begins when there is a permanent decision

from the court until the end of his sentence. A penitentiary is not a place that merely punishes and torments people, but a place to foster and educate people who have misbehaved (inmates) so that after undergoing guidance in the correctional institution they can become good people and adapt themselves to the community environment [3].

To deal with high risks, the Directorate General of Corrections has stipulated Regulation of the Director General of Corrections Number PAS-58.OT.03.01 of 2010 concerning the regular procedure for the treatment of high-risk prisoners (procedures for treating high-risk prisoners). High risk prisoners must receive special treatment to reduce or even eliminate the risks that arise. In general, the treatment of high-risk prisoners is still guided by the Decree of the Minister of Justice of the Republic of Indonesia Number M.02-PK.04.10 of 1990 regarding the pattern of guidance to be provided to prisoners.

High risk prisoners are prisoners who are based on the assessment determined as high risk prisoners based on a decree of the Minister of Law and Human Rights [4]. The results of the examination of prisoners who are declared to have a high risk are determined by the Directorate General of Corrections at the suggestion of the team through the regional office. There are two qualifications for assessing high-risk prisoners, namely qualification A and qualification B. Qualification A is an assessment of certain prisoners which contains an assessment of fulfilling one of the things related to an active network, the ability to access weapons and explosives, having an escape record, having access and influence in prisons, proven to have attempted to escape without the help of other people, revidists, sentenced to death and life. Qualification B is an assessment of the risk of disease transmission from prisoners who have HIV / AIDS, Tuberculosis (TB), Hepatitis and other dangerous infectious diseases.

The behavior of prisoners at high risk can endanger themselves, others and their environment so that it can interfere with the correctional guidance system. Therefore, it must be separated from other prison residents. However, currently many prisoners still get the same treatment as other prisoners.

Prisoners need to be separated based on sex, legal status, type of crime and age so that they can be placed in a correctional facility according to their security and needs. Article 12 of Law Number 12 of 1995 concerning correctional facilities explains that:

- 1) In the framework of guiding prisoners in prisons, classification is carried out on the basis of, age, sex, duration of the sentence imposed, type of crime and other criteria according to the need or development of guidance.
- 2) Guidance for female prisoners in prisons is carried out in women's prisons.

This classification of prisoners needs to be good in terms of security and guidance and to guard

against negative influences that can affect other prisoners. However, the current implementation is not in accordance with the rules as stated in Law No. 12 of 1995 concerning the correctional facility, because the number of prisoners exceeds the capacity of the correctional institution.

The placement of prisoners and prisoners is a form of guidance and is a continuation of the process of accepting new prisoners / prisoners, and in this placement process cannot be carried out randomly or just appear to have been placed. The placement process is carried out through an assessment of the level of risk and need, the characteristics of prisoners based on recommendations from the Correctional Observer Team (TPP).

In this case there are 3 (three) distribution systems for high risk prisoners, namely:

- 1) Placed in a place of concentration.
- 2) Blocked / special rooms in prisons (separation)
- 3) Isolated from each other (isolation).

However, in this case, there are no specific rules regarding whether high-risk prisoners should be concentrated in one or more institutions or spread out in the prison system, but what needs to be paid attention is that the placement of prisoners must still observe the provisions in the minimum standard [5].

The Prison Class I Batu Nusakambangan in carrying out special treatment of high-risk prisoners is guided by aspects of security and order. The security approach is motivated by the level of risk of the prisoner and is considered a troublemaker and a culprit for any problems that arise in prisons such as the emergence of rebellions and riots. Security and order factors are the main reasons for the special handling of high-risk prisoners. Special handling means placing the case prisoner in a special prison. The special prisons referred to are prisons as referred to in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-07.OT.01.01. 2017 year.

The form of special handling of high risk prisoners is the provision of a correctional UPT that specifically handles high-risk prisoners. The security approach applied in the Class I Batu Nusakambangan prison is by:

- 1) Placement of prisoners using the one man in one cell system.
- 2) 24-hour surveillance using CCTV, supervised from the surveillance room by officers.
- 3) Prohibition of communicating between prisoners and the existence of cell blocks as a barrier and barrier between prisoners.
- 4) Officers whose identities are hidden and use special uniforms.
- 5) Officers are prohibited from interacting directly with the prisoners.
- 6) Food is delivered through the holes at the front of each cell.

7) Prisoners are not allowed to leave the cell.

This approach is effective in maintaining security and order conditions in prisons.

Policy for the Special Treatment of High Risk Prisoners in Batu Nusakambangan Class I Prison

The policy through the super maximum security approach is very contrary to the objectives of correctional facilities. On the formal juridical side, social reintegration is the goal (system) of the correctional, this can be seen from two articles, namely Article 3 and Article 4 contained in Law Number 12 of 1995 concerning correctional facilities.

Currently, the policy taken by the Directorate General of Correctional in placing high-risk prisoners is to be sent to a block in the Batu Nusakambangan prison. This prison is one of the Correctional UPT under the Central Java regional office which is currently used as a place for high-risk prisoners.

The decision to transfer high-risk prisoners to certain UPTs that was not based on these three considerations resulted in the policy being issued solely targeting symptoms (symptoms). After being placed in a special block, preliminary data collection and information were collected to determine whether the prisoner was categorized as a high-risk prisoner or not. This data collection is individual and in a special place [6].

Prisoners who are categorized as high risk need to obtain a qualification decision from the Directorate General of Corrections, but this has not been done at the Batu Nusakambangan prison. Based on the results of assessments from guardians, experts, Corrections and TPP, the head of the prison can apply for qualifications for prisoners.

For prisoners who are suspected of being high-risk prisoners who have been placed in special residential blocks, the head of the village through the guidance division orders to immediately determine and appoint a guardian. The appointment of a guardian is based on education and experience in handling prisoners who are suspected of being high-risk prisoners. At least the guardian has received special training to handle high-risk prisoner research.

Separation of a high-risk prisoner is carried out because it is feared that the presence of the prisoner in a conventional prison could disrupt the correctional guidance system and cause anxiety to fellow prisoners and officers.

The fundamental difference in the treatment of prisoners based on the level of risk is the protection provided. The security system in correctional institutions / detention is:

1) Static security system is the facilities and infrastructure as well as other equipment used to ensure that prisoners can be physically controlled, consisting of obstruction,

monitoring, delay, stopping and minimizing interference efforts.

2) The dynamic security system is to create a good and correct interaction relationship between officers and prisoners / detainees in a residential block based on respect for human rights.

3) Security system is the implementation of correct rules and procedures by officers in a residential block to detect possible security disturbances. The implementation of this security system includes identification and placement of prisoners / detainees, controlling the movement of prisoners / detainees, routine control of officers, locking systems and controlling access to communication for prisoners / detainees.

These three security systems must go hand in hand to create humanist conditions. Adequate physical security is needed to prevent prisoners from escaping, supported by a good and consistently implemented security system and a harmonious professional relationship between prisoners and employees [7].

Prisoners who are suspected of being high-risk prisoners receive special security and supervision by security officers. Every prisoner must be placed in conditions of security with a level of risk and respect for his or her dignity. Development of high risk prisoners is started to be handled according to the existing development plan. The guidance program is aimed at reducing the risk of prisoners committing acts of violence and violations in prison as well as repetition of crimes when they are free. Efforts to reduce these risks include rehabilitation and restriction which are routinely evaluated.

V. CONCLUSION

The form of special treatment of high-risk prisoners in the Batu Nusakambangan Class I penitentiary is carried out using two approaches, namely the security and order approaches. The two approaches are taken based on the policy of the Directorate General of Corrections in the placement of high-risk prisoners based on deradicalization. The implementation of this policy in Class I Batu Nusakambangan is still very limited, which consists of handling religious awareness and handling awareness of the nation and state. There is no good cooperation between law enforcement agencies and government agencies regarding the handling of high-risk prisoners.

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