

Implementation of Special Remission Policy for Prisoners in Penitentiary Class IIB Tasikmalaya, West Java, Indonesia

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***Abstract---** Remission is a reduction in sentences for prisoners so that they behave well in serving their sentences in accordance with the objectives of the penal system in Indonesia. In reality the implementation of the policy with the reality of granting remission collided with a political administrative mechanism, so that the amount was limited and not well realized. This study aims to describe and analyse in depth regarding the implementation of policies, uncovering inhibiting factors and Penitentiary efforts, using a content of policy and context of implementation approach. The research method used is qualitative to uncover empirical reality by observing and exploring the behaviour of the object under study. The results of this study found that the factors that caused policy implementation were not optimal were (1) lack of understanding of the objectives of the policy content; (2) lack of competence and attitudes of policy implementers; (3) overlapping policy implementation; and (4) weak enforcement of regulations and implementation characteristics. It was also found that the development of Grindle theory in the dimensions of policy content was attitude and ethical behaviour and policy maker acceptability. Whereas in the context of implementation dimension is holistic policy evaluation, interagency coordination, and law enforcement.*

***Keywords---** Policy Implementation, Remission and Prisoners.*

I. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia Article 1 paragraph 3 confirms that Indonesia as a State of Law, places law as the only rule for social and state life (supremacy of law). Indonesian Positive law is a collection of principles and rules of written and unwritten laws that are currently valid and binding in general or specific and enforced by the government through the courts. The types of positive law in Indonesia are the Integrated Justice System and the Criminal Justice System.

The apparent difference between the two is that the Integrated Justice System regulates how criminal law enforcement is carried out. Whereas in the Criminal Justice System as a term that shows the mechanism of action in overcoming crime with a system approach that involves collaboration between the police, prosecution, court, and penitentiary. Penitentiary has rules that are bound to the order regarding the direction and boundaries as well as how to foster prisoners based on Pancasila which are carried out in an integrated manner between coaches, prisoners, and the community to improve the quality of prisoners in order to be aware of mistakes, improve themselves and not to repeat

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criminal actions so that can be accepted again by the community, can actively play a role in development and can live reasonably as a good and responsible citizen.

Prisoners must still be guaranteed their rights while in the Penitentiary where their mobility is very limited. One of prisoners' rights is to get a reduced prison term (remission). By granting remission the prisoner does not fully serve his sentence. This is a gift given by the government to prisoners as long as they serve a temporary sentence not a life sentence or capital punishment. Remission in the system of implementing imprisonment, especially regarding the penal system is very important. This relates to the issue of coaching conducted by penitentiary officers towards the prisoners. For this reason, in the implementation of the prison criminal system in Indonesia, remission has a very strategic position, because if prisoners do not behave well, they cannot be given remission¹.

The granting of remission is not considered as a form of facilities for prisoners to be free quickly, but is used as a means to improve their quality and at the same time motivate themselves, so as to encourage prisoners to return to living their lives well. Awareness to receive well coaching conducted by penitentiary will affect the continuity of life in the future.

Based on applicable regulations in Indonesia, there are two types of remission:

1. General Remission; It is a remission given on the commemoration of the Republic of Indonesia's Independence Day on 17 August
2. Special Remission; constitutes remission given on religious holidays held by prisoners or child prisoners, provided that if a religion has more than one religious holiday in a year, then the chosen holiday is the most glorified by the adherents of the religion in question.

The granting of remissions to inmates of criminal cases on terrorism, narcotics and psychotropic, corruption, crimes against state security, gross human rights crimes, and organized transnational crimes is given additional conditions in accordance with applicable laws and regulations.

The procedure for granting remissions to inmates is not easy, it must go through several stages beginning with the submission of remissions proposed by the head of penitentiary to the Head of the Regional Office of Law and Human Rights with a copy to the Directorate General of Penitentiary. Furthermore, the head of the Penitentiary takes a decision letter which is then announced to the prisoner concerned and makes changes to the prisoner's expression book. Penitentiary Class IIB Tasikmalaya is the smallest penitentiary in the East Priangan region of West Java Province with a capacity of 88 people, but in 2018 it was inhabited by 364 prisoners (over capacity) as in the following table:

Table 1: Number of Prisoners in Tasikmalaya Class IIB Penitentiary In 2018

No.	Prisoner Criteria	Quantity	Capacity
1.	Male Captive	130	
2.	Female Captive	16	88
3.	Male Inmate	212	
4.	Female Inmate	6	
Total		364	

Source: Penitentiary Class IIB Tasikmalaya, 2018

The authors obtain data that in 2018 out of 364 prisoners as many as 146 prisoners did not get remission due to various problems and obstacles that were unclear and could not be solved. Whereas in the Minister of Law and Human Rights Regulation No. 03 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Family Visit Leave, Conditional Release, Free Leave, and Conditional Leave states that every prisoners are given remission on their respective religious holidays².

These problems are interesting to study from various dimensions. In this study the Grindle theory approach is used with dimensions of content of policy and context of implementation with the consideration that in granting special remissions loaded with administrative and political interests.

This study aims to find out, describe and analyze in depth about how the implementation of special remission policies for prisoners, inhibiting and supporting factors, as well as the efforts made by Penitentiary Class IIB Tasikmalaya, West Java Province.

II. LITERATURE REVIEW

Grindle views policy implementation as a political and administrative process, developing policy implementation models based on Content of policy and Context of implementation³. The implementation of policies as a political and administrative process is depicted in the form of a scheme as shown in Figure 1

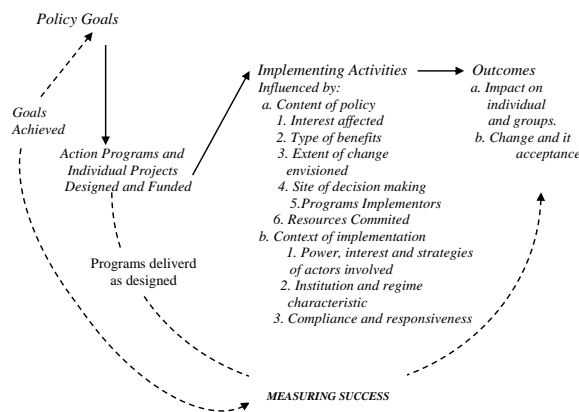


Figure 1: Implementation as a Political and Administrative Process⁴

Issues relating to implementation are maintaining a balance in ensuring the responsiveness of implementers to prove flexibility, support, and feedback. While at the same time maintaining sufficient control over the distribution of resources to achieve goals. To achieve this requires considerable political intelligence in calculating possible responses from the actors involved and their capacity to achieve program goals. To be effective, policy implementers must have sufficient skills in the political arts and must understand well the environment in which they strive to achieve the achievement of general policies and their programs.

Based on these concepts, it can be explained that the process of policy implementation is inseparable from the various factors that surround it. Policy implementation is not only related to the internal factors of the bureaucratic structure of the administrative body which is responsible for the policy programs but is also inseparable from the influence of external factors such as the social, economic and political environment. Through the model of policy implementation as proposed by Grindel, the process of policy implementation can be explained and analyzed by looking for links between the dimensions that shape it so that it can provide an explanation of the effectiveness of the policy in its implementation. The following paradigm for this research is presented:

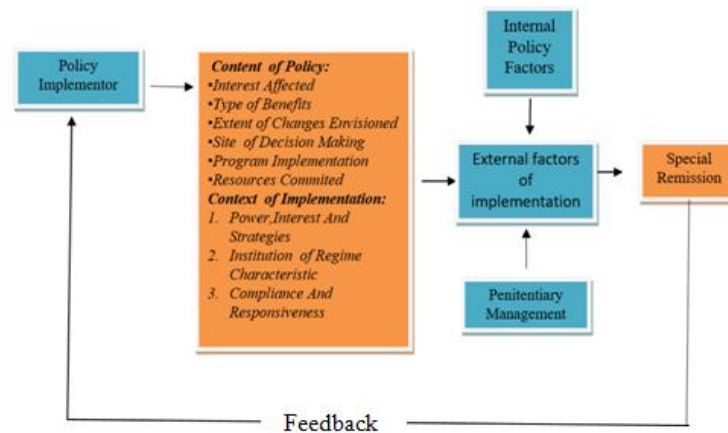


Figure 2: Research Paradigm

III. METHODOLOGY

This study used qualitative research methods. Qualitative research places more emphasis on developing appreciation and motivation of what people do with assumptions to understand human behaviour but must first understand the object under study, so that it can draw meaning from ideas, attitudes and motives related to the focus of research. The qualitative method was chosen because this research aims to reveal what is happening in empirical reality and this research observes more and explores the behaviour of the object under study.

According to Moleong as a consideration for using qualitative research methods it can be explained that: First, adjusting qualitative methods is easier when dealing with multiple realities. Second, this method presents directly the nature of the relationship between researchers and respondents. Third, this method is more sensitive and more adaptable to many sharpening influences together and to the patterns of values encountered. Qualitative research compiles designs that are continuously adjusted to reality on the ground; do not have to use a design that has been arranged in a strict or rigid so that it cannot be changed again⁵.

Based on these statements it can be understood that in qualitative research the role of researchers as research instruments can further reveal the meaning of the object under study behind the social interactions between researchers and informants.

Qualitative research was conducted to find a comprehensive and in-depth picture of the object under study, by departing from an existing phenomenon, this study also did not depart from a theory that wanted to be tested for truth but the theory was made as an approach to the research problem.

IV. RESULT AND FINDING

The implementation of the policy of granting remissions to prisoners carried out in Penitentiary Class IIB Tasikmalaya is carried out according to the provisions and mechanisms stipulated in Minister of Law and Human Rights Regulation No. 033/2018 Regarding Terms and Procedures for Granting Remission, Assimilation, Leave for Family Visit, Parole, Ahead for Free Leave, And Conditional Leave.

Other indications that the remission to prisoners in Penitentiary Class IIB Tasikmalaya is not yet optimal is:

1. Dissemination of the special remission policy for prisoners is not conveyed clearly and in detail to the implementing apparatus and the target group.
2. The policy rules regarding granting special remissions to prisoners in their implementation are not in accordance with the established rules.
3. The inadequacy of facilities and infrastructure to support the policy of granting special remissions to the extent of violations results in the cancellation of granting remissions. For example: still using the manual system by sending remission submissions through the post office.
4. The level of compliance of the authorities in implementing the policy of granting special remissions for prisoners is not in accordance with the Minister of Law and Human Rights Regulation No. 03/2018.
5. Convoluted bureaucracy has resulted in the decision to grant a remission to prisoners experiencing delays in submission.
6. There is no strategy from the actors involved if the request for remission is cancelled.

Regarding the implementation of the special remission policy for prisoners, the researcher analysed empirically using the policy implementation model from Merilee S. Grindle³. In the model it is said that to operate a program there are 2 (two) main activities that must be considered, namely Content Policy and Context of Implementation.

Content of Policy

Based on the observations of researchers in the field, the prisoners special remission policy at Penitentiary Class IIB Tasikmalaya through the Content of Policy dimension approach is not in accordance with Indonesian Minister of Law and Human Rights Regulation No. 03/2018 Regarding the Terms and Procedures for Granting Remissions, Assimilation, Leave Family Visit, Parole, Free Leave, and Conditional Leave. For example, in granting special remissions, as many as 146 people with various problems and obstacles that are unclear and cannot be resolved.

From the results of research in implementing the special remission policy for prisoners from the Type of Benefits aspect, there are many benefits both in terms of government agencies and the prisoners themselves. While in the aspects of the Program Implementation is carried out in accordance with the needs of prisoners both in terms of psychology and physical appearance.

The Extent of Change aspect of Vision was also carried out to equalize the level of prisoners the same as ordinary humans. Interest Affected is done solely for the common good in terms of the government and prisoners.

In the aspect of Resources Committed, there is still a lack of information technology support tools so that there are still many remissions submitted manually. For this reason, it is necessary to accelerate the construction of facilities and infrastructure both in the form of superior human resources, adequate technology, and other supporting resources so that the submission of remission can be faster and there is no delay in submission of remission for prisoners.

The Position of Policy aspect is made by the government which must be implemented by the State Civil Apparatus for the benefit of the community and the prisoners themselves.

Context of Implementation

Context of Implementation is represented by 3 (three) parameters, there are power, interest, and strategy of actors involved, Institution and Regime Characteristics, Compliance and Responsiveness.

Based on the observations of researchers in the field, it shows that the implementation of the special remission policy for prisoners in Penitentiary Class IIB Tasikmalaya through the Context of Implementation dimension approach revealed that there was no correlation with the Indonesian Minister of Law and Human Rights Regulation No. 03/2018. Examples of remission submissions were cancelled if prisoners received the Register F, which means violating the applicable rules in Penitentiary Class IIB Tasikmalaya, it shows that there are still officers being neglected by the security and order situation so that prisoners can violate these rules. To overcome the cancellation of remission must be minimized by personal approach to prisoners so that it does not violate the rules or get an F register

In the Context of Implementation dimension shows that the dimensions of Power, Interest, and Strategy of Actor Involved, as officers have special authority regarding the administration of remission whether he deserves remission or not in accordance with the behavior of prisoners while in prison.

While the Institution and Regime Characteristic parameters state that the building of Penitentiary Class IIB Tasikmalaya does not comply with the standard because the height of the fort is only 4 meters and only has 2 control posts at the top. For this reason, the security of prisons must be tightened so that conditions are created that are safe, orderly and controlled so that prisoners are obedient and abide by the applicable rules.

Whereas in the Compliance and Responsiveness parameters all aspects of both officers and prisoners have the same compliance with the rules that apply in Penitentiary Class IIB Tasikmalaya. It is hoped that officers will always establish effective communication with prisoners and always fulfil their rights, especially the right to remission.

The implementation of the special remission policy for prisoners in Penitentiary Class II B Tasikmalaya can run well and optimally if it carries out the two main activities proposed by Grindle.

V. CONCLUSION

In connection with the implementation of policies in the remission program for inmates at the Penitentiary Class IIB Tasikmalaya using the policy implementation model from Merilee S. Grindle it can be concluded that factor of

understanding the purpose of content of policy; the capabilities, competencies and attitudes of policy implementers; overlapping policy implementation; weak enforcement of regulations and implementing characteristics are the causes of under-implementation of policies. It was found that the development of Grindle theory in the context of this research is in the dimension of content of policy is attitudes and ethical behavior and acceptability of policy implementers. In the context of implementation dimensions, namely: evaluation of a holistic policy (evaluation of a holistic policy); coordination between institutions (coordination among inter-institutions) and; law enforcement.

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