

Legal Analysis of the Granting of Assimilation Rights to Inmates (A Study at the Class II A Detention Center in Kendari)

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ABSTRACT

This study aims to determine 1) how human rights are implemented through assimilation for female inmates and 2) the factors that hinder its implementation. This research was conducted empirically, by studying various books and laws and regulations related to the material for this thesis. Data collection techniques in this study were field research and library research to obtain data related to the title of this thesis. The data were then processed and analyzed using qualitative descriptive methods to describe the chronology of the cases that occurred. The results of this study conclude that inmate rehabilitation is part of the law enforcement process. The correctional system is organized to shape correctional inmates into human beings who are aware of all mistakes, improve themselves, and do not repeat criminal acts so that they are accepted by the community and can live normally, like society in general, as good and responsible citizens. In order for assimilation to be obtained, it is mandatory to fulfill general and specific requirements, namely having behaved well during the prison term, actively participating in the development program, and having carried out 1/2 of the prison term, and this applies to inmates of general crimes. As well as 2/3 of the sentence for inmates of special crimes, for example, drugs and transnational crimes, in this case, in every implementation of assimilation, obstacles will be found that become inhibiting factors for the implementation of the assimilation program. Apart from the existing statutory regulations, other things also come from external and internal factors, both from the inmates themselves and other things outside themselves.

Keywords: Assimilation Rights, Class II A Kendari Detention Center, Inmates, Legal

I. INTRODUCTION

The Republic of Indonesia is a state of law, and therefore, the law must be upheld for the sake of justice. Law enforcement is an effort made to ensure that legal norms are effectively applied and used as guidelines for behavior across legal boundaries in social and national life.

Law is an instrument that regulates for legal subjects what constitutes rights and obligations, so that each legal subject is able to carry out their obligations properly and obtain their rights fairly, law also functions as an instrument of protection for legal subjects, if linked to the existence of a country, law can function as protection for citizens from absolute government actions.

Indonesia's unstable economy has led to significant social inequality among its citizens. The government has yet to develop a policy capable of eliminating or at least minimizing existing social inequality. Consequently, the category of women at socioeconomic risk has increased in Indonesia.

A woman at risk of socioeconomic vulnerability is a woman who, due to poverty and educational backwardness, experiences functional impairments in her social and/or economic life, making it difficult for her to carry out her social roles. This then gives rise to derivative problems such as high divorce rates, discrimination in employment, experiencing sexual violence, experiencing domestic violence, and even the very possibility of women becoming perpetrators of crimes such as theft or drug couriers, and so on, as evidenced by the many drug cases in prisons committed by women.

Therefore, women in prison are legal subjects with human rights that must be fought for. They are citizens who also need protection in exercising their human rights. State policies regarding imprisonment should ensure that these policies are accompanied by the provision of the rights they deserve. This should not simply involve increasing

the number of prisons, but also improving the facilities and infrastructure that support women in their lives, both as women and as mothers-to-be and as mothers.

Women and men naturally have different needs, including prisoners. Recognizing this, the Corrections Department has implemented different regulations and provided different facilities in correctional institutions (Lapas) and state detention centers (Rutan). This is to ensure that gender-based rights are met.

In fulfilling the rights of female prisoners, many countries use the Bangkok Rules as a reference for the rights of female prisoners and the standard of treatment for female prisoners in Indonesia.

Regulations concerning the rights of women in detention were adopted by the UN General Assembly in 2010, namely the *United Nations Rules for the Treatment of Women Prisoners and Non-Women Offenders*, known as the *Bangkok Rules*. The Bangkok Rules provide a number of common rules that must be applied to both normal women and women with special needs (pregnant women, women with drug problems, and women with disabilities) in detention.

Furthermore, Law Number 12 of 1995 concerning Corrections, is the implementation of imprisonment which is a change in the philosophical juridical idea of the Prison System to the Correctional System. The imprisonment system which emphasizes the elements of revenge and deterrence accompanied by the institution of "prison" is gradually seen as a system and means that are not in line with the concept of rehabilitation and social reintegration, so that prisoners realize their mistakes, no longer want to commit crimes and return to being responsible citizens for themselves, their families and their environment. (General Explanation of Law Number 12 of 1995 concerning Corrections).

For the Indonesian State which is based on Pancasila, new thoughts regarding the function of punishment which is no longer merely deterrence but also constitutes an effort to rehabilitate and reintegrate socially inmates have given birth to a system of guidance which has long been known and called the Correctional System, because the correctional system is a system regarding the direction and limits as well as the method of guidance of Correctional Inmates based on Pancasila which is implemented in an integrated manner between the Inmates, the inmates, and the community to improve the quality of Correctional Inmates so that they realize their mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted back into the community, can actively play a role in development, and can live normally as good and responsible citizens. (Dwija Priyatno, 2013:3)

In relation to the above, human rights concern all aspects of human life which are a reflection of the essence or dignity of humans as individuals, members of society and creatures of God, which must be respected and guaranteed by law, this is carried out by the state by establishing legal rules or regulations, which is an important task of the state. The criminal policy of determining a punishment cannot be separated from the overall goal of criminal policy, namely the protection of society to achieve prosperity.

Prisoners' rights are an integral part of correctional facilities, inseparable from other correctional facilities. The essence of correctional facilities is to provide not only punitive sanctions (punishment), but also rewards (awards) as part of the correctional effort, ensuring that correctional programs can be implemented and responded to by inmates. (Dwidja Priyatno, 2006: 106)

In its implementation, the correctional system functions to prepare inmates to be able to integrate healthily with society, so that they can return to their role as free and responsible members of society. The correctional system recognizes the importance of community participation in the process of rehabilitating inmates. This is in accordance with Article 9 of Law Number 12 of 1995 concerning Corrections which states that "in the context of organizing the guidance and mentoring of inmates, the Minister may collaborate with related government agencies, other community organizations or individuals whose activities are in line with the implementation of the correctional system."

From a normative perspective, the right to assimilation for prisoners is guaranteed by Law Number 12 of 1995 concerning Corrections. Article 14, concerning prisoners' rights, letter j, states that prisoners have the right to assimilation opportunities, including leave to visit family.

The existence of the right to assimilation is a process of developing prisoners and correctional students which is carried out by integrating prisoners and correctional students into community life, it is hoped that this will motivate prisoners after receiving assimilation so that they can realize their mistakes, improve themselves, and not repeat criminal acts.

The participation of potential community members in the implementation of work activities is essential to support the success of the established development program. In providing development to inmates, a development program is required that supports integration and continuous relationships with the community.

Then Article 4 of Law Number 39 of 1999 concerning Human Rights also emphasizes the right to life and human rights that cannot be reduced under any circumstances.

II. LITERATURE REVIEW

2.1. General Overview of Correctional Institution Inmates

2.1.1. Definition of Inmates

According to Article 1 of Law Number 12 of 1995 concerning Correctional Services, Correctional Inmates (WBP) are Prisoners, Correctional Students, and Correctional Clients.

2.1.2. Rights of Inmates

Pancasila is the foundation for all laws and regulations and law enforcement officers to enforce the law without exception whenever and wherever the law is in force. Meanwhile, the recognition of Human Rights in this

basic law is also followed by laws and regulations under the 1945 Constitution of the Republic of Indonesia, including Law Number 12 of 1995 concerning Corrections, Article 14 of which contains the rights of inmates, as follows:

- 1) Wbp has the right to:
 - a) Carry out worship according to your religion and beliefs
 - b) Carrying out care, both spiritual and physical care
 - c) Get education and teaching
 - d) Get proper health services and food
 - e) Submitting complaints
 - f) Obtain reading materials and follow other mass media broadcasts that are not prohibited
 - g) Get wages, or premiums for work done
 - h) Receiving visits from family, legal advisors, or other specific persons;
 - i) Get a reduction in prison term (remission);
 - j) Get the opportunity to assimilate including leave to visit family
 - k) Get parole
 - l) Get leave before release
 - m) Obtain other rights in accordance with applicable laws and regulations.
- 2) Provisions regarding the conditions and procedures for implementing the rights of prisoners as referred to in paragraph (1) are further regulated by Government Regulation.

Article 14 paragraph (2) of Law Number 12 of 1995 concerning Corrections stipulates that "Provisions regarding the conditions and procedures for implementing the rights of prisoners as referred to in paragraph (1) are further regulated by Government Regulation". The implementation of the provisions of this article has been implemented in Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for Implementing the Rights of Correctional Inmates, in conjunction with Government Regulation Number 28 of 2006 concerning Amendments to Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for Implementing the Rights of Correctional Inmates, in conjunction with Government Regulation Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for Implementing the Rights of Correctional Inmates.

Thus, the provisions in the legislation (Article 14 paragraph (2) of Law Number 12 of 1995 concerning Corrections) then become the basis for the Government to issue the rights of prisoners because at the implementation level, the technicalities of granting these rights still require policies in the form of procedures for granting the rights of prisoners, meaning that the issuance of the rights of prisoners is the authority of the President (Government) in order to implement the Law concerning Corrections and the Government Regulation concerning the Conditions and Procedures for Implementing the Rights of Prisoners, namely by granting the rights of prisoners with special technical provisions and several specified requirements.

2.2. Definition of Human Rights

Human rights are fundamental rights that humans possess from birth, as a gift from God. According to Law No. 39 of 1999, human rights are defined as a set of rights inherent in the nature and existence of human beings. According to the Preamble to the 1948 Universal Declaration of Human Rights, every person has the same right to freedom, justice, and peace in the world.

Understanding Human Rights According to Experts Quoting from the book Human Rights: Philosophy, Theory, and Basic Instruments, here is the understanding of human rights according to experts:

Adnan Buyung Nasution: Human rights are inalienable rights. These rights are inherent in human nature. They are acquired and brought with them upon birth. Desire Fans Scheltens Human rights are rights that are universally acquired by a person. The rights that a person acquires by virtue of being a citizen of a country are called fundamental rights. Then Frans Magnis Suseno stated that human rights are rights that are owned by humans, not given to society. This is different from Jack Donnelly who believes that human rights are the rights of every person which are equal, inalienable and universal.

Mashood A. Baderin explains that human rights are the equal rights of all human beings. We deserve these rights simply because we are human.

2.3 Definition of Female Prisoners

In terms of language, in the Big Indonesian Dictionary (KBBI), the meaning of a prisoner is a person who is serving a sentence for having committed a crime, while according to the main dictionary, a prisoner is a person in prison or a person in prison (Dahlan, MY Al-Barry, 2003: 53). In the Criminal Procedure Code (KUHP) it is stated in Article 1 number 32 that a convict is a person who is punished based on a court decision that has obtained permanent legal force.

Understanding the concept of femininity is inextricably linked to the issues of gender and sex. In the context of gender, it is defined as the inherent characteristics of a person, making them feminine. Meanwhile, in the sexual sense, a woman is a sex characterized by reproductive organs such as a uterus, eggs, and breasts, enabling her to become pregnant, give birth, and breastfeed. Society's understanding of women is stereotyped in terms of their social roles. According to the Indonesian Dictionary, a woman is a person (human) who has a vagina, can menstruate, become pregnant, give birth, and breastfeed.

In this case, women are also God's creations who must be protected and given their rights, because there are many things that women experience that men do not, such as menstruation, pregnancy and breastfeeding. It is clearly stated in Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for Implementing the Rights of Inmates, Article 20 paragraph (1) that prisoners and correctional students who are sick, pregnant or breastfeeding have the right to receive additional food according to a doctor's instructions.

Furthermore, it is clear that, although men and women are equal before the law, women's natural processes, such as menstruation, pregnancy, childbirth, and breastfeeding, are subject to change. Therefore, women should be given the rights stipulated in law.

Furthermore, Article 27 of the 1945 Constitution of the Republic of Indonesia stipulates equality before the law. This rule has the consequence that the State must fulfill the rights of its citizens and must not discriminate in their implementation. This is not equal treatment in the sense of truly treating them equally, but rather that the State must pay attention to specificity and proportionality in fulfilling citizens' rights. What is fundamentally needed is a factor that must be emphasized.

Various studies have found that most crimes are committed by young men, particularly violent crimes. This statement examines the psychological factors of young men, who have a high emotional level. However, this does not mean that women are incapable of committing crimes. We can see that crimes committed by women are usually driven by economic and social factors (Sujarwa, Gender Polemic: 104).

Reporting on legal cases involving women as perpetrators is very limited. However, the involvement of women in criminal activity in general society is indeed an oddity, considering the inherent nature of women themselves. Generally, crimes committed by women are limited to types such as abortion and shoplifting. However, as time progresses and certain social conditions create, women are increasingly committing crimes commonly committed by men, such as fraud, murder, the illegal drug trade, and even becoming members of criminal organizations and trafficking (Marisabbot, in Dian Putri: 1987).

2.4. Definition of Assimilation

Assimilation is a form of prisoner development by integrating prisoners with the community if they have served half of their sentence, behaved well and followed the development program well.

Soerjono Soekanto interprets assimilation as a social process characterized by efforts to reduce differences between individuals or groups of people and also includes efforts to increase unity of actions, attitudes and mental processes by paying attention to common interests and goals. (Soerjono Soekanto and Budi Sulistyowati, 2015:73)

According to Petrus Irwan Panjaitan and Chairijah, "Assimilation for prisoners is divided into two, namely; First is assimilation into correctional institutions, which takes the form of visits from family and the community, Second is assimilation outside correctional institutions, such as leave to visit family. This leave is given as an effort to maintain household harmony, in the form of an opportunity to gather together at the family residence for a period of two days or 2 x 24 hours (Petrus Irwan Panjaitan and Chairijah, 2008:48).

If a prisoner is assimilated into a community group, he will no longer differentiate himself from that community group. This is in line with the function of the correctional system in Article 2 of Law Number 12 of 1995, namely: "The correctional system functions to prepare Correctional Inmates to be able to integrate healthily with society, so that they can return to their role as free and responsible members of society."

The policy of releasing prisoners through assimilation and integration has sparked controversy. Not only general inmates, but the idea of releasing special inmates has also sparked controversy. Some consider the decision to be the right step to respect the law within the Criminal Justice System. On the other hand, many deplore the decision for various reasons, particularly concerns about the impact on social and security vulnerabilities once these prisoners move freely within society.

In relation to the legal ideals (Rechts-idee) of the Republic of Indonesia, which was proclaimed on August 17, 1945, namely a people's republic founded by the nation's fighters with the motto, "from the people, by the people, for the people," this can be briefly formulated to mean that the Republic of Indonesia is a state based on law. (Mochtar Kusumaatmadja and Arief Sidharta, 2000:134)

Those who commit crimes in a country governed by the rule of law will be punished if proven guilty and there are regulations governing this. The term "punishment" they receive comes from the word "straf," and the term "punished," which comes from the word "Wordt gestraf." (Dwidja Priyatno: 2009:5)

The purpose and objective of assimilation is to prepare prisoners to return to social life as stated in Article 2 of Law No. 12 of 1995 concerning Corrections which states that: The correctional system is organized in order to shape correctional inmates to become complete human beings, realize their mistakes, improve themselves and not repeat criminal acts so that they can be accepted back into the community, and can live normally as good and responsible citizens.

The implementation of the assimilation policy is also a form of realization of one of the rights of prisoners as stipulated in Article 14 paragraph (1) letter j of Law Number 12 of 1995 concerning Corrections which stipulates that the rights of prisoners include "getting the opportunity to assimilate including leave to visit family." The provision of assimilation to prisoners is carried out at home with guidance and supervision from the Correctional Center (Bapas).

Bapas is a correctional technical implementation unit that carries out the tasks and functions of community research, guidance, supervision and mentoring.¹¹ Article 2 paragraph (2) of Permenkumham No. 10 of 2020 stipulates that: Prisoners who can be given Assimilation as referred to in paragraph (1) must meet the following requirements:

- a. Good behavior is proven by not having served a disciplinary sentence in the last 6 (six) months;
- b. Actively participating in the development program properly; and c. have served ½ (one half) of the sentence. In addition, the provision of assimilation to child prisoners as stipulated in Article 3 paragraph (2) of the Minister of Law and Human Rights Regulation No. 10 of 2020 can be provided with the following conditions:
 - 1) Behaving well as evidenced by not having served any disciplinary punishment in the last 3 (three) months;
 - 2) Actively participate in the coaching program well; And
 - 3) Have served a minimum prison term of 3 (three) months.

The policy of granting assimilation is given to prisoners who are 2/3 (two thirds) of their sentence and children who are ½ (one half) of their sentence until December 31, 2020. The provision of assimilation policies for prisoners, especially female inmates, is also a form of realization of guarantees for the rights of prisoners as members of society which are guaranteed by law.

Those who will not be released are prisoners who have committed acts of terrorism, corruption, narcotics and narcotic precursors, psychotropics, crimes against state security, and crimes against serious human rights crimes, transnational crimes, as well as foreign nationals.

The development of prisoners in correctional institutions, one of the reasons for the ineffectiveness of prisoner development is the minimal number of law enforcement officers/capabilities of law enforcement officers, especially regarding prison staff in carrying out development and supervision in correctional institutions.

Inmates who are given assimilation does not mean that the inmates have been completely released from their sentence, but assimilated inmates are still required to receive supervision and guidance from the Correctional Center (Bapas) outside the correctional institution. This is in light of the provisions in Article 2 paragraph (1) of Permenkumham 10 of 2020 that "Inmate Assimilation is carried out at home with guidance and supervision from Bapas." Furthermore, in the Circular Letter of the Ministry of Law and Human Rights Number PAS-497.PK.01.04.04 of 2020, one of which emphasizes that: "orders the Head of Bapas to provide guidance and supervision to inmates and children who are undergoing assimilation at home.

The punishment received is a reward for the actions committed, which are then passed through a judicial process and then sentenced by a judge. Several primary instruments are commonly used as strong guidelines for sentencing convicts suspected of involvement in various cases for which they have been found guilty, one of which is imprisonment. In essence, imprisonment isolates prisoners from society and serves as a form of deterrence. (Petrus Irwan Panjaitan and Chairijah, 2009:30)

Prof. W.A. Bonger stated that, "Since the 18th century, there has been a visible change in the judiciary. Previously, judges paid little or no attention to the criminal's personal circumstances. Once the defendant was proven guilty, the judges were simply responsible for sentencing him, regardless of the defendant's circumstances.

Punishment was initially a "revenge fine" even at the very beginning in a simple society, members of society who were harmed immediately retaliated by punishing the person who caused the harm, but after the role of society (the State) became bigger, a change occurred where "revenge" from the injured party was prohibited both according to morality in society and according to criminal law, the problem of punishment was entirely imposed by the State. (Soerjono Dirdjosisworo, 1984:182)

Meanwhile, the Republic of Indonesia is a country based on law, Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In a country based on law, human rights are protected. If a country does not protect human rights, the country is not a country based on law, but rather a dictatorship with a very authoritarian government. Protection of human rights in a country based on law is realized in the form of normative enactment of these rights in the constitution and laws. (Bahder Johan Nasution, 2014:10)

The assimilation policy is a double-edged sword. On the one hand, humanitarian considerations for prisoners motivate the government to implement assimilation. However, on the other hand, assimilation, which leads to recidivism and increased crime rates, actually threatens public safety. Therefore, an assimilation program that is not accompanied by a strict system of guidance and supervision by the Correctional Institution (Bapas) demonstrates that the policy is merely a means of absolving inmates of their responsibility to support their needs.

The Bapas, through its community counselors, plays a crucial role in providing guidance and supervision to inmates undergoing home assimilation, with special and intensive supervision. The Bapas guidance program implemented by the community counselors aims to prevent inmates from committing crimes while undergoing assimilation.

Meanwhile, the supervision pattern is carried out by community counselors in collaboration with the local village government to monitor the progress of the prisoners concerned so that they do not re-commit crimes and their whereabouts are always monitored.

2.5. Legal Basis for Fulfilling the Right to Assimilation

Meanwhile, the normative rights of prisoners to assimilation are contained in Article 14 paragraph 1 (j) of Law Number 12 of 1995 concerning Corrections, namely: the right of prisoners to have the opportunity to assimilate, including leave to visit family. In its implementation, the Regulation of the Minister of Law and Human Rights Number 03 of 2018 concerning the Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Leave Before Release and Conditional Leave, and Regulation of the Minister of Law and Human Rights Number 32 of 2020 concerning the Requirements and Procedures for Granting Assimilation, Conditional Release, Leave Before Release, and Conditional Leave for Prisoners and Children in the context of Preventing and Overcoming the Spread of Covid-19.

Assimilation can take the form of job skills, social activities, educational activities, working for a third party, independent work, and other forms of development outside of prison. Assimilation doesn't just happen to inmates; there are conditions and processes that must be met, both substantively and administratively.

The difference in understanding that has given rise to debate in the community is in the case of prisoners who exercise their assimilation rights during the day outside the prison to do social work and in the evening return to the prison, this refers to the provisions in Article 62 to Article 64 of the Regulation of the Minister of Law and Human Rights Number 03 of 2018 concerning the Conditions and Procedures for Granting Remission, Assimilation, Visiting Family Leave, Pre-Release Leave and Conditional Leave, Article 62 as follows:

- 1) Assimilation for prisoners and children can be implemented in the form of:
 - a. Educational activities;
 - b. Skills training;
 - c. Social work activities; and
 - d. Other development in the community environment.
- 2) Apart from being implemented in the form as referred to in paragraph (1), assimilation can also be implemented independently and/or in collaboration with third parties.
- 3) Assimilation as referred to in paragraph (1) and paragraph (2) can be implemented in open prisons.

As for Article 63, as follows:

- 1) In the case of Assimilation being implemented in collaboration with a third party as referred to in Article 62 paragraph (2), the implementation of Assimilation must be based on a cooperation agreement.
- 2) The cooperation agreement as referred to in paragraph (1) must at least contain the rights and obligations of the parties in accordance with the provisions of statutory regulations.

Furthermore, Article 64 is as follows:

- 1) Prisoners and children undergoing assimilation outside of prisons/LPKA are carried out for a maximum of 9 (nine) hours a day, including travel time.
- 2) Assimilation as referred to in paragraph (1) may not be carried out on Sundays or national holidays.
- 3) The Head of the Prison/LPKA is responsible for the security of the implementation of Assimilation as referred to in paragraph (1). From the quoted article above, the implementation of assimilation activities can be carried out in two ways, namely by giving prisoners the opportunity to socialize with the community outside the Correctional Institution for some time, then at a certain time (usually in the afternoon) they return to the Correctional Institution (closed) or secondly, by giving prisoners the opportunity to work for a third party, work independently or be placed in an Open Correctional Institution. The first model of assimilation activities is carried out under the supervision of Correctional Institution officers, while the second model of assimilation activities is carried out under the supervision of Correctional Institution and Correctional Center (BAPAS) officers.

Prisoners who are sent home remain under the supervision of the Correctional Center (Bapas), meaning they are not allowed to leave the house. Prisoners are not simply released, but must fulfill several conditions (substantive and administrative) and provisions that do not conflict with the public interest and the community's sense of justice.

As for punishment, it is an effort to make prisoners aware so that they regret their actions, and return them to being good citizens, obeying the law, upholding moral, social and religious values, so that a safe, orderly and peaceful community life is achieved, furthermore, Correctional Institutions as the implementation of prison sentences are places to achieve the above objectives through education, rehabilitation and reintegration, so it is not without reason that prisoners change in the guidance of Correctional Institutions so that after completing their sentences, prisoners will become people who are useful to society.

Basically, the rights of female prisoners and male prisoners are the same, only in this case, because the focus is on female prisoners, there are things that receive special treatment from male prisoners and are different in several ways, including because women have a nature that male prisoners do not have.

Types of Conditional Freedom There are 4 types of conditional freedom;

- a. PB (Slashed Liberation)
- b. CMB (Leave Before Release)
- c. CB (Conditional Leave)
- d. CMK (Visiting Family Leave)

There are no regulations regarding the fulfillment of the biological rights of female prisoners. Although some prisons in large cities provide special facilities for married prisoners to fulfill their biological rights.

III. RESEARCH METHOD

3.1 Research Location

This research was conducted in Southeast Sulawesi Province, specifically the Class II A Kendari Detention Center. The author's considerations and reasons for choosing this location were its relevance to the proposed title. This facilitated the author's access to data on the research object.

3.2 Data Types and Sources

3.2.1 Primary Data

It is data obtained from the results of field research obtained directly from respondents obtained directly from sources who are closely related to the problem being researched.

3.2.2 Secondary Data

This is data that supports primary data, namely data obtained through the results of a literature review (Library research), either by using collection and inventory techniques of books, scientific works, internet articles, journals and other literature materials.

3.3 Data collection technique

The data collection techniques used in conducting field research and library research are as follows:

1. Field research is direct data collection conducted through unstructured interviews to collect primary data and information that is relevant to the problem.
2. Library research, namely a data collection technique using documents and books, scientific works, articles and other reading sources that are relevant to the problem being researched so that it is easier to obtain secondary data and primary data.

3.4 Data Analysis

The author in analyzing the data obtained, both primary and secondary data, uses a qualitative approach. Qualitative data is processed and analyzed by taking an approach to the problem raised, namely what is stated by respondents verbally or in writing, as well as the behavior that is researched and studied, which is the object of research as long as it is something real.

3.5 Research Time

The research time stages were carried out in 3 (three) stages, namely the first stage was conducting field observations, the second stage was collecting data and the final stage was completing the thesis.

IV. RESEARCH RESULTS AND DISCUSSION

4.1 Recipients of Assimilation Rights from 2020 to 2021

Table 1: Data on the Number of Prisoners and Recipients of Assimilation Rights at Class II A Kendari Detention Center

No	Category Type	Number of Prisoners		Assimilation Recipients	
		2020	2021	2020	2021
1	Prisoner	215	217		
2	Prisoners	431	442	318	254
	Amount	646	659		

Source: Class II A Kendari Detention Center

That based on the results of research conducted by the author regarding recipients of assimilation rights at the Class II A Kendari detention center, there are 432 prisoners and 873 convicts in the period 2020 to 2021 and assimilation recipients amounted to 318 people in 2020 and 254 people in 2021, That from the data it can be seen that although there has been no increase in the provision of assimilation within a period of 2 years, but every year assimilation will always be given to prisoners with various types of violations committed, if you pay attention to the table above within a period of 2 years there has been an increase in the number of prisoners although not significant so that assimilation is seen as necessary as an appropriate guidance effort for prisoners who meet the requirements to be given their rights as well as a way to overcome the overflowing number of prisoners.

4.2 Efforts to Implement Human Rights Through Assimilation of Prisoners

In principle, the implementation of assimilation in both detention centers and prisons is the same, based on the provisions of Law Number 12 of 1995 concerning Corrections, Article 14 letter j, regarding the requirements and procedures for implementing assimilation are regulated in Government Regulation Number 99 of 2012 concerning the second amendment to Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates in conjunction with Regulation of the Minister of Law and Human Rights Number 21 of 2013 concerning Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Pre-Release Leave, and Conditional Leave.

In its aim to realize the goals of the correctional system based on Law No. 12 of 1995, the correctional institution in this case the Detention Center provides the right for inmates to be able to assimilate, in order for assimilation to be obtained, of course, it is mandatory to fulfill general and specific requirements, namely having behaved well during the prison term, actively participating in the correctional program and having served 1/2 of the prison term, and this applies to inmates convicted of general crimes.

Specifically, inmates who commit acts of terrorism, corruption, crimes against state security, drug offenses, human rights crimes, and transnational organized crime may be offered assimilation, provided they have served two-thirds of their sentence. These special terms and conditions apply to inmates convicted of special crimes, just as they apply to inmates convicted of general crimes.

Then Article 44 paragraph (2) of the Minister of Law and Human Rights Regulation Number 3 of 2018 concerning the Requirements and Procedures for Granting Remission, Assimilation, Visiting Family Leave,

Conditional Release, Pre-Release Leave, and Conditional Leave stipulates that: "Prisoners who can be granted Assimilation as referred to in paragraph (1) must meet the requirements of good behavior as proven by not being serving a disciplinary sentence within the last 6 (six) months, actively participating in the development program properly and having served 1/2 (one half) of the sentence." In addition to having fulfilled the substantive requirements, they must also fulfill the following administrative requirements:

- 1) Copy of court decision and BAP of court decision
- 2) Has paid the fine
- 3) Submitting progress reports made by correctional guardians or the results of risk assessments and needs assessments carried out by assessors.
- 4) Complete the community research report made by the community supervisor and approved by the head of the correctional institution
- 5) Complete Copy of Register F from the Head of the Prison
- 6) A statement letter not to commit any unlawful acts made by a Correctional Student
- 7) A letter of guarantee made and signed by the family and acknowledged by the village head, which states that:
 - a) Prisoners will not escape and/or will not commit any unlawful acts
 - b) The family helps in guiding and supervising during the assimilation program.
- 8) Letter of guarantee from schools, government or private agencies and social or religious bodies/institutions, which guarantees to assist in supervision during the assimilation program.
- 9) Terrorism convicts must attach a certificate stating that they have participated in a deradicalization program from the head of the prison/detention center and/or the head of the BNPT.
- 10) For foreign nationals, they must complete a letter of guarantee that they will not run away and are ready to comply with the requirements that have been determined by:
 - a) Embassy/consulate of the country
 - b) The corporation responsible for the presence and activities of prisoners during their stay in Indonesia.
- 11) A certificate from the Director General of Immigration or a designated immigration official which contains a statement that the person concerned is exempt from the obligation to have a residence permit.

These administrative requirements are requirements specifically for Correctional Institution Residents who commit crimes of terrorism, narcotics, psychotropic drugs, corruption, crimes against the state, serious crimes against human rights and other organized transnational crimes.

Article 48 paragraph (2) of the Minister of Law and Human Rights Regulation Number 3 of 2018 concerning the Conditions and Procedures for Granting Remission, Assimilation, Visiting Leave to Family, Conditional Release, Pre-Release Leave, and Conditional Leave also determines the assimilation requirements for children, which confirm that:

Children who can be given assimilation as referred to in paragraph 1 must meet the following requirements:

- a) Good behavior as evidenced by not having served any disciplinary punishment in the last 3 months
- b) Actively participate in the coaching program well
- c) Have served a minimum prison term of 3 months.

The granting of assimilation to children is proven by attaching the following documents:

- a) Photocopy of the judge's decision quote and minutes of the implementation of the court decision
- b) Development progress report signed by the Head of LPKA
- c) Community research report prepared by the Community Guidance Officer and approved by the Head of Bapas
- d) Copy of register F from the Head of LPKA
- e) Copy of the list of changes from the Head of LPKA
- f) A statement from the child stating that he will not run away and will not commit any unlawful acts.
- g) A letter of guarantee of commitment from the family, guardian, social institution, government agency, private agency, or foundation acknowledged by the village head or other name stating:
 - 1) Children will not run away and will not commit unlawful acts
 - 2) Assist in guiding and supervising children during the assimilation program.

After the inmates meet the requirements, the detention center then records the eligible inmates based on reports from the inmate's guardian, through the Correctional Observer, and then forwards the proposal based on recommendations to the local Regional Office of the Ministry of Law and Human Rights. Then, it is determined whether the application is accepted or rejected. If accepted, the legal and human rights office will forward the proposal to the Director General of Corrections to submit considerations regarding granting assimilation to the Ministry of Law and Human Rights.

For Correctional Prisoners who commit acts of terrorism, corruption, crimes against state security, narcotics, serious human rights crimes and organized transnational crimes, proposals for granting assimilation must be accompanied by recommendations from the relevant agencies as a condition for obtaining approval for assimilation.

The agencies in question are the Indonesian National Police (POLRI), the Attorney General's Office (AGO), the National Counterterrorism Agency (BNPT), the National Narcotics Agency (BNPT), and the Corruption Eradication Commission (KPK). After obtaining approval, the next step is implementing assimilation, with its validity as stipulated in Article 30 paragraph 1 of the Minister of Law and Human Rights Regulation No. 21 of 2013:

- 1) Educational activities
- 2) Skills training

3) social work activities and

4) Other development in the community environment

Every prisoner during the period of serving his sentence has the right to:

1) Maintain limited contact with outside parties

2) Get remission

3) Get leave

4) Achieving assimilation

5) Obtaining conditional release Guaranteed rights to contact family and certain people even though the inmate is in a correctional institution

4.3 What factors hinder the implementation of assimilation for prisoners?

Assimilation is carried out by correctional institutions under the auspices of the Ministry of Law and Human Rights, within the Directorate General of Corrections, both detention centers and prisons. Individuals incarcerated in correctional institutions are referred to as inmates. These inmates include those with convict status because their cases have been decided and are legally binding, as well as those who remain detainees because they have not yet received a court ruling. Detainees cannot be proposed for assimilation because they have not yet served their sentences.

Based on the results of an interview with the Head of Class II A Detention Center, Iwan Mutmain SH Kendari on June 15, 2022, the obstacles faced in implementing Assimilation at Class II A Detention Center, Kendari, were:

- 1) The community plays a vital role in the implementation of assimilation, as assimilation involves integrating prisoners into society. However, in reality, the community remains fearful and apprehensive about the presence of prisoners in the community. The negative stigma surrounding prisoners remains elusive, with people fearing they will commit further crimes and cause chaos within the community. This clearly has a significant psychological impact on prisoners, who feel isolated and embarrassed about engaging in assimilation activities within the community.
- 2) The length of time it takes to obtain an assimilation permit. Obtaining an assimilation permit takes quite a long time. It's not uncommon for inmates to lose their interest due to the lengthy time it takes to obtain this right.
- 3) The negative stigma that has developed in society regarding prisoners is the main cause of discomfort and anxiety for the community in establishing cooperation with the prison authorities, so that communication, input and socialization are needed.

The correctional system is organized to shape correctional inmates into human beings who are aware of all mistakes, improve themselves, and do not repeat criminal acts so that they are accepted by the community, and can live normally like society in general as good and responsible citizens. In every implementation of assimilation, obstacles are found - which are inhibiting factors for the implementation of the assimilation program apart from existing regulatory factors, other things also come from external and internal factors, both from the inmates themselves and other things.

V. CONCLUSION AND SUGGESTION

5.1 Conclusion

That based on the results of research on the legal analysis of granting assimilation rights to inmates, it can be concluded that:

1. Forms of Efforts to Implement Human Rights Through Assimilation for Prisoners In principle, implementing assimilation in both Detention Centers and Correctional Institutions is the same, based on the provisions of Law Number 12 of 1995 concerning Correctional Institutions Article 14 letter j, regarding the requirements and procedures for implementing assimilation are regulated in Government Regulation Number 99 of 2012 concerning the second amendment to Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates in conjunction with Regulation of the Minister of Law and Human Rights Number 21 of 2013 concerning Requirements and Procedures for Granting Remission, Assimilation, Visiting Family Leave, Conditional Release, Pre-Release Leave, and Conditional Leave.
2. Guidance for prisoners is part of the law enforcement process. The correctional system is organized to shape correctional inmates into human beings who are aware of all mistakes, improve themselves, and do not repeat criminal acts so that they are accepted by the community, and can live normally like society in general as good and responsible citizens. In every implementation of assimilation, obstacles are found - which become inhibiting factors for the implementation of the assimilation program apart from the existing legal regulations, other things also come from external and internal factors, both from the inmates themselves and other things outside themselves.

5.2 Suggestions

Then based on the results of the research conducted, the suggestions that can be put forward are: The right to obtain assimilation for correctional inmates is something that must be conveyed and socialized so that inmates understand what their rights are as people who receive guidance to return them to society, the right to assimilation becomes a *reward* for good attitudes and changes formed by a prisoner in the sociological side. Of course, if a prisoner meets the requirements to obtain assimilation. obtaining an assimilation permit requires a long period of time to wait to become an obstacle in the process of realizing assimilation, then the supervisors of inmates should provide information, views and socialization to the community before bringing inmates back to society to restore their

position to society, considering that there are still many negative views on the predicate "Prisoner" ongoing synergy is needed for the community, detention centers, and inmates in implementing the assimilation process.

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