



## IMPLEMENTATION OF ASSIMILATION OF CRIMINALS IN THE TIME OF THE COVID-19 PANDEMIC: A STUDY IN THE LEGAL AREA OF CLASS IIA PRISONS IN BANDA ACEH

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### Abstrak

The Decree of the Minister of Law and Human Rights Number M.HH-19.PK.01.04.04 of 2020 concerning the Release and Release of Prisoners and Children Through Assimilation and Integration in the Context of Prevention and Control of the Spread of Covid-19 stated that the provision of assimilation was given to reduce the prevention of Covid-19. However, in the implementation of the assimilation of prisoners at the Class IIA prison in Banda Aceh, it is still not running optimally due to increasing public concerns and unrest amid economic difficulties as a result of the Covid-19 pandemic. In an effort to provide assimilation of inmates with the Assessment and Supervision system of officers to assimilation prisoners at the Class IIA Banda Aceh Prison, the prisoners must behave well, as evidenced by not undergoing disciplinary punishment within the last 6 months.

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## I. INTRODUCTION

Convict training is an integral part of the law enforcement process. The correctional system is held in order to form correctional inmates so that they become fully human, realize their mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted again by the community, can play an active role in development, and can live naturally as good and responsible citizens. answer. (Dwijia Priyatno, 2006; 71). It also serves to prepare correctional inmates so that they can integrate in a healthy manner with the community, so that they can play a role again as free and responsible members of society.

This is in accordance with Article 9 of Law no. 12 of 1995 concerning Corrections (Law on Corrections) which states that in the context of providing guidance and guidance to prisoners in prison, the Minister may cooperate with relevant government agencies, other Correctional bodies or individuals whose activities are in line with the implementation of the correctional system. Community participation that has potential in the field of implementing work activities is needed to support the success of the established coaching program. (Dwijia Priyatno, 2006; 80).

In providing guidance to prisoners, a coaching program that supports the direction of integration with the community is needed. The entire process of fostering prisoners during the correctional process is an integral unit towards the goal of returning prisoners to a free society with the provision of abilities (mental, physical, expertise, skills, as far as possible financially and materially) needed to become good and useful citizens. (Dwijia Priyatno, 2006; 82).

Assimilation is the process of fostering prisoners and correctional students carried out by assembling prisoners and correctional students in community life. The Open Correctional Institution specifically carries out further development of prisoners at the assimilation stage, namely with a criminal period of between 1/2 to 2/3 of the criminal period that must be served by the inmate concerned.

In Article 1 sub a of Law Number 24 of 2007 concerning Disaster Management (Law on Disaster) it is explained that a Disaster is an event or series of events that threatens and disrupts people's lives and livelihoods caused, both by natural factors and/or non-natural factors. as well as human factors resulting in human casualties, environmental damage, property losses, and psychological impacts.

In the implementation carried out by the Prisons in Aceh Province, prisons have assimilated 1,362 prisoners and children in prisons, State Detention Centers (Rutan) and Special Child Development Institutions (LPKA) throughout Aceh Province, released more quickly through assimilation and integration rights. Based on this legal basis, the Class IIA prison in Banda Aceh has assimilated 55 inmates.

However, this implementation actually raises fears about the threat of criminal acts caused by the community. This happens because the policy of providing assimilation is considered to cause security insecurity in the community in a state of panic. This implementation has the potential to create new problems because when the prisoners are released, they will find it difficult to find work to meet their daily needs in the midst of a disaster in an area.

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Based on the background that has been described, the formulation of the problem is:

1. How is the Assessment and Supervision System of Officers for Class IIA Banda Aceh Prison Assimilation Prisoners in the Covid-19 pandemic?
2. What are the obstacles to the Assimilation of Class IIA Prisons in Banda Aceh?
3. What is the Effectiveness of the Law on Providing Assimilation to Class IIA Prisons in Banda Aceh during the Covid-19 pandemic?

## **II. RESEARCH METHOD**

The research method used in writing this law is empirical legal research. This type of research is used considering that the problems under study revolve around laws and regulations, namely the relationship between one regulation and another and its relation to its implementation. Sampling in this study was carried out by purposive sampling (feasibility), namely from the entire existing population, only a few people were expected to be able to provide accurate data and were considered representative of the whole. The location of the research was carried out in the Class II prison in Banda Aceh. And the respondents and informants are Head of Regional Office of Class IIA Penitentiary Banda Aceh, Correctional Staff and Assimilation Prisoners and Informants are Criminal Law Academics. The data collection of this research was carried out by library research by reading books, legal journals, newspapers, papers, legislation and materials related to this research as well as field research conducted by interview. Structured on the respondents and informants related to this research.

## **III. RESULTS AND DISCUSSION**

### **3.1. Assessment and Supervision System for Officers for Class IIA Prison Assimilation Prisoners in Banda Aceh in the Case of the Covid-19 Disaster**

The implementation of actual assimilation is so that the prisoners who have been released will self-quarantine at their respective homes to avoid transmission of the Corona Virus. The quarantine is carried out until it is integrated through parole, leave before release, or conditional leave. The mechanism for granting assimilation must also be selective in order to assess the personality of prisoners who are entitled to be released.

When the assimilation mechanism is carried out selectively, the appropriate procedure for assessing the behavior and personality of prisoners will be carried out strictly, but the emergence of repetition of criminal acts by prisoners of course has problems with the mechanism of giving imitation. The granting of assimilation is considered not yet selective because it has freed prisoners who are not yet fit to be assimilated into society.

Based on the results of research conducted on the Class IIA Banda Aceh prison, it was explained that the selection of assimilation to prisoners must be strict through indicators of quality coaching and training while in Banda Aceh Class IIA prison. Then supervision and sanctions need to be carried out on prisoners who undergo the assimilation process. When a prisoner is deemed unfit, then assimilation cannot be granted. This is to prevent the potential for repeating crimes by inmates who are disturbing the community when they are given assimilation.

Giving assimilation to prisoners raises pros and cons related to the legal effectiveness of the policy. This relates to the conditions that occur in the community as well as the existence of criminal acts committed again by the assimilated prisoners. Based on data taken from the Banda Aceh Class

IIA Prison, there are 55 (fifty five) inmates who were granted the right of assimilation in the context of preventing Covid-19 at the Class IIA Prison in Banda Aceh. Of the 55 prisoners, 6 prisoners will be taken as samples in this study.

The following is a list of samples of prisoners who were granted the right of assimilation in the context of preventing Covid-19 at the Class IIA prison in Banda Aceh:

**Table 1.**  
**Prison Prison Assimilation Sample List Class IIA Banda Aceh 2020**

No	Register Number	Name	Alias	Verdict Number	Output Type
1	BI.81/2019.D	Agus Nadi Son Efendi	Agus	386/Pid.Sus/2018/PN-Jth	Assimilation at Home
2	BI.391/2018.D	Asrizal Son Rusli	Ijal	82/Pid.Sus/2018/PN-Lsk	Assimilation at Home
3	BI.395/2018.D	Alhamdi Son Solomon	Daus	216/Pid.B/LH/2018/PN-Lsk	Assimilation at Home
4	BI.30/2018.D	Awaluddin Son M. Zainal	-	318/Pid.B/2017/PN-Lsk	Assimilation at Home
5	BI.135/2014.D	Elly Saputra	Son	19/Pid.B/2014/Pn-Mr	Assimilation at Home
6	BI.77/2016.D	Ansari Son Abraham	-	210/Pid.B/2014/PN-Lsk	Assimilation at Home

Source: Class IIA Penitentiary Banda Aceh 2020

In the table data obtained from the Class IIA Banda Aceh prison in 2020, the granting of assimilation to 6 (six) inmates are prisoners who have been in Class IIA Banda Aceh prisons from 2014 to 2019. These inmates are prisoners who were tried in Lhokseumawe District Court, Jantho District Court and Tapaktuan District Court.

Based on the results of research conducted on the Class IIA Banda Aceh prison, it was explained that the assessment system carried out by the Class IIA Banda Aceh prison for prisoners who were given the assimilation of the Covid-19 disaster was based on Article 44 paragraph (2) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2020 concerning the Granting of Remission and Assimilation (PerMenKumHAM Assimilation). In the article it is explained that the conditions for prisoners to be given assimilation must meet the following elements;

1. Good behavior is proven by not undergoing disciplinary punishment within the last 6 (six) months;
2. Actively participate in the coaching program well; and
3. Has served 1/2 (one half) of the criminal period.

In addition to the three special requirements above, there are additional elements in the requirements for providing Covid-19 assimilation to prisoners, namely;

1. Assimilation is not allowed for prisoners who have or are currently serving a sentence for the same crime (recidivists).
2. For prisoners who commit narcotics crimes and precursors of narcotics and psychotropic substances, they must be willing to cooperate with law enforcement to become Justice Collaborators.

The two additional elements above are important requirements in granting assimilation to the Class IIA prison in Banda Aceh. Examination and assessment of assimilated prisoners is carried out for 30 (thirty) days by the Banda Aceh Class IIA Prison.

Furthermore, in granting assimilation, several documents are required which must be attached in accordance with Article 4 of the Permenkumham of Assimilation, namely;

1. Photocopy of the excerpt of the judge's decision and the minutes of the execution of the court's decision;
2. Evidence of having paid the fine and replacement money in full in accordance with the court's decision or implementing a subsidiary in lieu of the fine is carried out at home under supervision by the Prosecutor's Office and Correctional Center (Bapas);
3. Development progress report signed by the Head of the Prison;
4. A copy or forwarded register from the Head of the Prison;
5. A copy of the change list from the Head of the Prison; and
6. A statement from the prisoner that he will not run away and does not commit any unlawful acts.

The Class IIA Banda Aceh Prison also explained that the released prisoners will still receive supervision once a week, the supervision carried out is in the form of video calls or SMS and telephone calls, besides that there is also direct supervision from officers. Prisoners who are assimilated will be deprived of their rights and returned to prison if they leave the area. Sanctions for violating the assimilation and integration program are ready to be accepted for these prisoners.

The rights of assimilation and integration will be revoked for those caught acting again, as well as new criminal cases that will be added to the list of cases of the prisoners concerned. In addition, convicts who commit crimes while undergoing assimilation will be put in a strait cell or solitary cell and not given the right of remission until a certain time in accordance with applicable regulations.

Based on the results of research conducted on criminal law academics, it was explained that giving assimilation in the context of preventing Covid-19 to prisoners, especially prisoners at Class IIA prisons was considered inappropriate even in the eyes of the public. The concept of granting assimilation is to let inmates live and mingle with the community in order to retrain the social skills of

prisoners, but the implementation of Covid-19 assimilation is provided on the condition that inmates do not leave their homes.

Inmates who get assimilated also do not sit and stay at home, this is because after being given assimilation, not all prisoners are accepted back into the community. Inmates who are assimilated leave their homes to reduce the impact of social sanctions received by them in society. The control carried out by the Banda Aceh Fathers for assimilation prisoners is also considered ineffective, this is because the Class IIA Fathers only control via cell phones.

The Class IIA Banda Aceh assimilation program was designed and implemented in order to be able to run in accordance with its goal of preventing the spread of Covid-19, but inaccurate implementation and supervision, coupled with the condition of the community who experienced many economic crises in the midst of the Covid-19 pandemic, made prisoners assimilate. difficulty staying (serving a term at home). As a result of the implementation of assimilation that coincided with the lockdown, it was possible for prisoners who received assimilation to commit criminal acts again in order to fulfill life outside prison.

### **3.2. Efforts to Overcome Barriers to the Assimilation of Class IIA Convicts in Banda Aceh**

An obstacle is an obstacle that occurs in a system implementation/implementation of activities. Barriers act as a barrier so that an implementation does not go well. In the implementation of the assimilation of prisoners at the Class IIA prison in Banda Aceh, there are also several obstacles. Banda Aceh Class IIA Prison provides Assimilation Rights in the context of preventing Covid-19. One of the rights that prisoners get while serving a prison term of at least 2/3 or 9 months of detention. During 2/3 of the detention period or at least 9 months, prisoners are given skills and independence development so that they can be given parole. At these stages of development, assessment, observation and supervision were carried out by the Correctional Observer Team (TPP), in this case also including the Banda Aceh Fathers,

Based on the results of research conducted on the Class IIA Banda Aceh prison staff, there are several obstacles that occur in the implementation of the assimilation of prisoners at the Class IIA Banda Aceh prison, these obstacles are as follows;

#### **1. Efforts Against the Lack of Guarantees Against Covid-19 Assimilation Prisoners**

The procedure that must be carried out at the time of proposing the right to parole, the officer must fulfill administrative files, one of which is a guarantee letter, which is made by family members as guarantors for prisoners with the knowledge of the village head/lurah in the village where the inmate lives. This guarantee letter must be made by the family. This makes it difficult for Correctional Guidance officers (BIMPAS) to grant the right of assimilation, which aims to help BAPAS to supervise and participate in fostering prisoners so that they do not

commit crimes and can be re-accepted in the community. Efforts made by the Fathers are to control inmates by telephone 1 time 24 hours to continue assimilation at home.

## **2. Efforts Against No Further Notification To Prisoners**

Notification of granting assimilation to Covid-19 convicts is only given to prisoners who have served 2/3 of their prison term, but there is no notification to fellow inmates of the granting of assimilation. This is the cause of obstacles in the form of chaos between prisoners who get assimilation rights and prisoners who do not get assimilation. The implementation of giving assimilation can be done faster than before, but the ignorance of prisoners related to giving assimilation makes the implementation hampered. The Banda Aceh Class IIA Prison has made an effort to notify and explain to all Banda Aceh Class IIA prisoners through direct announcements regarding the goals and requirements of prisoners receiving Covid-19 assimilation.

## **3. Efforts Against Cultural and Community Barriers**

Negative views from the Acehnese people and still highlight the attitude of Prisonization and stigmatization of prisoners who are still attached, especially those who are undergoing the process of assimilation/training at home in the community. This is considered less supportive of the success of correctional goals in the midst of the Covid-19 pandemic. Lack of socialization to the community regarding the provision of assimilation to prisoners makes people stay away from prisoners and a sense of vigilance arises that criminal acts will occur again. Efforts made by the Banda Aceh Class IIA Fathers and Prisons are to provide explanations to the public through print media and social media related to the purpose of providing assimilation to the Acehnese people and the conditions that have been met by inmates to get Covid-19 assimilation rights.

## **4. Efforts to Overcome the Economic Condition of Assimilated Prisoners**

This obstacle is related to the previous obstacle, namely the cultural condition of the community. This is because not all Class IIA Banda Aceh prisoners who received assimilation had good economic conditions. Based on the results of research conducted by one of the assimilated prisoners at the Class IIA Banda Aceh prison, it was explained that not all assimilated prisoners started life outside prison well.

Rejection from the family made the prisoners start their own lives. For prisoners who are lucky to get jobs with daily wages, but other prisoners who have poor economic conditions will find it difficult to survive outside prisons, so the thought arises of committing crimes again. The prison's effort is to provide debriefing for prisoners to get temporary jobs.

In addition to the four main obstacles and efforts above, the Banda Aceh Class IIA Prison also experienced other obstacles, namely related to administration, human resources and facilities and infrastructure for the Banda Aceh Class IIA Prison, which was considered insufficient to

accommodate prisoners in the jurisdiction of the Class IIA Prison. IIA Banda Aceh. The effort of the Banda Aceh Class IIA Prison to overcome the supporting obstacles above is by asking for additional time to carry out the assimilation assessment due to limited facilities and human resources.

The Class IIA Banda Aceh prison requires an increase in human resources both in quantity and quality by increasing the number of employees professionally in accordance with the formation required for experts/bachelors in the correctional sector with lower-middle-level operational technical personnel. This is because human resources are very much needed in the implementation of coaching and security duties, considering that the residents are criminals.

### **3.3. The Effectiveness of the Law on Providing Assimilation to Class IIA Convicts in the Midst of Covid-19**

Assimilation and the right of integration are a unified process that is integrated in the stages of the prisoner development process, namely: the Orientation/Introduction Stage, the Assimilation Stage in a narrow sense, the Assimilation Stage in a broad sense and the Integration Stage with the community environment. Furthermore, the policy of assimilation and integration rights in the midst of the COVID-19 pandemic also did not escape challenges in its implementation. These challenges relate to effectiveness, elements of law enforcement, facilities and infrastructure as well as challenges from the community itself.

The effectiveness of providing Covid-19 assimilation to Class IIA prison inmates in Banda Aceh is also inseparable from community concerns. The public's view of giving Covid-19 assimilation to prisoners is not unfounded, but the public has the view that the government's steps are not suitable for providing assimilation to prisoners in order to suppress the spread of Covid-19. Public opinion considers that inmates are better and safer to live in correctional institutions (Lapas) in terms of carrying out physical distancing programs with full control mechanisms of prison officers compared to not being in prisons with a higher potential for contracting the virus.

In addition, public concern and unrest is increasing with the assumption that prisoners who receive assimilation and integration rights cannot be guaranteed that they will not repeat their crimes considering that they will leave prison with all the uncertainties. The provision of assimilation to Class IIA Banda Aceh prisoners was also carried out suddenly to prevent the spread of Covid-19. This makes the implementation of assimilation faster so that the debriefing that is carried out to prisoners who get assimilation rights does not run optimally.

Based on the results of research conducted on one of the legal academics, it was explained that the provision of assimilation in terms of criminal law policies should consider aspects of justice, legal certainty and benefit. The Class IIA Banda Aceh Prison is a government agency that has the task and function as a means of improving the morale of prisoners, so the prisoners, especially those who will be given assimilation, will mingle and socialize again with the community, so they must be given

maximum debriefing so that the prisoners are re-accepted in the community. The success of a prison is not seen from the length of the prison term served by inmates, but is seen from the success of prisoners when they re-mingle with the community.

From the explanation above, an assimilation is given to prisoners not on the basis of desire and 2/3 of the prison term, but based on the needs and eligibility of the prisoners. The effectiveness of assimilation can be seen from the number of prisoners accepted in the community. Ex-convicts are constantly punished with stigma in society for their crimes. Especially during the Covid-19 pandemic, it's not only ex-convicts who are faced with difficulties, society in general also feels the tremendous impact of this outbreak. Many companies lay off workers without pay.

Re-socializing prisoners is the most important thing that must be carried out by the Class IIA Banda Aceh prison. The success of the prisoners' development system in prisons as a place for inmates' development is seen from the implementation of their duties in fostering prisoners and giving their rights, so that they are able to become better and do not commit crimes again. If the training has gone well, the prison will not be overcrowded. Repeated crimes (recidivist) committed by prisoners will not be repeated.

During the Covid-19 pandemic, assimilation was considered ineffective due to the community's indifference to ex-convicts who reluctantly accepted their existence. This of course hinders the achievement of the expected sentencing objectives. So without the participation of the community by at least reducing the negative stigma for ex-convicts, the goal of the correctional system with the reintegration of prisoners through assimilation and integration rights will not be achieved. On the other hand, the community has its own problems in the midst of the Covid-19 suppression, so it is difficult for prisoners who have received assimilation rights to get moral support from the community.

Based on the results of research conducted at the Class IIA Banda Aceh prison, it was explained that the implementation of providing assimilation to prisoners was considered successful in terms of assessment and examination, but continued effectiveness was seen from the shape and attitude of the community towards these prisoners. The Fathers are only tasked with monitoring the assimilation of prisoners, but the success of inmates outside the prison to re-mingle with the community is seen from how the community accepts the prisoners.

The public considers that providing assimilation to prisoners, including Class IIA Banda Aceh prison inmates, does not provide benefits in the midst of the Covid-19 pandemic. On the other hand, the public's view of the government's policy of assimilation of prisoners will increase the possibility that the spread of Covid-19 will increase due to the increasing population that roams outside the prison. Assimilation convicts will wander around looking for family and/or partners who are willing to accept themselves to return to the community.

Convicts have rights that are clearly stated in the applicable legislation, so prisoners can ask officers for socialization of these rights. Thus, prisoners can become a means of control for their

rights which are still not fulfilled, there is no need to be afraid because the legal umbrella still protects justice seekers like a symbol of correctional with the principle of protection.

#### IV. CONCLUSION

From the results of research on the Implementation of Prisoners' Assimilation at the Class IIA Penitentiary in Banda Aceh During the Covid-19 pandemic, it can be seen that the Assessment and Supervision System of officers for assimilation prisoners at Class IIA Banda Aceh Prisons in the case of the Covid-19 disaster, namely prisoners must have good behavior, proven not undergoing disciplinary punishment within the last 6 months, actively participating in the coaching program properly; and has served 1/2 sentence. In addition to the three special requirements above, there are additional elements, namely assimilation is not allowed for prisoners who have or are currently serving a sentence for the same crime (recidivists) and prisoners who commit narcotics crimes and precursors of narcotics and psychotropic substances.

the absence of further notification to prisoners by giving notifications and explanations to all Class IIA Banda Aceh prisoners through direct announcements regarding the goals and requirements of prisoners who get assimilated Covid-19 as well as cultural and community barriers by providing explanations to the public through print media and social media related to the purpose of providing assimilation to the people of Aceh and the conditions that have been met by inmates to get the Covid-19 assimilation rights. Meanwhile, the Legal Effectiveness of granting assimilation to Class IIA convicts in the midst of Covid-19 is considered not optimal due to increasing public concern and unrest with the assumption that prisoners who receive assimilation and integration rights programs cannot be guaranteed not to repeat their crimes.

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