



## PROBLEMATICS OF PAROLE FOR COMMUNITY STUDENTS IN THE PEKANBARU CLASS II SPECIAL CHILDREN'S DEVELOPMENT INSTITUTION

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### Abstract

Children who are undergoing guidance at a special children's institution (LPKA) have the right to receive conditional release as long as the terms and conditions are met in accordance with the law. The problem formulation in this research is what are the problems and efforts in granting conditional release to students at the Pekanbaru Class II Special Development Institution for Children. This research method is sociological legal research. The results of the research show that the problems found are that there are no guarantors for students to apply for conditional release, paperwork for submitting administrative documents is still progressing slowly, students violate disciplinary laws, and there is no desire for students to apply for conditional release. The efforts include finding/contacting the Guarantor's family, collaborating well with related parties to make the proposal process easier, carrying out regular independent training to increase officers' knowledge of the applicable rules.

**Keyword:** Parole, Protege

### A. Introduction

A correctional institution is a place that provides guidance to inmates who will receive skills after leaving the correctional institution. Corrections are part of the integrated criminal justice system which

carries out law enforcement in the field of treatment of prisoners, children and inmates at the pre-adjudication, adjudication and post-adjudication stages.<sup>1</sup>

The Correctional System is implemented in order to guarantee the

<sup>1</sup>Chapter of Explanation of Law Number 22 of 2022 concerning Socialization.



protection of the rights of prisoners and children as well as improve the quality of personality and independence of inmates so that they realize their mistakes, improve themselves and not repeat criminal acts, so that they can be accepted again by the community and can live normally as good citizens. , obey the law, be responsible, and can actively play a role in development and at the same time provide protection to the community from repetition of criminal acts

Detainees and convicts serving sentences in correctional institutions or detention centers have basic human rights.<sup>2</sup>

Children who commit criminal acts will be punished according to the actions they have committed. To carry out correctional functions, children will be placed in the Special Children's Correctional Institution or

hereinafter referred to as LPKA. Children who commit criminal acts are hereinafter referred to as Assisted Children. A fostered child is a child who is 14 (fourteen) years old, but not yet 18 (eighteen) years old who is undergoing guidance at a special children's development institution.

Children who are undergoing guidance at LPKA have their rights as regulated in Articles 12 and 13 of Law Number 22 of 2022 concerning Corrections. One of the rights regulated in the Law is the right to obtain conditional release.

The granting of conditional release must also be in line with the objectives of the correctional system as stipulated in Article 2 of Law Number 12 concerning Corrections, namely that the correctional system is implemented in order to form correctional

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<sup>2</sup>Ahmad Sutoyo, Ruslan Renggong, Abd. Haris Hamid, "Effectiveness of Conditional Release for Prisoners in Efforts to Overcome Overcapacity in Sungguminasa Class Iia Narcotics Prison", Indonesian



inmates to become fully human, realize their mistakes, improve themselves, and not repeat criminal acts so that they can be accepted again by the community, can play an active role in development, and can live normally as good and responsible citizens.<sup>3</sup>

Parole is a process of coaching prisoners by integrating or blending prisoners and correctional students in accordance with existing and predetermined requirements with the aim of so that prisoners can interact directly, adapt to the new environment and restore the human values that exist in prisoners. so that the community can receive him back after serving his sentence.<sup>4</sup>

Parole is a process of fostering assisted children outside LPKA to integrate them with family and society. Conditional Leave is a

process of fostering assisted children who are sentenced to a short sentence outside the LPKA. Regarding conditional release and for assisted children, it is further regulated in more specific provisions, namely Regulation of the Minister of Law and Human Rights (Permenkumham) Number 7 of 2022 concerning the Second Amendment to Regulation of the Minister of Law and Human Rights Number 3 of 2018 concerning Conditions and Procedures for Granting Remissions, Assimilation, Leave to Visit Family, Conditional Release, Leave Before Release, and Conditional Leave.

Conditions for Conditional Release are stated in Article 89, Conditional Release can be granted to Children who are serving a prison sentence at the LPKA who have

<sup>3</sup>Harun Sulianto, "The Rights of Narcotics Crime Convicts to Obtain Parole." *Rechtens Journal*, Vol. 7, no. 1, June 2018 p. 14

<sup>4</sup>Aldi Romadani, Mahmuzar, Irfan Ridha, "Conditional Release of Prisoners in Prisons" *Journal of Sharia and Law*, Vol. 2, no. January 1, 2023, p. 341



fulfilled the requirements: a) have served at least 1/2 (one-half) of the sentence; and b) have good behavior while serving a criminal period of at least the last 3 (three) months calculated before the 1/2 (one-half) date of the criminal period.

Based on the author's observations, there are several problems that become obstacles in implementing conditional release (PB) at the Pekanbaru Class II Special Development Institution for Children, including: The applicable regulations are one of the conditions for conditional release in Permenkumham Number 7 of 2022 Article 83 Paragraph 1 point (h) reads:

"letter of guarantee of commitment from the family, guardian, social institution, government agency, private agency, or foundation known to the village head, village head, or other name stating that:

1. The convict will not escape and/or will not commit any unlawful act; And
2. Assist in guiding and supervising prisoners while participating in the Parole program.

And what happens in the field, in the criminal calculations of children assisted by

correctional institutions, it should be possible to propose integration, but the problem is that the child does not have a guarantor, which is another important requirement in the applicable regulations

**Tabel I.I**

**Data on students at the Pekanbaru Class II Special Development Institution for Children who received Conditional Release (PB) during 2019-2022**

| No | Year | Quantity | Information |
|----|------|----------|-------------|
| 1  | 2019 | 35       | PB          |
| 2  | 2020 | 11       | PB          |
| 3  | 2021 | 49       | PB          |
| 4  | 2022 | 38       | PB          |

**Source: From data from the Pekanbaru Class II Special Development Institute for Children.**

Based on the data in Table I.1, the author obtained from LPKA Class II Pekanbaru, the number of prisoners and inmates who received parole during the 2019-2022 period experienced fluctuations, where the lowest number was in 2020 and the highest was in 2022. Based on The author wants to conduct research regarding the data regarding the problems in granting parole to



assisted children at LPKA Pekanbaru and how to do it.

Based on research and data obtained by the author from the Pekanbaru Class II Special Development Institution for Children, information was obtained that the obstacles when proposing Conditional Release (PB) include: 1) Insufficient completeness of the required documents for Correctional Assistance Children (ABP) to complete the proposal for Conditional Release 2) Absence guarantor of the student for the proposal for Conditional Release, and 3) The student, of his/her own wish, does not wish to be proposed for Conditional Release on Conditional Leave.

## **B. Problem Statemen**

With the background of the research, it can be formulated as follow:

1. What are the problems with parole for correctional students at the Class II

Special Development Institution for Children in Pekanbaru?

2. What are the efforts to overcome the problems of parole for correctional students at the Class II Special Development Institution for Children in Pekanbaru?

## **C. Research Objectives**

The objectives of this study are:

- a. To explain the Problems of Parole at the Class II Special Development Institution for Children in Pekanbaru
- b. To explain what efforts are in overcoming the Problem of Parole for Correctional Students at the Class II Special Development Institution for Children in Pekanbaru

## **D. Research Methods**

The type of research used is empirical juridical research. Empirical juridical research is legal research carried out by



looking at real law or examining how law works in society.<sup>5</sup>

## E. Research Results and Discussion

### 1. Problems of Parole for Correctional Students at the Class II Special Development Institution for Children in Pekanbaru

In addition to enforcing the law, the implementation of punishment in correctional institutions also emphasizes resocialization so that correctional inmates can successfully integrate into the community environment, which aims to ensure that correctional inmates realize their mistakes, improve themselves and not repeat criminal acts so that they can be accepted again by society. actively play a

role in development and can live normally as good and responsible citizens.<sup>6</sup>

Granting parole is the right of every prisoner, but when granting parole, social, economic, political and cultural perspectives must be taken into account. It is hoped that this will not injure the people's trust and uphold the authority of law enforcers in the eyes of the public, so that the dream of making a rule of law country free from terror will be carried out as expected.<sup>7</sup>

Regulation of the Minister of Law and Human Rights No. 3 of 2018 Article 89 Conditional Release can be granted to children who are serving a prison sentence

<sup>5</sup> Dimas Adi Prayogodimasadyga, Helianyinaheliany, Supriyantoedyanto, "Implementation of Sanctions for Correctional Inmates Who Violate Rules (Studies in Jakarta Class Iia Narcotics Prison" Yure Humano LAW Faculty of MPU Tantular University, Vol. 6 No. 1, 2022, p. 61

<sup>6</sup> Yudi Hari Yanto, "Effectiveness of Conditional Release in the Development of Narcotics Convicts (Study at Class III Dharmasraya Penitentiary)", Unes Law Review Vol. 3 No. 3, March 2023, p. 241

<sup>7</sup> Hagai Fernando Ulukyanan, "Judicial Study of the Granting of Parole to Terrorism Convicts" Lex Crimen Vol. 8 No. 10, October 2019, p. 98



at the LPKA who have fulfilled the following requirements: a. has served at least 1/2 (one half) of the criminal term; and b. have good behavior while serving a criminal period of at least 3 (three) months, calculated before 1/2 (one-half) of the criminal period.

Regulation of the Minister of Law and Human Rights No. 7 of 2022, changes to Permenkumham No. 3 of 2018 Conditions for granting conditional release to children are changed, as intended in Article 89, proven by complete documents:

- a. copies of excerpts from the judge's decision and minutes of implementation of the court decision;
- b. a copy of the birth certificate or certificate from the Head of LPKA stating that the child is not yet 18 (eighteen) years old;

- c. coaching progress report in accordance with the convict coaching assessment system signed by the Head of LPKA;
- d. community research reports made by Community Advisors who are known to the Head of Bapas;
- e. notification letter to the district attorney regarding the plan to propose granting conditional release to the child concerned
- f. copy of register F from the Head of LPKA
- g. a copy of the list of changes from the Head of LPKA;
- h. a statement letter from the child that he will not commit any unlawful acts; And
- i. letter of guarantee of commitment from the family, guardian, social institution, government agency, private agency, or foundation known



to the village head, village head, or other name stating that: 1) The child will not run away and/or will not commit any unlawful acts ; and 2) assist in guiding and supervising children while participating in the Parole program.

Based on the results of the author's interview with the Head of Development at LPKA, Mrs. Hesty Yunita, stated that there was no guarantor from the family. The guarantor/family of the prisoner and the inmates themselves are not willing to act as guarantors, nor are the whereabouts and whereabouts of the prisoner's family known.<sup>8</sup>

There is no guarantor, this guarantor is needed to fulfill procedural

requirements, where the guarantor in question is the prisoner's family who can guarantee the prisoner after he is released from his sentence so that he can be accepted by the local community. This guarantee letter is made by the family as an administrative file by knowing the village head/subdistrict head in the village where the prisoner lives. In the absence of a guarantor for prisoners, it makes it difficult to distribute parole as a fulfillment of prisoners' rights carried out by BIMPAS.<sup>9</sup>

Prisoners who violate the disciplinary law at LPKA Class II Pekanbaru which causes the prisoner or assisted child to fail or cannot be proposed

<sup>8</sup> Interview with Head of Development, Mrs. Hesty Yunita at LPKA

<sup>9</sup> Mhd Raja Haholongan, Mitro Subroto "Obstacles in Granting Parole at the Class IIB Padang Sidempuan

Penitentiary" Tambusai Education Journal, Vol. 6 No. 1, 2022, p. 8333



for conditional release or conditional leave."

Based on the results of the author's interview with Mr. Heru Prabowo Adi Sastro, as the Head of the Education and Community Guidance Sub-Section for the Special Development Institution for Class II Children in Pekanbaru, the author can conclude that the importance of a guarantor from the prisoner's family who is willing to provide guarantees as well as the attitudes and behavior shown by the prisoner during the period of detention is an important thing in supporting the process of granting integration rights to parole and conditional leave to prisoners and assisted children who are entitled to receive them according to applicable regulations.<sup>10</sup>

From an interview conducted by the author, Mrs. Hesty Yunita as Head of Development on April 27 2023 added that: LPKA always tries as hard as possible so that the prisoners and children who we propose to get the right to parole can be fully realized and propose as many criminal prisoners and children as possible. to get conditional release and conditional leave, but in reality not all prisoners and inmates who we propose to get conditional release and conditional leave are due to the actions of prisoners and inmates who commit violations and do not fulfill the requirements, both substantive requirements and administrative requirements such as guarantors who does not want to guarantee prisoners and assisted children as

<sup>10</sup> Interview with Mr. Heru Prabowo Adi Sastro, as Head of Education and Community Guidance Sub-

Section for the Special Development Institute for Class II Children in Pekanbaru,



determined by the Ministry of Law and Human Rights"

Based on the results of the researcher's interview with the Head of the Development Section of the Pekanbaru Class II Special Development Institution for Children, the author can conclude that those in charge of administering the rights of prisoners and assisted children to receive parole or conditional leave have tried their best and even proposed as many prisoners and assisted children as possible to enter. categories can be proposed, but what happens is that not all of the proposed prisoners can be realized, this is due to the actions of prisoners and their own children who hinder the process of granting prisoners their right to parole, as well as guarantors who do not want to be

guarantors for prisoners and the foster child.<sup>11</sup>

Based on the results of the author's interview with one of the assisted children at LPKA Class II Pekanbaru, namely Aldiansyah on Wednesday 24 November 2022, he stated that: Until now the child is still waiting for confirmation whether he deserves the right to parole or not, because of the crime he committed. was committed, namely a child protection crime which resulted in the child having to be detained for 2 years and only serving a period of detention of approximately 9 months and as a result of the actions he committed he would accept the risks, including the family rarely meeting and communicating, and not wanting to be a guarantor.<sup>12</sup>

<sup>11</sup> Interview with the Head of the Development Section at the Special Development Institute for Class II Children in Pekanbaru

<sup>12</sup> Interview with assisted children at LPKA Class II Pekanbaru on Wednesday 24 November 2022



Based on the results of the author's interview with one of the children assisted by the Pekanbaru Class II Special Development Institute for Children, the author can conclude that the child's regret for what he has done and how rarely he is visited by his family, this proves that the community which is his own family does not pay enough attention to the development of his children. where a lack of attention and supervision from the child's parents is one of the factors that causes children to commit crimes.<sup>13</sup>

The process takes quite a long time from the start of registration until the decree is issued. When the guarantor completes the required documents, sometimes they experience problems in

the field, such as busy work, the absence of the village head when they want to be asked to sign the guarantor file and the process at the Directorate General of Corrections takes a long time because the Directorate General of Corrections is the center for all application submission processes throughout Indonesia.

The application for administrative documents is still progressing slowly, due to the large number of applications from all prisons in Indonesia which are based at the Office of the Directorate General of Corrections in Jakarta. This causes the implementation of the prisoner development stage to be delayed due to waiting for a Decree from the Director General of Corrections.<sup>14</sup>

<sup>13</sup> Interview with assisted children at LPKA Class II Pekanbaru on Wednesday 24 November 2022

<sup>14</sup> Aan Riana Angkasa Aji Putra, Ningrum Puspita Sari, "Obstacles in Granting Parole at the Class II A

Penitentiary in Sragen" *Recidive* Vol. 2 No. 3 Sept-December 2013, p. 287



Violating disciplinary laws in prison which causes the prisoner to be threatened with failure to obtain conditional release. One of the conditions for granting the right to parole for child prisoners is if the child has behaved well, shows good character, begins to experience better inner changes, shows an attitude of conscience, in short language, the child prisoner has shown good behavior. However, if this does not happen to child prisoners, in the sense that there is no change during 2/3 of their sentence, it is clear that the right to parole cannot be realized for them (child prisoners). According to Muhammad Nasir, child prisoners who do not behave well then the process of granting them parole on hold or cancelled.<sup>15</sup>

The wishes of prisoners and inmates who do not want to be proposed for integration are due to the remaining sentence not being too long and not having a guarantor.

## **2. Efforts to Overcome Obstacles During the Implementation of Granting Conditional Release and Conditional Leave**

According to the chairman of the LPKA, he stated that to deal with the problem of obstacles to granting parole to child prisoners, one of the policy methods is to look for families or contact the prisoner's family to express their guarantee of accepting child prisoners during the development process outside the LPKA through the parole method. This effort is carried out not only to contact or look for the child's biological family (child

<sup>15</sup> Azis Setiawan, Scientific Journal of Conditional Release Students for Child Prisoners (A Research at

the Lhoknga Special Child Development Institute, Aceh Besar), Vol. 1(2) November 2017, p 176.



prisoners), but can also look for the child's distant family.

Then, one of LPKA's efforts is also to build cooperation with social services to help find out the families of prisoners whose origins are unknown, so that when they are released they can be directed in a better direction. Mr. Heru Prabowo Adi Sastro also added that these were all LPKA's efforts.

To overcome the lack of coordination and cooperation with agencies related to the Implementation of Parole Management at LPKA Class II Pekanbaru. In accordance with government regulations, the LPKA Class II Pekanbaru must further improve coordination and build good cooperative relationships with certain agencies/agencies related to the implementation of parole and conditional leave. for example from the Correctional

Center (BAPAS), the Social Rehabilitation Center for Children Who Need Special Protection (BRSMPK), the Population and Civil Registration Service (DISDUKCAPIL) and agencies/bodies that are directly or indirectly related so that the rights of prisoners and assisted children can be better fulfilled. optimal.

Based on the results of an interview on April 27 2023 with Mr. Heru Prabowo Adi Sastro as Head of the Education and Community Guidance Sub-Section at LPKA Class II Pekanbaru, even though it is still in the post-Covid-19 Pandemic Recovery Process, LPKA Class II Pekanbaru has tried to find solutions to overcome it, such as improving coordination, in the coaching process you are required to comply with every health protocol, apart from scheduling the coaching process with the relevant agencies, coordinating with law



enforcement officials regarding whether there are any other cases which will become an important aspect in implementing the proposal for conditional release and conditional leave. Then, one of LPKA's efforts is also to build cooperation with social services to help find out the families of prisoners whose origins are unknown, so that when they are released they can be directed in a better direction. Mr. Heru Prabowo Adi Sastro also added that these were all LPKA's efforts to fulfill the rights of prisoners and assisted children.

Independent training is an effort made to overcome the lack of training for officers, the lack of training becomes an obstacle in implementing prisoners' rights. Apart from that, the training is also to train and increase officers' insight regarding the rules and implementation in accordance

with the latest regulations that have been approved by the government in fulfilling the rights of prisoners and inmates. Therefore, independent training is very necessary to provide regular strengthening of officers' knowledge and insight regarding the rules related to the technical implementation of parole and conditional leave that apply to officers.

Independent training is an effective way to improve officers' abilities in addition to increasing officers' professionalism and making officers more integrity and professional. Independent training is an effort to improve the quality of officers who have integrity, honesty, morals and responsibility in carrying out their duties to uphold the values of truth and justice.

Based on the results of the author's interview with Mr. Mrs. Hesty Yunita. as



Head of the Development Section, on April 27 2023, at LPKA Class II Pekanbaru every year, we have submitted a request for the procurement of facilities and infrastructure to support and realize programs to fulfill the independence rights of prisoners and assisted children, for which the procurement of equipment has been submitted in the proposed work plan and LPKA Class II Pekanbaru budget every year

## F. Conclusion

1. Problems with granting conditional release to students at the Pekanbaru Class II Special Development Institution for Children include: There are no guarantors for students to apply for conditional release, paperwork for applications for administrative documents is still progressing slowly, students violate disciplinary laws, and there is no desire for students to apply for conditional release.

2. Efforts to deal with the problems of granting conditional release to students at the Pekanbaru Class II Special Development Institution for Children include: Searching for/contacting Guarantor Families, Collaborating well with related parties to make the application process easier, Carrying out regular independent training to increase knowledge officers comply with applicable regulations.

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