

The Implementation Of Conditional Leave For Juvenile In Women's Correctional Institution Class II B Bengkulu

ABSTRACT

Nowadays, violations of the law or criminal acts are not only committed by adults but criminal acts are increasingly being committed by children. When carrying out their criminal period, children have certain rights, one of which is the right to obtain Conditional Leave. Conditional leave is a coaching program to integrate prisoners and children into community life after meeting predetermined requirements. This study aims to determine the implementation of Conditional Leave for juvenile in Women's correctional institution Class II B Bengkulu. This research uses a normative-empirical method. The result of this research is that the Women's correctional institution Class IIB Bengkulu has been guided by the Minister of Law and Human Rights Regulation Number 7 of 2022 regarding the granting of Conditional Leave for Juvenile but there are obstacles in this process. Based on the conclusion of this research, it is necessary to improve cooperation, coordination and supervision in the implementation of the proposal and socialization to the family.

Key word: Conditional leave, Juvenile, Women's Correctional Institution Class

INTRODUCTION

The young generation is an indispensable component for the sustainability of human life and the survival of a nation and state in the long term. It is important that every child is given the widest possible opportunity to develop socially, physically, and psychologically (Samsudin, 2019). Nowadays, it is not only adults who violate the law or commit criminal acts, although there is a tendency for young people to be involved in criminal behavior. During the growth and development of children, we often encounter instances of deviant behavior committed by children. This deviant behavior exposes young people to legal consequences.

Elizabeth B. Hurlock argues that rapid changes occur during adolescence, causing feelings of inadequacy and anxiety which ultimately lead to bad behavior

(Syafira, 2020). When children reach adolescence and begin to explore their identity, they often notice the deviant behavior that results from this process. The behavior that causes this phenomenon can be attributed to various reasons, such as unbalanced cognitive patterns, social norms, the adverse effects of rapid progress, the influence of globalization on communication and information systems, technical advances, scientific advances, and shifts in the social field.

Based on Law No. 11/2012 on the Juvenile Justice System, children who have received a court decision and sentenced to imprisonment are placed in Juvenile Correctional Institution (LPKA) to fulfill their prison sentence while simultaneously undergoing training. However, there are actually several factors that cause correctional children, especially those who are female, to be placed in female adult prisons.

Corrections is the final end of the criminal justice system process. Based on Law No. 22 of 2022 on Corrections defines correctional services as referring to the component of the criminal justice system responsible for enforcing the law and providing care to prisoners, juveniles, and those undergoing correctional measures. Foster children refer to individuals between the ages of 14 and 18.

Legally, the correctional system is a comprehensive framework that sets guidelines and limits for the guidance of correctional prisoners in accordance with the precepts of Pancasila. It also serves as a system that promotes, monitors, and guides the improvement of the quality of correctional administration. The system is run through an integrated approach involving correctional officers, prisoners, and the community. Through facilitating inmates in correcting their mistakes, recognizing their criminal actions, correcting them, and preventing recurrence, they can turn into virtuous and responsible individuals, thus enabling them to reintegrate into society (Adhari, 2020).

In correctional institutions, juvenile have rights as stipulated in Article 13 paragraph (1) of Law Number 22 of 2022 concerning Corrections, Children who have met certain criteria are entitled, without exception, to obtain conditional permission. A Conditional Leave, sometimes known as CB, is a coaching program designed to reintegrate prisoners and juveniles into civilian life once they have met certain criteria.

One of the Technical Implementation Unit under the Regional Office of the Ministry of Law and Human Rights Bengkulu that has juvenile is the Women's Correctional Institution Class IIB Bengkulu. Based on the latest data as of May 07, 2024 the number of residents in Bengkulu Class IIB Women's Prison is 101 people. The number of prisoners is 74 people consisting of 73 adult prisoners and 1 child prisoner. The number of prisoners is 27 people consisting of 26 adult prisoners and 1 child prisoner. Based on the data above, the author is interested to discuss the implementation of Conditional Leave (CB) for juvenile in Women's Correctional Institution Class IIB Bengkulu.

Given the information provided in the introduction, the author presents the problem as follows:

1. How is the implementation of Conditional Leave (CB) for juvenile in Women's Correctional Institution Class IIB Bengkulu?
2. Are there any inhibiting factors in the implementation of Conditional Leave (CB) for juvenile in Women's Correctional Institution Class IIB Bengkulu?

The aim to be achieved in this scientific work is to find out the implementation of Conditional Leave (CB) for Juvenile as well as the inhibiting factors of the implementation of Conditional Leave (CB), especially in the Women's Correctional Institution Class IIB Bengkulu.

RESEARCH METHODS

In this scientific work the author uses the normative-empirical method. Normative research is a legal study that considers law as a norm-forming system. The standard system in question relates to principles, norms, laws, rules, conventions, and doctrines. The research was conducted using secondary data sources including laws and regulations, scientific journals, cooperation agreements, and the articles of association of the institution. Empirical research essentially investigates human behavior. The behavior studied in society is behavior that arises from interaction with the established normative framework. This interaction can be seen as a community

response to the application of useful legal regulations. It is also seen in community behavior as a way to actively influence the creation of beneficial regulations (Fajar & Yulianto, 2010).

Normative-empirical research in this scientific work is carried out by literature study through laws and regulations related to punishment or corrections, scientific papers, Conditional Leave Applications originating from the Correctional Database System (SDP) of Women's Correctional Institution Class IIB Bengkulu and the results of interviews with sources. The sources in question are children and officers in the Women's Correctional Institution Class IIB Bengkulu.

RESULT AND DISCUSSION

Implementation of Conditional Leave for Juvenile in Women's Correctional Institution Class IIB Bengkulu.

In Law No. 11/2012 on the Juvenile Justice System, children are given special care due to their status as the next generation, which has strategic importance. When using legal proceedings against juveniles, there are several considerations that need to be underlined, such as the mental and psychological health of the child, as well as the individual personality of the child himself (Zanah, Yofita & Zainudin, 2023). This requires supervision and security to ensure overall physical, spiritual and social maturity and progress. This special treatment can be seen starting from the proceeding process, trial to criminalization. In the implementation of criminalization, children are placed in Juvenile Correctional Institution (LPKA) where juvenile inmates do not feel they are in prison. However, in reality the number of LPKA is very limited and there are several things that are taken into consideration when children are placed in adult correctional facilities.

Correctional is an integral component of the government's integrated criminal justice system, which functions as part of the law enforcement process to provide services and direction for social integration (Waluyo, 2023). Over time, the requirements of correctional responsibility in the criminal justice system must adapt to the development of society by modifying correctional regulation. Law No. 22 of 2022

on Correctional provides for an enhanced role and responsibility in providing care to those suspected, accused or convicted of a crime. This includes treatment during the judicial process and the execution of criminal offenses, as determined by court decisions that have permanent legal force.

Correctional institutions are places for rehabilitation, reeducation and resocialization, in addition to ensuring the safety of prisoners and society, the correctional system also provides protection (Pratama, 2021). This approach ensures that the rights of prisoners and children are protected, while enhancing the personal development and independence of prisoners, allowing them to admit their mistakes, improve themselves, and prevent the recurrence of criminal behavior. Surianto (2018) emphasizes that the success of the criminal justice system depends on the application of effective advice in prison by the correctional system. This is because the pattern of development of prisoners and children leads to the successful rehabilitation and reintegration of prisoners, prisoners and children through the correctional system which can ultimately optimize criminal acts both in short and in long term.

Conditional leave is one of the integration rights for prisoners and children where the coaching process is outside the prison. Sobirin (2022) categorizes coaching outside the prison into several forms such as: parole, leave before release, conditional leave, assimilation and remission. Conditional leave for prisoners and juveniles is one of the strategic steps in coaching because if prisoners and juveniles are not behaving well, they cannot be granted or proposed for conditional leave.

The only women's prison in Bengkulu does not yet have special rules in the application of conditional leave. Instead, it follows the guidelines outlined in the Minister of Law and Human Rights Regulation Number 7 of 2022 which is the second amendment to the Minister of Law and Human Rights Regulation Number 3 of 2018 concerning Terms and Procedures for Granting Remission, Assimilation, Family Visiting Leave, Parole, Leave Ahead of Release and Conditional Leave and Technical Guidelines Number: PAS-26. OT.02.02 of 2020 concerning the Granting of Assimilation, Leave to Visit Family, Parole, Leave Ahead of Release, Conditional Leave and Calculation of the Period of Serving Criminal for Prisoners and Juveniles. The provisions for granting conditional leave for juveniles:

1. Substantive Requirements

- Conditional leave may be granted to a child who has met the following conditions:
 - a. Sentenced with imprisonment for a maximum of 1 (one) year.
 - b. Has served at least ½ (half) of the criminal period; and
 - c. Good behavior within the last 3 (three) months.
- Conditional Leave for Children is granted for a maximum period of 6 (six) months.

2. Administrative Requirements

Proven by the completeness of the proposed documents for granting Conditional Leave for Children:

- a) Photocopy of the judge's decision and the event report of the execution of the court's decision.
- b) A report on the progress of the child's development in accordance with the Prisoner Development Assessment System signed by the Head of Correctional Institution/LPKA/ Detention House.
- c) Community research report made by the Community Supervisor known by the Head of the Correctional Center.
- d) Notification letter to the State Attorney regarding the plan to grant Conditional Leave to the child concerned.
- e) Copy of Register F from the Head of Correctional Institution/LPKA/ Detention House.
- f) A copy of the Register of Changes from the Head of Correctional Institution/LPKA/ Detention House.
- g) A copy of the birth certificate or a certificate from the head of the prison.
- h) A statement from the child that he/she will not commit any unlawful act.
- i) A letter of guarantee from the family or guardian, or a social institution or foundation known by the village head or dessa head or other name stating that:
 - i. The child will not run away and/or not commit any unlawful act; and
 - ii. Assist in guiding and supervising the child while participating in the Conditional Leave program.

From the results of interviews that have been conducted by the author to the Sub-Section of Registration and Community Guidance in Women's Correctional Institution Class IIB Bengkulu, Mrs. Nora Afrianty said that in addition to substantive and administrative requirements, children must also fulfill their obligations to take part in the coaching program and obey and obey the prison rules, so that they will be proposed to get a Conditional Leave Proposal. The next thing to do is that the Correctional Institution will coordinate with the Correctional Center (BAPAS) to propose the child to be carried out Community Research (Litmas) by the Community Supervisor (PK). After the Litmas results are received, the correctional institution will fulfill the administrative requirements and conduct a Correctional Observation Team (TPP) hearing to determine whether or not this child is eligible to be submitted for Integration Rights in the form of Conditional Leave (CB). Finally, the Correctional Institution will submit the child's data and requirements to the center through Online Integration in the Correctional Database System (SDP) to obtain the relevant Conditional Leave Decree.

One of the positive impacts of the proposed Conditional Leave (CB) is to develop an obedient and submissive personality. This was based on the results of the author's interview with the Juvenile who received the Conditional Leave proposal, namely Nadine Putri Wijaya. In her narrative, she said that while being fostered in Women's Correctional Institution Class IIB Bengkulu, she always obeyed the rules in the prison and participated in personality and independence development programs such as learning the Quran, studying package B, Scouting, State Defense activities and attending training in the field of skills in there. She admits that while in prison she can perform the 5 daily prayers and can routinely recite surah in quran which when she is outside the prison this is rarely done by her. Nadine further said that the Conditional Leave proposed for her was also obtained without any fees from the prison.

The inhibition Factors in the Implementation of Conditional Leave for Juvenile in Women's Correctional Institution Class IIB Bengkulu.

Based on data from the Correctional Database System (SDP) of the Bengkulu Class IIB Women's Prison, the proposed juvenile inmates was:

List Of Proposals For Conditional Leave (Cb) In 2024

No	Name of Juvenile	No. Registrasi	Year of Proposal	Proposal type	Date of Hearing UPT	DG Verif date	DG/Minister Approval date	DG approval authorizati on date
1	Nadine Putri Wijaya Binti Pebby Wijaya	BIIa. 01/A/2024	2024	CB	27/04/2024	13/05/2024	15/05/2024	22/05/2024

Data Source: SDP Women's Correctional Institution Class IIB Bengkulu

In practice, the implementation of Conditional Leave for Children in Women's Prison Class IIB Bengkulu also experiences obstacles. It can be seen from the table above that the process of proposing Conditional Leave (CB) in 2024 in Women's Prison Class II B Bengkulu for children on behalf of Nadine Putri Wijaya Binti Pebby Wijaya experienced delays. It appears from the data that the date of the hearing at the Technical Implementation Unit (UPT) until the date of the approval authority of the Directorate General took almost 1 month. It is known that based on an interview with one of the Registration Staff, Mrs. Inayah Maharani revealed that ½ (half) of the criminal period of the child concerned fell on March 06, 2024. Furthermore, she explained that the conditional leave decree for the child was only received by the Technical Implementation Unit (UPT) on May 22, 2024 at SDP Women's Correctional Institution Class IIB Bengkulu and confirmed the delay in the process of implementing this conditional leave. The Correctional Institution has already made every effort in proposing Conditional Leave so that children get this integration rights.

In the same context as the information from her staff, the results of the author's interview with Mrs. Melina Sandriyanti, who is the Section Head of Prisoner Development and Work Activities, revealed that there are several factors that inhibit the implementation of conditional leave for inmates and children in prison:

1. The family is not responsive in the process of obtaining Conditional Leave for their child. Mrs. Melina explained that the length of time required in the process of collecting and returning one of the documents required for the conditional leave proposal, namely the guarantee letter from the family.
2. The implementation of Litmas and the results of Litmas from the Community Supervisor (PK) for children was delayed. The Women's Correctional Institution Class IIB Bengkulu has coordinated with the Bengkulu Correctional Center to

request the implementation of community research (Litmas) based on the Women's Correctional Institution Class IIB Bengkulu Letter on January 18, 2024 Number: W8.PAS.PAS10.PK.01.04.03-91. Meanwhile, the results of the Litmas itself were received via Email on April 23, 2024.

3. Repeated return of data from the center on the SDP of the Women's Correctional Institution Class IIB Bengkulu. This is due to several factors such as the illegibility of documents on SDP and the lack of coordination from the Center to UPT regarding the completeness of uploaded documents to fulfill the requirements for proposing Conditional Leave.

In the end, the provision of integration rights in the form of Conditional Leave (CB) for children who have behaved well and participated in the coaching program is an honor as a whole human being so that they can return to the community. It is realized that efforts to protect children both physically and morally must receive special attention as a prerequisite for the growth and development of children to become “healthy” adult humans (Pramono, 2021).

CONCLUSION

Based on the results of research on the implementation of conditional leave for children in women's prison class IIB Bengkulu, the following conclusions can be drawn as follows. First, in obtaining Conditional Leave, there are several prerequisites that must be met. Children can be imprisoned for a maximum of 1 year, provided that they have completed at least half of their sentence and have shown good behavior within the last 3 months. In addition, the prison is required to fulfill administrative obligations, including providing photocopies of relevant parts of the judge's decision and records documenting the implementation of the court decision. The prison director has signed the Child Development Progress Report based on the Prisoner Development Assessment System, a copy of the good behavior, the register of changes, the birth certificate as well as the community research report. The child also makes a written statement confirming his/her dedication not to engage in any unlawful activity. A letter of guarantee from the family or legal guardian stating their ability to fulfill their responsibilities.

Second, factors that become obstacles in the implementation of Conditional Leave (CB) were as follows: Families who are less responsive in the process of obtaining Conditional

Leave; the implementation of Litmas and the results of Litmas from the Community Supervisor (PK) for children is tedious; There is a return of data from the center to UPT through SDP.

In the implementation of Conditional Leave for Children in Women's Prison Class IIB Bengkulu, it was found that there were several obstacles that needed to be resolved. The following are suggestions that can be recommended in this research as follows. First, women's Correctional Institution Class IIB Bengkulu needs to improve cooperation and coordination in the implementation of the proposed integration rights with related parties both vertically and horizontally. Second, the Bengkulu Regional Office of the Ministry of Law and Human Rights, which oversees the Women's Correctional Institution Class IIB Bengkulu and BAPAS Bengkulu, should improve its supervision of the implementation of integration rights for children. Third, for the community, especially the family to play an active role in helping fulfill the requirements for the implementation of integration rights for children.

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