AUTHORITY OF CLASS I PENITENTIARIES BANDAR LAMPUNG AS A PUBLIC SERVICE IN HANDLING GLOBAL PANDEMIC

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ABSTRACT

Prisons are closed places with high occupancy rates and are very vulnerable to the spread of Global Pandemic, so a policy from the government is needed to prevent the spread of Global Pandemic in the prison environment. This study uses a normative juridical approach and an empirical juridical approach. Collecting data by field studies and literature studies. Data analysis was carried out in a qualitative juridical manner, namely the analysis was carried out descriptively. Research results discuss implementing prison authorities as a Class I prison policy in Bandar Lampung which applies visitation restrictions for inmates in the form of online visits via Whatsapp media based on the instructions of the Director General of Corrections Number: PAS-08.OT.02.02 of 2020 concerning Prevention, Handling, Control and Recovery of Corona Virus Disease (Global Pandemic) at the Correctional Technical Implementation Unit. The inhibiting factor consists of interference with the internet connection at the destination number. is a network problem that is used for online visitation services with the Correctional Database System and does not yet have a special network with the Correctional...
Database System and the current factor of facilities for video call services is still very lacking, because when conditions are crowded the queues of inmates to be able to use online visit services are sufficient long.

Keywords: Correctional Institution; Global Pandemic

INTRODUCTION

The world was experiencing an outbreak of the Covid-19 as a global pandemic that is spreading throughout the countries. The spread of this corona virus began in China, at the beginning of its emergence and spread to humans. The virus was first discovered in Wuhan City, China, which is a mutation of the severe acute respiratory syndrome coronavirus-2 (SARS-CoV-2) virus that is of non-human origin and transmits to humans. The Corona Virus Disease pandemic in 2019 (Global Pandemic), has a very big influence on all aspects of human life. The World Health Organization (WHO) as the world health organization declares GLOBAL PANDEMIC as a pandemic due to the level of spread, severity, and inaction in the containment of this virus.

The gradual and development of the Global Pandemic pandemic outbreak is due to the characteristics of the Global Pandemic virus
which is easily spread. The spread of Global Pandemic, whose ability to transmit from human to human, raises concerns for the community and the government itself. This concern is very reasonable because the population of Indonesia is not small (many) compared to other countries. In addition to the population, the government's concern is present because the number of prisoners in prisons is overcrowded, thus providing opportunities for the transmission of pandemic.

The Penitentiary showed the concern was no joke. The number of prisons throughout Indonesia is 360 with a capacity of 293,583 prison residents, this has resulted in overcrowded up to 12% in Indonesia as of 2020. The high number of infectious diseases in both the State Detention Center and in the Penitentiary is caused by the main factor, namely overcrowded. Although the disease is transmitted through different media, because high contact between residents results in a high risk of them contracting it with other residents is also high.

The Penitentiary, hereinafter abbreviated as Prison, is a place to provide guidance for prisoners and correctional students in Indonesia, prison is a Technical Implementation Unit under the Directorate General of Corrections of the Ministry of Law and Human Rights formerly the Ministry of Justice. Prison residents can be prisoners or correctional assisted residents which are hereinafter abbreviated as assisted citizens, they can also be those whose status is still in custody, meaning that the person is still in the criminal justice process and has

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5 Ikhsan Lintang Ramadhan. STRATEGIES TO PREVENT THE SPREAD OF GLOBAL PANDEMIC IN PRISONS. Justitia: Journal of Legal Sciences And Humanities. Vol. 7 No. 3, p. 519.


7 Correctional Database System (SDP), Directorate General of Corrections (Ditjen PAS).

not had permanent legal force or has not been determined guilty or not by the Panel of Judges. In the prison there are many types of services that can be provided, both for the families of the assisted residents and the assisted residents themselves, one of which is the visiting service.

The correctional system is organized in order to form fostered citizens to become fully human beings, realize mistakes, correct themselves, and not repeat criminal acts so that they can be accepted again by the community, can actively play a role in development, and can live reasonably as good and responsible citizens. The correctional system functions to prepare fostered citizens so that they can integrate healthily with the community so that they can play a role again as free and responsible members of society.\(^9\)

Based on the correctional system, to achieve the goal of punishment, namely maintaining legal order in society, it is carried out by revoking the independence of prisoners for a certain period of time. Therefore, Correctional Assisted Citizens continue to obtain their other rights as befits a human being, in other words, their civil rights are still protected such as the right to obtain health care, eating, drinking, clothing, bedding, skills training, sports, or recreation.\(^{10}\)

Zainal Abidin stated that restorative justice has been placed in the context of answering substantive and practical problems. Substantively, justice about victims of crime, an approach oriented towards the recovery of victims and opens up space for community participation. In practical terms, it reduces the burden of prisons – overcapacity that has an impact on the difficulty of improving the treatment of perpetrators according to standards. However, restorative justice has not been placed in a larger context – as a way to 'restore'

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conditions as a result of the conflict and overcome 'social injustice', as one of the contemporary problems facing Indonesia.\textsuperscript{11}

The Government of Indonesia through the Ministry of Law and Human Rights took steps to minimize the impact of Global Pandemic on prisoners in prisons by granting Assimilation Rights and Integration Rights for Prisoners, this step was implemented by the Ministry of Law and Human Rights by releasing prisoners to prevent the spread of Global Pandemic.\textsuperscript{12}

In terms of fulfilling prisoners' rights regarding health services, they are entitled to preventive measures so that they avoid disease, as well as treatment if they are sick. They are also citizens who have the right to get health services just like people outside the institution. However, because they carried out the criminal loss of independence in prisons, and the state gave authority over them to prisons, so that the fulfillment of their health services was borne by the penitentiary.\textsuperscript{13}

As before the Corona Pandemic, a program has been initiated to reduce the number of prisoners in prisons, for example by proposing to optimize the imposition of substitute crimes in the form of fines, conditional penalties and penal mediation, the implementation of which still requires adjustments and changes in the criminal law and the criminal system. As part of the Integrated Criminal Justice System.\textsuperscript{14}


\textsuperscript{14} Andreas Eno Tirtakusuma, "Modification of the Implementation of Court Decisions (Study of The Release and Release of Prisoners and Children through Assimilation and Integration in the Context of Preventing and Overcoming the Spread of Global Pandemic)", in SELISIK: Jurnal Hukum, Vol. 6, Number 1, June 2020,
In order to reduce the impact of the rapid spread and transmission of the Corona Virus Disease (Global Pandemic) outbreak, the Ministry of Law and Human Rights has established a Circular Letter of the Secretary General of the Ministry of Law and Human Rights Number: SEK.02.OT.02.02 of 2020 dated March 13, 2020 concerning prevention and handling of Corona Virus Disease (Global Pandemic) within the Ministry of Law and Human Rights.\(^{15}\) Guided by the above regulations, the Ministry of Law and Human Rights issued Circular Number: PAS-20. PR.01.01 of 2020 concerning Progressive Steps in Overcoming the Spread of Corona Disease (Global Pandemic) Virus in the Correctional Technical Implementation Unit.\(^{16}\) With overcrowded conditions in prisons/LPKA/detention centers throughout Indonesia resulting in a high risk of spreading Global Pandemic, so it is necessary to anticipate and take steps to minimize the impact on prisoners and detainees in prisons/LPKA/detention centers, the Minister of Law and Human Rights issued Minister of Law and Human Rights Regulation Number 10 of 2020 concerning Conditions for Providing Assimilation and Integration Rights for Prisoners and Children in the Context of Preventing and Overcoming the Spread of Global Pandemic.\(^{17}\) In a precarious condition like today, Indonesia needs appropriate and effective policies from the Government, one of which is issuing menkumham decree No. M.HH-19. PK/01.04.04 regarding the release of prisoners and children in conflict published by the Master of Law Program, Faculty of Law, University of Pancasila, p. 17.

\(^{15}\) Circular of the Secretary-General of Corrections Number. SEK.02.OT.02.02 of 2020 concerning prevention and handling of Global Pandemic in the Ministry of Law and Human Rights.

\(^{16}\) Circular Letter of the Ministry of Law and Human Rights Number: PAS-20. PR-01.01 of 2020 concerning Progressive Steps to Overcome the Spread of the Global Pandemic Virus in the Correctional Technical Implementation Unit.

\(^{17}\) Indonesia, Regulation of the Minister of Law and Human Rights Number 10 of 2020 concerning Conditions for Providing Assimilation and Integration Rights for Prisoners and Children in the Context of Preventing and Overcoming the Spread of Global Pandemic.
with the law. Reflecting on the basis of considerations for the presence of a prisoner release policy through the decision of the Minister of Law and Human Rights Decree No. M.HH-19.PK/01.04.04, the release of prisoners considering the soaring number of prisoners in prisons at this time.\textsuperscript{18}

Based on the background above, the author formulates the following problems as to how the implementation of the authority of the Penitentiary in the strategy of prevention, handling and recovery of Global Pandemic in the Bandar Lampung Class I Correctional Institution as a form of public service and what are the factors hindering the implementation of authority in the prevention strategy, handling and recovering Global Pandemic at the Bandar Lampung Class I Correctional Institution as a form of public service.

**METHODS**

This research is empirical juridical research, legal research on the concrete application of normative legal provisions to a certain legal event that occurs in society.\textsuperscript{19} The research was conducted within the Bandar Lampung City Jurisdiction. In empirical juridical research, the types of data needed are primary data obtained directly from the public and secondary data obtained from library materials. Primary data is obtained directly in the form of information and opinions of respondents and the realities that exist in society through interviews and observations.\textsuperscript{20}

**RESULTS AND DISCUSSION**

Indonesia as a country based on law, the Indonesian state must uphold the rule of law, both in the administration of government and in


\textsuperscript{19} Abdul K. Muhammad, 2004, Law and Legal Research, Citra Aditya Bakti, Bandung, p 154

\textsuperscript{20} Soerjono Soekanto, 1986, Introduction to Legal Research, University of Indonesia, Jakarta, p, 11.
the midst of society. This is possible if the existing legal system is well organized and can be applied optimally. The rule of law is a concept of the existence of a state. According to Lintje Anna Marpaung, explaining that the state is an organization that is the product of politics, which in this case can also be interpreted as a policy, strategy, steps, tips or policies, to achieve the desired goals.21

Indonesia needs to carry out development and renewal intensively in various fields, including in the field of law, which is one aspect of development that is very important in supporting the achievement of national goals and which is highly expected by all Indonesian people in accordance with the development of thinking and progress of today's era. The outbreak of the Corona Virus Disease (Global Pandemic) is not an obstacle to advancing and enforcing the law in the State of Indonesia by complying with the health protocols recommended by the government.

According to Ludig Von Bertalanfy in his book Baharudin explains that law as a system in carrying out its functions to achieve the desired goals effectively, law must be seen as a sub-system of a large system, namely society and its environment.22 One of the existing legal sub-systems is the correctional system, where the correctional system is organized by the government to foster correctional inmates so that they can improve themselves and live normally as good and responsible citizens.

The correctional system is held in order to form inmates to become fully human, to realize mistakes, to improve themselves, and not to repeat criminal acts so that they can be accepted back by the

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community, can actively play a role in development, and can live naturally as good and responsible citizens. Correctional system serves to prepare the inmates to be able to integrate in a healthy manner with the community so that they can play a role again as free and responsible members of society.\(^{23}\)

Based on the results of research at Class I prisons in Bandar Lampung, data obtained that implementation of prison authorities in strategies for preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service as follows:

a. Carry out health protocol actions including:
   1) Taking Prevention (Yellow Zone);
   2) Doing Handling (Yellow Zone);
   3) Perform Control (Red Zone);
   4) Perform Recovery (Red Zone).

b. Take action in the form of limiting visiting services for inmates
   During the Global Pandemic pandemic, visiting services that were originally family or certain other people can visit and communicate directly with prisoners or inmates are abolished indefinitely. In order to fulfill the rights of inmates and detainees, in accordance with the circular letter, the Head of the Prison was ordered to temporarily suspend direct visits for inmates at Class I prisons in Bandar Lampung and carry out visiting services by optimizing information technology-based facilities such as video calls.

Based on Lawrence M. Friedman describes the function of law as a tool of social control, the legal system affects human life. The role of law as a tool of social control can be seen when the law is projected to create change in society implementation of the authority of prisons in the strategy of preventing, handling and recovering Global Pandemic

in Class I prisons in Bandar Lampung as a form of public service is in accordance with what Lawrence M. Friedman said that:

a. From Legal Substance (Legal Substance)
   There are regulations Decree of the Minister of Law and Human Rights Number: M.HH19PK.01.04.04 of 2020 concerning the Release and Release of Prisoners and Children through Assimilation and Integration in the Framework of Prevention and Control of the Spread of Global Pandemic, where the decision is an assimilation policy of prisoners and prisoners, in order to minimize the transmission of Global Pandemic in prisons in Indonesia and the Instruction of the Director General of Corrections Number: PAS-08.OT.02.02 of 2020 concerning Prevention, Handling, Control and Recovery of Corona Virus Disease (Global Pandemic) in the Correctional Technical Implementing Unit as a legal umbrella for Class I Bandar Lampung prisons in carrying out health protocol actions in the context of preventing and overcoming the spread of Global Pandemic.

b. From the Legal Structure (Legal Structure)
   The existence of health protocol actions in prisons is a very important policy to be implemented, because the massive and rapid spread of the Global Pandemic virus has become the focus of all levels of society, including the ranks of Class I prisons in Bandar Lampung. There is still unequal access to facilities and medical personnel as well as the excess capacity of Class I prison residents in Bandar Lampung, which reaches more than 100% (one hundred percent), causing a high risk of Global Pandemic transmission. Global Pandemic is a highly contagious disease that spreads through the air (airborne). The Global Pandemic virus causes prison residents who are in the same room with infected residents, to breathe the same air for a sufficient duration. Therefore, the risk of transmission is very high in a closed, unventilated and congested room in Bandar Lampung Class I Lapas, the previously high risk increases when such facilities are overcrowded, unventilated and unhygienic. Overpopulation of residents in prisons has become a chronic problem, preventive measures and health services are still minimal, so the risk of transmission becomes extreme.
c. From Legal Culture (Legal Culture)

Existence

Instructions of the Director General of Corrections Number: PAS-08.OT.02.02 of 2020 concerning Prevention, Handling, Control and Recovery of Corona Virus Disease (Global Pandemic) at the Correctional Technical Implementation Unit as a legal umbrella for Class I prisons in Bandar Lampung in carrying out health protocol actions very positive impact and run effectively with the health protocol action in the form of the division of the yellow zone and red zone which includes prevention, handling, control and recovery in the Class I prison environment in Bandar Lampung.

This situation is related to the theory of its working the function of law as a tool of social control in society, the legal system affects human life. The role of law as a tool of social control can be seen when the law is projected to create change in society. The legal system theory of Lawrence M. Friedman states that as a legal system of a social system, the operation of the law in this case the law to achieve the goal of correctional is influenced by the components, namely the regulatory agency, the institution implementing the regulations and the role holders. No matter how good the goal of the regulatory agency is to make a regulation and no matter how well the regulatory implementing agency (Lapas) applies the regulations, the goal of correctionalization will not be achieved if it does not get support from the role holders, in this case the community and other relevant agencies. If the health protocol measures are not implemented, then the efforts of the prison will be in vain to carry out statutory orders.

Based on the description above, it can be analyzed that the implementation of prison authority in the strategy of preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service is the policy of Class I prisons in Bandar Lampung which implements health protocol actions in the form of division of yellow zones and red zones which include prevention, handling, control and recovery in Class I prisons in Bandar Lampung and limiting visits for inmates in the form of online visits via Whatsapp media, both of these are an effort to break the chain of the spread of Global Pandemic, where Class I prisons in Bandar Lampung, since early
April 2020 until now, the visiting service for inmates has been abolished and replaced by an online visit service, this is a policy carried out by the Class I Lapas Bandar Lampung in providing visiting services to inmates during the Global Pandemic Pandemic.

Factors Inhibiting The Implementation Of Authority In The Global Pandemic Prevention, Handling And Recovery Strategy At Class I Penitentiary Bandar Lampung As A Form Of Public Service

Public service basically involves a very broad aspect of life. In the life of the state, the government has the function of providing public services needed by the community, starting from services in the form of regulation or other services in order to meet the needs of the community in the fields of education, health and others. According to Jazim Hamidi in his book Luthfi J. Kurniawan and Mustafa Luthfi, public services organized by the government can generally be grouped into 3 (three) types, namely:

a. Primary Service, the most basic service;
b. Secondary Services, support services;
c. Tertiary services, services that relate indirectly to the public.²⁴

Public service is a basic right for citizens that must be fulfilled by the state. This is done because public servants are an inseparable part of the State's obligation to prosper its people. The shift from a state-oriented paradigm to a public-oriented paradigm has given little hope for change, although the changes that occur cannot be separated from serious public pressure for the government to immediately reconstruct the paradigm in managing and running the government, including in the provision of public services. According to Juniarso Ridwan in his book Luthfi J. Kurniawan and Mustafa Luthfi, there are several important things in an effort to support the improvement of public services including:

a. Legal factors, the law will be easily enforced, if the rules or laws as a source of law support the creation of law enforcement.

b. The Government Apparatus factor is one of the factors in the creation of an increase in public services.

c. Facility Factor;

d. Community Factors;

e. Cultural factors.\(^\text{25}\)

According to Adrian Sutedi, there are still many differences in the notion of excellent service quality, ranging from conventional to strategic ones. The conventional concept of quality describes the direct characteristics of a product such as performance and reliability, easy to use, aesthetics and so on. The concept strategically states that quality is everything that is able to meet the desires or demands of the community or customer needs.\(^\text{26}\)

Public services aim to realize a proper public service delivery system in accordance with the general principles of good governance and corporations and to fulfill the implementation of public services in accordance with laws and regulations and even to realize legal protection and certainty for the community in the implementation of public services provided by the state administration. The paradigm of public service in the era of regional autonomy which is regulated through various kinds of laws and regulations, is essentially to realize good governance. The paradigm of public policy in the era of regional autonomy is oriented to customer satisfaction. Poor public services, indicating the performance of government management is not good.

Based on the results of research at Class I prisons in Bandar Lampung, data was obtained that one form of correctional bureaucratic reform in prisons was the provision of online visiting services to inmates during the Global Pandemic pandemic in accordance with standard

\(^{25}\) Ibid, p. 32.

operating procedures (SOPs) determined by Class I prisons. Bandar Lampung.

Public services organized by Class I prisons in Bandar Lampung in the form of visiting services for families of inmates are excellent services in the public sector in accordance with service standards that are carried out optimally. Where public services in the form of online visit services are a form of implementing authority in the strategy for preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service. However, in the implementation of this authority, there are several factors that hinder the implementation of the authority in the strategy for preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service.

The online visit service carried out by the Class I prison in Bandar Lampung is part of the public service to the community. The online visit service carried out by the Class I prison in Bandar Lampung in the form of a video call service for each inmate is basically very easy to access communication between inmates and their families without having to make direct contact. This service can only make outgoing calls to families, and for reasons of security of communication access, the Bandar Lampung Class I prison video call service cannot receive incoming calls from families.

Factors inhibiting the implementation of authority in the strategy for preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service in the form of online visit services include the following:

1. The first obstacle
   Interference with internet connection at the destination number. is a network problem, the network used for online visiting services is Indihome which is integrated with other information technology-based services, namely the Correctional Database System and does not yet have a special network. This is also complained of by the inmates who often use video call visiting services, in practice sometimes the images lag or the images are broken.

2. The second obstacle is the facilities on the Video Call service
The computer equipment facilities owned by the Class I prison in Bandar Lampung are currently still lacking, because when conditions are crowded, the queues of inmates to be able to use online visit services are quite long.

The implementation of prison authority in the strategy of preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service is a special correctional program, namely policies in providing visiting services to inmates. Although it is special, it certainly does not reduce the quality of public services that will be provided.

Based on the description above, it can be analyzed that the inhibiting factors for the implementation of authority in the strategy for preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service consist of internet connection disturbances at the designated number. is a network problem that is used for online visitation services with the Correctional Database System and does not yet have a special network with the Correctional Database System and the current factor of facilities for video call services is still very lacking, because when conditions are crowded the queues of inmates to be able to use online visit services are sufficient long.

CONCLUSION

Implementation of prison authority in the strategy of preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service is a Class I prison policy in Bandar Lampung which applies visitation restrictions for inmates in the form of online visits via Whatsapp media based on the instructions of the Director General of Corrections Number: PAS-08.OT.02.02 of 2020 concerning Prevention, Handling, Control and Recovery of Corona Virus Disease (Global Pandemic) in the Correctional Technical Implementation Unit, this policy is an effort to break the chain of the spread of Global Pandemic, where Class I prisons in Bandar Lampung, since the beginning of April 2020 until now, the visiting service for inmates has been abolished and replaced by an online visit service. This
is a policy carried out by Class I prisons in Bandar Lampung in providing visiting services to inmates during the Global Pandemic Pandemic. The inhibiting factor for the implementation of authority in the strategy for preventing, handling and recovering Global Pandemic in Class I prisons in Bandar Lampung as a form of public service consists of internet connection disturbances at the designated number. Is a network problem that is used for online visitation services with the Correctional Database System and does not yet have a special network with the Correctional Database System and the current factor of facilities for video call services is still very lacking, because when conditions are crowded the queues of inmates to be able to use online visit services are sufficient. long.

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