



Strategy for Monitoring the Escape of Convicts From Correctional Institutions

Muhammad Sabir Rahman; Nova Krisnayanti; Phireri Phireri; Johamran Pransisto; Patahillah Asba; A. Dzulqarnaen

Faculty of Law Andi Sapada Institute of Social and Business Sciences, Indonesia

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Abstract

Countermeasures for Escape of Prisoners in Class IIA Parepare Correctional Institution. This study aims to find out the countermeasures carried out by correctional officers in overcoming the escape of future inmates. This research uses normative-empirical research types from legislation books and journals and is supported by facts that occur in the field. The analysis of legal materials in this study uses inductive logical reasoning and then continues to deductive logic. The form of countermeasures is by optimizing the duties of the security function and coordinating with the security sector, especially in the security sector by examining the causes of prisoners escaping. So from the inspection, the security team made improvements by reinforcing the Standard Operating Procedures.

Keywords: *Countermeasures; Corrections; Inmates*

Introduction

In statutory regulation Number 22 of 2022 concerning Corrections, Article 1 paragraph (1) emphasizes that Corrections is a criminal justice subsystem that carries out law enforcement in the field of treatment of prisoners, children and inmates. The correctional system is an order regarding direction and boundaries as well as methods for implementing correctional functions in an integrated manner.¹ In carrying out law enforcement against inmates and detainees, this task is carried out by correctional officers or special police.

In the Republic of Indonesia State Police Regulations Number 9 of 2021 concerning Special Police Article 2 paragraph (1) special police are given the authority

to carry out some of the duties of the police. The duties and functions of correctional officers are to maintain security, maintain order, maintain the lives and develop prisoners in correctional institutions, apart from that, correctional officers are also required to protect the human rights of prisoners.² The police

¹Vide Pasal 1 ayat 1 Undang-undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan.

²Kusuma, F. P. (2013). Implikasi Hak-Hak Narapidana Dalam Upaya Pembinaan Narapidana Dalam Sistem Pemasyarakatan. *Recidive: Jurnal Hukum Pidana dan penanggulangan Kejahatan*, 2(2).

is a state institution that carries out operations under national authority or ideally under the control of the state's civil and political authorities.

In general, the police are the most visible representatives of the state in society. Therefore, there are different types of police agencies, which may vary from country to country.³ Correctional police are given the task of Implementation. Development is as follows: "The function and task of developing early-stage prisoners (convicts, children of the country, prisons, and convicts) is carried out in an integrated manner with the aim that after completing their sentence, their guidance and guidance can become good citizens of society., As state servants and public servants, they are obliged to carry out and carry out correctional development tasks with full responsibility.⁴

The situation that often occurs in correctional institutions today, is that correctional officers in carrying out their duties of maintaining security and supervision of correctional inmates are still very lacking, as seen from the many cases of prisoners who escape from correctional institutions by taking advantage of the vacancy of wardens or officers at guard posts.

Prisoner escape is one way to avoid the obligation of a prison sentence in a prison or detention centre. The prisoner's escape uses many methods, such as destroying facilities and infrastructure in prisons, taking advantage of running during prayer hours, and even opportunities when there is a lack of officers on duty in terms of supervision.⁵ As in the case that occurred at the Parepare Class IIA Penitentiary, South Sulawesi, a prisoner in a child molestation case escaped by climbing the prison wall equipped with razor wire on the week of January 28. Apart from that, the prisoner escape case that occurred in Nunukan, North Kalimantan, from Pakistan, was an immigration violation case (entering Indonesia illegally and bringing in a foreign citizen without a passport) who escaped while being treated at the hospital (RS) on Sunday, February 11 2024.⁶ Cases of prisoners escaping from correctional institutions have given rise to polemics in society regarding the causes of prisoners escaping from prison. In several cases, the cause of the prisoner's escape occurred due to overloading, and a lack of security officers who were disproportionate to the prisoners being guarded.

All the causes of prisoner escapes that have been described are not only external triggers or external factors but also the instinct to be free, and the desire not to be confined in prison. As a result of continual prison escapes, both directly from correctional institutions and when prisoners are undergoing treatment in hospitals, correctional institutions certainly receive criticism from the public, so it is necessary to deal with prisoner escapes to minimize the occurrence of escapes in the future. From the various descriptions and phenomena above, the researcher studied the strategy for monitoring the escape of prisoners from correctional institutions.

Research Methods

Research is the main *tool* that has been used by developed countries so that it can accelerate the acceleration of equitable progress in all areas of life. With good research, a country can compete with other countries.⁷

³Asba, P., Syahril, M. A. F., & Makkarawa, I. (2022). The Pollution of The Role of The Polri in The Prevention of Commotion in Demonstration. *Traditional Journal of Law and Social Sciences*, 1(02), 53-72.

⁴Syahril, M. A. F., Rusli, I. R. I., & Aris, A. (2022). The Urgency of Guidance in Correctional Institutions. *KRTHA BHAYANGKARA*, 16(2).

⁵Surianto, A. (2018). Menata Sumber Daya Warga Binaan Pemasyarakatan. *SAH MEDIA*.

⁶Akhir Pelarian Napi Lapas Nunukan Asal Pakistan 3 Hari Sembunyi di Hutan (detik.com)

⁷Syarif, M., Ramadhani, R., Graha, M. A. W., Yanuaria, T., Muhtar, M. H., Asmah, N., ... & Jannah, M. (2024). *METODE PENELITIAN HUKUM*

The type of research used in this research is Normative-Empirical research. Normative research, also called dogmatic research, and theoretical research, can also be called *law in books research*.⁸ And supported by primary data based on field research, such as direct observation and interview results.⁹

Analysis and Discussion

Supervision Strategies Carried Out by Correctional Officers Regarding Escaped Prisoners at Parepare Class IIA Prison

Class IIA Parepare correctional institution is an implementation unit of the Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia, under the Regional Office of the Ministry of Law and Human Rights, South Sulawesi, which in the correctional system has the task of carrying out the care of detainees, suspects and defendants, convicts, children. Correctional students or correctional clients have the right to receive guidance following established regulations.¹⁰

Class IIA Parepare correctional institution which is located on the Tassiso Ring Road, District. Galung Maloang, District. Bacukiki, Parepare City, South Sulawesi, has an area of 9600 (nine thousand six hundred) square meters with 68 (sixty-eight) rooms occupied by 600 inmates or prisoners. Class IIA Parepare correctional institution is an institution which is a technical implementation unit under the Directorate General of Corrections of the Ministry of Law and Human Rights, which guides inmates, hereinafter referred to as prisons.

Prison is a residential space that is restricted to people who have committed criminal acts. The final sub-system in the criminal justice system functions as a place for technical guidance.¹¹ The Class IIA Parepare correctional institution aims to provide guidance, social guidance, and spiritual guidance to inmates or prisoners so that in the future they will not repeat their actions. Prisoner development is carried out by correctional officers based on Correctional Law Number 22 of 2022 concerning Corrections.¹² However, correctional officers in carrying out their duties to carry out guidance and guidance as well as guarding prisoners have not run properly as seen in the prisoner escape case which occurred on Sunday, January 28 2024, a prisoner named Heri Bind Herman, in a case of sexual abuse, escaped from the correctional institution due to the negligence of officers. Of course, this must be addressed to prevent prisoner escapes in the future.

The form of supervision strategy carried out by local correctional officers is based on the results of interviews and direct observations in the field, namely by optimizing security function tasks in synergy with other fields, especially in the discipline security section. as one of the duties of security is to supervise convicts and detainees, maintain prison order, and supervise convicts or detainees so that they do not escape from correctional institutions. Apart from that, the results of observations in the field, the Parepare prison also carried out countermeasures by improving infrastructure such as adding CCTV at prisoner escape points, adding razor wire to the prison walls, and adding bells at each guard post as a means of control for officers. Of the various forms of dealing with the escape of prisoners, the prison also continues to impose remissions on prisoners to reduce the number of prisoners, as from the results of interviews with the prison, one of the factors in prison escapes is due to *overcapacity*. With the

⁸ Rahman, M. S., Phireri, P., & Wangka, Y. C. (2023). Perlindungan Hukum Terhadap Perjanjian Kerja Barista dengan Indische Coffee atas Keterlambatan Pembayaran Upah. *Jurnal Litigasi Amsir*, 10(3), 247-253.

⁹ Juliardi, B., Runtunuwu, Y. B., Musthofa, M. H., Andi Darmawansya, T. L., Asriyani, A., & Hazmi, R. M. (2023). Muh Akbar Fhad Syahril et al. *Metode Penelitian Hukum*. CV. Gita Lentera.

¹⁰ Aris, A., Paluaran, D., Makmur, A. F., Aprilia, E., & Darmawansah, S. (2023). Meningkatkan Kesadaran Hukum bagi Tahanan di Rumah Tahanan Negara Kelas IIB Barru. *Amsir Community Service Journal*, 1(1), 32-35.

¹¹ Syahril, M. A. F., & Ambarwati, A. (2023). Pengaruh Aturan Asimilasi di Rumah dalam Menekan Laju Penyebaran Covid 19 Terhadap Narapidana di Lapas Kelas II A Parepare. *JUSTISI*, 9(1), 1-17.

¹² Soge, M. M., & Sitorus, R. (2022). *Kajian Hukum Progresif Terhadap Fungsi Pemasarakatan Dalam Rancangan*

implementation of the remission, the number of prisoners can be easily controlled and can prevent prisoner escapes in the future.

Legal Consequences Arising from the Escape of Prisoners

1. Legal Consequences for Correctional Officers as Civil Servants

According to Law Number 5 of 2014 concerning the State Civil Apparatus, it is stated that the State Civil Apparatus, hereinafter abbreviated as ASN, is a profession for civil servants and government employees with work agreements who work for government agencies.¹³ Correctional officers as civil servants are given duties by the Correctional Law in Article 1 paragraph (21). Correctional officers are functional law enforcement officials who carry out correctional functions such as service, coaching, community guidance and observation by upholding respect, protection and fulfilment. human rights.¹⁴

In carrying out their duties, correctional officers have not fully complied with statutory regulations as seen in the prisoner escape case that occurred on Sunday, January 2024. South Sulawesi Regional Office of the Ministry of Law and Human Rights, South Sulawesi Regional Office found two violations of standard operating procedures (SOP) when a prisoner named Heri escaped from Parepare Class II A Prison, South Sulawesi (Sulsel). The first SOP was that the guard at the top post or tower was unguarded or empty, the second SOP that was violated was the passage of inmates from the block to another area.¹⁵

Therefore, correctional officers who commit violations can be subject to sanctions as stated in the Criminal Code, Article 426 paragraph (1) which states that an official who is given the task of looking after a person who has been deprived of his liberty is ordered by a general authority or by a court decision or decision. intentionally allowing the person to escape or intentionally releasing him or her, or providing assistance when released or releasing oneself, is punishable by a maximum imprisonment of four years. and in paragraph (2) if the person runs away, is released or escapes due to a mistake (negligence), then the person concerned is threatened with a maximum imprisonment of two months or a maximum fine of four thousand five hundred rupiah.¹⁶

Apart from that, sanctions can also be imposed based on government regulation Number 94 of 2021 concerning the discipline of civil servants in Article 8. Disciplinary sanctions consist of light disciplinary penalties, medium disciplinary penalties and severe disciplinary penalties. Types of light punishment consist of verbal warnings, written warnings and written statements of dissatisfaction. Medium disciplinary punishment consists of cutting performance allowances by 25% (twenty-five per cent) for 6 (six) months. Cutting performance allowances by 25% (twenty-five per cent) for 9 (nine) months or cutting performance allowances by 25% (two twenty-five per cent) for 12 (twelve) months. And a serious level of punishment, namely demotion to a lower level position for 12 (twelve) months. release from his position to become an acting position for 12 (twelve) months, honourable dismissal not at his request as a civil servant.¹⁷

Apart from that, correctional officers who violate the Minister of Law and Human Rights Regulation Number M.MH-16.KP.05.02 of 2011 concerning the Code of Ethics for Correctional Employees can be subject to sanctions. Article 25 states that correctional employees who violate the code

¹³Aris, A., & Saharuddin, S. (2024). Menanamkan Budaya Anti Korupsi Dalam Pelaksanaan Kinerja ASN di Rumah Tahanan Negara Kelas IIB Barru. *Amsir Community Service Journal*, 2(2), 90-94.

¹⁴Rahmah, S. R. S. (2019). Implementasi Hak Bagi Narapidana Wanita Hamil di Lembaga Pemasyarakatan. *Jurnal Hukum Das Sollen*, 3(1).

¹⁵Kemenkumham Sulsel Temukan 2 Pelanggaran SOP Saat Napi Lapas Parepare Kabur (detik.com).

¹⁶*Vide Pasal 426 ayat 6 Kitab Undang-Undang Hukum Pidana*

¹⁷*Vide Pasal 8 Peraturan pemerintah Nomor 94 Tahun 2021 Tentang disiplin pegawai negeri sipil*

of ethics are subject to moral sanctions. Moral sanctions are made in writing and stated by the civil service development officer. The moral sanction is in the form of a closed statement or an open statement.¹⁸

2. Legal Consequences for Prisoners Who Escape

The legal consequences for prisoners who escape are that apart from receiving sanctions following the law, they also receive sanctions from the place where they are carrying out their crimes. such as prisoners who escaped at the Parepare class IIA penitentiary. Based on the results of research at the Parepare prison, the head of the security unit said that prisoners who escaped and were successfully secured again, we at the Parepare prison gave sanctions by transferring the prisoner to the Makassar class I prison to undergo coaching there.

Other legal consequences, such as Article 34 in the Criminal Code, confirm that if a convict serving a crime runs away, then the time spent outside the place where he is serving his sentence is not counted as time serving his sentence¹⁹. In the regulation of the Minister of Law and Human Rights of the Republic Number 8 of 2024 concerning the implementation of security and order in correctional work units, it is emphasized that if inmates, whether convicts or detainees violate the rules and regulations of correctional institutions, they will certainly be subject to sanctions. The types of sanctions are light-level sanctions, medium-level sanctions and heavy-level sanctions. The rules and sanctions are as follows:

1. The imposition of light-level sanctions as intended in Article 45 paragraph (2) letter a is given to detainees and convicts who commit violations:
 - a. Not maintaining a clean, safe, orderly and peaceful life;
 - b. Not wearing the prescribed uniform
 - c. Not following the call at the appointed time
2. The imposition of moderate level sanctions as intended in Article 45 paragraph (2) letter b is given to convicts and detainees who commit moderate level violations;
 - a. Entering a designated sterile area or place without permission from correctional officers
 - b. Make tattoos and/or equipment, piercings, or the like
 - c. Carrying out activities that could endanger one's safety or the safety of others
3. The imposition of severe sanctions as intended in Article 45 paragraph (2) letter c is given to detainees and convicts who commit violations;
 - a. Not following the established service and coaching program;
 - b. Threatening, resisting, or assaulting correctional officers;
 - c. Damaging detention and prison facilities
 - d. Threatening provocation or other actions that cause security disturbances
 - e. Make an escape attempt or assist a prisoner or other prisoner to escape;
 - f. Carrying out actions that are based on the considerations of the correctional observer team are included in actions that can be subject to severe disciplinary penalties²⁰.

Apart from that, sanctions that can be imposed on prisoners who commit violations can also be imposed according to the Regulation of the Minister of Law and Human Rights Number 8 of 2024 concerning the Implementation of Security and Order in Correctional Work Units in Article 45 imposing

¹⁸Vide. *Peraturan Menteri hukum dan hak asasi manusia Nomor M.MH-16.KP.05.02 TAHUN 2011 Tentang Kode Etik Pegawai Pemasarakatan.*

¹⁹Vide Pasal 34 Kitab Undang-undang Hukum Pidana

²⁰Vide Pasal 45 Peraturan menteri hukum dan hak asasi manusia republik Nomor 8 Tahun 2024 Tentang penyelenggaraan keamanan dan tata ketertiban pada satuan kerja pemasarakatan.

sanctions as intended in Article 44 paragraph (1) letter d is given to prisoners and convicts who commit violations of the rules, namely:

- a. Light-level sanctions include; giving a verbal warning or a written warning
- b. Medium-level sanctions such as postponing or eliminating visits

Severe level sanctions include; placed in solitary confinement for a maximum of 12 days; and suspension or limitation of conditional rights.²¹

The process of imposing discipline in Article 40 paragraph (1) of Minister of Law and Human Rights Regulation Number 8 of 2024 concerning the implementation of security and order in correctional work units requires that an initial inspection be carried out by the head of security. The results of the inspection are conveyed to the head of the prison. If it has been approved by the head of the prison, a trial will be held, and once the trial has been held, sanctions will be imposed.²²

Conclusion

The supervision strategy carried out by Class IIA Parepare correctional officers, namely optimizing correctional functions, especially in the field of security, which has the function of supervising prisoners, improving facilities and infrastructure, adding CCTV, adding razor wire, adding other facilities such as bells at each post as a tool. control each guard post.

The legal consequences arising from the escape of prisoners are in Government Regulation Number 94 of 2021 concerning Civil Servant Discipline in Article 8 concerning the level and type of disciplinary punishment, which emphasizes that correctional officers who are proven to have committed disciplinary violations will be subject to sanctions ranging from verbal warnings to dishonourable discharge. Meanwhile, the sanctions imposed on prisoners who escape as stated in Correctional Law Number 22 of 2022 concerning Corrections in Article 67 are: placing them in solitary confinement for a maximum of 12 days; postponement or limitation of conditional rights, such as not getting remission rights, and assimilation.

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²¹Arfa, N., & Monita, Y. (2024). Pelaksanaan Sanksi Disiplin Terhadap Narapidana Berdasarkan Permenkumham Nomor 6 Tahun 2013 (Studi Di Lembaga Pemasyarakatan Perempuan Kelas II B Jambi). *PAMPAS: Journal of Criminal Law*, 5(2), 233-241.

²²*Vide* Pasal 40 Peraturan Menteri Hukum Dan Hak Asasi Manusia Nomor 8 Tahun 2024 Tentang Penyelenggaraan Keamanan dan Ketertiban pada Satuan Kerja Pemasyarakatan.

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