

Kebijakan Hukum Pidana tentang Moratorium Hak-Hak Narapidana Tindak Pidana Narkotika Dalam Implementasi Peraturan Pemerintah No 99 Tahun 2012 = Criminal Policy About Moratorium of inmate Rights of Narcotic Crimes In Implementation of Government Ordinance No. 99 / 2012

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Abstrak

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Seiring dengan berkembangnya kejahatan-kejahatan terorganisasi khususnya Narkotika, merupakan kejahatan yang berdampak merugikan bangsa dan negara secara luas sehingga dikategorikan kejahatan serius atau disebut juga sebagai ?extra ordinary crime?. Bangsa Indonesia siaga terhadap penanggulangan kejahatan-kejahatan tersebut dengan memberlakukan kebijakan-kebijakan kriminal. Salah satu kebijakan tersebut dengan Moratorium/Peringatan Hak-hak Narapidana mendapatkan Remisi, Asimilasi dan Pembebasan bersyarat, hal ini ditujukan untuk efek jera bagi pelaku kejahatan tersebut dan memenuhi rasa keadilan bagi masyarakat luas. Dengan semangat tersebut maka diberlakukan Peraturan Pemerintah yang mengatur tentang moratorium syarat mendapatkan Remisi, Asimilasi dan pembebasan bersyarat, yaitu PP No 99 Tahun 2012. Namun pemberlakuan PP No 99 Tahun 2012 tersebut menimbulkan polemik karena dianggap diskriminatif, melanggar HAM dan bertentangan dengan tujuan pemidanaan serta Hierarki perundang-undangan, selain itu pertentangan yang terjadi timbul pada salah satu syarat moratorium hak mendapatkan Remisi dan pembebasan bersyarat adalah harus bersedia bekerjasama dengan penegak hukum membongkar kejahatan yang dilakukannya (Justice Collaborator) serta pertentangan bahwa pada saat seseorang telah berstatus sebagai narapidana harusnya telah memasuki tahap pembinaan dan mendapatkan perlakuan yang sama tanpa membicarakan lagi tentang kejahatan yang dilakukan

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ABSTRACT

The development of organized crime especially for Narcotics and Drugs Crimes inflict such destruction impact into our nation, so this crime is being called as serious crime and also called an Extra Ordinary Crime. Indonesia is preparing to prevent these crimes by applying some criminal policies. One of the criminal policy which applied by the Indonesian Government is the Moratorium of Inmates Rights to obtain the remission, assimilation, and parole. This policy aims to give the deterrent effect to those narcotics and drugs offender and to reach the values of justice for society as well. With the spirit as mentioned above, the Indonesian Government enact The Government Ordinance No. 99/2012. But in other side, the enactment of this regulation evoke a polemic. The polemic

raise because this regulation has been considered as a discriminative regulation, breached the universal values of human rights, contradictive with the sentencing purpose and also contradictive with the hierarchy of regulations as well. Another inappropriate rule in this regulation is the requirement for the inmate to become a justice collaborator. An inmate of these crimes should be in rehabilitation and development phase, not in the phase of arguing the crime itself which is past in the pra-ajudication and adjudication phase.;The development of organized crime especially for Narcotics and Drugs Crimes inflict such destruction impact into our nation, so this crime is being called as serious crime and also called an Extra Ordinary Crime. Indonesia is preparing to prevent these crimes by applying some criminal policies. One of the criminal policy which applied by the Indonesian Government is the Moratorium of Inmates Rights to obtain the remission, assimilation, and parole. This policy aims to give the deterrent effect to those narcotics and drugs offender and to reach the values of justice for society as well. With the spirit as mentioned above, the Indonesian Government enact The Government Ordinance No. 99/2012. But in other side, the enactment of this regulation evoke a polemic. The polemic raise because this regulation has been considered as a discriminative regulation, breached the universal values of human rights, contradictive with the sentencing purpose and also contradictive with the hierarchy of regulations as well. Another inappropriate rule in this regulation is the requirement for the inmate to become a justice collaborator. An inmate of these crimes should be in rehabilitation and development phase, not in the phase of arguing the crime itself which is past in the pra-ajudication and adjudication phase., The development of organized crime especially for Narcotics and Drugs Crimes inflict such destruction impact into our nation, so this crime is being called as serious crime and also called an Extra Ordinary Crime. Indonesia is preparing to prevent these crimes by applying some criminal policies. One of the criminal policy which applied by the Indonesian Government is the Moratorium of Inmates Rights to obtain the remission, assimilation, and parole. This policy aims to give the deterrent effect to those narcotics and drugs offender and to reach the values of justice for society as well. With the spirit as mentioned above, the Indonesian Government enact The Government Ordinance No. 99/2012. But in other side, the enactment of this regulation evoke a polemic. The polemic raise because this regulation has been considered as a discriminative regulation, breached the universal values of human rights, contradictive with the sentencing purpose and also contradictive with the hierarchy of regulations as well. Another inappropriate rule in this regulation is the requirement for the inmate to become a justice collaborator. An inmate of these crimes should be in rehabilitation and development phase, not in the phase of arguing the crime itself which is past in the pra-ajudication and adjudication phase.]