

Legal dualism and inconsistency regarding inmates rights: a review toward implementation of government regulation number 99 of 2012

Febby Mutiara Nelson, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20503213&lokasi=lokal>

Abstrak

ABSTRAK

In 1999, the Government of Indonesia established Government Regulation (GR) 32/1999 on the Procedures for The Implementation of the Rights of Inmates and has been amended lastly by GR 99/2012. However, the establishment of GR 99/2012 creates complication and unfairly discriminates against inmates committing to an extraordinary crimes (terrorism, drug abuse, corruption, crimes against the security of the state, crimes against humanity and other transnational organized crimes) that impedes such inmates to submit remission and parole. This paper examines the consistency between the implementation of GR 99/2012 and the concept of criminal punishment in Indonesia. This paper is a summary of empirical juridical research that reports the influences of GR 99/2012 on inmates in correctional institutions. Data used for this research was obtained from interviews, observation, desk reviews and focus group discussion with government officials. Based on the findings, it could be inferred that GR 99/2012 has impeded the fulfillment of the inmates rights on parole and remission due to complication of procedures, additional fines, and multi interpretation of the regulation. Furthermore, it affects the aggravation of overcrowding, violations against inmates rights, and illegal practices within the process. Based on the analysis as discussed in this paper, GR 99/2012 is inconsistent with the concept of criminal punishment in Indonesia because it impedes inmates to return within society. This paper proposes that GR 99/2012 should be revoked and revised in accordance with the spirit of Corrections Act and to creat synergy among law enforcers in fulfilling the inmates rights.