



## The role of Medan class II-A women's correctional institution in providing assimilation at home for inmates during Covid-19

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### Abstract

This research is entitled "The Role of Medan Class II-A Women's Correctional Institution in Providing Home Assimilation for Inmates During Covid-19". The purpose of this study is to investigate the legal regulation of assimilation for inmates based on legislation in Indonesia and the role of the Medan Class II-A Women's Correctional Institution in providing assimilation during the COVID-19 pandemic. The research method used is normative juridical. This study shows that the Medan Women's Correctional Institution plays an important role in recording inmates behaving well to get assimilation according to the requirements of the Law, despite facing obstacles in its implementation. The recommendation of this study is for inmates to comply with the rules in the Correctional Institution to be able to participate in the available programs.

**Keywords:** The role of class II-A women's prison in Medan

### Introduction

The COVID-19 pandemic occurred in Indonesia in early 2020, which resulted in people feeling afraid of its spread. The beginning of the spread of the covid-19 virus came from the city of Wuhan, China. The World Health Organization (WHO) defines the coronavirus as a type of virus that causes disease in animals or humans (Alfikri *et al.*, n.d., n.d.; Hirza *et al.*, 2020) <sup>[1, 5]</sup>. Types of coronaviruses can be known through human respiratory infections ranging from coughs, and colds, to more serious ones, namely Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS) (Saputra *et al.*, 2022a, 2022b; Tawai *et al.*, 2021; Viii *et al.*, 2022) <sup>[9, 10, 16, 19]</sup>.

With the spread of Covid-19, the government has made policies to prevent and overcome the spread of Covid-19. Regarding the policy that will be made, namely restricting *social distancing* which is the size of the government to accelerate the handling of Covid-19 which will be implemented in the provincial areas of the Republic of Indonesia. Enactment *social distancing* made by the government to prevent and overcome the spread of the COVID-19 virus is not only for the community but those who are undergoing the criminal punishment process in Correctional Institutions are given by the government to implement *Social distancing* (Giswanti *et al.*, 2022; Hirza *et al.*, 2020; Yahya *et al.*, 2022) <sup>[3, 5, 20]</sup>.

Following up on orders from the United Nations (United Nations) which pressures government agencies in each country to immediately release prisoners who have a weak body and are susceptible to diseases that are usually experienced by elderly people. Regarding this order made by the United Nations, the government took steps to immediately release 30,000 (thirty thousand) prisoners through assimilation and integration programs (Law *et al.*, 2019; Sastro, 2017; Related *et al.*, 2019) <sup>[11]</sup>. This step can be realized when the Minister of Law and Human Rights ratifies Regulation Number 10 of 2020 concerning Conditions for Assimilation of Prisoners and Children in the Context of Preventing and Countering the Spread of COVID-19. Furthermore, the decision to release prisoners is

summarized in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia No.M. HH-19 PK.01.04.04 of 2020 concerning the Release and Release of Prisoners and Children through Assimilation and Integration in the Context of Preventing and Countering the Spread of Covid-19 (Hidayat *et al.*, 2022; Joni Rumagit *et al.*, 2022; Sukandar *et al.*, 2022) <sup>[4, 7, 15]</sup>.

The enactment of assimilation steps is a manifestation of the rights of prisoners as stated in Article 10 paragraph 1 b of Law No. 22 of 2022. Assimilation is given to inmates with the guidance and supervision of the Correctional Center (Bapas) made at the inmate's house. The Correctional Center is a correctional technical implementer who carries out the function of community research, guiding, supervising, and accompanying. Assimilation to inmates is not given in all cases in correctional institutions (Sastro, 2017; Sidauruk & Subroto, 2022; Situmorang; *et al.*, 2022; Yunus, 2020) <sup>[11, 12, 14, 21]</sup>. Several special cases are regulated in Permenkumham 10 of 2020 concerning Conditions for Providing Assimilation and Integration Rights for Prisoners and Children in the Context of Preventing and Countering the Spread of COVID-19. The inmates who are not given freedom from the assimilation program are terrorism crimes, corruption crimes, narcotics crimes, crimes against state security, and crimes against human rights crimes that are classified as serious.

The provision of assimilation given to inmates does not mean that the inmates are free from their criminal punishment but the provision of assimilation is supervised and fostered by the Correctional Center (Bapas) outside the correctional institution. Based on the provisions of Article 2 paragraph (1) of Permenkumham No. 10 of 2020 "Assimilation of inmates is carried out at home with the guidance and supervision of Bapas." Furthermore, in the Circular Letter of the Ministry of Law and Human Rights Number PAS-497. PK.01.04.04 of 2020, one of which emphasizes "ordering the Head of Bapas to provide guidance and supervision over inmates and children who carry out assimilation at home."

After this assimilation program, this program contains elements of social conflict where the government in the eyes

of the public is considered to have taken the wrong stance in this COVID-19 pandemic situation (Pradina, 2021; Tua *et al.*, 2020; Yunus, 2020) [8, 18, 21]. The reason is that the quantity of people who commit criminal acts has increased. What is even more extreme is that the perpetrators of criminal acts during social restrictions conditions are former inmates of the assimilation program carried out by the government of the Ministry of Law and Human Rights. This condition causes the assimilation program for prisoners causes the community to be more worried and security in the community is increasingly unguaranteed.

With many people becoming anxious about the release of these prisoners, this assimilation program becomes ineffective and various kinds of crimes committed by the inmates arise. Based on information from merdeka.com 140 former inmates committed criminal acts after being released from the assimilation program during 2020. The criminal acts committed by the inmates are of various types, including some who commit ordinary theft crimes or with violence and so on.

Based on this background, this study aims to achieve a clear problem, with the main objective of reviewing and analyzing the legal arrangements and procedures for the assimilation of inmates according to laws and regulations in Indonesia, as well as analyzing the roles and obstacles carried out by the Medan class 2-A women's correctional institution in providing assimilation at home for inmates during Covid-19.

### Research Methods

The research was conducted at the Medan Class II-A Women's Correctional Institution using a normative juridical approach. This approach focuses on examining legal principles, legal systems, vertical and horizontal synchronization levels, legal comparisons, and legal history. The study method applied is descriptive-analytical, which aims to systematically explore issues related to the role of institutions in providing assimilation at home for inmates during the COVID-19 period.

The data collection process involves the study of documents using various secondary legal sources, such as primary legal materials and secondary legal materials that support primary sources, as well as tertiary legal materials to clarify and confirm information. Data analysis is carried out qualitatively using a theoretical framework to direct the focus of the research and draw deductive conclusions from the collected information.

This study is important to identify challenges and opportunities in the implementation of assimilation policies for inmates during the Covid-19 pandemic, to increase the effectiveness of rehabilitation programs in correctional institutions. The results of this study are expected to provide valuable input for policymakers and legal practitioners in improving the correctional system, especially in the context of adjusting to crisis conditions such as the pandemic.

### Research Results and Discussion

#### The Role of Medan Class II-A Women's Correctional Institution in Providing Assimilation at Home for Inmates During Covid-19

Indonesia's criminal justice system has undergone a significant evolution since the enactment of Law No. 12 of 1995 concerning Corrections, which was later revised into Law No. 22 of 2022. This update confirms a paradigm shift

from the traditional prison system to a correctional system that is more oriented towards rehabilitation, social reintegration, and the protection of human rights for prisoners. Before the Law on Penitentiary, Indonesia's prison system was based on the 1917 Gestichen Prison Regulation No. 708, which emphasized punishment in retaliation for crimes without considering rehabilitation. This reflects the doctrine of criminal law which emphasizes that punishment must be commensurate with the crime committed.

With the enactment of Law No. 22 of 2022 concerning Corrections, the focus of criminal justice has changed significantly. The penitentiary system integrates various subsystems such as the police, prosecutor's office, and courts to provide protection, coaching, and rehabilitation to inmates. This is in line with the philosophy of Pancasila which encourages criminalization not only as a punishment but also as part of rehabilitation and social reintegration efforts.

The results of an interview with Mrs. Reni Priska Panjaitan, Head of the Prisoner Guidance Section/Students of the Class II-A Women's Correctional Institution in Medan, revealed that the concrete role of this institution in providing assimilation at home for inmates during the Covid-19 pandemic includes:

1. The recording of inmates who have behaved well for the last six months is by the assimilation conditions set.
2. Preparation of a statement letter from the inmate containing a commitment to comply with the law and health protocols while undergoing assimilation at home.
3. Ensuring that inmates maintain their health by the protocols that have been set by the government.

Correctional institutions, such as the Medan Class II-A Women's Correctional Institution, play a central role in this system. They are tasked with providing guidance, care, and services to female inmates concerning the provisions of the applicable law, including the protection of their rights.

#### a. Coaching and Rehabilitation

The Medan Class II-A Women's Correctional Institution has an important role in the coaching and rehabilitation of inmates, especially during the COVID-19 pandemic. The main purpose of this penitentiary is to improve the quality of the personality and independence of prisoners, as well as to prevent the repetition of criminal acts. In a pandemic situation, these efforts have become more challenging but also more crucial, considering the importance of maintaining the health and safety of inmates and officers.

One of the approaches taken is to provide assimilation at home for inmates.

This assimilation is part of an effort to prepare them to return to society while reducing the risk of COVID-19 transmission in correctional institutions that tend to be overcrowded. Through the home assimilation program, inmates get the opportunity to serve the rest of their sentences in a safer and healthier environment, under the strict supervision of the authorities.

Coaching during the assimilation period does not stop there. Prisoners continue to receive guidance and training through various programs designed to change their behavior for the better. These programs include job skills training, education,

psychological counseling, and religious coaching. The goal is to ensure that inmates have sufficient provisions to live independently and productively after release.

Rehabilitation is also the main focus. During the assimilation period at home, inmates are encouraged to apply the skills they learned in prison in daily life. They also receive support from families and communities, which play an important role in the process of social reintegration. The penitentiary works with various related agencies to ensure that inmates get the necessary support, both psychologically and materially.

The COVID-19 pandemic does provide its challenges for the Medan Class II-A Women's Correctional Institution, but it also opens up opportunities for innovation in the coaching and rehabilitation of inmates. Assimilation at home is effective in reducing overcrowding in prisons and providing opportunities for inmates to adapt to life outside the prison walls. With a holistic and sustainable approach, these correctional institutions can better carry out their roles, helping inmates get back on their feet and live a better life after release.

### **b. Protection of Human Rights**

The Medan Class II-A Women's Correctional Institution has a great responsibility to safeguard and advance human rights for inmates, especially during the COVID-19 pandemic. The protection of prisoners' rights is highly emphasized by Law No. 22 of 2022, which emphasizes the importance of protecting the rights of women prisoners. Aspects of safety, security, and legal certainty during the coaching period in correctional institutions are things that must be fulfilled to ensure these rights (Filia & Wijaya, 2019; Silalahi Andre, 2019) [2, 13].

During the COVID-19 pandemic, the Medan Class II-A Women's Correctional Institution faced significant challenges in carrying out its functions. To reduce the risk of virus transmission and protect the health of inmates and officers, the institution implements an assimilation program at home. The program allows inmates to serve the remainder of their sentences in their respective homes under the strict supervision of the authorities. This is an important step in ensuring the safety and security of inmates, as well as reducing overcrowding in correctional institutions that can be a place for the spread of the virus.

The implementation of the assimilation program at home does not reduce the coaching and rehabilitation efforts carried out by correctional institutions. Inmates who undergo assimilation continue to receive guidance through various programs designed to improve their personality and independence. These programs include job skills training, education, psychological counseling, and religious coaching. All of this is done to ensure that inmates have sufficient provisions to return to society as responsible and productive individuals.

In addition, support from family and community is also very important during the assimilation period at home. The Medan Class II-A Women's Correctional Institution works closely with various related agencies to ensure that inmates receive the necessary support, both psychologically and materially. This support assists inmates in the process of social reintegration, which is an important part of their rehabilitation.

Law No. 22 of 2022 mandates that correctional institutions must guarantee legal certainty for inmates. This means that

every inmate must be treated fairly and humanely, have access to a proper trial, and receive protection against all forms of violence and discrimination. In the context of the pandemic, legal certainty also includes access to adequate health services and clear information about their rights while serving their sentences.

In carrying out the assimilation program at home, the Medan Class II-A Women's Correctional Institution strives to fulfill all aspects of human rights protection mandated by law. With a holistic and sustainable approach, the institution not only plays a role in maintaining the safety and security of inmates during the pandemic but also prepares them for a better future once they are freed. The home assimilation program has been an innovative step that helps these correctional institutions achieve the goal of more effective rehabilitation and social reintegration.

### **c. Integration with the Community**

The coaching process focuses not only on individual rehabilitation but also on social reintegration. Prisoners are encouraged to re-adapt to society through a gradual process of assimilation so that they can become useful members of society and no longer repeat past mistakes.

In this study, "role" is defined based on Soerjono Soekanto's concept as a dynamic aspect of a person's position in an organization or institution. This role is reflected in how a person exercises his rights and obligations according to his status. This research focuses on the role of the Medan Class II-A Women's Correctional Institution in providing assimilation for inmates during the COVID-19 pandemic.

The COVID-19 pandemic has prompted the government to make adjustments in various aspects of life, including in Correctional Institutions. The Ministry of Law and Human Rights responded quickly through the policy "Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 32 of 2020" which was later amended by "Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 43 of 2021". This policy aims to reduce the density of inmates and as a measure to prevent the spread of Covid-19 in the correctional environment.

### **Factors Hindering Medan Class II-A Women's Correctional Institution in Providing Home Assimilation for Inmates During Covid-19**

Often in providing assimilation for inmates, the Medan Class II-A Women's Correctional Institution has obstacles in implementing assimilation for inmates. Based on the results of an interview with Mrs. Reni Priska Panjaitan as the Head of the Prisoner Guidance Section / Students of the Medan Class II-A Women's Correctional Institution, the obstacles experienced by the officers of the Medan Class II-A Women's Correctional Institution in providing at-home assimilation for inmates during the Covid-19 pandemic are as follows:

#### **a. Community Factors**

In general, assimilation is part of the development of inmates by blending inmates into the community environment. The community can be used as a place to socialize inmates to return prisoners to be able to live in society later. However, the reality is that prisoners who want to be included in society often do not meet expectations, because of the negative thinking of prisoners in the wider

community. Negative thoughts about prisoners are still in the mind of the community and have not disappeared, the community is very afraid and anxious about the presence of prisoners in the community. The community is increasingly afraid if the inmate commits a crime or criminal act back to the community and creates chaos in the community. This has a great effect on the inmate, psychologically the inmate feels pressured and excluded by the community's view of the inmate, and makes the inmate feel insecure and unconfident in reintegrating into society.

#### **b. Lack of Socialization**

One of the main inhibiting factors for the Medan Class II-A Women's Correctional Institution in providing assimilation at home for inmates during the COVID-19 pandemic is the lack of socialization. Although at-home assimilation programs have been launched as an important step to reduce the risk of virus transmission and maintain the health of inmates, their implementation is often hampered by the lack of adequate information for inmates.

Officers have not fully socialized the rights and obligations of prisoners related to assimilation. Many inmates do not fully understand what the assimilation program is, what the process is, and what are their rights and obligations while undergoing this program. This lack of socialization causes confusion and uncertainty among the inmates, which ultimately hampers the process of implementing assimilation itself.

The lack of clear and thorough information also has an impact on the families of inmates, who should be the main supporters in the assimilation process at home. Families who do not get enough information may feel confused or unprepared to accept inmates back into their home environment, which in turn can disrupt the process of social reintegration.

#### **c. Prisoner Awareness**

One of the significant inhibiting factors in the implementation of the assimilation program at home for inmates during the COVID-19 pandemic at the Medan Class II-A Women's Correctional Institution is the low awareness of inmates. There are still inmates who do not care or even are indifferent to this assimilation program. This lack of awareness can arise from a variety of reasons, including a lack of understanding of the benefits of the program, distrust of the system, or fear of social stigma when returning to society.

Inmates who are not concerned with assimilation programs tend not to follow procedures properly, are reluctant to engage in the coaching activities offered, and do not take advantage of the opportunities available to improve themselves. This indifference not only hampers their rehabilitation process but also interferes with the institution's overall efforts to carry out effective assimilation programs.

The low awareness of inmates also has an impact on the success of the assimilation program as a whole. Inmates who are not motivated to follow the program well may return to criminal offenses after release, meaning the primary goal of assimilation to prevent a repetition of the crime is not achieved.

#### **d. Guarantor Requirements**

One of the main inhibiting factors for the Medan Class II-A Women's Correctional Institution in providing at-home assimilation for inmates during the COVID-19 pandemic is the requirement for guarantors. Not all inmates have guarantors who are by the provisions required in the assimilation process. Guarantors play an important role in ensuring that inmates will undergo the assimilation program properly and by applicable rules.

The surety must meet several strict criteria, including the ability to supervise the inmate during assimilation at home and provide assurance that the inmate will comply with all requirements set by the correctional institution. However, many inmates do not have a guarantor who meets these criteria. This can be caused by various factors, such as inadequate family economic conditions, long geographical distances, or lack of knowledge and understanding of the role and responsibility of the guarantor.

The absence of a suitable guarantor resulted in inmates who were eligible for home assimilation being unable to participate in the program. As a result, they must remain in correctional institutions, which during this pandemic can increase the risk of COVID-19 transmission in a crowded environment

#### **e. Administrative Procedures**

One of the main inhibiting factors in the implementation of the at-home assimilation program for inmates during the COVID-19 pandemic at the Medan Class II-A Women's Correctional Institution is the complexity of administrative procedures. Complicated and convoluted administrative procedures are often a significant obstacle in accelerating the assimilation process. This procedure includes various requirements and documentation that must be met by inmates, families, and correctional institutions.

Complicated procedures can cause significant delays in the assimilation process. Inmates who should have been able to undergo an assimilation program at home had to wait longer because of the completeness of the file that had not been fulfilled or the slow verification process. This not only prevents inmates from obtaining the benefits of assimilation more quickly but also adds to the workload for correctional officers who have to manage complex paperwork and administrative processes.

In addition, the lack of coordination between various related agencies can also prolong the administrative process. For example, coordination between correctional institutions and the police, prosecutor's office, or other government agencies often encounters obstacles, both due to procedural differences and ineffective communication.

With these obstacles, the Medan Class II-A Women's Correctional Institution needs to continue to improve the implementation of assimilation programs, including being more effective in socialization and administrative handling, as well as increasing cooperation with the community to better facilitate the reintegration of prisoners.

#### **Conclusion**

The development of Indonesia's criminal justice system since the ratification of Law No. 12 of 1995 concerning Corrections, which was revised to Law No. 22 of 2022, reflects a significant transition from the traditional prison paradigm to a correctional system that is more oriented towards rehabilitation, social reintegration, and the

protection of human rights for prisoners. Previously, the Gestischen Prison Regulation No. 708 of 1917 affirmed punishment as retaliation without considering rehabilitation, by the doctrine of criminal law that prioritizes justice for revenge. With the adoption of the Law on Corrections, the focus of the judiciary changed fundamentally to integrate the subsystems of the police, the prosecutor's office, and the courts in the rehabilitation and protection of prisoners. This is in line with the values of Pancasila which views criminalization as part of coaching to prepare prisoners to return to society as responsible and useful individuals.

Medan Class II-A Women's Correctional Institution plays a central role in the implementation of this system, providing guidance, care, and services by the provisions of the law. They are also active in providing assimilation for inmates during the COVID-19 pandemic by recording eligible inmates, drafting a statement of commitment, and ensuring compliance with health protocols. However, the implementation of assimilation is faced with several obstacles, such as community stigma against prisoners, lack of socialization from officers regarding the rights and obligations of prisoners, and guarantor requirements that cannot always be met.

To overcome these obstacles, the Medan Class II-A Women's Correctional Institution needs to strengthen socialization efforts, simplify administrative procedures, and increase cooperation with the community. This will support the effectiveness of the assimilation program and facilitate the reintegration of inmates back into the community better.

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