



Fulfillment Of Assimilation Rights And Integration Rights To Corporate Students

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Abstract: This study aims to determine the fulfillment of assimilation rights and integration rights to correctional students. The type of research method used in this study is empirical research with sampling using purposive sampling. This study also uses a qualitative approach and descriptive analysis techniques. The results of this study indicate that in the implementation of the fulfillment of the right of assimilation and the right of integration to correctional students, there are several obstacles, as for these obstacles, namely there is no guarantor of the correctional students, has register f records, Community Environment, excess capacity, minimal quality of officers and less bureaucratic processes. effective. The government carries out alternative non-prison punishments that can be carried out such as supervision and community service which is seen as more efficient than prison law because in achieving the goal of fostering or rehabilitating correctional students before finally being able to be free and return to life in the community and for the community. The community is expected to participate actively in the implementation of community programs, so that correctional students feel they can be accepted again in the community.

Keywords: Obstacle; Fulfillment; Right; Assimilation; Integration

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1. Introduction

Indonesia is a country that adheres to the legal tradition of Continental Europe or often referred to as civil law. The civil law tradition is characterized by a written legal system which is the main requirement in the administration of the state.¹Indonesia in the constitution is a legal state whose manifestation is reflected in the laws and regulations made to limit the power of the state (government) and provide guidelines for the people in carrying out their activities as citizens.²Because the essence of the constitution is a conception of the state which is the basis and limitation of the constellation of the state administration system.³Indonesia itself when viewed from the journey of Pancasila which has its own history in the life of the nation and state, which until now has not shown the harmony of life of each component of the state, requires Indonesian citizens to rethink the best way for the life of the nation and state in the corridor of Pancasila.⁴

One of the causes of crime is the development of increasingly advanced technology, so that all circles follow the development of the era itself. The development of digitalization of information and communication technology in the form of social media exposes the public to a new reality, namely the mortal world that is visible from the screen of the device/gadget but synchronized with real world life.⁵

Crimes that occur in Indonesia today are very diverse, the perpetrators of crimes that so far we know are only dominated by adults, have now spread to children as perpetrators of crime. With the high level of crimes committed by children who are faced with the law, proper handling is also needed in juvenile criminal justice so that the juvenile criminal justice process does not violate the rights inherent in children and does not have a negative impact on the process of growth and development of children in the future. come. Therefore, crime is

¹Tijow, Luciana Margareth. (2020). The Position of Village Regulations in the System of Formation of National Legislation. *Ius Civile Journal*. 4(2), 198

²Ahir, Nuvazria. (2020). Normative Annotation on Regional Regulations on Transparency. *Jambura Law Review*. 2(1), 85

³ Ahmad & Nggilu, Novendri M.. (2019) The pulse of the Fifth Amendment of the 1945 Constitution through the Involvement of the Constitutional Court as the Guardian Principle of the Constitution. *Constitutional Journal*. 16(1), 791

⁴Tom, Abdul Hamid. (2020). Grounding Pancasila: Efforts to Institutionalize Pancasila Values in Village Community Life. *Journal of Al-'Adl*. 13(1), 118

⁵ Puluhalawa, MRU, & Husain, R. (2021). Body Shaming Through Social Media As a Digital Crime In The Era of Disruption. *Jambura Law Review*, 3(1), 117

categorized as a major problem in people's lives.⁶ From those cases the culprit should be sentenced maximum penalty in accordance with statutory provisions.⁷

The rate of child delinquency is increasing from year to year due to several factors. The factors that cause children's delinquency so that children are trapped in criminal cases and finally have to face the law among Soekanto are, for example, the lack of parental attention, circumstances that require children to meet the necessities of life, or even the search for identity. Several factors that cause delinquency in children often make children fall too deep. The absence of a warning or firm action against children involved in the delinquency will actually make the child further involved in delinquency. Things like this can bring up the courage of children to be involved in delinquency that can lead to criminal acts.⁸ So indirectly the perpetrators must and must be processed legally.⁹ Legal protection is very necessary because it is an effort to integrate various needs in the association so that there is no conflict between needs and can enjoy all the rights granted by law.¹⁰ The existence of complete assistance and protection as a manifestation of the fulfillment of constitutional rights for every citizen in accordance with the objectives of the legal assistance.¹¹

The increasing number of children who commit violent crimes is a sad thing, because children are a generation that must be protected and are one part of the nation's successors who can advance this nation. Therefore, the protection of children in conflict with the law must strictly regulate Restorative Justice and Diversion which is intended to avoid and keep children away from the judicial process so as to avoid stigmatization of children in conflict with the law and it is hoped that children can return to a socially reasonable environment. To meet the needs of life, there are often crimes and violations committed by certain people and people who threaten some members of the community, these threatening actions are criminal acts.¹² So that society and every other person, including the government must heed it, by making laws on the basis of natural rights

⁶AS Alam and Amir Ilyas. *Criminology An Introduction*. (Jakarta: Prenadamedia Group, 2018), 29

⁷ Alhasni, Mohamad Rizky., Badu, Lisnawaty W., & Nggilu, Novendri M. (2019). Assessing the Role of the Police in Preventing the Crime of Obscenity Against Minors. *Legality Journal*. 12(2), 112

⁸Personal, Doni. Legal Protection of Children in Conflict with the Law. *Legal Journal of the National Legal Education Pulpit*. 3(1), 1-2.

⁹Fence M. Wantu. *Criminal Procedure Law*. (Yogyakarta: Reviva Cendekia, 2011), 13

¹⁰Puluhulawa, Jufryanto., Towadi, Mellisa., & Swarianata, Vifi. (2020). Leato / Japanese Cargo Wreck Underwater Site Legal Protection. *Journal of Legal Reform*, 24(2), 197

¹¹Mandjo, J., & Sarson, MTZ (2021). The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations. *Jambura Law Review*. 3(2), 370

¹²Ismail, Dian Ekawaty., & Sarson, Mohamad Taufiq Zulfikar. (2021). Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes. *Journal of Law Review*. 3(3), 58

themselves.¹³As said by Prof. Fenty Puluhalawa in his writings also stated that the Government through the law has provided a starting point for the judiciary, which is carried out for the sake of justice based on the One Godhead.¹⁴ Therefore, the important point is to ensure that every competent person in the authorities takes prompt and impartial action on indications such as acts of torture or serious discrimination that occur in their jurisdiction.¹⁵

Equality in law or equality before the law means that when dealing with the law, there should be no form of discrimination or discrimination. different treatment for citizens, because all are equal before the law.¹⁶ The legal handling that is being carried out by the child must be carried out by considering the rights inherent in the child, without exception the handling of children who are undergoing a criminal period at the Child Special Pembinaan Institution (LPKA). Law No. 11 of 2012 concerning the Juvenile Criminal Justice System regulates more specifically the rights of children who are undergoing a criminal period, including:¹⁷

1. Get a reduction in the criminal period (remission);
2. Gaining assimilation;
3. Obtaining leave to visit family;
4. Obtaining parole;
5. Obtaining leave before free;
6. Obtain conditional leave;
7. Obtain other rights in accordance with the provisions of the legislation.

If we look at the above, of course the process of fostering children carried out in the Special Child Development Institution (LPKA) must fulfill all the rights of the child. So that when they leave and have fulfilled their obligations at the Child Special Guidance Institute (LPKA) they can be accepted again, can socialize again and can reconnect with the community.

¹³Daffodil, Dolot Alhasni. (2020). Determination of Legal Protection for Neighboring Right Holders. *Journal of Law Review*. 2(1), 67

¹⁴ Puluhalawa, Fenty., Tujow, Lusiana M., & Sutrisno. (2020). Application of the Principles of Justice, Legal Certainty and Benefit in Judge's Decisions. *Gorontalo Law Review Journal*. 3, (2), 184

¹⁵Towadi, M., Kasim, NM, Rumawi, R., & Tahir, SA (2021). An Indication of China's Policy towards Uighurs and its Implications by International Law Aspects. *Jambura Law Review*. 3(1), 66

¹⁶Badu, Lisnawaty. W., & Apripari, A. (2019). Initiating Military Crimes as Absolute Competence of Military Courts in Criminal Cases. *Legality Journal*. 12(1), 61

¹⁷Law of the Republic of Indonesia Number. 11 of 2012 concerning the Juvenile Criminal Justice System.

The current increasing Covid-19 outbreak, in order to make policies to fulfill all the rights inherent in children, the government establishes through the Right of Assimilation and Right of Integration. The right of assimilation is the process of fostering prisoners and children carried out by assembling prisoners and children in society. Furthermore, the right of integration is the granting of parole, leave before release and conditional leave for prisoners and children who commit crimes other than terrorism, narcotics and narcotic precursors, psychotropic substances, corruption, crimes against state security and serious human rights crimes, as well as other crimes. organized transnationals or foreign nationals. Previously, that Indonesia was the highest agreement among the state-formers,¹⁸The government creates order and peace in people's lives, and maximizes the potential for regional development.¹⁹

The release of prisoners and children is carried out solely as part of the government's efforts to break the chain of the spread of the Covid-19 virus in the Penitentiary and Detention Centers as well as within the Child Special Guidance Institution (LPKA). In the Decree of the Minister of Law and Human Rights Number M.HH-19.PK.01.04.04 of 2020 concerning the release and release of prisoners and children through the Assimilation and Integration rights program, it is carried out for prisoners who have two-thirds of their criminal terms until December 31, 2020 and children who half of the sentence is until December 31, 2020. As before the Covid-19 pandemic, a program to reduce the number of prison prisoners had been initiated, for example by the proposal to optimize the imposition of substitute penalties in the form of fines, conditional penalties and panel mediation, whose implementation still requires adjustments and changes to the criminal law and the criminal system as part of the Integrated Criminal Justice System. While the criminal threat is shown to the person who caused the incident.²⁰ Quoting what was said in the journal Fence Wantu and A. Hamid T thatThe existence of these regulations provides equal rights for every citizen.²¹

The release of prisoners and correctional students is carried out by considering the vulnerability of the spread of the Covid-19 virus in Correctional Institutions and Detention Centers as well as the Special Child Development Institute (LPKA) in Indonesia, which incidentally has excess occupants, which is still reaping

¹⁸Nggilu, Novendri M. (2020). Juridical Review of Criminal Sanction Arrangements in Gorontalo Provincial Regulations. *Lambung Mangkurat Law Journal*. 5(2), 110

¹⁹Achir, Nuvazria, and Sri Nanang Meiske Kamba. (2021). The function of sharia-based Regional Regulations on Education and Social Services in the Regions. *Jambura Law Review*. 3 Special Issues, 16

²⁰Lakoro, Aniza, Badu, Lisnawaty W., & Achir, Nuvazria. (2020). Weak Police in Handling Crimes of Online Togel Gambling". *Legality Journal*. 13(1), 36

²¹Wantu, Fence M., and Abdul Hamid Tome. (2021). Dynamics of Village Head Election Arrangements. *Jambura Law Review*. 3 Special Issues, 101

controversy in the community. Because it is not uncommon for those who have been released to repeat their unlawful acts.

Evidence from those who act can be an assessment that the behavior before they were released and allowed to mingle into society was less effective. When the government cannot guarantee that they will not repeat their unlawful actions again, what the government can guarantee is the supervision and action of officers on guard as long as they are returned to the community through the Right of Assimilation and Right of Integration. In essence, everyone has the right to legal protection for the rights of everyone, including children, even though the child does not know the legal problems with him. The right to life must also be protected by the state, especially the rule of law.²²The benefit is so that it does not become a clash in the life of society and the state.²³

Table 1.
List of granting rights of assimilation and integration rights of correctional students

YEAR	AMOUNT	DESCRIPTION
2020	11	Home Assimilation
2020	9	Parole
2020	1	Conditional Leave
2021	1	Home Assimilation

Sumber: LPKA Class II A Gorontalo, 2022

From the table data above obtained from the Child Special Guidance Institute (LPKA) in 2020, it is explained that there are 11 correctional students who have the right of home assimilation. In 2020, it was explained that there was 1 correctional student who received conditional leave and there were 9 correctional students who received parole at the Gorontalo Child Special Guidance Institute (LPKA). And then in 2021 there is 1 correctional student who gets home assimilation. Meanwhile, there are no correctional students who get parole, conditional leave and leave before being released in 2021.

Government policies regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 32 of 2020 concerning Terms and Procedures for Granting Assimilation, Conditional Release, Leave Before Release, and Conditional Leave for Convicts and Children in the Context of

²²Badu, Lisnawaty. (2012). Euthanasia and Human Rights. *Legality Journal*. 5(1), 1

²³Tijow, Luciana. Protection of Human Rights to the Right to Life of Children in the womb outside of a legal marriage. *Legality Journal*. 3 (2), 80

Prevention and Control of the Spread of Covid-19, Based on Article 2 it is explained that:

1. In the context of preventing and overcoming COVID-19, prisoners and children can be given assimilation.
2. The assimilation as referred to in paragraph (1) is carried out at home with the guidance and supervision of the Fathers and Community Service Centers and may involve Pokmas.

Based on Article 17 in terms of granting parole, leave before release, and conditional leave for prisoners and children in the context of preventing and overcoming COVID-19, it is explained that:

1. In the context of preventing and overcoming COVID-19, prisoners and children may be granted parole, leave before release, and conditional leave.
2. Conditional release, leave prior to release, and conditional leave as referred to in paragraph (1) shall be carried out through guidance and supervision by the Fathers and Attorney General's Office and may involve Pokmas.

The number of Correctional Students (ADP) in the Gorontalo Child Special Guidance Institution (LPKA) is 26 students but in 2021 in terms of granting Home Assimilation Rights as stated in the Law and Human Rights Government Regulation policy instead of Assimilation only given to 1 only students and the granting of Integration Rights is not given to students and this is what makes researchers interested in researching them.

2. Research methods

The research method used by the researcher is using empirical research methods, where Mukti Fajar said that empirical research is a study of phenomena that occur in the social environment, examining factual events that occur in the field.²⁴The sampling used purposive sampling. This study also uses a qualitative approach and descriptive analysis techniques.

3. Barriers to the Implementation of Fulfillment of Assimilation and Integration Rights to Children in Correctional Institutions

The law can effectively carry out its function to protect the rights inherent in everyone, if enforced, in other words, legal protection is that everyone's rights

²⁴Fajar, Mukti & Achmad, Yulianto. Dualism in Legal Research (Normative and Empirical), (Yogyakarta: Pustaka Pelajar, 2010), 153.

can be fulfilled if the law enforcement process is carried out, because the degree of legal compliance depends on the law-making process.²⁵

In the author's opinion, in providing a policy to fulfill the rights of assimilation and integration rights in the midst of the covid-19 pandemic for these correctional students, it is felt that it is not without a mature balance, because when viewed from the condition of the special coaching institution for children who have fulfilled overcapacity, it is very impossible to The transmission of the covid-19 virus between fellow correctional students becomes very easy and is a challenge for the government and every special child development institution. In the midst of the COVID-19 pandemic, all correctional facilities are at risk. The problem is that in addition to many prisons that are unfit for habitation due to the lack of facilities and health education, excess capacity also makes social distancing policies impossible to implement. The release of prisoners and correctional students is expected to prevent and overcome the spread of the Covid-19 virus in Correctional Institutions and Detention Centers as well as the Special Child Development Institute (LPKA) in Indonesia which incidentally has excess occupants, which is still reaping controversy in the community. Because it is not uncommon for those who have been released to repeat their unlawful acts.

According to a sociologist from Sebelas Maret University (UNS) Surakarta, Drajat Tri Kartono, explaining that there are several possibilities why prisoners and correctional students who have been assimilated and integrated during the COVID-19 pandemic have again committed acts against the law, namely as follows:²⁶

1. No deterrent effect

Punishment is basically used to make perpetrators or violators of the law experience repressive means being suppressed, ostracized, and kept away from family, friends, and the outside world so that they are deterred. Such punishment to several prisoners and correctional students did not deter him. Because it could be that the punishment was not difficult for prisoners and correctional students. When prisoners and correctional students are in correctional institutions and special fostering institutions there are children who can get along well, get regular meals, and other things that actually make their lives easier. So that prisoners and

²⁵Santiago, Faisal. (2017). Law Enforcement of Corruption Crimes by Law Enforcers for the Creation of Legal Order. *Pagaruyung Law Journal*. 1 (1), 23

²⁶Wurnasari, Annissha Azzahra, et al. (2020). The Impact of Prisoners Assimilation on the Rise of Crime Amid the Covid-19 Pandemic Article. *National Seminar And Call For Paper Hubisintek*, 23

correctional students feel at home in correctional institutions and special child development institutions and do not feel deterred.

2. Minimal preparation

Usually before prisoners and correctional students are released, there is a moderation process to prepare them to adapt to the world or prisons, what is meant by correctional is that they return to society, so they must follow the norms that exist in society. The process is mediated by correctional institutions and special child development institutions. The function of correctional institutions and special children's development institutions is to educate, train, and not only be repressive but also prepare prisoners and correctional students when they come out later. The preparations include educational, legal, cultural, mental and spiritual aspects. When prisoners and correctional students come out with incomplete preparations, the result is that they do not experience compliance outside.

3. Congenital or inherent trait

Apart from the things that have been explained above, being prisoners and correctional students are not deterred because they are already *traits* or traits that are socially and individually owned. Individually, it means that these traits have been attached to him, while socially it means that prisoners and correctional students can be affected by the surrounding environment.

Based on the results of the researcher's interview with Mr. Irfan Hamim as Head of the Education and Community Guidance Subsection of the Class II A Gorontalo Child Special Guidance Institute, he is of the opinion that there are two factors that hinder the fulfillment of the right of assimilation and the right of integration for correctional students, namely:²⁷

1. There is no guarantor from the correctional students

The guarantor is a family or people known to the correctional protégé. In the case of being a guarantor for correctional students, the guarantor must also meet the requirements set out in the rules in LPKA.

Because many correctional students are no longer living with their parents, so it is difficult to find someone who is willing to be a guarantor and responsible for correctional students while at home. Not only during the covid-19 pandemic. Before Covid-19, it was difficult to get guarantors for correctional students. The duties and responsibilities of the guarantor are very large where the guarantor must assess the correctional students as long as the correctional students are at home, participate with the

²⁷The results of the interview with Mr. Irfan Hamim, Head of the Education and Community Guidance Subsection of the Class II A Children's Special Guidance Institute, Gorontalo. Tuesday, June 21, 2022.

correctional students when reporting to the Correctional Center and usually ensure that the correctional students do not make violations that can result in the granting of assimilation rights. the correctional students are revoked.

2. Have a register f . record

Correctional students who have a record of violations in Register F and do not behave well will not get the right of remission, the right of assimilation or the right of integration in an indefinite period of time.

3. Community Environment

Community environmental factors play an important role in the rehabilitation and reintegration of childreneducatecorrectional facilities, at the stage by re-mingling correctional students with the community. However, it cannot be denied that there is still a gap between correctional students and the community, thoughts about public opinion about criminals put forward by Romli Atmasasmita, he said that

Laon that sidewe often hear from the public and even tend to be a habit where the view of a criminal is often (always) negative. There is an impression that criminals do not deserve legal protection as do victims of crime.²⁸

The bad stigma of society towards correctional students as criminals who are ostracized in social life has an impact on the loss of public trust in correctional children and the community is difficult to accept their presence in the assimilation process. The correctional development system is carried out based on the principle stated in Article 5 letter e of Law Number 12 of 1995 concerning Corrections, respect for human dignity and respect is that as a lost person, Correctional Inmates must be treated as human beings. Contrary to the correctional philosophy to re-socialize lost people, in this case correctional students or Correctional Assisted Citizens.²⁹

Another factor in the community's rejection of prisoners is the lack of public knowledge about the pattern of correctional development based on statutory regulations. Society is absolutely necessary in an effort to return correctional students to the right path, because after all it must be recognized that correctional students are an inseparable part of society

²⁸ Atmasasmita, Romli. Criminal Justice System Perspective of Existentialism and Abolism. (Bandung : Binacipta, 2019), 64

²⁹Panungkelan, Waraney CV (2016).Implementation of Assimilation in Rutan According to Law Number 12 of 1995 concerning Corrections. *Journal of Lex Crimen.* 5(4), 103

itself. Although the penal institution, in this case the Child Special Guidance Institute, takes pains to provide guidance to correctional students, if they finish serving their criminal period they do not get good reception from the community, there is a tendency for the former convicts to commit another crime.

4. Excess capacity

In this case, excess capacity can also affect obstacles in fulfilling the rights of assimilation and integration because the coaching in LPKA is not going well because there are too many residents and the number of LPKA employees is minimal, which makes the granting of assimilation rights and integration rights not optimal for community students.

5. Minimal staff quality

LPKA Class II A Gorontalo officers, although they have good quality, but the shortage of officers remains a factor that hinders the fulfillment of the rights of assimilation and integration rights of correctional students. Officers have a big role in efforts to prepare for the assimilation and integration of correctional students as people who foster correctional students. The shortage of these officers is also far from balanced compared to the correctional students who must be nurtured.

6. Ineffective bureaucratic processes

The ineffectiveness and efficiency of laws and regulations can be seen from the complexity and length of the process of proposing assimilation and integration such as application letters for assimilation and integration of applicants (correctional students) and the lack of understanding of kelurahan/village officials in making statements and letters of guarantee from the families of students. correctional facilities known by the local lurah/village head.

To quote as said by Fence M. Wantu in his Journal that the essence of justice is an assessment from one person to another, which is generally seen from the party receiving the treatment only.³⁰To quote Suwitno Yutye Imran, Justice serves as a guide to distinguish between actions fair and unfair elements of the aspect of justice can be contained in the substance.³¹ The application and enforcement of the law are elements of the legal system that must be continuously addressed in order to realize a legal position in a legal state that is beneficial to the interests of the community, nation and state.³² Therefore, it is also hoped that the community

³⁰Wantu, Fence M. (2013). Judge's Obstacles in Creating Legal Certainty, Justice, and Benefits in Civil Courts. *Legal Pulpit Journal*, 25 (2), 206

³¹Imran, Suwitno Y. (2021). The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments. *Journal of Law Review*. 3(2), 398

³²Soekanto, Soerjono. Introduction to Legal Research. (Jakarta: UI- Press, 2010), 11

needs to increase legal awareness and participation in supervising and preventing criminal offenses.³³

Based on the results of the researcher's interview with one of the LPKA employees above, the researcher can analyze that the biggest factor that hinders the fulfillment of the rights of assimilation and integration of correctional students is the environmental factor of the community itself which is difficult to accept back the presence of correctional students because they already have a bad stigma. to correctional students.

4. Conclusion

In the implementation of the fulfillment of the right of assimilation and the right of integration to correctional students, there are several obstacles, the obstacles are that there is no guarantor of the correctional students, has register f records, community environment, excess capacity, minimal quality of officers and less bureaucratic processes. effective.

The government carries out alternative non-prison punishments that can be carried out such as supervision and community service which is seen as more efficient than prison law because in achieving the goal of fostering or rehabilitating correctional students before finally being able to be free and return to life in the community and for the community. The community is expected to participate actively in the implementation of community programs, so that correctional students feel they can be accepted again in the community.

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³³Solekha, RR, Wantu, F., & Tijow, L. (2020). Law Enforcement Against Money Politic Crime by Candidates for Legislative Members in the 2019 General Election. *Jurnal Legalitas*. 13 (01), 68

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