



EFFORTS TO ERADICATE MOBILE PHONES IN CLASS II A LANGKAT NARCOTICS PRISON INSTITUTION AS AN EFFORTS TO PREVENT DISTURBANCES TO SECURITY AND ORDER IN PRISON

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Abstract

This study aims to determine: 1) What is the basis of the regulations governing the prohibition of mobile phone use in correctional institutions and how it is implemented. 2) What is the SOP for carrying out raids on mobile phone use in correctional institutions. 3) What are the legal sanctions given to prisoners who use mobile phones in correctional institutions. The research methodology used in this writing is an empirical legal method, namely an approach that examines secondary data first and then continues with conducting primary data research. The results of the discussion are as follows: 1) The basis of the regulations governing the prohibition of mobile phone use in correctional institutions is regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 8 of 2024 Article 24 paragraph (2) letter b and Article 26 letter i, as well as the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 Article 4 letter j. The implementation of this prohibition involves strict supervision by correctional officers. 2) The SOP for carrying out raids on mobile phone use in correctional institutions is carried out by officers which begins with an assembly to provide direction for the implementation of the raid. Furthermore, a search of the blocks and residential rooms was carried out, officers removed one by one the prisoners/detainees who were in the targeted residential rooms while simultaneously conducting a body search. 3) The legal sanctions given to WBP who use cellphones in correctional institutions as regulated in Article 46 paragraph (3) letter f of the Indonesian Minister of Law and Human Rights Regulation Number 8 of 2024 are grouped into light sanctions in Article 45 paragraph (3), moderate sanctions in Article 45 paragraph (4), and heavy sanctions in Article 45 paragraph (4).

Keywords: *Mobile phones, WBP, Correctional institutions*

A. INTRODUCTION

WBP is an abbreviation of Warga Binaan Pemasyarakatan. Warga Binaan Pemasyarakatan are Prisoners, Correctional Students, and Correctional Clients. Correctional institutions according to Law Number 12 of 1995 concerning Corrections are places to carry out the guidance of prisoners and correctional students. Correctional institutions have an important function in the criminal justice system, because their position determines the success of the objectives of the criminal justice system, because they contain a development process. Guidance in correctional institutions is an important aspect that is needed as an effort to prevent the repetition of criminal acts (recidivism), with appropriate guidance and treatment the goals of correctional institutions can be achieved.

Soerjono Soekanto stated that the factors that may influence law enforcement are the legal factor itself, the law enforcement factor, namely the parties that form the law or implement the law, the means and facilities that support law enforcement, the community factor, namely the environment in which the law applies or is implemented, and the cultural factor, namely as a result of work, creativity and feelings that are based on human life. The circulation and use of illegal communication devices, especially mobile phones, are strictly prohibited in correctional institutions because they can trigger other crimes and control crimes behind bars. If this is allowed to continue, it will have a negative impact on the organizational environment and the emergence of public distrust of correctional institutions. However, in reality, even though prisoners have been put into correctional institutions, there are still many violations of the rules and regulations of correctional security, especially the circulation of

illegal communication devices such as mobile phones. Proper handling is needed so that this does not continue to be a problem in correctional institutions. Until now, crime in Indonesia has increased, resulting in overcapacity of the number of inmates in correctional institutions and resulting in many violations of the rules, one of which is the use of mobile phones. Supervision is still carried out, but because of the overcapacity, it provides loopholes for inmates to violate the rules. circulation and use of mobile phones in correctional institutions is a problem that needs to be addressed as soon as possible, if it is allowed to continue it will invite new, more dangerous crimes that can be committed by WBP. Therefore, correctional officers are required to always have integrity in carrying out their duties.

B. FORMULATION OF THE PROBLEM

Based on the description above, the researcher formulated the problem as follows:

1. What is the basis for the regulations governing the prohibition on the use of mobile phones in correctional institutions and how are they implemented?
2. What is the SOP for carrying out raids on mobile phone use in correctional institutions?
3. What are the legal sanctions for prisoners who use cell phones in correctional institutions?

C. RESEARCH METHODOLOGY

This research is compiled using an empirical legal method, which is an approach that examines secondary data first and then continues with conducting primary data research. The secondary data referred to here is a theoretical basis in the form of opinions or writings of experts or other authorized parties and other information in the form of formal provisions such as laws and regulations, and others, while the primary data in this study are the results of field research.

1. Literature review

a. Overview of WBP

WBP is an abbreviation for Warga Binaan Pemasyarakatan. According to Article 1 paragraph (5) of the Republic of Indonesia Law Number 12 of 1995 concerning Corrections, Warga Penitentiary is a Prisoner, Correctional Student, and Correctional Client. In the next paragraph in the Republic of Indonesia Law Number 12 of 1995 concerning Corrections, it is explained that:

- 1) A convict is a person who is punished based on a court decision that has permanent legal force.
- 2) Prisoners are convicts who are serving a sentence of loss of liberty in a prison.
- 3) Correctional Students are:
 - a) Criminal Children are children who, based on a court decision, are serving a sentence in a Children's Penitentiary until they are 18 (eighteen) years old at the latest;
 - b) State Children are children who, based on a court decision, are handed over to the state to be educated and placed in a Children's Correctional Institution until they are 18 (eighteen) years old at the latest;
 - c) Civilian children are children who, at the request of their parents or guardians, have received a court order to be educated in a Children's Correctional Institution until they are 18 (eighteen) years old at the latest.
- 4) Correctional Clients, hereinafter referred to as Clients, are people who are under the guidance of BAPAS.

In addition, according to the Criminal Code article 10 (in the Criminal Procedure Code and Criminal Code, 2001) convict is a common predicate given to people who are subject to the penalty of loss of liberty, namely imprisonment (confinement). Meanwhile, according to the KBBI, a convict is a person sentenced or convicted, or someone who is serving a sentence for a crime he has committed.

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A prisoner is a person whose behavior at a certain time in a cultural context cannot be tolerated and must be corrected by imposing sanctions in the form of taking away their freedom as an enforcement of norms (rules) by the apparatus of power (the state) which is reviewed to fight against and eradicate behavior that threatens the validity of these norms.

2. Overview of Correctional Institutions

According to Article 1 paragraph (3) of the Republic of Indonesia Law Number 12 of 1995 concerning Corrections, Correctional Institutions, hereinafter referred to as LAPAS, are places for carrying out the development of Prisoners and Correctional Students. This socialization system is carried out to form a civil society that is fully human, aware of mistakes, improves itself, and does not repeat crimes so that it can be accepted again by the community, can play an active role in development, and can live a decent life as a good and responsible citizen.

Correctional Institutions (Lapas) have a very large and strategic role in enforcing criminal law, all of which can be realized in the implementation of guidance for prisoners and correctional students. The implementation of this guidance is carried out by correctional institutions. Corrections are the final part of the criminal justice system in the criminal justice system, known as the integrated part of the Integrated Criminal Justice System. Thus, corrections, whether viewed from the system, institutions, methods of guidance, and correctional officers, are an inseparable part of a series of law enforcement processes.

Prisons and Correctional Institutions are different things. According to Article 6 paragraph (1) of the Republic of Indonesia Law Number 12 of 1995 concerning Corrections, the guidance of Correctional Institution Residents is carried out in the Prison and the guidance of Correctional Institution Residents is carried out by the Correctional Institution. The concept of corrections was first initiated by the Minister of Justice Sahardjo in 1962. He stated that the task of the prison office is not only to carry out punishment, but also a much more difficult task is to return people who have been convicted to society. In 2005, the number of prison inmates in Indonesia reached 97,671 people, greater than the capacity of only 68,141 people.

Correctional Institutions are Technical Implementation Units under the Directorate General of Corrections of the Ministry of Law and Human Rights (formerly the Ministry of Justice). Inmates of correctional institutions can be prisoners (napi) or Correctional Inmates (WBP) can also be in detention status, which means that the person is still on trial and has not been determined guilty or not by the judge. Civil officials who deal with the development of prisoners and detainees in correctional institutions are called correctional officers, or previously better known as the term prison officers/wardens. The Registration and Classification Standards for Prisoners and Detainees are a mandatory guide for Correctional Officers at Branch Prisons, Detention Centers and Correctional Institutions in administering the registration and classification of prisoners and detainees.

In the international standards on the treatment of prisoners (Standard Minimum Rules for the Treatment of Prisoners), especially those regulating the procedures for registration, it is emphasized that all new prisoners entering the Prison or Detention Center must be recorded and classified according to their criminal records and classes of prisoners, which are further regulated in Law Number 12 of 1995 concerning Corrections. By recording registration and classification, it will provide legal certainty regarding the existence of a prisoner or convict in the Prison or Detention Center. This can be seen in Law Number 12 of 1995 concerning Corrections Article 10 and Government Regulation Number 58 of 1999 concerning the Requirements and Procedures for the Implementation of Authority, Duties and Responsibilities for the Treatment of Prisoners in Article 3.

With the classification of prisons, namely: Class I Prison, Class IIA Prison and Class IIB Prison, the severity of the sentence that must be served is adjusted to the Class of Prison that will be occupied. For prisoners with life sentences and other prison sentences, they must be transferred to Class I Prison, and vice versa for prisoners with short/light sentences, they must be transferred to a lower Class Prison (Class IIA or Class IIB).

The position, duties and functions of the Correctional Institution are as follows:

- a) Correctional institutions are technical implementation units in the field of Corrections which are under and responsible to the head of the Regional Office of the Department of Justice.
- b) Correctional institutions have the task of implementing correctional services.
- c) To carry out these tasks, the Prison has the following functions: providing guidance to prisoners/students, providing social and spiritual guidance to prisoners/students, maintaining security and order, and carrying out administrative and household functions.

D. DISCUSSION

1. Basic Regulations Governing the Prohibition of Mobile Phone Use in Correctional Institutions and Their Implementation

Every person placed in prison has completed the legal process through a trial in court and is now serving his sentence. Prisoners in prison do not have a free life like everyone outside prison. To ensure the implementation of life in prison, there are rules and regulations that must be obeyed by prisoners while serving their sentence, including the mechanism for imposing disciplinary punishments for those who violate these rules and regulations as regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 8 of 2024 concerning the Implementation of Security and Order in Correctional Work Units.

The prohibition on using electronic devices in the form of mobile phones is regulated in Article 24 paragraph (2) letter b. Article 26 letter i of the Minister of Law and Human Rights Regulation prohibits prisoners and detainees from having, bringing, or using communication devices or electronic devices. Thus, it is clearly stated that every prisoner is not permitted to have, bring, and/or use a mobile phone (handphone) in prison.

The prohibition on the use of mobile phones for inmates is also regulated in Article 4 letter j of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and Detention Centers and the Circular of the Director General of Corrections Number: PAS-126.PK.02.10.01 of 2019 concerning the Implementation of Zero Halinir, emphasizing that everyone who visits or enters the detention center and prison block area is prohibited from bringing mobile phones and must be deposited in the available lockers.

The implementation of this prohibition involves strict supervision by correctional officers. Everyone who enters the prison area must deposit their cellphones in the lockers provided. This will prevent prison visitors from giving the cellphones to prisoners intentionally or unintentionally. In addition, supervision needs to be carried out by patrolling at least once every 15 minutes for 24 hours. This patrol activity will close the gap for prisoners to violate prison regulations including the use of cellphones.

Another way that must be done is to conduct raids or searches of inmates' residential rooms every day. This method will also minimize the possibility of inmates hiding equipment that is prohibited from being brought into prison, including cellphones.

2. SOP for Implementing Raids on Mobile Phone Use in Correctional Institutions

The high number of residents or inmates in a Correctional Institution will cause disturbances to security and order. In order to avoid disturbances to Security and Order for inmates in the Correctional Institution, officers need to make preventive efforts in the form of searches or raids that can be carried out either incidentally or routinely. Based on the Daily Order of the Director General of Corrections Number: PAS-HH.01.04-12 of 2020 which states to work professionally, not to carry out extortion/corrupt practices and ensure that there are no cellphones, narcotics, sharp weapons, and other prohibited items in the prison by conducting raids or searches of rooms and residential blocks.

The legal basis for the activity of searching the blocks and rooms of prisoners/detainees is as follows:

- a. Law Number 22 of 1995 concerning Corrections;
- b. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and State Detention Centers;
- c. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 33 of 2015 concerning Security in Correctional Institutions and State Detention Centers;
- d. Minister of Law and Human Rights Regulation Number 29 of 2017 concerning Amendments to the Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and State Detention Centers;
- e. Decree of the Director General of Corrections Number PAS-459.PK.01.04.01 dated 17 September 2015 concerning Standards for Prevention of Security and Public Order Disturbances;

The stages of preparation and implementation of raids at prisons are as follows:

- a. Conducting a preparatory roll call for carrying out the raid;
- b. Officers immediately went to the residential room to carry out a raid;
- c. Officers carried out searches of residential blocks and rooms;
- d. Releasing one by one the prisoners/detainees who are in the intended residential rooms and at the same time conducting a physical inspection;
- e. Regulating the distance between officers and prisoners/detainees when conducting body searches;
- f. Collect all the found items and put them in a sack;
- g. After completing the raid, the prisoners/detainees were directed back to their respective rooms.

3. Legal Sanctions Given to WBP Who Use Cell Phones in Correctional Institutions

Correctional institutions provide guidance as a form of government responsibility as regulated in Law Number 12 of 1995. The form of guidance that must be given to WBP is personality guidance and independence guidance. Personality guidance is related to character and mental development, while independence guidance is related to the development of WBP's talents and skills.

The application of discipline to WBP is one way to provide guidance and is the authority of correctional institutions in order to achieve the goal that WBP no longer violates the law, becomes active, productive, and useful in society. The imposition of sanctions on WBP who are proven to use a cellphone is regulated in Article 46 paragraph (3) letter f of the Indonesian Minister of Law and Human Rights Regulation Number 8 of 2024 as explained in Article 45 paragraph (1).

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The light level sanctions contained in Article 45 paragraph (3) include:

- a. Give a verbal warning; or
- b. Give a written warning.

The moderate level sanctions contained in Article 45 paragraph (4) include postponing or eliminating visits. The severe level sanctions contained in Article 45 paragraph (5) include:

- a. Placement in solitary confinement for a maximum of 12 days; or
- b. Conditional suspension or restriction of rights.

However, it should be noted that the imposition of severe sanctions is not given to prisoners and convicts in reproductive functions.

E. CLOSING

Conclusion

From the research results that have been described, researchers can conclude:

1. The basic regulations governing the prohibition of the use of mobile phones in correctional institutions are regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 8 of 2024 Article 24 paragraph (2) letter b and Article 26 letter i, as well as the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 Article 4 letter j. The implementation of this prohibition is by involving strict supervision by correctional officers. In addition, supervision needs to be carried out by patrolling at least once every 15 minutes for 24 hours, as well as conducting raids or searches of inmates' residential rooms every day.
2. The SOP for carrying out raids on mobile phone use in correctional institutions is carried out by officers, which begins with an assembly to provide direction for carrying out the raid. Furthermore, a search of the blocks and residential rooms is carried out, officers remove one by one the prisoners/detainees who are in the targeted residential rooms while simultaneously conducting a body search. All items found are then collected in one place such as a sack which is then handed over to the Head of the raid officer to be taken action in the form of detention or destruction.
3. The legal sanctions given to WBP who use cellphones in correctional institutions as regulated in Article 46 paragraph (3) letter f of the Indonesian Minister of Law and Human Rights Regulation Number 8 of 2024 are grouped into light sanctions in Article 45 paragraph (3), moderate sanctions in Article 45 paragraph (4), and heavy sanctions in Article 45 paragraph (4). It is also important to note that heavy sanctions are not given to prisoners and convicts in reproductive functions.

Suggestion

Based on the research results described above, the researcher would like to provide suggestions in the form of:

1. It is recommended that each prison increase the number of officers to conduct patrols, raids and guards and improve the quality of human resources. The increase in the number of officers is intended so that the implementation of coaching tasks can run well and safely.
2. It is recommended that each prison be stricter in giving punishment or disciplinary sanctions to inmates who violate the rules of procedure, this aims to provide a deterrent effect and inmates will not violate the rules of procedure in prisons in accordance with Law Number 22 of 2022 concerning Corrections and Regulation of the Minister of Law and Human Rights Number 6 concerning the Rules of Procedure of Correctional Institutions and State Detention Centers.

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