

Correctional Institution Policy on Extraordinary Permission for Inmates Outside Visiting Hours

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ABSTRACT

In the course of legal proceedings, detainees held in detention centers retain certain rights as part of the protection and services afforded to them, including the right to apply for temporary leave and extraordinary leave. However, there is a distinction between temporary leave and extraordinary leave for detainees in detention centers. This differs from the situation of convicted prisoners, as prisoners are already serving their criminal sentences, and the detention center bears a fuller obligation to fulfill their rights compared with detainees who are still undergoing legal proceedings. Therefore, temporary leave and extraordinary leave may still be granted to detainees or prisoners, provided that the applicable legal procedures and regulations are observed.

Keywords: Correctional institution policy; extraordinary permission; inmates; visiting hours.

INTRODUCTION

State Detention Center is a facility used to detain suspects or defendants who are still undergoing the processes of investigation, prosecution, and examination before the court. The State Detention Center is a technical implementing unit under the Ministry of Law and Human Rights, formerly known as the Ministry of Justice. In Indonesia, detention centers are managed by the Directorate General of Corrections under the Ministry of Law and Human Rights. A detainee is an individual who is undergoing legal proceedings and has not yet received a final court decision. In the Indonesian legal context, detainees may be suspects or defendants placed in a State Detention Center during the stages of inquiry, investigation, or trial. Under Law No. 8 of 1981 concerning Criminal Procedure Law, a detainee refers to a person detained by an investigator, public prosecutor, or judge in order to prevent escape, the destruction or concealment of evidence, or interference with the legal process.

A person may be detained for various alleged criminal offenses, such as assault, murder, defamation, theft, kidnapping, forgery, gambling, narcotics abuse, sexual crimes, and other acts that cause harm to other individuals or to the State. Detention may have both physical and psychological impacts on detainees. The physical effects may include weakness, nausea, dizziness, headaches, increased blood pressure, insomnia, muscle tension, stomach pain, and other physical complaints. Meanwhile, psychological effects may include anxiety, hopelessness, delusions, dissatisfaction with life, depression, denial, phobias, feelings of guilt, and shame.

A person may be detained based on several grounds regulated by law, particularly under the Indonesian Criminal Procedure Code or KUHAP. The main grounds for detention are divided into two categories: subjective grounds and objective grounds. Subjective grounds

include concerns that the suspect or defendant may flee, destroy or conceal evidence, or repeat the criminal offense. Objective grounds refer to the severity of the criminal threat, where detention may be imposed if the alleged offense is punishable by imprisonment of five years or more. This includes various serious crimes, such as corruption, murder, and narcotics-related offenses.

Referring to Law No. 22 of 2022 concerning Corrections, particularly Articles 7 to 11, the law covers various aspects of protection and services for detainees. Article 7 of Law No. 22 of 2022 stipulates that detainees possess certain rights. Among these rights, point 10 states that detainees are entitled to “receive social services.” In addition to being regulated under Law No. 12 of 1995 concerning Corrections, detainees’ rights are also further regulated in several government regulations and ministerial regulations. These include Government Regulation No. 32 of 1999 concerning the Terms and Procedures for the Implementation of the Rights of Correctional Inmates, and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 12 of 2016 concerning the Terms and Procedures for Granting Leave Permits for the Purpose of Guidance and Development. Several rights of inmates regulated under these provisions include the right to obtain temporary leave from the detention center.

METHODS

This research is categorized as empirical juridical research, also known as field research, which examines applicable legal provisions as well as the realities that occur in society. Empirical juridical research is legal research that investigates the application or implementation of normative legal provisions *in action* within specific legal events occurring in society. In other words, this type of research is conducted by examining actual conditions or real situations in society in order to identify and obtain the necessary facts and data. After the required data have been collected, the research proceeds to problem identification and ultimately to problem-solving.

In this study, the approach used to address the research problem is the empirical juridical approach. The juridical approach views law as a norm, or *das sollen*. Therefore, the discussion of the research problem is conducted by using legal materials, whether written or unwritten, including primary, secondary, and tertiary legal materials. Thus, the empirical juridical approach in this study means that the analysis of the formulated problems is carried out by combining legal materials, consisting of primary, secondary, and tertiary legal materials as secondary data, with primary data obtained directly from the field. The field data in this research relate to the implementation of temporary leave permits and extraordinary leave permits at the Tanjung Pura Detention Center.

RESULTS AND DISCUSSION

Differences between Temporary Leave and Extraordinary Leave

Temporary leave and extraordinary leave constitute forms of administrative policy within the correctional system. However, the two differ fundamentally in terms of their purpose, urgency, duration, and legal procedures.

Table 1. Differences between Temporary Leave and Extraordinary Leave

Aspect	Temporary Leave	Extraordinary Leave
Purpose	General purposes, such as certain personal or family matters.	Urgent and humanitarian purposes.
Legal Basis	Regulation of the Minister of Law and Human Rights No. 21 of 2013 and No. 32 of 2020.	The same legal basis, but with more specific criteria.
Situation	Does not necessarily require an emergency situation.	Emergency situations, such as death or serious illness of a family member.
Duration of Leave	Granted according to the need, but within a limited period.	A maximum of 1 x 24 hours and does not permit an overnight stay.
Approval	Approved by the Head of the Detention Center.	Approved by the Head of the Detention Center with a recommendation from the Correctional Observer Team (<i>Tim Pengamat Pemasarakatan / TPP</i>) hearing.
Escort	Escorted by correctional officers and relevant stakeholders.	Must be escorted by correctional officers.

Extraordinary leave is more selective than temporary leave because it is granted only for urgent and emotionally significant circumstances. In general, extraordinary leave is more commonly associated with convicted inmates than with detainees.

Legal Regulations Concerning Temporary Leave and Extraordinary Leave

The granting of temporary leave and extraordinary leave is regulated under several national legal instruments, including Law No. 12 of 1995 concerning Corrections. Article 14 of the law states that inmates have the right to receive sentence reduction, conditional leave, remission, and correctional guidance services, including permission to leave the correctional facility under certain circumstances. Regulation of the Minister of Law and Human Rights No. 21 of 2013 regulates the requirements and procedures for granting leave permits to inmates and detainees.

Regulation of the Minister of Law and Human Rights No. 32 of 2020 serves as an operational basis that further clarifies the criteria for granting extraordinary leave, including administrative requirements, procedures, and the authorities responsible for granting approval. Decisions of the Directorate General of Corrections also provide internal technical guidelines used by detention centers and correctional institutions in evaluating leave permit applications. From the perspective of administrative law, the granting of such permits must comply with the principles of legality, accountability, and legal certainty in order to prevent arbitrariness and to ensure the protection of the rights of detainees and inmates.

Implementation of Temporary Leave and Extraordinary Leave at the Tanjung Pura Detention Center in 2023–2024

Based on interviews and administrative data, the implementation of temporary leave and extraordinary leave at the Tanjung Pura Detention Center during the 2023–2024 period shows the following findings:

Frequency and Types of Leave

- a. Temporary leave, particularly for detainees, was more frequently granted because certain circumstances required detainees to leave the detention center. For example, detainees may be permitted to leave the facility in order to attend court hearings.
- b. Extraordinary leave was primarily granted to convicted inmates who were already serving their sentences, especially for urgent purposes such as attending the funeral of an immediate family member or visiting a parent who was seriously ill.
- c. Each leave permit was carried out under escort by two to three correctional officers.

Procedures Implemented

- a. Applications were submitted by the family by attaching supporting documents, such as a death certificate or an official medical certificate issued by a hospital.
- b. A brief field verification was conducted to confirm the accuracy of the information provided.
- c. A hearing by the Correctional Observer Team (*Tim Pengamat Pemasyarakatan / TPP*) was conducted promptly in order to accelerate the approval process.
- d. The Head of the Detention Center granted permission based on the recommendation issued by the TPP.
- e. Supervision and escort procedures were strictly implemented, and the inmate or detainee was required to return to the detention center within a maximum period of 1 x 24 hours.

Problems and Evaluation

- a. The limited number of escort personnel sometimes became an obstacle to providing a rapid response to requests for extraordinary leave.
- b. Not all families were aware of their right to apply for such leave; therefore, public information and socialization efforts were considered insufficient.
- c. Nevertheless, based on the records of the Tanjung Pura Detention Center, no administrative violations were found during the 2023–2024 period.

CONCLUSION

There is a slight distinction between temporary leave and extraordinary leave as implemented at the Tanjung Pura Detention Center. Temporary leave generally refers to permission granted to detainees who are still undergoing legal proceedings and who are required to leave the detention center in order to fulfill ongoing legal processes. The granting

of such permission requires coordination between the relevant institution and the detention center, as the detainee has not yet been legally classified as a convicted inmate.

In contrast, extraordinary leave is more commonly associated with convicted inmates who are already serving their sentences. This type of leave is granted under specific circumstances that require the inmate to temporarily leave the detention center, such as attending the funeral of an immediate family member or visiting a parent who is seriously ill.

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