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Implementation of the System for Granting Leave Ahead of Release for Prisoners at Class 1 Medan Correctional Institution

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ABSTRACT

This research examines the application of the pre-release leave policy at Medan Class I Penitentiary, widely known as Tanjung Gusta Prison. As one of the largest prisons in North Sumatra, its population exceeds the facility's official capacity. To address this issue, pre-release leave is applied as a strategy to ease overcrowding and enhance inmate rehabilitation. A qualitative-descriptive method was employed, with data collected through interviews with prison officers. The findings indicate that although the policy generally aligns with Regulation of the Minister of Law and Human Rights No. 7 of 2022, which amends Regulation No. 3 of 2018, challenges still arise. These include lengthy application procedures, delays beyond the specified timeframe, and some inmates failing to return required documents. Nevertheless, pre-release leave contributes positively to inmates' psychological and social readiness for reintegration, particularly when supported by family and community.

KEYWORDS

Leave Before Being Released; Tanjung Gusta Prison; Social Reintegration; Prisoners; Corrections



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INTRODUCTION

In the Indonesian constitution, precisely Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), it is emphasized that Indonesia is a state of law. This statement confirms that the rule of law is recognized as the main basis for state administration.¹ Therefore, law enforcement must be implemented fairly, without discrimination, and uphold the principle of equality before the law. The Indonesian legal system adopts a criminal law framework, which contains provisions regarding prohibited acts and sanctions for those who violate them. In addition, this system also regulates the procedures that must be carried out by authorized officials in implementing the law. Implementation itself can be understood as the process of applying an idea, policy, or rule into real practice, resulting in positive changes in the aspects of knowledge, attitudes, skills, and values.² In simple terms, implementation means execution. In the practice of criminal law in Indonesia, the main references are the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and other special regulations. Article 10 of the Criminal Code regulates the existence of two forms of punishment, namely principal punishment and additional punishment. One of the main punishments is imprisonment, and the person serving this punishment is called an inmate.³

Prisoners are individuals who have lost their physical freedom, but still have the right to obtain a decent and quality education. They also have the potential to play a role in economic development, both while still serving their sentence and after release.⁴ Law Number 12 of 1995 concerning Corrections confirms that even though they are in correctional institutions, prisoners are still recognized for their rights as citizens. This right is guaranteed by the 1945 Constitution Article 28G paragraph (1), which states that everyone has the right to protection of self, family, honor, dignity, and property, and also has the right to feel safe and protected from threats or fear in exercising their human rights.⁵ In the current correctional system, prisoners are no longer seen as objects, but as subjects who need to be guided and fostered.⁶

Prisoners are members of society who have violated the law and therefore must be responsible for their actions by serving a sentence in a correctional institution according to a court decision.⁷ Correctional Institution is one of the institutions managed by the Directorate General of Corrections under the Ministry of Immigration and Corrections (formerly the Ministry of Law and Human Rights). This place is inhabited by various categories, such as prisoners, prisoners of

¹ Nuril Firdausiah Bintang Mandala Karyudi, "Implementasi Supremasi Hukum Dalam Penegakan Hukum Di Indonesia" (2024) 1:2 86-98.

² Ina Magdalena et al, "Implementasi Model Pembelajaran Daring Pada Masa Pandemi Covid-19 Di Kelas Iii Sdn Sindangsari Iii" (2021) 3:1 J Pendidik dan Dakwah 119-128.

³ Paramita Amelia Dwi Putri Melati, Ria, Delta, "JUSTICE LAW : Jurnal Hukum" (2022) 2:2 Justice Law J Huk Univ Muhammadiyah Metro 54-61.

⁴ Sarbun Norau & Bustamin Sanaba, "Efektivitas Pembinaan Narapidana Di Lembaga Masyarakatan Klas II B Sanana" (2022) 08:1 J Huk dan Ekon 45-61.

⁵ Schwarz Rotinsulu, Nontje Rimbing & Rodrigo F Elias, "Tinjauan Yuridis Hak-Hak Narpidana Menurut Undang-Undang Nomor 12 Tahun 1995" (2018) 7:2 Lex Priv 1-23.

⁶ Maya Shafira et al, *Hukum Masyarakatan dan Penitensier* (2022).

⁷ Fietriana Rosalina Zaenudin Budi Heryanto, "Narapidana Tindak Pidana Narkotika: Menyoal Pelaksanaan Pembebasan Bersyarat Di Lembaga Masyarakatan" (2016) 9:1 1-23.



correction (WBP), and those who are still awaiting court decisions. In the criminal justice system, this institution occupies a position as the final stage. Its main role is to prevent criminal offenders from re-offending in the future. In addition, during the criminal period, the residents also receive guidance through programs designed in accordance with the applicable correctional system provisions.

The correctional system is the method used in the implementation of prison sentences in Indonesia.⁸ This policy not only concerns the implementation of punishment, but is also closely related to the fulfillment of the basic rights of prisoners.⁹ The regulation is contained in the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections. Based on these provisions, the correctional system is a mechanism that regulates the direction, limits, and ways of fostering prisoners based on the values of Pancasila. The main objective is to improve the quality of the prisoners so that they are able to realize their mistakes, improve their behavior, and not re-commit criminal acts.¹⁰ Three main criteria can be used to assess the effectiveness of this system. First, its implementation must be efficient so as not to burden the state budget. Second, the system must create a deterrent effect and reduce the recidivism rate to the lowest possible level. Third, the correctional system is expected to be able to foster moral awareness of prisoners for the mistakes they have made, restore them so that they can return to play a positive role in society, and form new individuals who bring goodness.¹¹ The process of changing behavior from deviant to better until it is finally accepted back by society is known as inmate development.

Coaching is an effort that aims to help individuals with deviant behavior to change for the better through a personal approach, so that the causes of inappropriate behavior can be known.¹² The process of fostering prisoners is based on the values of Pancasila, to improve the quality of the prisoners so that they are able to realize their mistakes, make improvements, and be accepted back by society as responsible citizens.¹³ This is done because prisoners are still part of Indonesian society, who have rights that must be respected. The implementation of coaching takes place while the prisoner is serving a sentence in a correctional institution.¹⁴ In Medan Class I Correctional Institution, coaching is carried out in several forms, among others: 1) Personality development, which emphasizes the formation of

⁸ Riki Afrizal, Iwan Kurniawan & Fajar Wahyudi, "RELEVANSI PELAYANAN TAHANAN DALAM SISTEM PEMASYARAKATAN TERHADAP TUJUAN PEMASYARAKATAN (TINJAUAN PERUBAHAN UNDANG-UNDANG PEMASYARAKATAN)" (2024) 53 101-110.

⁹ Rivandi Ihza Akbar & Mitro Subroto, "Kedudukan Pemasyarakatan Sebagai Pembela Hak Asasi Manusia Di Bawah Peraturan Fungsi Pelayanan Tahanan Pemasyarakatan" (2023) 12:02 J Intelekt Keislaman, Sos dan Sains.

¹⁰ Widya Daniswara Doris Rahmat, Santoso Budi NU, "Fungsi Lembaga Pemasyarakatan Dalam Pembinaan Narapidana di Lembaga Pemasyarakatan" (2019) 11:1 Sustain 1-14.

¹¹ Faris Satria Alam Asep Syarifuddin Hidayat, Nur Rohim Yunus, Muhammad Ishar Helmi, *Pengawasan Lembaga Pemasyarakatan Di Indonesia* (2016).

¹² Bobbi Cristan Sembiring, "Sistem Pembinaan Narapidanan Di Lembaga Pemasyarakatan Kelas I Tanjung Gusta Meda" (2021) 8:6 JUSTITITA J Ilmu Huk dan Hum 1764-1773.

¹³ Rahmat Bayu Wibisono & Rani Yuwafi, "Fungsionalisasi Sistem Pembinaan Narapidana dalam Mewujudkan Tujuan Pemidanaan" (2023) 8:10 Syntax Lit ; J Ilm Indones 5716-5728.

¹⁴ Andi Kaisar Agung Saputra Aswar & H M Yasin, "Peranan Lembaga Pemasyarakatan dalam Melakukan Pembinaan terhadap Narapidana Lanjut Usia" (2021) 24:1 Al-Ishlah J Ilm Huk 104-125.



behavior through interaction between prisoners to foster self-awareness and relationships with the surrounding environment.¹⁵ This program aims to increase the faith and piety of prisoners. 2) Development of independence, in the form of production and service activities in the field as a means of self-development. This form of coaching is intended so that prisoners can produce goods and services in accordance with their talents, skills, and abilities, so that they can become providers to improve their quality of life after release.¹⁶

In the correctional process, the state has the responsibility to guarantee the basic rights of every prisoner, as affirmed in Article 14, paragraph 1 of Law Number 12 Year 1995.¹⁷ One form of realization of this provision is the pre-release leave policy (CMB), which is managed by the Ministry of Law and Human Rights through the Directorate General of Corrections. This policy is specifically regulated in the Minister of Law and Human Rights Regulation Number 7 of 2022, which is an amendment to Ministerial Regulation Number 3 of 2018. The regulation contains a mechanism for granting remission, assimilation, leave to visit family, parole, as well as pre-release leave and conditional leave. Thus, in addition to obtaining remission and parole, prisoners also have the right to access the pre-release leave program. This leave can be granted after the prisoner has completed more than two-thirds of his/her sentence and has proven to maintain good behavior. The period of time is determined to be the same as the last remission received, with a maximum of six months. According to the view of Prof. Dr. Muladi, S.H., leave before release reflects the main principle of correctional development, namely preparing prisoners to be able to return to community life responsibly. This program also serves as a means of social reintegration, so that the process of adaptation to the outside environment can take place gradually and purposefully. The same thing was stated by Dr. I Wayan Sudirta, S.H., M.H., who emphasized that leave before release is not a form of government generosity, but a legal right for prisoners who have shown success in coaching. In other words, this program is an inherent right of prisoners in accordance with juridical and moral provisions. In addition, Bahrudin Soejobroto explained that pre-release leave or pre-release treatment is essentially a special coaching program designed for a certain period before prisoners are released back into society, either with certain conditions or without conditions.

Pre-release leave is one of the rights that can be obtained by prisoners after serving their criminal period properly in accordance with legal provisions. This program aims to help prisoners readjust to the social environment before the full release period arrives. This right is included in the series of criminal implementation and is part of the correctional development system. With leave before release,

¹⁵ Nurul Adha Imam Sujoko, Edwin Syarip, Aida Humaira, *Pembinaan NARAPIDANA Di Lembaga Pemasyarakatan INDONESIA* (2021).

¹⁶ Sultan Fatahilah & Odi Jarodi, "Pelaksanaan Pembinaan Kemandirian guna Meningkatkan Keterampilan Narapidana di Lembaga Pemasyarakatan Kelas I Medan" (2023) 12:02 J Intelekt Keislaman, Sos dan Sains.

¹⁷ Ahmad Irfan, "PELAKSANAAN PEMBERIAN HAK CUTI MENJELANG BEBAS BAGI NARAPIDANA DI LEMBAGA KLAS IIA" (2016) 1-23.



inmates can be prepared gradually to be able to return to their roles in society after completing their sentence.¹⁸

The legal basis for granting pre-release leave at Class I Medan Correctional Institution is guided by Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2022, which is the second amendment to Ministerial Regulation Number 3 of 2018. The regulation regulates the terms and procedures for granting remission, assimilation, leave to visit family, parole, pre-release leave, and conditional leave. In practice, the application for pre-release leave at Class I Medan Correctional Facility must be made no later than three months before the end of the main criminal period. This provision often causes obstacles, because the administrative process and the fulfillment of the requirements for pre-release leave require quite a long time. As a result, when the application for leave is almost completed, the prisoner's basic punishment period is often short. This condition is one of the main obstacles in the implementation of the pre-release leave policy at Class I Medan Correctional Facility.

This research has differences with previous studies, for example, Ahmad Irfan's research in 2020 entitled "Implementation of the Granting of Leave Ahead of Freedom for Prisoners at the Klas II A Tembilahan Correctional Institution Based on Law Number 12 of 1995 concerning Corrections." In his research, Irfan highlighted two main things. First, the implementation of leave before release for prisoners in Correctional Institution Klas II A Tembilahan has not been implemented optimally. Second, there are still a number of obstacles that hinder the implementation of the policy, so that the objectives of the pre-free leave program have not been achieved.¹⁹ This research also has differences with a study conducted by Fitri Faradilla Ratno in 2018 entitled "Implementation of Providing Leave Ahead of Release for Prisoners (Study at Class I Correctional Institution Tanjung Gusta Medan)." The results of the study outline three main findings. First, the conditions for granting leave before release refer to the Minister of Law and Human Rights Regulation No. M.01.PK.04-10 of 2007. Second, the implementation is under the supervision and guidance of the Correctional Center, with the support of the Attorney and the Police. Third, obstacles encountered in the implementation of leave before release include the absence of a guarantor and the provision that prisoners who have not received remission cannot apply for the program.²⁰

This research is also not the same as a study conducted by Briyan Jodi Andika in 2015 entitled "Leave Ahead of Freedom as a Fulfillment of Rights for Prisoners (Study at Correctional Institution Klas II B Pasuruan City)." In his research, Briyan outlined four important things. First, the implementation of leave before release must fulfill substantive and administrative provisions. Second, parole is considered more favorable than leave before release because it provides an opportunity for early release. Third, in practice, there are various obstacles, both internal and

¹⁸ Abd Rahman Nurdin, Jusman & Sitti Sahara Syamel, "Implementasi Sistem Cuti Menjelang Bebas Narapidana pada Rumah Tahanan Negara Kelas I Kota Makassar" (2022) 23:2 Bul Poltanesa 128-137.

¹⁹ Irfan, *supra* note 17.

²⁰ Fitri Faradilla Ratno, *Pelaksanaan Pemberian Cuti Menjelang Bebas Bagi Narapidana (Studi pada Lembaga Masyarakat Kelas 1 Tanjung Gusta Medan)* UMSU, 2018) [unpublished].



external. Fourth, the correctional institution seeks to overcome these obstacles through certain steps.²¹

METHOD

The type of research used in this study is empirical juridical research. According to Prof. Soerjono Soekanto, empirical juridical research is research that not only examines written legal rules, but also assesses the extent to which these rules are applied in practice in society. In this context, the author conducts field research to assess the effectiveness of the implementation of leave before release for prisoners at Medan Class I Correctional Institution. The data in this research is divided into two categories, namely primary data and secondary data. Primary data is obtained directly from the main source, namely the Medan Class I Correctional Institution, through field research. The form of primary data used is the results of interviews with prison officers in charge of the process of granting leave before release to prisoners. Secondary data is collected through literature studies, which include official documents, books, reports, journals, and the results of previous research. This secondary data serves to complement and provide an explanation of the primary legal material that is the focus of the research.²²

In legal research, primary legal materials are understood as the main sources that have direct legal force, one of which is in the form of laws and regulations. This research uses Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2022 as the main reference. The regulation is the second amendment to Ministerial Regulation Number 3 of 2018, which regulates in detail the mechanism for granting remission, assimilation, family leave, parole, pre-release leave, and conditional leave. In addition, this research also utilizes secondary legal materials, which are sources that do not directly regulate but have relevance to the research topic. The example used is Law Number 22 of 2022 as a revision of Law Number 12 of 1995 concerning Corrections. In addition, supporting literature in the form of journals, books, scientific articles, and the results of previous research is also used. The presence of secondary legal materials helps provide context while deepening the analysis of primary legal materials. As a complement, this research also utilizes tertiary legal materials. This type of legal material serves as a tool to understand primary and secondary sources, such as legal dictionaries, the Big Indonesian Dictionary, and other supporting references. With these three types of legal materials, the research is expected to be more systematic and produce a sharper analysis.

In this research, data collection methods were conducted through interviews and a literature review. Interviews were used as a means of obtaining information directly from respondents and informants by asking questions that had been prepared according to research needs. Through this process, researchers can obtain relevant and in-depth answers related to the issues under study. Meanwhile, the literature review was used to collect legal materials by reviewing laws and regulations, scientific literature, and the views of experts related to the research

²¹ Briyan Jodi Andika, *Cuti Menjelang Bebas Sebagai Pemenuhan Hak-Hak Bagi Narapidana (Studi di Lembaga Masyarakat Kelas II B Kota Pasuruan)* Universitas Brawijaya, 2015) [unpublished].

²² Wiwik Sri Widiarty, *Buku Ajar Metode Penelitian* (Yogyakarta: Publika Global Media, 2024).



theme. All data collected is then analyzed descriptively, so that conclusions can be drawn based on the facts found during the research.

RESULT & DISCUSSION

I. Legal Arrangements for Pre-release Leave

Protection of the rights of each individual is important so that the law can be enforced fairly and provide certainty. All forms of actions that harm the rights of others or violate state regulations must be subject to sanctions in accordance with applicable criminal regulations. In the Indonesian legal system, criminal offenders who have been sentenced to a court decision undergo a correctional process. This is confirmed in Article 1, Paragraph 1 of Law Number 12 of 1995 concerning Corrections, which explains that corrections is the process of fostering prisoners through certain systems, institutions, and methods as the final stage of the punishment mechanism in criminal justice. The guidance given to prisoners aims to help them realize their mistakes, improve themselves, and not repeat illegal acts. Thus, they are expected to be accepted by the community, play a role in development, and live reasonably as responsible citizens.²³ Therefore, research on the development of prisoners is important to understand how their rights and obligations are carried out during the criminal period.²⁴ One of the rights of prisoners is to obtain leave before release, in addition to other rights such as remission, parole, and conditional leave. Based on Article 14 of Law Number 12 of 1995, pre-release leave can be granted after the prisoner has served at least two-thirds of the criminal period, with a record of good behavior. The leave period is equivalent to the amount of the last remission, with a maximum limit of six months. Thus, leave before release is a right given to prisoners as a reward for good behavior while serving a sentence, in accordance with applicable regulations.

Leave before release (CMB) is one form of guidance in the correctional system. This program is aimed at prisoners by treating them not only as lawbreakers, but also as part of society and God's creatures who have dignity. Through CMB, it is hoped that the community will play a role in guiding and assisting prisoners so that they are able to adapt back to their environment and not repeat the same mistakes. According to Bahrudin Soejobroto's view, leave before release can be understood as a form of special care given to prisoners before the end of the criminal period. This program aims to facilitate the process of social reintegration, both with certain conditions and without conditions, so that prisoners are ready to return to social life.²⁵

In the Minister of Law and Human Rights Regulation No. 3/2018, Article 1 point (5) emphasizes that leave to visit family is a form of guidance that provides opportunities for prisoners and correctional students to interact with their families and adapt back to society. Furthermore, Article 1 point (6) explains that parole, pre-

²³ Meldio Rijuanda, Susilawati & Muhammad Arief Sahlevi, "Pelaksanaan Pembebasan Bersyarat Narapidana Dalam Pencegahan dan Penanggulangan Penyebaran Covid-19 di Lembaga Masyarakat" (2021) 2:3 Al-Hikmah J Huk dan Masyarakat 528-542.

²⁴ Lukman Hakim Lubis, "Pelaksanaan Pembinaan Narapidana di Lembaga Masyarakat Kelas IIA Pancur Batu Yang Overcrowded" (2021) 1:1 Locus J Konsep Ilmu Huk 20-29.

²⁵ Jon Herizal, *Pelaksanaan Pemberian Hak Cuti Menjelang Bebas di Lembaga Masyarakat Kelas IIB Bangko Universitas Jambi*, 2017) [unpublished].



release leave, and conditional leave include coaching programs designed to integrate prisoners into social life after meeting certain requirements. This provision is reaffirmed in Article 2, paragraph (1), where every prisoner and correctional student has the right to obtain remission, assimilation, leave to visit family, parole, leave before release, and conditional leave. These rights not only provide benefits for prisoners and their families but also consider the public interest, maintain order, and uphold a sense of justice in the community.²⁶

The legal basis for Leave Before Release (CMB) is regulated in various laws and regulations. Law Number 22 of 2022, which revised Law Number 12 of 1995, emphasizes that prisoners have integration rights, including assimilation, parole, and leave before release. More detailed provisions are explained in Government Regulation Number 32 of 1999 as amended by Government Regulation Number 99 of 2012, especially in Articles 44 to 52, which contain procedures for granting integration rights. Meanwhile, technical rules regarding administrative and substantive requirements for obtaining CMB are regulated in Permenkumham Number 7 of 2022, which is an amendment to Permenkumham Number 3 of 2018. This regulation is the main guideline for correctional institutions in granting CMB rights to prisoners.

II. System for Granting Leave Ahead of Release to Prisoners

The requirements for applying for leave before release (CMB) are regulated in Permenkumham Number 7 of 2022 as an amendment to Permenkumham Number 3 of 2018. In the regulation, specifically Articles 102 to 104, it is emphasized that prisoners or correctional students who wish to obtain CMB must complete several supporting documents. These documents include: a copy of the judge's decision along with the minutes of its implementation, a progress report on the results of coaching signed by the Head of Correctional Facility or LPKA, and a community research report from the Correctional Center. In addition, a copy of register F, a list of changes, and a personal statement from the convict not to repeat the criminal offense are also required. Equally important, the inmate must obtain a written guarantee from the family, guardian, or social institution authorized by the village/kelurahan apparatus. This guarantee is a form of commitment that the inmate will not escape, not commit new criminal acts, and will be guided and supervised while undergoing the CMB program.

For prisoners or juveniles who are foreign nationals, the requirements for applying for Leave to Remain (CMB) are not only limited to general documents, but also include additional provisions. They are required to attach a letter of guarantee from the embassy or consulate as well as from the family, individual, or legal entity responsible for the duration of their stay in Indonesia. This guarantee contains a commitment that the prisoner will not abscond and continue to comply with all predetermined requirements. In addition, a certificate from the Directorate General of Immigration or an authorized immigration official confirming that the prisoner is exempt from the obligation of a residence permit is required. Last but not least, there must be an official statement from the Secretariat of the National Central Bureau-

²⁶ Ginanjar Rizki Danang Prasetyo, "Pelaksanaan Cuti Menjelang Bebas Sebagai Pelaksanaan Hak Warga Binaan Di Lembaga Pemasyarakatan Kelas III Kayu Agung" (2019) 11:1 Sustain 1-14.



Interpol Indonesia confirming that the name of the prisoner is not listed in the red notice or involved in transnational crime networks. The process of issuing this immigration certificate is submitted through the Director General, and the immigration authorities must issue it no later than twelve days after the application is received.²⁷

a. The Process of Granting Pre-release Leave to Prisoners

Before obtaining the right to leave before release, a prisoner must pass several stages of development in the correctional system. The first stage is admission and orientation, which is a period of introduction and observation of the correctional institution environment that lasts approximately one month. At this stage, personality development is carried out, such as instilling religious awareness, understanding of nationality and statehood, increasing intellectual abilities, and forming legal awareness. The second stage continues personality development with an emphasis on developing independence. Prisoners are provided with practical skills in accordance with their respective interests and talents to support productive business activities, especially on a small scale.

The third stage is known as assimilation. If the prisoner has served half of his sentence with good development according to the Correctional Supervisory Board, then he can begin to interact with the community through certain activities. Forms of assimilation include attending public education, working in a company, taking religious leave, participating in sports activities, and other activities of a social nature. All of these activities remain under the supervision of officers, with a relaxed level of security until the prisoner completes two-thirds of the sentence.

The final stage is integration. At this stage, prisoners who have served two-thirds of their sentence are entitled to apply for parole, conditional leave, or pre-release leave. This stage marks a reduction in direct supervision by correctional institutions, as most of the responsibility for rehabilitation has been transferred to the community. Thus, prisoners are gradually restored to their status as members of society. The provisions regarding the procedures for granting pre-release leave are regulated in Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 3 of 2018, which serves as a guideline for the implementation of remission, assimilation, parole, pre-release leave, and conditional leave programs.²⁸

b. Procedures for Granting Leave Before Release

In general, Article 106 stipulates that the process of granting leave before release is carried out through the correctional information system. This system serves as a means of integrating the Technical Correctional Implementation Unit, Regional Offices, and the Directorate General of Corrections, so that the administrative process can run in a more coordinated manner. Furthermore, in the section on procedures as stated in Article 107, it is stipulated that correctional officers are tasked with recording prisoners and correctional students who will be proposed for leave before release. This recording is carried out by considering

²⁷ Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 Year 2022, Article 105.

²⁸ Ratno, *supra* note 20.



the requirements that have been set and the completeness of the documents that must be fulfilled. The completeness of these documents must be fulfilled within a certain period of time. For prisoners, the documents must be completed no later than after serving one-third of their sentence in the correctional institution. Meanwhile, for juvenile inmates, the deadline for completing the documents is three months from the date of their initial placement in the LPKA. In addition, the initial documents must be completed within the first seven days of the inmate or juvenile entering the correctional institution. Thus, the procedure for granting leave before release emphasizes not only substantive requirements but also administrative procedures that must be completed within the specified time limit.

According to Article 108, the process of granting Pre-Release Leave involves a correctional observation team at the prison or LPKA. This team is tasked with assessing the eligibility of prisoners or children and then submitting recommendations to the Head of the Prison/LPKA. If the recommendation is approved, the Head of the Prison/LPKA will proceed with the official proposal to the Director General, while also submitting a copy of the proposal to the Head of the Regional Office as a form of administrative coordination. Article 109 explains that the Head of the Regional Office has an important role in the process of applying for Pre-Release Leave. Every proposal submitted by the Head of the Correctional Institution or LPKA, as stipulated in the previous article, must be reviewed promptly by the Head of the Regional Office. This review must be conducted within a maximum of two days from the date the proposal is received. After the review process is complete, the assessment results do not stop at the regional level but must be forwarded to the Director General as the authority responsible for making the final decision.

Article 110 regulates the stages that must be followed after a proposal for Pre-Release Leave is submitted to the central level. The Director General is given a maximum of three days to review each application sent by the Head of the Correctional Institution or LPKA. If the review finds deficiencies or incomplete documents, the file is returned for correction. This return is not only addressed to the Head of the Correctional Institution or LPKA, but also copied to the Head of the Regional Office as a form of administrative coordination. Upon receiving the return, the Correctional Institution or LPKA is required to immediately make corrections and complete the file within three days. The corrected file must then be resubmitted to the Director General for re-examination, with a copy still sent to the Head of the Regional Office.

Article 111 explains the final stages of the process of granting Pre-Release Leave. After undergoing the examination and revisions as stipulated in Article 110, if the Director General approves the proposal submitted, he/she is authorized to issue a decision on the granting of Pre-Release Leave on behalf of the Minister of Law and Human Rights. The decision is then conveyed to the Head of the Correctional Institution or LPKA, so that official information can be provided directly to the relevant Prisoner or Child. In addition, a copy of the decision is also sent to the Head of the Regional Office as part of administrative coordination. The decision document is printed at the Correctional Institution or LPKA using the electronic signature of the Director General, who, in this case, acts on behalf of the Minister.



Paragraph 3 of the regulations on pre-release leave places special emphasis on prisoners involved in serious crimes, such as terrorism, narcotics and psychotropic substances, corruption, crimes that threaten national security, serious violations of human rights, and other organized transnational crimes. The procedure for granting leave to this group of prisoners cannot be carried out in the same way as for prisoners in general, but must go through a more rigorous mechanism. Every proposal for leave before release must take into account additional requirements in the form of complete documentation and assessment results, as well as recommendations from relevant authorities. This is intended to prevent the abuse of leave rights and to maintain national security and legal certainty.

The provisions in Article 112 pay special attention to prisoners convicted of serious crimes, such as terrorism, narcotics and precursors, psychotropic substances, corruption, serious human rights violations, and transnational crimes. In the initial stage, correctional officers must record those who are potentially eligible for parole. This recording is not merely administrative, but also relates to substantive requirements and documents that must be fulfilled. Supporting documents can only be submitted after the prisoner has served a minimum of seven days in detention. The regulation also sets a maximum time limit, which is when the prisoner has completed one-third of their sentence. This provision is intended to ensure that the process of applying for pre-release furlough has legal certainty and administrative order, especially for categories of offenses that are considered high risk to public security and order.

Article 113 essentially confirms that the mechanism for granting leave before release for special prisoners, such as perpetrators of terrorism, drug and precursor cases, psychotropic substances, corruption, crimes against state security, gross human rights violations, and organized transnational crimes, follows the same procedure as the general procedure previously stipulated in Articles 107 to 111. This means that there are no fundamental differences in the application procedure or examination stages, except that this group of prisoners is in a more sensitive category, so that supervision and fulfillment of administrative and substantive requirements are carried out more strictly.²⁹

III. Implementation of a Leave Granting System for Prisoners Approaching Release at the Class 1 Correctional Institution in Medan

Pre-Release Leave (CMB) is one of the instruments in the correctional system designed to provide prisoners with the opportunity to readjust to social life before their sentence ends. This right can only be granted after prisoners demonstrate a cooperative attitude, good behavior, and fulfill various administrative and substantive requirements. With CMB, the social reintegration process can be more humane because prisoners are seen not only as criminals, but also as individuals with the potential to return to being productive members of society. At the Medan Class I Prison, this policy is implemented as part of the government's commitment to a correctional system based on respect for human dignity. The implementation of

²⁹ Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 3 of 2018, Articles 106-113.



CMB in this institution demonstrates an effort to balance the rehabilitation of prisoners with the interests of the wider community. Although obstacles are still encountered in practice, such as administrative limitations or a lack of readiness on the part of prisoners and their families, improvements continue to be made so that the objectives of correctional services can be achieved. As a concrete example, data on the implementation of the pre-release leave program over the last three years at the Medan Class I Correctional Institution can be used as a basis for assessing the extent to which this policy has succeeded in having a positive impact, both for prisoners and the community:

Table 1. Leave Requests Before Release

Year	Submitted	Successful	Failed
2022	13	11	2
2023	2	1	1
2024	1	-	1
Total success			12

Source: Data from the Medan Class 1 Correctional Institution

Based on data from the last three years, it can be seen that the pre-release leave program at the Medan Class I Correctional Institution has basically been running in accordance with applicable regulations. However, there are still a number of applications that cannot be processed to completion. These obstacles generally arise from administrative issues at the time of application or from the internal conditions of prisoners who do not yet meet certain requirements.³⁰

The legal basis for granting pre-release leave to prisoners at the Medan Class I Correctional Institution refers to Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2022. This regulation is the second amendment to Permenkumham Number 3 of 2018, which regulates the procedures for granting remission, assimilation, family visit leave, parole, and pre-release leave. With this regulation in place, the process of granting pre-release leave has clear guidelines so that it is not carried out arbitrarily. However, in addition to referring to central regulations, the Medan Class I Correctional Institution also applies certain technical provisions. For example, new prisoners can apply for pre-release leave at the earliest three months before their sentence ends. Another requirement that must be met is that the prisoner must have already received remission during their sentence. This provision shows that pre-release leave is not just a right, but also a form of reward for the prisoner's efforts to improve themselves. In the application process, prison officials will consider behavioral aspects by looking at official records in the form of register F issued by the Head of the Prison. The records contain the inmates' track records, particularly regarding their compliance with rules and whether or not they have committed any violations, including acts of violence or fighting during their prison term. This behavioral assessment is an important indicator to ensure that inmates are eligible to be given the opportunity

³⁰ Interviewed by Ayu Lorena Br Tarigan, by Natanael (2025).



to return to society early. In addition, the mechanism for parole before release at the Class I Prison in Medan is also reviewed through meetings of the Correctional Observation Team (TPP). This team is responsible for assessing the results of inmate rehabilitation and providing recommendations on whether an individual is eligible for parole. Thus, the decision to grant parole is not only based on written rules, but also adjusted to the actual conditions in the field. In this way, these regulations and mechanisms emphasize that parole is an instrument of rehabilitation. The goal is not merely to reduce the length of imprisonment, but to provide opportunities for inmates who have shown positive changes to return to their social environment responsibly and productively.

One of the obstacles faced in implementing pre-release leave at the Medan Class I Correctional Institution lies in procedural aspects. Although the application procedure is regulated in the Indonesian Minister of Law and Human Rights Regulation No. 7 of 2022, which is an amendment to Regulation No. 3 of 2018, the administrative process often takes a long time. As a result, there have been cases where the processing of applications has exceeded the specified time limit or even approached the expiration date. Furthermore, the regulation requires that applications for pre-release leave can only be made when the main prison term has three months remaining. This means that the entire process of checking the requirements and document completeness must be completed before the end of this period. This condition poses a challenge because if the administrative process is delayed, the prisoner's right to obtain pre-release leave may be hampered even though they have met the substantive requirements.³¹

In practice at the Medan Class I Correctional Institution, there are still obstacles in the process of applying for leave before release. One of the main obstacles is that administrative procedures are often not completed on time. Some applications are not even completed when the prisoner is approaching their release date, so that their right to obtain leave before release cannot be realized. This situation is evident from data from the last three years, where several applications failed to be processed due to these obstacles. In addition to administrative factors, obstacles also arise from the inmates themselves. There have been cases where parole applications that have been submitted by officers are not returned by inmates, causing the application process to automatically stop. This situation was recorded in 2024, which, according to research data, was one of the reasons for the failure of pre-release leave proposals that year. Thus, obstacles to the implementation of pre-release leave at the Medan Class I Prison can originate from both the administrative system and the behavior of the inmates concerned.

Pre-release furlough provides significant benefits for both inmates and the Medan Class I Correctional Institution. For inmates, this right encourages enthusiasm to return to society and helps them gradually adapt after serving their sentences. This process aims to ensure a smoother transition from the closed environment of the prison to social life and minimize any psychological stress that may arise. Meanwhile, for the Medan Class I Correctional Institution, pre-release furlough plays a role in reducing the risk of conflict between inmates within the prison and helps to reduce overcrowding, especially for those who have been

³¹ *Ibid.*



assessed as socially and psychologically ready to return to society. Granting this leave is also a form of reward for inmates who have demonstrated good behavior and actively participated in rehabilitation programs during their prison term. Thus, pre-release leave not only supports the reintegration of inmates but can also motivate other prison inmates to improve their discipline and participation in rehabilitation activities.

Although there is a possibility that prisoners receiving pre-release leave (CMB) at the Medan Class I Prison will reoffend (recidivism), this risk can be minimized through strict selection, targeted rehabilitation programs, and optimal supervision after prisoners have undergone CMB. The success of reintegration depends heavily on good cooperation between prisons, correctional institutions (Bapas), families, and the community in supporting the comprehensive rehabilitation of prisoners. Although official data on recidivism among prisoners receiving CMB at the Class I Prison in Medan is not always published, nationally, the recidivism rate among prisoners undergoing CMB is relatively low. Based on research conducted over the past three years, no cases of recidivism were found among inmates who received CMB, unlike inmates who received conditional release without further guidance, who showed higher recidivism rates.³²

CONCLUSION

The implementation of Pre-Release Leave (CMB) for prisoners in the Medan Class I Correctional Institution is a form of fulfilling integration rights in the correctional system that emphasizes guidance and social reintegration. The legal basis for CMB is contained in Law Number 22 of 2022, which replaces Law Number 12 of 1995 concerning Corrections. Article 10, paragraph (2) of the law states that prisoners are entitled to integration rights, including assimilation, parole, and pre-release leave. Government Regulation Number 32 of 1999, which was later amended by Government Regulation Number 99 of 2012, also regulates the requirements and procedures for the implementation of prisoners' integration rights, including CMB, in Articles 44 to 52. In addition, Minister of Law and Human Rights Regulation No. 7 of 2022, which is the second amendment to Minister of Law and Human Rights Regulation No. 3 of 2018, regulates in detail the procedures for granting remission, assimilation, family visit leave, pre-release leave, and parole.

The implementation of CMB in Medan Class I Prison is carried out in accordance with applicable laws and regulations. The process includes fulfilling administrative and substantive requirements, evaluating the behavior of prisoners by the Correctional Observation Team (TPP), and issuing a Decree by the authorized official as a form of formalization of prisoners' rights. Although the procedures for implementing CMB have been followed correctly, several obstacles remain, such as limited time for the application process and some inmates not returning their application files to prison officials. Nevertheless, the Medan Class I Prison continues to make efforts to improve the effectiveness of CMB implementation through strengthening guidance programs, intensive coordination with the Correctional Center, and follow-up supervision after prisoners return to society. With proper implementation, CMB has the potential to be an important means of reducing

³² *Ibid.*



recidivism rates while supporting prisoners to become productive, independent, and responsible members of society.

DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

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INTERVIEW

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