

Guidance and Tightening of Remission for Narcotics Prisoners as a Countermeasure for Security Threats from Drug Dangers

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Abstract

Guidance of Prisoners and Criminal Children Narkoba (Narcotics, Psychotropic, and Dangerous Drugs) has distinguished the coaching of convicts in general. This writing can be known Remissions are the right of prisoners and criminal children who cannot be separated by obligations. Rights and obligations must be mutually met, and mutually balanced. Giving Remission of Requirements for Narkoba Prisoners is a tightening, in addition to meeting the general terms of good behavior, as well as special terms conditions of prisoners who are sentenced to imprisonment of at least five years, and are willing to cooperate with law enforcement agencies to help dismantle cases of criminal acts committed. While the reasons for tightening remission are in the context of carrying out the objectives of punishment, the influence of drugs has damaged the young generation, nation and state, and the handling of security threats from the dangers of drugs.

Keywords: narkoba, prisoner, rights, security threat, reasons for tightening remission

Introduction

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In its development, the term of Narcotics is known as the abuse of narcotics, psychotropic drugs and/or dangerous drugs, as well as other terms NAPZA which is a description of narcotics, psychotropic substances, and addictive substances. But this is not an issue in this writing. Drug and NAFZA abuse in Indonesia is a problem that is very worrying about the damage to the younger generation in the future.

Drug distribution has reached the climax point, both from the place/location of distribution, producers, marketing, and how to make drugs. This is proven by the disclosure of drug manufacturing factories in Indonesia.^{1,2,3} One of the vulnerable shipping and drug distribution targets by international syndicates is in South Sulawesi which is the gateway in Eastern Indonesia. The vulnerability of South Sulawesi is the destination area for the delivery of narcotics by the international dealer, as evidenced by the discovery of a 6-kilogram shabu package from Kuala Lumpur at Hasanuddin International Airport. Last January 5, 2018, merdeka.com, - activity at Patrick's rented house a.k.a. Luthfi on Jalan Pramuka I RT 004 RW 004 No. 81A, Pancoran Mas, Depok, never saw any striking activities. The man who was arrested related to 1.3 tons of marijuana was more often outside the home, especially at night.⁴

The reality of drug distribution is still causing anxiety and fear in people's lives, especially for the nation's young generation. Although, the Government itself has issued legal products that are expected to be able to prevent and eradicate narcotics through Law No. 22 of 1997 concerning renewed Narcotics into Law No. 35 of 2009 concerning Narcotics (herein after the Narcotics Act).

On the other hand, the existing correctional system appears to be less able to make major contribution in terms of minimizing the occurrence of narcotics crimes as stipulated in Law Number 12 of 1995 concerning Correctional Facilities (herein after the Penal Code), is none other than the Government's efforts in implementing fulfillment and enforcement and respect, and the protection of the rights of prisoners. This was not in line with the spirit of eradicating narcotics.

The correctional system is a system that is not just rehabilitation and resilience but is equipped with elements of educative-correlative-definitive and individual and social aspects in an idiotic manner by the philosophy of Pancasila. The system itself in the correctional system must have a certain size or condition, a certain element is interrelated and process according to certain conception.

The problem of fostering criminal prisoners and children in its history has always undergone a change. From century to century, its existence has been widely debated by experts. When viewed from the standpoint of community development, change is a natural thing, because the human will always try to update about something in order to improve their welfare by basing themselves on past experiences.

Basically, inmates and criminal children of Narcotics receive the same treatment as other inmates with a reduction in criminal time (Remission) given on the Republic of Indonesia's Independence Day and religious holidays. At that time the spirit of the formation of the Correctional Law and Presidential Decree No. 174 of 1999 concerning Remission (hereafter the Presidential Decree of Remission), which at that time drug abuse had not been so widespread, if conditioned today, the spirit of correctness was not in line with the high level of drug trafficking that happened.

The impact of the Remission has taken place; 17 inmates were involved in riots in Bentiring Prison in Bengkulu, Thursday, July 21, 2016,^{5,6} and riots in youth prison in Tangerang. There have been clashes between prisoners allegedly caused by the loss of cellphone of one of the prisoners as well as clashes over the gank between drug dealers in the local prison on Friday, April 18, 2014.^{7,8}

Likewise with the spirit of law enforcement on the granting of remission of narcotics inmates and children as regulated in Government Regulation Number 32 of 1999 concerning the Terms and Procedure for the Implementation of Right of Prisoners' Rights (hereinafter Government Regulations No.32 of 1999), then amended by the first Government Regulation Number 28 of 2006 (hereinafter Government Regulations No.28 of 2006) and the second Government Regulation Number 99 of 2012 (hereinafter Government Regulations No. 99 of 2012) and the Regulation of the Minister of Law and Human Rights Law Number 3 of 2018 concerning Terms and Procedures for Giving Remission, Assimilation, *Family Visit Leave*, Conditional Exemption, Pre Release Treatment and Conditional Leave (hereinafter regulation of the minister of law and human rights No.3 Year 2018). The regulation has distinguished the requirements for giving remission to prisoners and criminal children in general with convicts/children convicted of drugs.

These provisions also, there are exception in the implementation of giving remission to several criminal acts, namely not only inmates and

criminal children of drugs who are given the right to reduce criminal periods, but also includes inmates of criminal act of corruption, terrorism, crimes against state security and heavy human rights crimes, and other organized transnational crimes. With the exception of him, it is necessary to have a juridical study on the implementation of remission tightening for drug inmates.

Based on the explanation above, the author will discuss remission is the right of prisoners and criminal children (community assisted citizens), the requirement for remission for drug inmates is tightening, and the reason for tightening remission for drug convicts.

Discussion

Before carrying out the discussion, the writer will first describe the understanding and regulation of drugs. Drugs are stands for narcotics, psychotropic drugs and dangerous drugs. Drugs referred to include drugs, ingredients, substances and are not classified as food if taken, smoked, swallowed, or injected are those that can cause dependence and affect the work of the brain, as well as the vital function of other organs (heart, blood circulation, breathing, and others). Drugs are a term used by law enforcers who are socialized to the public. In Malaysia, it is usually called *dadah*, whereas in the western world it is usually called drugs. Some types of drugs are useful in the world of medicine, but because they cause dependence, its use must follow the doctor's instruction, for example, morphine and pethidine are used to relieve pain in cancer; anesthesia in patients at the time of surgery; and amphetamine to reduce appetite and much more.⁹

Type of Drugs, one of it is Narcotics. Narcotics are said according to Article 1 number 1 of the Narcotics Law, are substances or drugs derived from plants or non-plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to relieve pain, and can cause dependence, which divided into groups as attached to this law.

According to Mardani¹⁰, Narcotics are drugs or substances that can calm nerves, cause unconsciousness or anesthesia, eliminate pain and painful, cause drowsiness or stimulation, can cause stupor effect, and can lead to addiction and which is determined by the minister of health as narcotics.

According to Soedjono Dirdjosisworo¹¹, Narcotics are the ingredients that primarily have the effect of anesthesia work or can reduce

consciousness. It is different from Sudarto¹² who says that the term Narcotics is an anesthetic, except when it concerns morphine or opium, gives little or a false impression, because Narcotics do not make people anesthetized at all, but make people get certain psychic stimuli.

According to medical terms, narcotic is a drug that can eliminate especially pain and painful originating from the visceral region or the tools of the thoracic and abdominal cavities, as well as causing stupor or long-standing effect while still conscious and causing addiction (meaning addiction and cause dependence on the wearer). The nature of addiction in the current sense is not only in the form of a person's dependence on a drug or substance, both physically and psychologically, but already included in an understanding that includes a person's lifestyle or addiction¹³.

On the other hand, there are those who divide Narcotics into two groups: First is ingredients derived from plants, or the results of processing thereof: opiates (opium, morphine, and heroin), cocaine and cannabis (marijuana). Second are substances produced by chemical synthesis in the form of psychotropic substances (depressants, stimulants, hallucinogens)¹⁴.

The first group, grown and cultivated mainly in the southern hemisphere, for example in the golden triangle; and coca in Latin America to be marketed in the northern hemisphere: Western Europe, the United States, and Canada. The second group made legally in drug factories in the northern hemisphere country. Furthermore, these products are traded illegally in developing countries in the southern hemisphere. There was also from the beginning it was made illegally in dark laboratories and then marketed illegally too¹⁴.

The history of drug regulation in its development has its own meaning, beginning with the formation of a global regime on drug control under the auspices of the Shanghai conference in 1909. The emergence of the regime was a development of the form of Western colonialism for the need for pain relief drugs derived from opium and its manifestations towards socio-economic communities which are victims of opium and opium trade, as experienced by China and India¹⁵.

The most clearly visible manifestation having a bad impact is the increasing world community on opiate abuse (classification of opium derivatives, such as heroin, morphine, and opium) and the emergence of the illicit opium trade because it is a very lucrative market with financial benefits. Therefore, there is a global awareness to manage and supervise

the opium trade for medical purposes and knowledge, not for the sake of personal recreation initiated by the Shanghai Conference¹⁵.

Furthermore, slowly drugs supervision began to be contained in international agreements that began with the Den Hague Convention (1912). Likewise, gradually drugs control agreements, especially Narcotics, began at brokers (developed) through International Organization such as the League of Nations (LBB) after the First World War and the United Nation (UN) after the Second World War¹⁵

Then the achieved result at this time, there are three international agreements under the auspices of the United Nations and adhered to by UN member states, namely Single Convention on Narcotic Drugs 1961, amended by Protocol 1972, United Nations Convention on Psychotropic Substances (1971), and United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). These three International Conventions constitute the basis of international law from the International drug control regime, which among others regulates and supervises the trade in Narcotics, Psychotropic, and finally precursors, namely chemicals that can be used to produce Narcotics and Psychotropic. Also in the 1960s, an international institution called the International Narcotics Control Board (INCB) was formed which served to oversee the implementation of the three conventions in question¹⁵.

In the period of the global supervision regime, in fact, it has significant support (universal adherence) from UN member states, and the UN convention on narcotics (1961) has been ratified by 186 countries totaling 96% of the total 192 UN member states regarding Illegal Narcotics, and Psychotropic Circulation (1988) has also been ratified by 182 countries. The submission of countries to the three international instruments show a significant side of adherence to other global instruments.¹⁶

In reality to eradicate the handling of illicit drug trafficking, Indonesia according to Brice De Ruyver et al.¹⁷ is one of the member states of the United Nations that has ratified the three instruments through:

- a. Law No. 8 of 1976 concerning Ratification of the Narcotics Single Convention 1961 along with the Protocol that Amended it 1972,
- b. Law No. 8 of 1996 concerning the Ratification of the Convention on Psychotropic Substances 1971 (Psychotropic Convention 1971), and

- c. Law No. 7 of 1997 concerning Ratification of United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 (UN Convention on the Eradication of Narcotics and Psychotropic Dark Circles 1988).

While the laws and regulations in the field of drugs that have been applied and applied in Indonesia include:

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- a. Verdovende Middelen Ordonantie (VMO) or Drug Act (Stbl 1927 No. 278 jo. No. 536). The provision was revoked by Law No. 9 of 1976,
- b. Law No. 9 of 1976 concerning Narcotics (the provision was revoked by Law No. 22 of 1997),
- c. Law No. 5 of 1997 concerning Psychotropic,
- d. Law No. 22 of 1997 concerning Narcotics (revoked by Law No. 35 of 2009).

In principle, Narcotics and Psychotropic are useful and very necessary for health service, such as in the service of patients with mental and neurological disorders, as well as for scientific purposes. Even so, the use of Narcotics and Psychotropic which are not carried out by and or not under the supervision of authorized personnel can be detrimental to health and can lead to dependency syndrome which harms individual, families, communities, present and future generation and damages cultural values of the nation.

Narcotics (according to the Narcotics Act) based on the class can be divided according to the dependency potential as follows:

- a. Narcotics Group I: very high potential to cause dependence, not used in therapy. Examples: Heroin, Cocaine, Marijuana, Putaw (Heroin is not pure powder).
- b. Narcotics Group II: the high potential to cause dependence, used in therapy. Example: Morphine and Pethidine.
- c. Narcotics Group III: potentially mild to cause dependence, widely used in therapy. Example: Codeine.

Narcotics which should not be used in medicine are Narcotics class I in the form of Cocaine, Heroin, Marijuana, and Psychotropic class I in the form of LSD, Ecstasy because they are not classified as drugs, and cause high levels of dependence. Because of the danger of dependency, use and circulation, drugs are regulated in the Narcotics Act and Law No.5 of 1997 (hereinafter the Psychotropic Act).

Whereas Psychotropic, according to Article 1 point 1 of the Psychotropic Act, the definition of Psychotropic is a substance or drug, both natural and synthetic not narcotics, which is psychoactive through

a selective effect on the central nervous system which causes typical changes in mental activity and behavior.

- a. Psychotropic (according to the Psychotropic Act) based on its class can be divided according to the potential that causes dependency as follows: Psychotropic group I: very high potential to cause dependence, not used in therapy. Example: MDMA (Ecstasy), LSD, and STP.
- b. Psychotropic group II: the high potential to cause dependence, used very limited in therapy. Example: Amphetamine, Methamphetamine, Ritalin.
- c. Class III psychotropic: potentially causing dependence, used in therapy. Example: Pentobarbital.
- d. Psychotropic group IV: high light potential causes dependence, very widely used in therapy. Examples: diazepam, clobazam, barbital, and nitrazepam.

Similarly, dangerous drugs such as addictive substances, namely: substances/substances that affect psychoactive outside Narcotics and Psychotropic, include:

- a. Alcohol Drink: contains ethyl alcohol (ethanol), which affects the central nervous system, and is often a part of everyday human life in certain cultures. If used in conjunction with Narcotics or Psychotropic will strengthen the influence of the drug/substance in the human body. There are three categories of alcoholic beverages:
 1. Group A: 1 - 5% ethanol (Beer).
 2. Group B: 5 - 20% ethanol content (Various wines).
 3. Group C: ethanol levels 20 - 45% (Whiskey, Vodka, Manson House, Johny Walker).
- b. Inhalation (inhaled gas) and volatile solvents in the form of organic compounds, which are found in various household, office, and machine lubricants. What is often misused are: Glue, Tiner, Nail Polish Eraser, and Gasoline.
- c. Tobacco: the use of tobacco containing nicotine is very broad in the community.¹⁸

In the effort to combat drugs in the community, the use of cigarettes and alcohol, especially in adolescents, must be a part of prevention effort, because cigarettes and alcohol are often the entrance to other dangerous drug abuse.

Giving remission is a right for prisoners and criminal children

First, the author explains the definition of rights and obligations. Rights are all things that must be obtained (absolutely) by every human being since he was created. According to Poerwadarminta¹⁹ that rights were interpreted: 1. the truth, what exists, the truth. 2. Correct power over something or to sue for something. 3. The power to do something (because it has been determined by rules, laws, etc.). 4. Authority and 5. Owned.

According to Notonagoro, that the rights were the power to accept or carry out something that should be accepted or carried out solely (*an sich*) by a certain party and could not be carried out by any party who could in principle be prosecuted by him.²⁰ In general, rights are \ obtained by fighting for them. How to fight for it? The trick is to carry out responsibility for obligation. The example of the recognition of rights is the rights to express an opinion, the rights to proper education, the rights to religion, the rights to life, the rights to develop culture, the rights to get value from the teacher, the rights not to be enslaved, and others.

While the obligation is everything that must be done/carried out by each individual so that they can get their rights properly. An obligation can be said as a debt that must be repaid to get what someone must have. According to Notonagoro,²¹ the obligation is a burden to provide something that should be left or given solely (*an sich*) by certain parties cannot be by any other party which in principle can be prosecuted by the interested parties. The obligation is something that must be done with full responsibility. Examples are: obeying traffic rules, implementing rules in schools, paying tuition fees according to regulation, as students must study diligently, carry out a task that the teacher gives best, and many more.

Rights and obligation are something that is very difficult to separate, even if it seems inseparable. To achieve a balance between rights and obligation, we need to know the position of each of us. Before we ask "Have I got the right?", It would be wiser to ask this question first "Have I done my duty?". Indeed, we very often demand rights but forget our obligation. For that, we need to know really that we have carried out our duties and obligation well. As a citizen, we must know our own rights and obligation. Likewise with officials, must know their rights and obligations. If the rights and obligation have been fulfilled and balanced, then there will be a comfortable, peaceful, safe and prosperous life.

Likewise the opposite if the rights and obligation are not balanced which will lead to problem and dispute. If the community does not move to change it, then gradually a much bigger problem will arise and can cause harm to many people. Therefore, we are as good citizen need to uphold the rights and obligation in daily life. More awareness is needed to increase enthusiasm to carry out our obligation as an Indonesian citizen. If we have carried out our obligation properly, we may demand our rights as a citizen to the Government.

In relation to the rights and obligation described above, this can be implemented in the provision of Remission for prisoners / criminal children, whether the remission is a right of criminal prisoners/children? Likewise is there an obligation for prisoners/criminal children to be carried out in coaching in the correctional institution? This is a matter between rights and obligation fulfilled, mutually balanced, and something that cannot be separated. In the case of convict / criminal children having the rights to remission, if the convict / criminal children has carried out the obligation to carry out coaching with good behavior in accordance with the provision of the implementing regulation including the Presidential Decree on Remission, Government Regulation No. 32 of 1999, Government Regulation No. 28 of 2006, Government Regulation No. 99 of 2012 and regulation of the minister of law and human rights No. 3 of 2018. The implementing regulations are almost the same as convict / criminal children who are obliged to carry out coaching with good behavior, but the last has been determined in Article 5 of regulation of the minister of law and human rights No.3 Year 2018, that is generally inmates undergo more than 6 months from before the date of remission.

When inmates / criminal children are convicted of serving their crimes in prison there are some things that are not getting enough attention, especially the protection of their human rights. The punishment carried out by the criminal inmates / criminal children do not mean that their rights are revoked, but the punishment is the release of guilt, namely by the punishment is to isolate themselves from the community. Punishment is not aimed at revoking the human rights inherent in human beings. Therefore the correctional system has explicitly stipulated that prisoners / criminal children have rights such as the right to be visited and visit, remission, leave, assimilation, parole, worship according to their religion, get education, complain, get

health services, get wages for work, even the rights to vote, or accompany legal counsel.

As a legal state, the rights of prisoners / criminal children are protected and recognized by law enforcers, especially officers in a correctional institution. Criminal convicts/children must also be protected by their rights even though they have violated the law. In addition, there are behavioral injustices for prisoners / criminal children, such as torture, not getting proper facilities and the absence of opportunities to get remission. This is contrary to Article 14 (the right of prisoners / criminal children) to the Penal Code.

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Basically, the rights between a female prisoner and male prisoner are same, only in this case because the prisoners are women, there are several rights that receive special treatment from the different male prisoner. With this difference, female prisoners receive special treatment by the correctional institution in all parts of Indonesia such as menstruation, childbirth, and breastfeeding. Likewise the treatment for male criminal children, and criminal children of women who still have hope in the future such as getting education and teaching or gaining affection from parents/guardians.

Especially for remission, assimilation, leave before free and parole is the rights of a prisoner, both adults, and children, as prisoners. The implementation of remission, assimilation, leave before free and parole is regulated in Government Regulation No. 32 of 1999, then amended by the first government Regulation No. 28 of 2006 and the second overment Regulation No. 99 of 2012. The Government Regulation, this implementation is followed up by regulation of the minister of law and human rights No. 3 Year 2018.

Remission requirements for drug inmates

In general, giving remission to prisoner / criminal children, it meets the following requirements:

- a. good behaviour; and
- b. has served a criminal period of more than 6 (six) month.

The Provision of Remission based on the Presidential Decree *juncto* Article 34 paragraph (3), Article 34A, Government Regulation No.28 of 2006, and Article 34A, 34B, and Article 34C Government Regulation No. 99 of 2012 has regulated several things including for prisoner convicted of committing criminal acts of terrorism, narcotics and psychotropics, corruption, crimes against state security and severe human rights crimes and other organized transnational crimes. The condition

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of good behavior must be proven by (Article 5 Law and human rights minister's regulation No. 3 of 2018):

- a. Not being disciplined in the past six months, counted before the date of remission, and
- b. Has attended a coaching program organized by prisons with a good predicate.

Otherwise, remission is not given to inmates: (Article 6 Law and human rights minister's regulation No. 3 of 2018)

- a. Undergoing leave before free, and
- b. Undergoing imprisonment as a substitute for a criminal fine.

Remission for inmates/drug criminal children has been specifically regulated in article 9 Law and human rights minister's regulation No.3 of 2018, namely:

“Prisoners who are sentenced to a minimum of 5 (five) years imprisonment for committing narcotics and psychotropic precursors to obtain remission, in addition to fulfilling the requirements as referred to in Article 5 must also be willing to cooperate with law enforcement to help dismantle criminal cases that do it.”

This provision is a general requirement for the remission of prisoners/children convicted of narcotics, namely sentenced to a minimum of 5 years imprisonment for committing criminal acts of narcotics and must also be willing to cooperate with law enforcers to uncover cases of a narcotics crime. These provisions are used as a basis for the provision of Humanitarian Remission, Additional Remission, and Subsequent Remission.

In addition to being known as General Remissions, there are also Remissions on the basis of humanitarian interests (Humanitarian Remission) given to Prisoners, namely: (Article 29 Law and human rights minister's regulation No. 3 year 2018)

- a. those sentenced to a maximum of 1 (one) year;
- b. aged over 70 (seventy) years; or
- c. Suffering from prolonged illness.

For inmates over the age of 70 (seventy) years must be accompanied by a birth certificate or certificate of birth knowing that has been legalized by the authorized agency. Remission for prisoners is given on national advanced days, while for inmates who are prolonged ill must be accompanied by a doctor's statement stating:

- a. the illness suffered is difficult to cure;

- b. the illness suffered life-threatening or life; and
- c. Always get expert care or doctors throughout his life.

If there are doubts about the doctor's certificate, the Head of Prison can request the opinion of another doctor. Remissions for prisoners are also given on World Health Day.

Then the calculation of Humanitarian Remission for Prisoners is given in the amount of the General Remission proposal obtained in the current year. While Humanitarian Remission is given to Children with the aim to (Article 31 Law and human rights minister's regulation No. 3 Year 2018):

- a. the interests of the child's future;
- b. Reduce psychological burden; and
- c. Accelerate the integration process.

Human Remission for children is given on national children's day. Human Remission for children is given in the amount of the General Remission proposal in the current year.

Furthermore, regarding the granting of additional remission given in certain circumstances, the Minister of Law and Human Rights can provide additional remissions to inmates and children if the person concerned: (Article 32 Law and human rights minister's regulation No. 3 Year 2018)

- a. Do services to the state;
- b. Conduct actions that are beneficial to the state or social; and
- c. Committing an act that assists in coaching activities in prisons (LPKA).

Regarding the act of service to the state consists of (Article 33 Law and human rights minister's regulation No. 3 Year 2018):

- a. Defending the country morally, materially and physically from enemy attacks; and/or
- b. Defending the country morally, materially and physically against the rebellion which seeks to divide or separate from the Unitary State of the Republic of Indonesia.

Service in the country must be proven by the decision to award the government. While doing actions that are beneficial to the state or society, consisting of (Article 34 Law and human rights minister's regulation No.3 Year 2018):

- a. find innovations that are useful for the development of the nation and the Unitary State of the Republic of Indonesia;
- b. Participate in overcoming the consequences of riots, riots, natural disasters on prisons or surrounding areas;

- c. Donate blood to other people in need; and/or
- d. Donate organs to other people in need.

ad.a Regarding the discovery of the innovation must be proven with a patent certificate or a certificate of appreciation given by the government.

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ad.b. Regarding actions which are beneficial to the country in question must be proven by a certificate of appreciation given by the Head of Prison and/or the Head of other relevant agencies.

ad.c. Regarding donating blood is carried out at least 4 (four) times in 1 (one) year as evidenced by a valid certificate provided by the Indonesian Red Cross.

ad.d. Regarding donating organs, it must be proven by a valid certificate provided by the hospital.

Regarding the conduct of activities that help the development activities in Prison or LPKA, it must be proven by being the leader in Prison or the activity coordinator at LPKA. While the appointment as the leader or coordinator of the activity referred to is determined by the Head of the Regional Office based on the proposal of the Head of Prison / LPKA (Article 35 Law and human rights minister's regulation No. 3 Year 2018).

Regarding the calculation of Additional Remission for Inmates and Children referred to (Doing Services for the State and Actions that are beneficial to the state or social) is given in the amount of 1/2 (one half) of the General Remission obtained in the current year (Article 36 paragraph (1) Law and human rights minister's regulation No. 3 of 2018).

Regarding the granting of additional remissions for prisoners and children in question (acts that help the development activities in prisons or LPKA) are given in the amount of 1/3 (one third) of general remission obtained in the current year (Article 36 paragraph (2) Law and human rights minister's regulation No. 3 year 2018)

Regarding the Proposal for Additional Remission, it must be accompanied by a valid proof of evidence from the authorized official and can only be used once for each Additional Remission, and the provision of Additional Remission is given in conjunction with the granting of General Remission. Furthermore, the provisions concerning the pro-

cedure for granting Remission for Prisoners apply mutatis mutandis to the provision of Humanitarian Remission and Additional Remission (Article 38 Law and human rights minister's regulation No. 38 Year 2018).

Regarding the Provision of Additional Remission for Every Prisoner and Child can be given an Additional Remission consisting of (Article 39 paragraph (1) Law and human rights minister's regulation No. 3 Year 2018):

- a. Subsequent General Remission; and
- b. Subsequent Special Remission.

Regarding supplementary remission is given if the inmate and child behave well and the length of the detention period is uninterrupted from the date of counting the detention period to receive remission up to the date of the court decision that has permanent legal force.

Regarding the proposed supplementary remission can be given to inmates and children who: (Article 40 Law and human rights minister's regulation No. 3 Year 2018)

- a. has obtained a permanent legal decision; and
- b. never got Remission.

While the calculation of the length of the period of detention as a basis for determining the amount of the Additional General Remission is calculated from the date of detention until August 17 (Article 41 paragraph (1) Law and human rights minister's regulation No. 3 Year 2018).

Regarding the calculation of the length of the period of detention as a basis for determining the amount of Additional Special Remission calculated from the date of detention to the religious holidays in accordance with the religion adopted. In the event that the detention period is terminated, the calculation of the length of the period of detention is calculated from the date of the last detention. Then the length of the period of detention of the house and the period of detention of the city is not counted as a period of detention in the provision of Subsequent Remission.

Regarding the Additional General Remission is given to Prisoners with the following conditions: (Article 42 paragraph (1) Law and human rights minister's regulation No. 3 Year 2018)

- a. 1 (one) month for inmates who on 17 August have undergone a detention period of at least 6 (six) months to 12 (twelve) months;

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- b. 2 (two) months for inmates who have served a period of imprisonment that has undergone a detention period of more than 12 (twelve) months; and
- c. the amount of remission given in the following year in accordance with the provisions of the legislation.

Regarding the General Submission, Remission is given to the Child with the following conditions (Article 42 paragraph (2) Law and human rights minister's regulation No. 3 Year 2018):

- a. 1 (one) month for a child who on 17 August has undergone a detention period of at least 3 (three) (six) months to 12 (twelve) months;
- b. 2 (two) months for a child who has served a period of imprisonment that has been under detention for more than 12 (twelve) months; and
- c. the amount of remission given in the following year in accordance with the provisions of the legislation.

Regarding the amount of Special Remission, Subsequent is given to inmates with the following conditions (Article 42 paragraph (3) Law and human rights minister's regulation No. 3 Year 2018):

- a. 15 (fifteen) days for inmates who on religious holidays in accordance with their religion have undergone a period of detention for a minimum of 6 (six) months to 12 (twelve) months;
- b. 1 (one) month for inmates who have undergone detention for more than 12 (twelve) months; and
- c. the amount of remission in the following year in accordance with the provisions of the legislation.

Regarding the amount of Special Remission, Subsequent is given to Children with the following conditions (Article 42 paragraph (4) Law and human rights minister's regulation No. 3 Year 2018):

- a. 15 (fifteen) days for a child who on religious holidays in accordance with the religion he adheres has undergone a period of detention for a minimum of 3 (three) months to 12 (twelve) months;
- b. 1 (one) month for a child who has undergone a detention period of more than 12 (twelve) months; and
- c. the amount of remission in the following year in accordance with the provisions of the legislation.

Regarding the Submission of Submitted Remission, only can be given once for all Remissions that have not been obtained due to non-fulfillment of administrative requirements (Article 43 Law and human rights minister's regulation No. 3 Year 2018).

Based on the above, it is impressed that there is a tightening of remission for drug inmates through requirements that must be met and are different from giving remissions to inmates in general. Keep in mind the meaning of tightening the remission itself is to tighten the terms and criteria of an inmate to be able or not to be given a penalty cut (Remission) on condition. In general, the practice of organizing prisoners is still far from expectations that can foster the community involved in the law to be able to return to society. This is no longer a public secret that has become a paradigm or an ugly stamp for prisoners, in which the correctional institution is “The University of Criminal Actors” to just look at the news now, for example, the circulation of narcotics is controlled from inside the prison. Therefore, as the rule of law, the rights of prisoners must be protected by law and law enforcement, especially officers in prisons, so that something is necessary for the state law to respect the human rights of prisoners as citizens who must be protected, even if they violate the law. In addition, prisoners need to be protected from unfair treatment, such as torture, not getting proper facilities and the absence of opportunities to get remission.

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Tightening of
Remission for
Narcotics
Prisoners*

If you already know what the right of prisoners is, then he/she gets full legal protection, therefore do not stay silent facing arbitrary treatment in the correctional facility. Thus if there is a violation of the prisoner’s rights, the prisoner has the right to sue and must fight for it. It must be remembered that Article 14 of the Penal Code, has regulated the rights of prisoners mentioned, that prisoners have the right to submit complaints and receive family visits, legal counsel and certain other people, all actions that violate human rights must not be allowed but must be dealt with!

The reason for remission provision tightening for drug inmates

Remission provision tightening for Drug Inmates as regulated in Government Regulation No. 28 of 2006 is the first amendment to Government Regulation No. 32 of 1999, then Government Regulation No. 99 of 2012 appears as the second amendment to Government Regulation No. 32 of 1999. Further, the government regulation was followed up by regulation of the minister of law and human rights No. 3 Year 2018.

From the provision above, it appears the difference in giving Remission for inmates in general by giving Remission for Narcotics Prison-

ers. The difference according to the author is a Remission provision tightening for drug inmates, in addition to the procedure for giving remission, calculation of remission, even documents that must be completed in the remission.

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Remission provision tightening for Drug Inmates, juridically it does not discriminate between users, dealers, or bookies. This is equated with the term prisoner. Remission provision tightening for Drug Inmates can be grouped as follows:

- a. For drug inmates who are sentenced to prison for at least 5 (five) years.
- b. For drug inmates who are sentenced to prison, the maximum period of 1 (one) year, over 70 (seventy) years, or suffer prolonged illness for reason of consideration of the public interest, security, and sense of justice of the community.

The requirement that must be fulfilled is subject to the general requirement, as well as the special requirement for drug inmates as follows:

- a. willing to cooperate with law enforcer to help uncover a case of crimes committed;
- b. has paid in full fines and compensation in accordance with court decision for inmates convicted of corruption (according to the author the provision of letter b also applies to drug convicts because the Narcotics Law in which the criminal act is not only subject to capital punishment, or imprisonment is also imposed a criminal fine).

Remission provision tightening for Drug Inmates seems to be impressed that remission is not as easy as it can be given, even though drug inmates have undergone their criminal terms with good behavior without being followed by a willingness to cooperate with law enforcement officials. The period of imprisonment is said to be truly pure until it ends.

The reason for remission provision tightening for Drug Inmates cannot be separated from the purpose of criminal prosecution and the purpose of this punishment is to seek a justification for criminal sanctions by the State (represented by a judge) against someone who has committed a criminal act (violating the criminal law) as one way to implement the objectives of criminal law such as to fulfill a sense of justice, protect the community, protect the interests of individuals, and others.

According to Muladi, in giving a criminal, first of all, it must also be fulfilled for the purpose of criminal justice with a background in coaching philosophy²². This means that the formation of prisoners must be based on the ideology of Pancasila, that is, one of the aims of the conviction is to free the guilt of the convicted person. Criminal objectives can be found in the Draft Criminal Code Draft 2017, Article 55 paragraph (1), as follows:

Criminal aims:

- a. prevent criminal act by enforcing the legal norm for the protection and protection of society;
- b. socialize the convicted person by providing guidance and coaching to become a good and useful person;
- c. resolve conflict caused by the criminal act, restore balance, and bring a sense of security and peace in society; and
- d. growing regret and freeing guilt in the convicted person.”

The purpose of prosecution is not a new thing, but the idea of thinking about the purpose of prosecution has existed since time immemorial. This is precisely the era of Protagoras. Plato has explained about crime as a means of special prevention and general prevention. Furthermore Seneca, a famous Roman philosopher who had made a formulation that is “*Nemo prudens punit quia peccatum est, sed ne peccetur*” which means it is not worthy of people to punish because there has been wrongdoing, but with the intention that there will be no more wrongdoing. Likewise, Jeremy Bentham explained that the purpose of punishment is to prevent future crimes from occurring. On the other hand, Immanuel Kant and the Catholic Church as the pioneers stated that criminal justification and criminal purposes are retaliation for attacks on crime on social and moral order²³.

From some of the scholars’ opinions, it is known that the crimes imposed and lived by prisoners must be truly beneficial for their own sake (later in the future there will be no more wrongdoing) and community protection which means that the community feels protected from crime. Thus the theory of crime prevention and control put forward by experts can also be used as a justification for the reason of The reason of remission provision tightening for Drug Inmates who undergo their criminal periods if drug inmates are willing to cooperate with law enforcement to help uncover cases of crimes committed (justice collaborator).

This crime prevention theory can be distinguished between special deterrence and general deterrence. Special prevention is intended to

be a criminal influence on prisoners. It means the prevention of crimes to be achieved by the criminal by influencing the behavior of Prisoners, later in the future will not commit another crime so that prisoners turn out to be better and more useful to the community. This theory is similar to the term reformation or rehabilitation theory.

While general prevention is intended as a criminal influence on society in general, this means the prevention of crime to be achieved by the criminal by influencing the behavior of members of society in general to not commit a criminal act.

According to Johannes Andenaes²² explains there are three forms of influence in general prevention, namely:

- a. preventive influence,
- b. influence to strengthen moral restrictions,
- c. influence to encourage the habit of complying with the law.

Drug abuse prevention effort can also be made in several ways, as follows:

- a. Preventive, namely to form a community that has resistance and immunity to drugs. Prevention is better than eradication, such as coaching and supervision in families, counseling, recitation, supervision of nightlife venues, and distribution of illegal drugs.
- b. Repressive, namely to take action and eradicate drug abuse through legal channels, which is carried out by law enforcers.
- c. Curative (treatment), aimed at healing the victim, both medically and with other media.
- d. Rehabilitation, meaning that after treatment is complete so that the victims do not relapse “addicted” to drugs, it needs to be treated fairly in order to return to the community in a state of physical and spiritual health. We must not alienate drug victims who are aware and repentant so that they do not fall back like drug addicts.²⁴

With provisions issued of the remission provision tightening for drug inmates, it is an implication that the theory of legal certainty is used. According to Hans Kelsen Marzuki²⁵ the theory of legal certainty is:

“Law is a norm system. Norm is a statement that emphasizes “should” or *das sollen* aspect, by including some rules about what to do. Norm is deliberative product and human action. The law which contains general rules is a guideline for an individual to behave in society, both in a relationship with the in-

dividual and in relation to society. These rules are a limitation for people to burden or take action against an individual. The existence of these rules and the implementation these rules raise legal certainty.”

The theory of legal certainty from Hans Kelsen can be applied to the provision of remission that requires (*das sollen*) to be used as a guideline for drug inmates who have the intention of wanting remission in serving a criminal period will be reduced from the actual criminal period, but the remission provision is not only used as guidelines for inmates but used as a guideline for law enforcement officers who have the duty and authority to provide remission. The existence of these rules reflects legal certainty.

According to Marzuki²⁵ the law must contain 3 (three) values of identity, namely:

- a. Legal certainty principle (*rechtssicherheit*). This principle is reviewed from a juridical point of view.
- b. Legal justice principle (*gerechtigkei*t). This principle is viewed from a philosophical point of view, where justice is the equality of rights for all people before the court.
- c. The principle of benefit (*zweckmassigkeit*).

The remission provision in addition to reflecting legal certainty can also reflect legal justice and its benefit from the remission provision. Justice for inmates who get remission, if the prisoner is serving a criminal period with good behavior, and is obliged to cooperate with law enforcement officials to uncover the criminal act he committed. Thus the principle of usefulness is useful for the community, nation, and state which is protected from the threat of security from the danger of drugs.

The remission provision means in order to carry out the purpose of punishment, therefore one of the tightening of remissions in the provisions of Article 2 the regulation of the minister of law and human rights No. 3 Year 2018 stated that remission given to inmates must be beneficial for prisoners, criminal children and their families as well as remission given must also consider for the sake of security, public order and a sense of justice for the community.

Thus legal certainty is a characteristic that cannot be separated from written law. Law without a certainty value will lose its meaning because it can no longer be used as a code of conduct for everyone. Certainty itself is referred to as one of the objectives of the law, while

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the legal consequences that occur due to a legal certainty must adhere to the principle of legal certainty for all aspects of life in the field of society, nationality, and state including government with a national legal system. The national legal system is the law that applies in Indonesia with all its elements that support each other in order to anticipate and overcome the problem that arises in the life of society, nation, and state.

Law is a system, which contains legal material, at least must have the following criteria: a. concrete, b. not pluralistic (variety), c. clear and without multi-interpretation, d. not conflicting, and e. not contrary with the fundamental state norm. This is intended to create a condition called the “legal certainty”²⁶

According to Sudikno Mertokusumo²⁷ legal certainty is justification protection against arbitrary action which means that a person will be able to get something expected under certain circumstances.

It means that the remission provision tightening is expected to prevent the arbitrary act from law enforcement officers, such as abuse of power, position, or act of corruption, collusion and nepotism.

The authoritative law was obeyed, both by legal officials and by *justitiabelen*, people who had to obey the law. The law will increase its authority, if:

1. Obtain support from the prevailing value system in society. The law of one type of norm in the applicable value system will be more easily supported by another social norm that applies.
2. Law in the formation of *ordenings subject* or legal officials is not isolated from another social norm, even linked to the prevailing norm.
3. Legal awareness of *justitiabelen*. The authority of the law will be stronger if new legal awareness. Legal awareness of officials from legal officials who are called to preserve the law and to become law shepherd, legal officials must be aware and understand that the authority of the law increases if the action is orderly according to its authority and if it respects and protects the bonds (*verbandorde*).²⁸

Meanwhile, according to Mochtar Kusumaatmadja²⁹ relates to a legal certainty, namely:

“To achieve order in society, the effort is made to ensure certainty in the relationship between humans in regular society, but it is an absolute requirement for a living organization that

transcends current boundaries. That's why there are legal institutions, such as marriage, property, and contracts. Without the certainty of law and public order manifested by him, a human cannot develop the talent and abilities that God has given him optimally in the society in which he lives.”

Sujasmin

The legal certainty requires the creation of a general rule that is generally applicable and results in a general legal duty to achieve legal certainty (for the sake of order and justice for all Indonesians). This is done so that the creation of a safe and peaceful atmosphere in the wider community and enforced and implemented firmly³⁰. In addition, the theory of justice is used to solve the problem, namely finding basic reason for justifying the reason for remission provision tightening for drug inmates. Justice is one of the objectives of the law as well as legal certainty and benefit.

Thus the reason for tightening remission for prisoners who are obliged to cooperate with law enforcement officials to uncover cases of crimes committed is a form of drug abuse control. In general, drug abuse prevention is divided into three instruments:

1. Supply reduction: namely narrowing the space for drugs production and circulation. The obstacle faced today is collusion between the city and the authorities. In addition, the kitchen lab phenomenon emerged a cottage industry that was managed in the garment industry, which resulted in more difficult controls.
2. Demand reduction: reducing drug (user) market, which is taken through the rehabilitation program of users. The point refers to market law: if there is less demand, it will ultimately reduce supply. The government and several private institutions (NGOs) have conducted advocacy and assistance to maximize drug user rehabilitation centers. The head of BNN said the rehabilitation center construction will be carried out simultaneously in Eastern, Central, and Western Indonesia. The government has also formed a Drug Addiction Hospital (RSKO) in Cibubur, Jakarta. Some Islamic boarding schools also have special programs to rehabilitate drug addicts such as the Suryalaya Islamic Boarding School in Tasikmalaya, West Java.
3. Harm reduction: reducing the adverse effects of drug abuse, which is specifically focused on addict users. Usually, the therapy taken is methadone therapy, a type of drug with a low addiction level (24-hour interval), compared with methamphetamine ad-

diction level (every 7 hours). The assumption is that with Methadone Therapy, users can be more productive because intoxicated intervals (pain due to addiction) become longer.”

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4/2018 In its development, Indonesia also has several official institutions that deal directly with drug cases including BNN (National Narcotics Agency); Narcotics Division of the National Police Criminal Investigation Agency; NAFZA (Narcotics, Psychotropic, and Addictive Substances) managed by the Drug and Food Management Agency (BPOM). There is also a GRANAT social organization (National Anti Narcotics Movement) which later became the Struggle Organization to combat illicit trafficking and drug abuse. GRANAT was established on October 28, 1999, alone or with other groups or Government agencies, conducting counseling about the dangers of illicit trafficking and drug abuse, as well as campaigning on ways to counter illicit trafficking and overcome various dangers of drug abuse.

In the “Indonesian Defense White Paper” in 2008. There are two categories:

1. The traditional security threat in the form of invasion or military aggression from other countries against Indonesia is estimated to be less likely. The role of the United Nations and the international reaction are believed to be able to prevent, or at least limit the use of, armed forces by a country to impose its will on other countries.
2. Non-traditional threats, namely external threats are more likely to originate from a transnational organized crime committed by non-state actors, by utilizing domestic conditions that are not conducive. Estimates of threats and disturbances faced by Indonesia in the future, including terrorism, separatism, transnational crime (smuggling, illegal fishing), pollution and destruction of ecosystems, illegal immigration, piracy/robbery, acts of radicalism, communal conflict and the impact of natural disasters.

The direct link between drugs and national security is the case of large-scale smuggling, with armed personnel. Armed smuggling indicates an increase in smuggling quality. Drugs are one of the crime triggers, which in the United States Secretary of State Hillary Clinton called the drug violence. This happens because the drug business plays a large amount of money, so competition between groups often occurs in fighting over the market or securing the channels of trafficking and smuggling.

Conclusion and Suggestion

Conclusion

1. Remission is the right of convicts / criminal children who cannot be separated from obligations. Therefore rights and obligations must be fulfilled, and mutually balanced. In the case of convicts / criminal children having the right to remission, if the convict / criminal child has carried out the obligation to carry out coaching with good behavior.
2. Requirements for Remission for Narcotics Prisoners is a tightening which has special requirements for drug inmates, inmates who are jailed for at least five years, for committing criminal acts of narcotics and narcotics and psychotropic precursors and are willing to cooperate with law enforcement agencies to help dismantle criminal cases do it.
3. The reason for tightening remission for drug inmates is in the context of carrying out the objectives of criminal prosecution, the influence of drugs has damaged the young generation, the nation, and the state, as well as the security threats handling from the dangers of the drug.

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Suggestion

1. The rights and obligations inherent in remission are required to contain a value of certainty, fairness, balance, benefit for prisoners, families, communities, nations and the state in order to carry out criminal purposes.
2. Requirements for giving remission to convicts / criminal children of drugs Impressed as a remission tightening need to be reviewed by paying attention to, and reflecting the principles / correctional system as outlined in the Penal Code.
3. The reason for tightening remission is expected to be implemented by law enforcement officials to reduce the frequency of drug crimes, and avoid security threats from the dangers of drugs.

Notes

- 1 Detik, "Indonesia Emergency Drugs and Traces of the Third Largest Shrimp Factory in the World," <https://news.detik.com/news/3151748/Indonesia-emergency- drugs- and-traces- of- the third largest shabu- factory- in the world>, accessed March 6, 2018.
- 2 Nishiyama S (2016), 'Equilibrium Properties In The Duopolistic Price-Setting Market As Determinants For The Term Structure Of Interest

- Rates: A Game-Theoretic Approach,' *Journal of Administrative and Business Studies* 2(4), p. 151-155.
- 3 Luekveerawattana R (2016), 'Relationship Between Personal Factors And Marketing Mix Satisfaction Of The Tourists At Don Hoi Lot In Samutsongkham Province, Thailand,' *Journal of Administrative and Business Studies* 2(3), p. 113-120.
 - 4 Merdeka, "Engaging in the Smuggling of 1.3 tons of marijuana, Lutfi is known as a Hobby of Wild Racing," <https://www.merdeka.com/event/involved-smuggling13-tons-of-luthfi-marijuana-known-as-wild-racing-hobby.html>, accessed March 5, 2018.
 - 5 Suara Pembaharuan, "17 Prisoners Who Involved in Riots in Bentiring Prison Cannot Get Remission," <http://sp.beritasatu.com/home/17-prisoners-involved-in-riots-in-Bentiring-prison-cannot-remission/116456>, accessed March 6, 2018.
 - 6 Subasinghe W (2016), 'Sociological Analysis on Prisoners; With Special Reference to Prisoners of Death Penalty and Life Imprisonment in Sri Lanka,' *Journal of Advances in Humanities and Social Sciences* 1(2), p. 24-35.
 - 7 Merdeka, "After the clash, the prisoner cell in Tangerang Youth Prison was searched," <https://www.merdeka.com/peristiwa/usai-prisoner-cell-clashes-in-tangerang-youth-prison-were-searched.html>, accessed March 6, 2018.
 - 8 Chadyiwa M and Mgutshini T (2015), 'Using mobile Handheld Devices As Tools Of Learning And Teaching For Student EHPS: A Blessing Or A Curse,' *International Journal of Humanities, Arts and Social Sciences* 1(2), p. 85-91.
 - 9 Humam Fairuz, "Mengenal Istilah Narkoba, Narkotika, Psikotropika dan Zat Adiktif," humamlawoffice.blogspot.co.id. Accessed March 6, 2018.
 - 10 Mardani (2008), *Penyalahgunaan Narkotika dalam Perspektif Hukum Islam dan Hukum Pidana Nasional*, Jakarta: Rajawali Pers.
 - 11 Dirdjosisworo Soedjono (1997), *Patologi Sosial*. Bandung: Alumnus.
 - 12 Sudarto (1986), *Kapita Selekta Hukum Pidana*, Bandung: Alumnus.
 - 13 Elhols Jhon M. and Hasan Sadili (1996), *Kamus Inggris Indonesia*, Jakarta: Gramedia.
 - 14 Hamzah Andi and RM Surachman (1994), *Kejahatan Narkotika dan Psikotropika*, Jakarta: Sinar Grafika.
 - 15 Siswanto (2012), *Politik Hukum dan Undang-undang Narkotika (Undang-Undang No.35 Year 2009)*, Jakarta: Rineka Cipta.
 - 16 Andhika Chrisnayudhanto, "100 Years of the World Drug Problem, World Action Against Narcotics," <http://mediaindonesia.com/webtorial>, accessed October 11, 2008.
 - 17 Ruyver Brice De (2003), *International Drug Policy, Status Quaestionis-Compendium of Article*, Maklu Publishers, Apeldoorn.
 - 18 Humam Fairuz, *loc.cit*.
 - 19 Poerwadarminta WJS (1954), *Kamus Umum Bahasa Indonesia*. Perpustakaan Perguruan Kementerian PP dan K.
 - 20 Notonagoro, "The Rights and Obligation of Indonesian Citizens," <https://nurulhaj19.wordpress.com>, accessed March 5, 2018.
 - 21 *ibid*
 - 22 Muladi and Barda Nawawi Arief (1992), *Teori-Teori dan Kebijakan Pidana*, Bandung: Alumnus.
 - 23 Muladi (1992), *Lembaga Pidana Bersyarat*, Bandung: Alumnus.
 - 24 Bambang Sutiyo, "Drug Abuse and its Countermeasures," <http://www.academia.edu/4091703/>, Accessed on 14 October 2018.

- 25 Masih M, Ahmad AH, Daud SNM and Marzuki A (2008), 'Sovereign Credit Ratings And Macroeconomic Variables: An Application Of Bounds Testing Approach To Malaysia,' *Journal of the Academy of Business and Economics* 8(1), p. 109-119.
- 26 Suseno W (2001), 'Tinjauan Kuat Lekat Bambu dalam Beton Untuk Perencanaan Bamboocrete. *Jurnal Teknik Sipil, Sipil Soepra* 3(8), p. 66-76.
- 27 Mertokusumo Sudikno (1993), *Bab-bab Tentang Penemuan Hukum*, Bandung: Citra Aditya Bakti.
- 28 Notohamidjojo O (1970), *Makna Negara Hukum*, Jakarta: BPK.
- 29 Kusumaatmadja Mochtar (1970), *Fungsi dan Perkembangan Hukum Dalam Pembangunan Nasional*. Bandung: Binacipta.
- 30 Soekanto S (1983), *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Rajawali.

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