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## **VICTIMS' RIGHTS AS THE BASIS FOR CONSIDERATION IN GRANTING PAROLE TO PRISONERS OF FIGHTING AND PERSECUTION (CASE STUDY AT CLASS IIA PENITENTIARY IN PANGKALPINANG)**

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### **ABSTRACT**

*Parole is a prisoner's right that includes four main conditions in Law Number 22 of 2022 concerning Corrections without considering the rights of victims. The absence of consideration of victims' rights in the conditions for granting parole results in unfulfilled human rights for victims. This research discusses first, the clash of victims' rights and prisoners' rights in granting parole to prisoners of fighting and persecution at the Pangkalpinang Class IIA Penitentiary. Second, the rights of victims as a basis for consideration of granting parole to prisoners of fighting and persecution. The purpose of this study is to determine and analyze how the clash of rights and legal protection of victims related to the granting of parole to prisoners of fighting and persecution in Pangkalpinang City. The type of research used is empirical juridical research, the approach used is a statutory approach, data collection techniques through in-depth interviews with qualitative analysis techniques. The results of this study, first, found a clash between the rights of prisoners of fighting and persecution to be granted parole and the human rights of victims due to the absence of consideration of the rights of victims in granting parole in Law Number 22 of 2022 concerning Corrections, preventive legal protection is carried out by the Correctional Institution in collaboration with the Correctional Center supervised by the Directorate General of Corrections to form a Community Research policy to listen to the opinions of victims in granting prisoners' rights and supervision to prevent prisoners from repeating criminal acts, while repressive legal protection is in the form of criminal sanctions and administrative sanctions. Second, the form of consideration of the rights of victims in parole can be said to be not maximized because it is only as a side and does not affect the granting of parole to prisoners of fighting and persecution.*

**Keywords: Legal Protection; Victims' Rights; Parole**

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### **INTRODUCTION**

The Unitary State of the Republic of Indonesia is an archipelagic country with thousands of islands, leading to differences in lifestyles between regions.<sup>1</sup> The diversity within society includes ethnic, racial, religious, and cultural differences, making Indonesia rich in socio-cultural aspects. This diversity does not divide Indonesian society into separate groups; rather, interactions among Indonesians remain unified and mixed despite differences in culture,

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<sup>1</sup>Thomas Sunaryo. (2019). "Indonesia Sebagai Negara Kepulauan". *Jurnal Kajian Strategik*, 2(2): 104-105

religion, ethnicity, and race.<sup>2</sup> However, differences do not always coexist harmoniously, and conflicts arising from these differences frequently occur.<sup>3</sup> These conflicts often stem from a lack of respect for others and misunderstandings in communication, leading to disharmony in social interactions.<sup>4</sup> In April 2014, the Ministry of Social Affairs released data indicating that Indonesia had 42 social conflict-prone areas across six islands: Papua recorded 24 incidents, West Java 24, Jakarta 18, North Sumatra 10, Central Sulawesi 10, and Central Java 10.<sup>5</sup> These conflicts necessitate the presence of a regulatory instrument to govern society and prevent ongoing losses. This regulatory instrument is known as positive law or the currently applicable law in Indonesia.

Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that Indonesia is a rule-of-law country.<sup>6</sup> Legal instruments play a crucial role in governing a pluralistic society by ensuring the fulfillment of rights and obligations to minimize conflicts. Law cannot stand alone; it must be enforced by legal enforcers.<sup>7</sup> These enforcers ensure legal certainty, and those who violate the law face sanctions in accordance with applicable regulations.

The legal system in Indonesia is diverse. Criminal law governs societal behavior from the perspective of actions and sanctions. Indonesian criminal law has undergone reforms as part of decolonization efforts to eliminate colonial influence and achieve corrective, rehabilitative, and restorative justice, sentencing objectives, and guidelines while incorporating alternative criminal sanctions.<sup>8</sup> Initially using the Dutch Penal Code, Indonesia now has its own national Penal Code.<sup>9</sup>

Law Number 22 of 2022 on Corrections, hereinafter referred to as the Corrections Law, in Chapter 2, Section 1, regulates the rights and obligations of prisoners that must be fulfilled and carried out by both prisoners and correctional institutions.<sup>10</sup> One of these rights is the right to parole, as stipulated in Article 10, Paragraph (1), Letter f of the Corrections Law.<sup>11</sup> According to the Corrections Law and Minister of Law and Human Rights Regulation Number 7 of 2022, which amends Minister of Law and Human Rights Regulation Number 3 of 2018 regarding the conditions and procedures for granting remission, assimilation, family visitation leave, parole, pre-release leave, and conditional leave, the requirements for parole<sup>12</sup> include serving at least two-thirds (2/3) of the sentence, with a minimum of nine (9) months, maintaining good behavior for at least the last nine (9) months before the 2/3 period, actively participating in rehabilitation programs, and gaining community acceptance for reintegration.<sup>13</sup>

<sup>2</sup>Budi Pramono et.al. (2022). *Implementasi Nilai-Nilai Sesanti Bhinneka Tunggal Ika*. Bandung: Indonesia Emas Group, p. 3-4

<sup>3</sup>Alfitra. (2017). *Konflik Sosial Dalam Masyarakat Modern*. Ponorogo:Wade Group, p. 43

<sup>4</sup>Ismail. (2019). *Konflik Dan Kolaborasi: Peran Negara Dalam Integrasi Bangsa*. Malang:Media Nusa Creative, p. 27

<sup>5</sup>Teuku Fahmi dan M. Zaimuddin Akbar. (2015). "Pemetaan Daerah Rawan Konflik Sosial di Kabupaten Tanggamus". *SOSIOLOGI: Jurnal Ilmiah Kajian Ilmu Sosial Dan Budaya*, 17(2): 111–112Lampung province. This study uses a quantitative approach. The data used is data intensity (frequency)

<sup>6</sup>Riani Bakri dan Murtir Jeddawi. (2022). "Analisis Indeks Negara Hukum Indonesia". *Jurnal Pallangga Praja (JPP)*, 4(2): 107

<sup>7</sup>M.Andrew Shandy Utama et.al. (2021). *Problematisa Penegakan Hukum*, Solok:Insan Cendekia Mandiri, p. 5

<sup>8</sup>Faisal. (2021). *Hukum Pidana Dalam Dinamika Asas, Teori, dan Pendapat Ahli Pidana*, Jakarta:Kencana, p. 1

<sup>9</sup>Faisal. (2023). *Pembaruan Hukum Pidana Era Baru Hukum Pidana Nasional*. Yogyakarta:CV Megalitera, p. 2

<sup>10</sup>Indonesia, *Undang-Undang tentang Pemasarakatan*, UU No. 22 Tahun 2022, Lembaran Negara No. 126 Tahun 2022.

<sup>11</sup>Yustiana, Muhammad Yunus, dan Sarmila Sanjaya. (2023). "Implikasi Hukum Atas Pelaksanaan Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasarakatan Terhadap Pemenuhan Hak Warga Binaan Khususnya Pembinaan dan Asimilasi Pada Narapidana Dengan Kasus Narkotika dan Over Capacity di Rumah Tahanan Negara Kelas II b Sengkang". *LEGAL: Journal of Law*, 2(1): 102

<sup>12</sup>Aldi Romadani. (2023). "Pembebasan Bersyarat Terhadap Narapidana Lembaga Pemasarakatan". *Journal of Sharia and Law*, 2(1): 337

<sup>13</sup>Indonesia, *Peraturan Menteri Hukum dan HAM tentang Perubahan Kedua atas Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 3 Tahun 2018 tentang Syarat dan Tata Cara Pemberian Remisi, Asimilasi, Cuti Mengunjungi Keluarga, Pembebasan Bersyarat, Cuti Menjelang Bebas, dan Cuti Bersyarat*, Permenkumham No. 7 Tahun 2022.

Parole is a prisoner's right intended to accelerate reintegration into society after undergoing rehabilitation to foster positive behavioral changes within correctional institutions.<sup>14</sup> Additionally, parole helps reduce prison overcrowding, allowing more effective rehabilitation programs and accommodating new inmates.

The requirements for parole outlined in the Corrections Law and the Minister of Law and Human Rights Regulation Number 7 of 2022 do not include victims' rights as a consideration in the granting of parole.<sup>15</sup> Bassiouni argues that the objectives of criminal law generally align with the protection of certain societal interests, including maintaining public order, safeguarding citizens from unjust harm or threats, rehabilitating offenders, and upholding fundamental principles of social justice, human dignity, and individual justice.<sup>16</sup>

Barda Nawawi Arief states that the essence of criminal law lies in compassion. Criminal law should encourage humane behavior while deterring individuals from committing disgraceful acts that diminish their sense of humanity.<sup>17</sup> Based on this view, while parole is a prisoner's right, granting it can have negative impacts on victims, such as psychological trauma from recalling the crime or fear due to past threats. Therefore, victims' rights must be considered, as they are fundamental human rights guaranteed in Chapter XA of the 1945 Constitution,<sup>18</sup> Indonesia's highest legal hierarchy. Additionally, victims' rights as citizens are regulated in Law Number 39 of 1999 on Human Rights.<sup>19</sup> Article 28G, Paragraph (1) of the 1945 Constitution states that citizens have the right to personal, family, honor, dignity, and property protection, as well as the right to security and protection from threats that restrict their actions.<sup>20</sup>

Criminal acts directly impact victims, causing significant losses.<sup>21</sup> Among the most harmful long-term offenses are fighting and persecution, which affect victims physically, psychologically, socially, and economically, including physical disabilities, trauma, loss of social relationships, and loss of livelihood due to injuries.<sup>22</sup> Fighting refers to competitive or confrontational actions between individuals or groups resulting in harm, including minor and severe injuries.<sup>23</sup> Persecution refers to deliberate actions that harm another person's health.<sup>24</sup>

Table 1.1

Data on Fights and Persecution Prisoners in 2022-2024 at Pangkalpinang Class IIA Correctional Institution

No	Subject	Gender	Type of Crime	Year
1	Initials R	M	Persecution	2022
2	Initials T	M	Persecution	2022
3	Initials N	M	Persecution	2022

<sup>14</sup>Ibrahim Fikma Edrisy et.al. (2023). *Penologi*, Bandarlampung:Pusaka Media, p. 44

<sup>15</sup>Wildan Achmad Fauzi. (2021). "Pelaksanaan Pemberian Hak Pembebasan Bersyarat Bagi Narapidana Tindak Pidana Umum". *Nusantara : Jurnal Ilmu Pengetahuan Sosial*, 8(2): 232-233

<sup>16</sup>Faisal. (2020). *Politik Hukum Pidana*. Tangerang:Rangrang Education, p. 71

<sup>17</sup>Faisal. (2020). *Hukum Pidana Umum*, Yogyakarta:Thafa Media, p. 2

<sup>18</sup>Bivitri Susanti. (2017). "Menyoal Jenis Dan Hierarki Peraturan Perundang Undangan di Indonesia". *Jurnal Jentera*, 1(2): 130

<sup>19</sup>Nurliah Nurdin dan Astika Ummy Athahira. (2022). *Hak Asasi Manusia, Gender dan Demokrasi Sebuah Tinjauan Teoritis dan Praktis*. Sumedang:CV Sketsa Media, p. 28

<sup>20</sup>Serlika Aprita dan Yonani Hasyim. (2020). *Hukum dan Hak Asasi Manusia*. Bogor:Mitra Wacana Media, p. 248

<sup>21</sup>Emilia Susanti dan Eko Rahardjo. (2018). *Buku Ajar Hukum dan Kriminologi*. BandarLampung:AURA, p. 120we test the small molecule flexible ligand docking program Glide on a set of 19 non- $\alpha$ -helical peptides and systematically improve pose prediction accuracy by enhancing Glide sampling for flexible polypeptides. In addition, scoring of the poses was improved by post-processing with physics-based implicit solvent MM-GBSA calculations. Using the best RMSD among the top 10 scoring poses as a metric, the success rate ( $\text{RMSD} \leq 2.0 \text{ \AA}$  for the interface backbone atoms

<sup>22</sup>Ressa Ria Lestari et.al. (2020). *Buku Panduan Pendampingan Dasar Kasus Kekerasan Terhadap Perempuan*. Bandung:Lembaga Bantuan Hukum Bandung, p. 26

<sup>23</sup>Regi Meidiyanto. (2015). "Tinjauan Kriminologis Mengenai Perkelahian Antar Kelompok Dikalangan Remaja di Kota Palu". *Jurnal Ilmu Hukum Legal Opinion*, 3(6): 3

<sup>24</sup>Wahyu Widodo. (2015). *Kriminologi Hukum Pidana*, Semarang:Universitas PGRI Semarang Press, p. 97

4	Initials K	M	Persecution	2022
5	Initials W	M	Persecution	2022
6	Initials J	M	Persecution	2022
7	Initials M	M	Persecution	2022
8	Initials R	M	Persecution	2022
9	Initials R	M	Persecution	2022
10	Initials M	M	Persecution	2022
11	Initials A	M	Persecution	2022
12	Initials Z	M	Persecution	2022
13	Initials A	M	Persecution	2022
14	Initials P	M	Fights	2022
15	Initials P	M	Fights	2022
16	Initials N	M	Fights	2022
17	Initials R	M	Fights	2022
18	Initials T	M	Fights	2022
19	Initials A	M	Fights	2022
20	Initials R	M	Fights	2022
21	Initials D	M	Persecution	2023
22	Initials J	M	Persecution	2023
23	Initials R	M	Persecution	2023
24	Initials Y	M	Persecution	2023
25	Initials Y	M	Persecution	2023
26	Initials J	M	Persecution	2023
27	Initials M	M	Persecution	2023
28	Initials H	M	Persecution	2023
29	Initials A	M	Persecution	2023
30	Initials D	M	Persecution	2023
31	Initials M	M	Persecution	2023
32	Initials E	M	Persecution	2023
33	Initials F	M	Persecution	2023
34	Initials A	M	Persecution	2023
35	Initials G	M	Persecution	2023
36	Initials G	M	Persecution	2023
37	Initials F	M	Persecution	2023
38	Initials S	M	Persecution	2023
39	Initials P	M	Persecution	2023
40	Initials M	M	Persecution	2023
41	Initials K	M	Fights	2023
42	Initials A	M	Fights	2023
43	Initials H	M	Fights	2023
44	Initials N	M	Fights	2023

45	Initials S	M	Fights	2023
46	Initials P	M	Fights	2023
47	Initials J	M	Fights	2023
48	Initials M	M	Fights	2023
49	Initials A	M	Fights	2023
50	Initials M	M	Persecution	2024
51	Initials V	M	Persecution	2024
52	Initials V	M	Persecution	2024
53	Initials F	M	Persecution	2024
54	Initials A	M	Fights	2024
55	Initials Y	M	Fights	2024
56	Initials G	M	Fights	2024
57	Initials T	M	Fights	2024
58	Initials M	M	Fights	2024
59	Initials I	M	Fights	2024

Source: Class IIA Pangkalpinang Correctional Institution in 2025

In the last 3 (three) years it is known that the Pangkalpinang Class IIA Correctional Institution has accommodated 59 (fifty-nine) prisoners with cases of fighting and persecution. The prisoners have different criminal periods depending on the severity of the offense they committed. Not all of the 59 inmates are still in the Class IIA Pangkalpinang Correctional Institution but some have been fully released or released through parole rights granted by the Correctional Law.

Table 1.2

Data on fighting and maltreatment prisoners at the Pangkalpinang Class IIA Correctional Institution.

No	Subject	Age	Gender	Type of Crime	Expiration Date	Criminal Period
1	Initials A	34	Male	Fights	18-07-2027	3 Years
2	Initials Y	26	Male	Fights	18-07-2027	3 Years
3	Initials G	22	Male	Fights	18-07-2027	3 Years
4	Initials T	23	Male	Fights	18-07-2027	3 Years
5	Initials M	21	Male	Fights	18-07-2027	3 Years
6	Initials I	27	Male	Fights	18-07-2027	3 Years
7	Initials M	20	Male	Persecution	18-07-2027	3 Years
8	Initials V	21	Male	Persecution	18-07-2027	3 Years
9	Initials V	21	Male	Persecution	18-07-2027	3 Years
10	Initials F	23	Male	Persecution	18-07-2027	3 Years
11	Initials W	45	Male	Persecution	02-02-2042	20 Years
12	Initials U	51	Male	Persecution	30-07-2043	20 Years
13	Initials M	29	Male	Persecution	24-07-2035	20 Years
14	Initials Y	21	Male	Persecution	06-12-2041	20 Years
15	Initials S	38	Male	Persecution	19-06-2036	20 Years

Source: Class IIA Pangkalpinang Correctional Institution in 2025



Based on the table above, the Class IIA Penitentiary in Pangkalpinang currently houses 15 (fifteen) inmates convicted of fighting and persecution. These inmates will remain in the penitentiary until they are either fully released or granted parole, provided they meet the four (4) conditions stipulated in the current regulations.

The harm caused by criminal acts of fighting and persecution necessitates the consideration of victims' rights as a condition for granting parole to inmates convicted of such crimes. When these inmates commit criminal acts and are subsequently reported by victims, it often leads to feelings of resentment and hostility, increasing the risk or potential for recidivism upon their release. At the very least, when inmates convicted of fighting and persecution are granted parole, the victims should have already recovered from the damages they suffered due to the crime, such as psychological trauma, enabling them to lead a stable life.

The neglect of victims' rights in the granting of parole to inmates is currently a concerning issue. This situation arises due to the absence of regulations that include victims' rights as a requirement in the consideration of parole eligibility for inmates convicted of fighting and persecution. Protecting victims' rights is a crucial factor in preventing recidivism and maintaining public trust in the legal system. Upon closer examination, victims are the ones who suffer the most from criminal acts committed by inmates convicted of fighting and persecution.<sup>25</sup> Therefore, ignoring victims' rights is an unethical practice that should not be continued.

## METHOD

Research methodology is a series of activities aimed at seeking the truth of a research study, beginning with an idea that forms the research problem statement, leading to an initial hypothesis.<sup>26</sup> This process is supported by previous research perceptions, allowing the research to be processed and analyzed, ultimately forming a conclusion. The type of research used in this study is empirical juridical research, also known as field research. The research approach method employed is the statutory approach (Statute Approach). This approach utilizes legislation and regulations as primary legal sources. The research data sources consist of primary and secondary data. The examined data include phenomena encountered and the truth (facts) to be revealed, covering both primary and secondary data. Primary data is obtained directly from its original sources, such as community behavior observed through field research.<sup>27</sup> Secondary data is indirectly collected from objects through other sources, whether oral or written. Secondary data includes primary, secondary, and tertiary legal materials. The data collection procedure used in this research involves interviews or direct interactions with the research objects in the field. The data analysis technique applied in this study is the exploratory data analysis technique. Exploratory analysis is a research method used to explore and understand social phenomena in depth without relying on rigid statistical approaches.

## ANALYSIS AND DISCUSSION

<sup>25</sup>Budi Sastra Panjaitan. (2022). *Viktimologi Pandangan Advokat Terhadap Perbuatan Pidana dan Korban*. Purwokerto: CV Amerta Media, p. we test the small molecule flexible ligand docking program Glide on a set of 19 non- $\alpha$ -helical peptides and systematically improve pose prediction accuracy by enhancing Glide sampling for flexible polypeptides. In addition, scoring of the poses was improved by post-processing with physics-based implicit solvent MM-GBSA calculations. Using the best RMSD among the top 10 scoring poses as a metric, the success rate (RMSD  $\leq$  2.0 Å for the interface backbone atoms)<sup>74</sup>

<sup>26</sup>Syafrida Hafni Sahir. (2021). *Metodologi Penelitian*, Yogyakarta: KBM Indonesia, p. 1

<sup>27</sup>Nur Solikin. (2021). *Pengantar Metodologi Penelitian Hukum*, Pasuruan: CV. Penerbit Qiara Media, p. 119

The state has a great responsibility to protect and guarantee the rights of all its citizens. These rights do not only include fundamental personal rights but also broader social, economic, and cultural rights. Within the framework of national law, the state acts as a protector that ensures legal protection for its citizens, including in matters of social justice and human rights. The state is not only a regulator but also an enforcer of these rights so that every individual can enjoy a decent life in accordance with the principles of justice and humanity. This responsibility is part of the state's obligations as stipulated in the constitution and various international legal instruments.

The Constitution of Indonesia, namely the 1945 Constitution of the Republic of Indonesia (UUD 1945), clearly regulates the fundamental rights of citizens. Articles 28A to 28J outline various individual rights that must be respected and protected by the state, including the right to life, freedom, employment, education, and a fair trial. The state is also obligated to protect its citizens from unfair or discriminatory treatment by any party, whether by other individuals or by the state itself.

Koesnoe explains that a good state is one that not only creates fair laws but also ensures their proper implementation. The state functions to maintain order and security while ensuring that every individual, without exception, can live in accordance with human dignity.<sup>28</sup>

### **The Imbalance of Victims' Rights and Prisoners' Rights in Granting Parole to Prisoners of Fighting and Persecution at the Pangkalpinang Class IIA Correctional Institution.**

The rights of citizens, in this case, human rights, are general rights enshrined in the 1945 Constitution of the Republic of Indonesia. In addition to these fundamental rights, there are other more specific rights with certain conditions of applicability, as regulated in national regulations. One such right is the rights of prisoners, as stipulated in Article 10 of the Corrections Law, which include:

1. Remission, a reduction in the prison sentence granted to inmates as a reward for good behavior during their incarceration.
2. Assimilation, a process of integrating inmates into society under limited supervision before they are fully released. This aims to help inmates adapt to life outside prison.
3. Leave to visit or be visited by family, a right granted to inmates to maintain relationships with their families as part of their social and emotional rehabilitation.
4. Conditional leave, allowing inmates temporary release from the correctional institution under certain conditions to continue their lives under supervision.
5. Pre-release leave, a form of leave granted to inmates nearing the end of their sentence, allowing them to prepare for reintegration into society.
6. Parole, a policy that enables inmates to be released from prison earlier than their full sentence, provided they demonstrate good behavior during their imprisonment.
7. Other rights in accordance with applicable laws and regulations.

These prisoner rights are granted only after the inmates meet specific requirements. One of the most frequently requested rights is parole, which allows inmates to gain early release upon fulfilling particular conditions.

The Correctional Institution, particularly Class IIA Penitentiary in Pangkalpinang, plays a significant role in assessing and evaluating inmates for parole eligibility. Inmates seeking parole must first meet the requirements set out in the Corrections Law. Parole is a highly sought-after right among inmates, including those in Class IIA Penitentiary in Pangkalpinang. Although some inmates have not yet met the minimum sentence requirement for parole, many

<sup>28</sup>Koesnoe. (2008). *Negara dan Hak Asasi Manusia*, Jakarta: Sinar Grafika, p. 92

of them actively work to meet other criteria, such as demonstrating good behavior, in order to qualify for early release.

Table 1.3

Interest of Prisoners of Class IIA Pangkalpinang Correctional Institution in Applying for Parole

No	Subject	Age	Gender	Parole Interest	Reason
1	Initials A	34	M	Available	Work
2	Initials Y	26	M	Available	Gathering with Family
3	Initials G	22	M	Available	Work
4	Initials T	23	M	Available	Gathering with Family
5	Initials M	21	M	Available	Work
6	Initials I	27	M	Available	Work
7	Initials M	20	M	Available	Gathering with Family
8	Initials V	21	M	Available	Work
9	Initials V	21	M	Available	Gathering with Family
10	Initials F	23	M	Available	Gathering with Family

Source: Primary data processed in 2025

The requirements for obtaining parole under the Corrections Law consist of four (4) conditions as follows:

1. Good behavior;
2. Active participation in rehabilitation programs;
3. Demonstrated reduction in risk level;
4. Having served at least two-thirds (2/3) of the sentence, with a minimum of nine (9) months.

The four conditions above do not take into account the fundamental rights of victims regarding protection and security following the criminal acts they have experienced. Considering that crimes such as fighting or persecution have physical and psychological impacts on victims, including trauma, physical disabilities, and other consequences, these effects cause significant harm to victims, especially those who have not fully recovered. If parole is granted to inmates too soon, victims may suffer further physical and mental distress.

The rights of victims as citizens are guaranteed under Articles 28A and 28G of the 1945 Constitution of the Republic of Indonesia, which state that every person has the right to life and the right to defend their life and existence. Additionally, every individual has the right to personal security, family protection, honor, dignity, and property, as well as the right to security and protection from fear or threats that may restrict their fundamental rights. When inmates are granted parole, victims may experience psychological distress and feel threatened, particularly if they have not fully recovered from the impact of the crime. This situation prevents victims from fully enjoying their constitutional rights as citizens.



The absence of a legal provision requiring victim consideration in parole decisions creates a dilemma. On one hand, the state is responsible for ensuring prisoners' rights, such as rehabilitation and reintegration opportunities. On the other hand, the right of victims to justice and protection is equally crucial. However, victims' rights are not currently included as a formal requirement in parole considerations under the Corrections Law. Therefore, when granting parole, the security and recovery of victims should be a primary consideration. The rights of victims must be placed on equal footing with the four existing parole conditions by integrating them into the Corrections Law.

The imbalance between victims' rights, which are not yet legally recognized in parole decisions, and prisoners' rights, which are explicitly regulated under the Corrections Law, represents a significant challenge in the criminal justice system. Both rights are grounded in fundamental human rights principles but often conflict in practice. Victims' rights focus on legal certainty, protection, and justice for the harm suffered, while prisoners' rights to parole are based on social reintegration, humanity, and second chances for those who have shown positive behavioral changes.

This imbalance occurs when victims perceive that parole is granted too easily without considering the psychological impact still felt by victims or their families. In many cases, victims suffer prolonged trauma, fear of threats from the offender, and a sense that justice has not been fully served.

Another critical issue is the lack of transparency in parole decisions. Victims are often only allowed to express their opinions but are not involved in the actual decision-making process regarding whether an inmate qualifies for parole. This creates the perception that the legal system favors offenders over victims. Therefore, it is essential to ensure that victims have access to information about the inmate's status and are given the opportunity to express objections before parole is granted.

It is also important to acknowledge that inmates have the right to rehabilitation and parole opportunities. Not all inmates are irredeemable criminals; many have demonstrated remorse and efforts to reform while in correctional facilities. Parole allows them to rebuild their lives in a better way while benefiting society by reducing prison overcrowding.

One solution to address this imbalance is to create a fairer system that balances the interests of both victims and offenders. This can be achieved by ensuring that parole is not granted automatically but rather through a comprehensive evaluation involving victim input, psychologists, correctional officers, and the inmate's family. This approach ensures that decisions are fair to all parties involved.

Stronger supervision mechanisms should also be implemented for parolees. If victims fear the presence of the offender outside the correctional facility, electronic monitoring systems or coordination between law enforcement and correctional officers can help ensure that former inmates do not pose a threat to victims or society.

Furthermore, society must be educated about the importance of balance in the correctional system. Negative stigma against former inmates often serves as a major barrier to their social reintegration. With a community-based approach and more effective rehabilitation programs, former inmates can return as productive members of society without posing a threat to victims or their surroundings.

In the context of progressive law, the criminal justice system should not only focus on punishment but also emphasize victim recovery and offender rehabilitation. The success of the legal system is not only measured by the severity of sentences imposed but also by how well it reduces crime rates in the future.

## **Victims' Rights as a Basis for Consideration of Granting Parole to Prisoners of Fighting and Persecution**

Parole is a policy within the correctional system that grants inmates the opportunity to serve the remainder of their sentences outside the correctional facility under supervision and specific conditions. This policy aims to provide inmates with a chance to reintegrate into society while encouraging behavioral change through rehabilitation programs undertaken during their imprisonment. Parole is a form of social reintegration that enables inmates to lead better lives after serving their sentences.

When evaluating inmates applying for parole, authorities such as the Correctional Development Team assess various factors, including the inmate's behavior, compliance with prison regulations, and participation in rehabilitation programs. In this process, psychological factors are also highly significant, as inmates who demonstrate deep remorse and a clear change in attitude have a greater chance of being granted parole.

Victims' rights encompass several key aspects, including the right to justice, the right to recovery, the right to security, and the right to participate in judicial proceedings. In the context of parole, victims should have a role in providing input regarding whether an inmate deserves early release. This ensures that decisions made do not solely benefit the offender but also deliver justice to the victim.

At present, victims do not have the authority to overturn parole decisions based on their opinions. The absence of regulations governing victims' rights in this context necessitates continuous monitoring of parolees to ensure they do not reoffend. The supervision and guidance programs provided by the Probation and Parole Office for released inmates must be strengthened to ensure they genuinely lead better lives and refrain from engaging in criminal activities. Additionally, rehabilitation programs in correctional institutions must be consistently maintained to align with the objective of rehabilitating and preparing inmates for reintegration into society.

Victims' rights should be integrated into the Corrections Law as one of the conditions for granting parole. This would allow victims' opinions to be a determining factor in deciding whether an inmate qualifies for parole. Considering victims' rights ensures a balance between the rights of inmates and victims so that both are adequately taken into account.

To enhance justice, correctional regulations must incorporate victim protection at every stage of the legal process. This means that before granting parole, an evaluation should be conducted on the victim's condition. If the victim has not received adequate recovery or protection, parole should be postponed.

Stronger regulations concerning victims' rights in the correctional system will also improve the overall effectiveness of the criminal justice system. One of the main reasons the legal system must involve victims' rights is to ensure that sentencing achieves its goals of rehabilitation and reintegration. Granting parole without considering victims' rights will only worsen social relations between offenders and the community, as well as increase tensions between them.

Integrating victims' rights into correctional policies can also strengthen public trust in the judicial system. Many people feel that the law often favors offenders while victims are frequently sidelined. By incorporating victims' rights into correctional regulations, the state can demonstrate its commitment to maintaining equitable justice and respecting the rights of all parties involved in criminal proceedings.

Overall, strengthening correctional regulations through the inclusion of victims' rights is a necessary step toward establishing a fairer and more humane criminal justice system. The state must not only focus on inmates' rights but also ensure that victims' rights are protected and considered. A correctional system that places greater emphasis on victims' rights will

create balance within the legal framework, promoting social justice. The government, law enforcement agencies, and society must work together to guarantee that victims' rights are well protected. Through a more comprehensive approach, victims can recover from their suffering and obtain true justice following the criminal process.

## CONCLUSION

In the correctional legal system, there is an imbalance between the rights of victims seeking justice and the rights of inmates in obtaining parole. The absence of regulations regarding victims' rights is the primary factor contributing to this imbalance. To protect themselves when an inmate is granted parole, victims can seek legal protection through preventive and repressive measures. Preventive legal protection is provided by the government under Law Number 22 of 2022 on Corrections, specifically Article 38, which mandates that inmates must participate in rehabilitation programs while in correctional facilities. Additionally, the Probation and Parole Office supervises parolees through mandatory reporting, with reporting intervals ranging from at least once a week to a maximum of once every four months. If victims feel genuinely threatened, they can seek protection from relevant institutions such as the Social Services Department and the Witness and Victim Protection Agency, which provide temporary protection for victims. On the other hand, repressive legal protection is granted after an unlawful act has occurred. Victims can file a report regarding any issues they face through the legal process, ensuring that parolees receive appropriate criminal or administrative sanctions.

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