A BRIEF REVIEW OF SIYASAH SYAR'IYYAH ON THE ROLE OF THE MINISTRY OF LAW AND HUMAN RIGHTS IN DEALING WITH OVER-CAPACITY OF PRISONERS IN CORRECTIONAL INSTITUTIONS CLASS II A SUNGGUMINASA

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ABSTRAK

Penelitian ini bertujuan membahas sekelumit tinjauan Siyasah Syar'iyyah terhadap the role of the ministry of law and human rights in dealing with over-capacity of prisoners in correctional institutions class ii a Sungguminasa. Jenis penelitian ini adalah penelitian kualitatif. Desain penelitian ini adalah penelitian lapangan. Hasil penelitian ini menunjukan bahwa; Strategi penanganan overcapacity yang dijalankan oleh Lembaga Pemasyarakatan Kelas II A Sungguminasa, dengan program-program seperti pembebasan bersyarat, cuti bersyarat, remisi, dan asimilasi rumah. Asimilasi rumah berlaku sebelumnya. Namun tidak berlanjut. Hal tersebut menunjukkan adanya kemanfaatan. Menjadi indikator adanya kesejalanan dengan Siyasah Syar'iyyah. Keluhan oleh salah satu tahanan bahwa gangguan kesehatan fisik dan psikis memungkinkan terjadi sebagai dampak dari overcapacity. Selain itu juga menyulitkan dalam bergerak dan memungkinkan terjadi konflik. Hal tersebut menunjukkan adanya kontradiksi dengan kemanfaatan. Menjadi indikator adanya ketidaksejalanan dengan Siyasah Syar'iyyah. Pihak kementerian hukum dan HAM, dalam hal ini Lembaga Permasyarakatan Kelas IIA Sungguminasa harus tetap berkomitmen dan berupaya menangani overcapacity dengan mengusulkan program yang lebih efektif sembari menjalankan program yang dilegalkan. Karena program yang ada, masih menunjukkan adanya kontradiksi dengan kemanfaatan. Jika tidak berarti mengabaikan kemanfaatan yang menunjukkan ketidaksejalanan dengan Siyasah Syar'iyyah.

Kata Kunci: Kementerian Hukum dan HAM, Lembaga Permasyarakatan, Sungguminasa, Siyasah Syar'iyyah.

ABSTRACT

This study aims to discuss a brief review of Siyasah Syar'iyyah on the role of the Ministry of Law and Human Rights in dealing with overcapacity of prisoners in correctional institutions class II A Sungguminasa. This study is qualitative in nature. The research design is field research. The results of this study show that the strategies implemented by the Sungguminasa Class II A Correctional Institution to deal with overcapacity include programs such as parole, conditional leave, remission, and home assimilation. Home assimilation was previously in effect but has since been discontinued. This shows that there are benefits. This is

an indicator of alignment with Siyasah Syar'iyyah. One inmate complained that physical and psychological health problems could occur as a result of overcapacity. In addition, it also makes it difficult to move around and could lead to conflict. This indicates a contradiction with the benefits. It is an indicator of a lack of alignment with Siyasah Syar'iyyah. The Ministry of Law and Human Rights, in this case the Sungguminasa Class IIA Correctional Institution, must remain committed and strive to address overcapacity by proposing more effective programs while implementing legal programs. This is because the existing programs still show a contradiction with the benefits. If not, it means ignoring the benefits that indicate a lack of alignment with Siyasah Syar'iyyah.

Keywords : Ministry of Law and Human Rights, Correctional Institution, Sungguminasa, Siyasah Syar'iyyah

INTRODUCTION

The Ministry of Law and Human Rights (Kemenkumham) reported that the number of inmates in correctional institutions (lapas) in Indonesia reached 265,897 as of March 24, 2023. This number exceeds the total capacity of correctional institutions in the country, which is 140,424 people.[1]

Overcrowding in prisons is not only an issue of excess population, but also has broader implications, particularly for prison security and the fulfillment of prisoners' basic rights. Although the process of rehabilitating prisoners can continue, overcrowding puts additional pressure on the prison system, especially in terms of security. Security is a crucial factor because overcrowding can undermine the security structure within prisons. With the number of inmates exceeding the established capacity, security management and monitoring become more difficult. Overcapacity can create an environment that is more prone to security incidents, such as riots or conflicts between inmates.[2]

Overcrowding in prisons is a complex problem caused by an increase in crime, low levels of public compliance with the law, a penal system that still prioritizes imprisonment as a form of punishment, and the application of crime control methods.[3]

Overcrowding is not only caused by citizens who have low awareness of the law. The state also has a significant role to play in addressing overcrowding through relevant state institutions such as ministries and the police.[4]

Exceeding capacity in terms of space, which causes an individual's space to be used by several people, will cause several problems in the process of community development. Overcapacity will cause more difficulties in carrying out several things in prisons, such as supervision, care, and even evacuation. In addition to security aspects, the comfort of inmates will also be affected, where their movement and rest areas will be very limited due to overcapacity. Overcrowding itself creates a new problem, where new crimes often occur in prisons. These include abuse and drug trafficking within prisons. Although inmates in prisons are a group of individuals who have committed crimes, their rights as prisoners

[1] Humaira Afdini and Amad Sudiro, "Urgensi Penanggulangan Over Capacity Lapas Sebagai Upaya Pemenuhan Hak Bagi Narapidana," *Syntax Literate ; Jurnal Ilmiah Indonesia* 8, no. 11 (2023): 6823–36, https://doi.org/10.36418/syntax-literate.v8i11.14073.

[2] Gicella Sonbay, Thelma S M Kadja, and Karolus Kopong Medan, "Kebijakan Hukum Pidana Dalam Mengatasi Kelebihan Kapasitas Lembaga Pemasyarakatan Guna Mendukung Proses Pembinaan Narapidana," *Artemis Law Journal* 1, no. 2 (2024): 565–79.

[3] Sonbay, Kadja, and Medan.

[4] R. Rahaditya Nethan, Meylane Carmelia Manek, Agnellya Hendarmin Santoso, "Over Kapasitas Pada Lembaga Permasyarakatan (Lapas)," *Jurnal Kewarganegaraan* 7, no. 2 (2023).

must still be respected.[5]

Overcrowding in prisons has a serious impact on supervision and security; increases the risk of conflict between inmates; and exacerbates the psychological burden on both inmates and correctional officers. The high density of inmates in prisons also leads to a waste of state funds, especially for the fulfillment of basic rights such as food and clothing.[6]

One of them is the Sungguminasa Class IIA prison. Information from 2022 shows that the number of inmates at the Gowa Narcotics Prison continues to increase. This exceeds the existing capacity, which should only be able to accommodate 700 inmates.[7]

With the majority of Indonesia's population being Muslim, Islamic law is considered part of the Law of Life, which is strongly related to the percentage of Muslims who constitute the majority. Therefore, siyasah syar'iyyah is a part of Islamic law that directly highlights the relationship between society and the state. Thus, a brief review of Siyasah Syar'iyyah on the role of the ministry of law and human rights in dealing with over-capacity of prisoners in correctional institutions class ii a Sungguminasa is considered compatible in detecting the public interest in an action taken by the authorities.

Siyasah Syar'iyyah in the sense of science is a field of study that examines the regulation of society and the state through all forms of laws, rules, and policies made by state authorities in accordance with the spirit and basic principles of Islamic law to achieve the welfare of society.[8]

The fuqaha define siyasah syar'iyyah as government action on a matter in order to achieve a benefit, even if that action has no specific basis in the text. In another definition, they say it is managing human affairs in accordance with the provisions of the Shariah. Most writings related to Islamic politics define the concept of politics within the scope of these two definitions.[9]

The novelty of this study can be seen through the literature review, namely the results of previous relevant studies. Among the studies relevant to a brief review of Siyasah Syar'iyyah on the role of the ministry of law and human rights in dealing with over-capacity of prisoners in correctional institutions class ii a Sungguminasa. Ahmad Sutoyo et al. highlight The effectiveness of parole for inmates in addressing overcrowding at the

[5] Nethan, Meylane Carmelia Manek, Agnellya Hendarmin Santoso.

[6] Sonbay, Kadja, and Medan, "Kebijakan Hukum Pidana Dalam Mengatasi Kelebihan Kapasitas Lembaga Pemasyarakatan Guna Mendukung Proses Pembinaan Narapidana."

[7] HERALDSULSEL.ID, "Over Kapasitas, 400 Warga Binaan Lapas Narkotika Gowa Dipindahkan," *HERALDSULSEL.ID*, 2022, https://sulsel.herald.id/2022/08/04/over-kapasitas-400-warga-binaan-lapas-narkotika-gowa-dipindahkan/.

[8] Hasan, "Tinjauan Siyasah Syar'iyyah Terhadap Pelayanan Publik Dalam Penerbitan Dokumen Kartu Tanda Penduduk (KTP) Dan Kartu Keluarga (KK)(Studi DISDUKCAPIL Kabupaten Polewali Mandar)" (IAIN Parepare, 2024).

[9] Mahmood Zuhdi Abd Majid, "SIYASAH SYAR'IYAH DALAM PELAKSANAAN UNDANG-UNDANG JENAYAH ISLAM," *Jurnal Syariah* 12, no. 1 (2004): 89–100.

Sungguminasa Class IIA narcotics prison.[10] Humaira Afdini dan Amad Sudiro focuses on highlighting The urgency of addressing prison overcrowding as a means of fulfilling prisoners' rights.[11] Meanwhile, Gicella Sonbay, dkk. focus on discussing criminal law policies in overcoming prison overcapacity to support the rehabilitation process of prisoners.[12] On the other hand, Lailatul Masruroh et al. Focus on discussing efforts to address the impact of overcapacity of inmates in correctional institutions and a case study at the Class I Malang prison..[13] Nethan et al. highlight Overcrowding in Correctional Institutions (Lapas).[14]

The fundamental difference from previous studies is that this study specifically focuses on highlighting a brief review of Siyasah Syar'iyyah on the role of the ministry of law and human rights in dealing with over-capacity of prisoners in correctional institutions class ii a Sungguminasa. Based on this novel approach, the results of this study can contribute to the realization the role of the ministry of law and human rights in dealing with over-capacity of prisoners in correctional institutions class ii a Sungguminasa based on a brief review of Siyasah Syar'iyyah.

RESEARCH METHOD

This study is a qualitative study. The research design is field research. This study focuses on a brief review of Siyasah Syar'iyyah on the role of the ministry of law and human rights in dealing with over-capacity of prisoners in correctional institutions class ii a Sungguminasa.

RESEARCH RESULTS AND DISCUSSION

A Brief Review of Siyasah Syar'iyyah on The Role Of The Ministry of Law and Human Rights in Dealing With Over-Capacity of Prisoners in Correctional Institutions Class II A Sungguminasa

Efforts by the Ministry of Law and Human Rights to Address Overcrowding in Class II A Sungguminasa Correctional Facility: Based on findings in the field and interview results, Doni Saputra, an employee of the correctional facility, said that "The Ministry of Law and Human Rights plays a very important role, because many of the ministry's programs are aimed at reducing overcrowding. One example is conditional release and conditional leave. This is one of the programs aimed at reducing overcrowding in prisons. This is done by speeding up the release process, because adding more buildings is not possible. Meanwhile, the number of prisoners continues to increase, and it is also impossible to add infrastructure, given the limited infrastructure available in Indonesia. So, creating programs such as the ones I

[10] Ahmad Sutoyo, Ruslan Renggong, and Abd Haris Hamid, "Efektivitas Pembebasan Bersyarat Bagi Warga Binaan Dalam Upaya Mengatasi Kelebihan Kapasitas Di Lapas Narkotika Kelas Iia Sungguminasa," *Indonesian Journal of Legality of Law* 6, no. 1 (2023): 112–22.

[11] Afdini and Sudiro, "Urgensi Penanggulangan Over Capacity Lapas Sebagai Upaya Pemenuhan Hak Bagi Narapidana."

[12] Sonbay, Kadja, and Medan, "Kebijakan Hukum Pidana Dalam Mengatasi Kelebihan Kapasitas Lembaga Pemasyarakatan Guna Mendukung Proses Pembinaan Narapidana."

[13] Lailatul Masruroh, "UPAYA PENANGGULANGAN TERHADAP DAMPAK OVER CAPACITY NARAPIDANA DI LEMBAGA PEMASYARAKATAN (STUDI KASUS DI LAPAS KELAS I MALANG)," *Dinamika* 30, no. 1 (2024).

[14] Nethan, Meylane Carmelia Manek, Agnellya Hendarmin Santoso, "Over Kapasitas Pada Lembaga Permasyarakatan (Lapas)."

mentioned earlier is also a way to reduce overcrowding in prisons."[15]

It is understandable that at the Sungguminasa Class II A Correctional Institution, efforts to address overcapacity involve programs such as parole and conditional leave, rather than adding infrastructure.

Efforts by the Ministry of Law and Human Rights to address overcapacity at the Sungguminasa Class II A Correctional Institution. As stated by Doni Saputra, an employee of the Sungguminasa Class II A Correctional Institution, namely,

"What is the strategy? The strategy is conditional release and conditional leave. Remission is also one way to reduce overcapacity. The number of prisons in Indonesia is also limited due to budget constraints. So that's the only way. During COVID-19, there was a program called home assimilation. But now it's gone. That was also one of the programs of the Ministry of Law and Human Rights to speed up their return home."[16]

It is understood that at the Sungguminasa Class II A Correctional Institution, the strategy for dealing with overcapacity involves programs such as parole, conditional leave, remission, and home assimilation. Home assimilation was previously in effect but has not continued.

This shows that there are benefits. It is an indicator of alignment with Siyasah Syar'iyyah. As in one of the definitions of siyasah syar'iyyah, namely siyasah syar'iyyah as government action on a matter in order to achieve a benefit, even if that action has no specific basis in the text.[17]

One of the inmates at the Sungguminasa Class II A prison said that;

"When it comes to justice, there may still be challenges, and perhaps the social and economic conditions of individuals may also be a consideration. Rehabilitation programs may be effective in helping them return to society."[18]

In an interview with one of the inmates at the Sungguminasa Class II A prison, he said that:

Overcrowding in prisons has an impact on us prisoners because there are often conflicts between prisoners, and diseases spread easily due to the lack of space. Overcrowding in prisons has an impact on prisoners because it can cause conflicts between prisoners, the spread of disease, and difficulty moving around. [19]

It is understandable that physical and psychological health problems can occur as a result of overcrowding. It also hinders movement and can lead to conflict.

This shows a contradiction with its usefulness. It is an indicator of a discrepancy with Siyasah Syar'iyyah. As in one of the definitions of siyasah syar'iyyah, namely siyasah syar'iyyah as government action on a matter in order to achieve a benefit, even if that action has no specific basis in the text.[20]

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[15] "Doni Saputra, Pegawai Lapas Kelas II A Sungguminasa, Wawaancara Pada Tanggal 29 Agustus 2024," n.d.

[16] "Doni Saputra, Pegawai Lapas Kelas II A Sungguminasa, Wawaancara Pada Tanggal 29 Agustus 2024."

[17] Abd Majid.

[18] "Tahanan Lapas Kelas II A Sungguminasa, Wawancara Pada Tanggal 29 Agustus 2024," n.d.

[19] "Tahanan Lapas Kelas II A Sungguminasa, Wawancara Pada Tanggal 29 Agustus 2024," n.d.

[20] Abd Majid.

The Ministry of Law and Human Rights, in this case the Sungguminasa Class IIA Correctional Institution, must remain committed and strive to address overcapacity by proposing more effective programs while implementing legal programs. This is because the existing programs still show contradictions with their benefits. If not, it means ignoring the benefits that show inconsistency with Siyasah Syar'iyyah.

CONCLUSION

The strategy for handling overcapacity implemented by the Sungguminasa Class II A Correctional Institution, with programs such as parole, conditional leave, remission, and home assimilation. Home assimilation was previously in effect. However, it was not continued. This shows that there are benefits. It is an indicator of alignment with Siyasah Syar'iyyah. One inmate complained that physical and psychological health problems could occur as a result of overcapacity. In addition, it also makes it difficult to move around and could lead to conflict. This indicates a contradiction with the benefits. It is an indicator of a discrepancy with Siyasah Syar'iyyah. The Ministry of Law and Human Rights, in this case the Sungguminasa Class IIA Correctional Institution, must remain committed and strive to address overcapacity by proposing more effective programs while implementing legal programs. This is because the existing programs still show a contradiction with the benefits. If not, it means ignoring the benefits, which indicates a lack of alignment with Siyasah Syar'iyyah.

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