

IMPLICATIONS OF LIFE IMPRESSION ON THE COMMUNITY SYSTEM IN INDONESIA

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Abstract

Many non-specialist legal experts are perplexed by the Indonesian Criminal Code since it does not include a maximum life sentence. As a substitute for the death penalty, courts in Indonesia often impose life sentences with the proviso that the defendant remains incarcerated indefinitely until he dies, as stated in Article 12 paragraph (1) of the country's criminal code. Both inflict mental and bodily pain on the incarcerated individual. We pose the research challenge in the following way: In the first place, how has the death penalty affected Indonesia's penal system? The second question is on the structure of life sentences under Indonesian law. One goal of this study is to analyze how Indonesia's penal system has changed since the death penalty was instituted. Furthermore, we need to know how life sentences are drafted under Indonesian criminal law. The research methodology used is known as normative legal research or library research, specifically referring to legal research that involves the examination and study of library resources. Final findings from the study. To begin, there are a number of inconsistencies between the rules laid forth in Indonesia's Criminal Code and Corrections Law and the realities within Indonesia's correctional facilities as a result of the life sentence policy. Second, the establishment of the life sentence as a criminal penalty in Indonesia. There are two kinds of jail terms outlined in Article 12 paragraph (1) of the Criminal Code, both of which entail life sentences, as stated in the Criminal Code (KUHP). According to Article 12 paragraph (4) of the Criminal Code, a life sentence indicates that the prisoner will be imprisoned until death, with a maximum term of twenty years.

Keywords: Criminal; Life; Correctional System

A. Introduction

The criminal law system in Indonesian law is a set of rules that prohibit certain behavior and prescribe severe penalties for those who violate them. The methods used by the government to enforce the law are also governed by this framework. Criminal

law, which is directly related to human rights, is a crucial component in addressing violations and crimes. As a branch of public law, criminal law regulates collective behavior and limits individual rights to avoid conflict and maintain public and private order.

Crime can be defined as the deliberate imposition of punishment by

the state on lawbreakers. As part of their efforts to prevent recidivism, reform themselves, and learn from their mistakes, law enforcement agencies use the criminal system to impose criminal sanctions through imprisonment.¹

Article 10 of the Indonesian Criminal Code establishes imprisonment as a punishment in the Indonesian criminal system. Due to its prevalence as a deterrent to illegal behavior, judges typically view imprisonment as a primary consequence in the criminal sanction system when sentencing. The criminal justice system will address the alleged offense by the suspect and impose a punishment commensurate with the severity of the offense. The death penalty, fines, imprisonment, detention, and prison terms are all outlined in the Criminal Code. The following are the elements of imprisonment as outlined in Article 12 of the Criminal Code:

1. Life imprisonment
2. Imprisonment for a specific period.

The Criminal Code stipulates a maximum sentence of fifteen consecutive years and a minimum of one day of permanent imprisonment. Life imprisonment without parole is not specifically limited in the Criminal Code. Legal experts are sometimes confused because the Criminal Code does not stipulate a life sentence. Life imprisonment without parole is a

common substitute for the death penalty under Article 12 paragraph (1) of the Criminal Code, meaning that the perpetrator will not be able to regain their freedom until they die. However, in the case of the death penalty, the prosecutor must carry it out. Both inflict mental and physical pain on the imprisoned individual.²

Perpetrators of serious crimes, such as premeditated murder (as defined in Article 340 of the Criminal Code) or major corruption (as defined in Law Number 31 of 1999 concerning the Eradication of Corruption), are often sentenced to life imprisonment without the possibility of parole. A life sentence ensures that the perpetrator will not be able to leave prison until his sentence is completed. The Criminal Code stipulates that a person can be sentenced to life imprisonment or imprisonment for a certain period based on Article 12 paragraph (1).

The provision for life imprisonment is contained in Article 12 paragraph (1) of the Criminal Code, and is often considered the oldest method of dealing with crime. The duration of imprisonment is not formally limited by law, but can be either life imprisonment or a fixed term. It is generally believed that a life sentence is equal to the actual age of the perpetrator in prison. Penalties for criminal offenses under the new Criminal Code can range from life imprisonment without parole to a fixed term of imprisonment of up to fifteen years with a minimum term of one day

¹ Chandrawati, I. G. A. A. Fitria. "Pidana Penjara Seumur Hidup Atau Pidana Mati (Konfigurasi Dilematis Antara Hukum Dan Kemanusiaan)". *Journal Ilmu Hukum* 8, No. 12, Volume 8, 2021.

² Lihat Pasal 12 ayat 1 KUHP

(unless there is a clear minimum term). Twenty years imprisonment is an option when faced with the death penalty or life imprisonment, or when the sentence is increased from fifteen years to twenty years. However, there are certain sentences that cannot exceed twenty years of imprisonment. The Supreme Court and the President can consider commuting a life sentence to 20 years if the prisoner has served 15 years or more.³

The goal of law enforcement in using the correctional system as an instrument of imprisonment is to ensure that inmates learn from their mistakes, become better people, and do not repeat the same mistakes. This paves the way for their reintegration into society, where they can contribute to progress and live normal lives as dignified citizens.

According to the Correctional System Law and positive criminal law, the purpose of life imprisonment is to assist in the reintegration of prisoners into society by providing protection, guidance, and opportunities for improvement or rehabilitation. Because the Indonesian correctional system is unable to operate due to the implementation of life imprisonment in the current criminal justice system, a certain period of time is required to achieve this.⁴

³ Diah Gustiniati Maulani, *Pidana Seumur Hidup Dalam Sistem Pemasyarakatan*, *urnal Ilmu Hukum* Volume 6 No. 2 Mei-Agustus 2022

⁴ Sanusi, *Evaluasi Pelaksanaan Pembinaan Narapidana Di Lembaga Pemasyarakatan Terbuka*, *Jurnal Ilmiah Kebijakan Hukum*, Volume 2, Nomor 10, 2021

Thus, it is clear that the existing Criminal Code policy on life imprisonment does not include the concept of individualization of sentences, which causes a mismatch between the expected and actual outcomes. Therefore, the correctional system must implement a framework that ensures that life imprisonment provides balanced protection for the individual and society, in line with the values that exist, develop, and grow in society, so that both can be adequately protected during the period of detention.⁵

Many researchers have published scientific articles examining the impact of life imprisonment on the Indonesian correctional system. There are several differences between this research and other studies on the impact of life imprisonment on the Indonesian correctional system, such as:

First, research conducted by Satria Mandala Adi Marwan with the title "The Existence of Life Imprisonment in Indonesia Reviewed from the Perspective of the Objectives of Modern Criminal Law".⁶ Since the journal emphasizes the existence of life imprisonment in Indonesia from the perspective of the objectives of contemporary criminal law, the author will examine

⁵ Anjar Astriani, Dkk, *Analisis Yuridis Implementasi Kebijakan Pidana Yang Menimbulkan Dampak Destruktif Pada Terpidana*, *Jurnal Karimah Tauhid*, Volume 3 Nomor 8, 2024.

⁶ Satria Mandala Adi Marwan, *Eksistensi Pidana Penjara Seumur Hidup Di Indonesia Ditinjau Dalam Perspektif Tujuan Hukum Pidana Modern*, *Jurnal Hukum dan Syar'iah* Vol. 13, No. 1, 2021

different research subjects with different titles.

The second study was conducted by Akbar Ainur Ramadhan, et al., entitled "The Application of Life Imprisonment Sanctions in Connection with the Purpose of Punishment Based on the Correctional Law."⁷ Since this journal focuses on the application of life sentences in relation to the purposes of punishment in correctional law, the author will examine a different research subject from that mentioned in the title.

Third, research conducted by Muhammad Zakir et al. entitled "The Effectiveness of Life Imprisonment in the Indonesian Criminal Law System".⁸ Considering that this publication highlights the effectiveness of life imprisonment in the Indonesian criminal justice system, this research is different from what the author will analyze, seen from the title and problem formulation.

Compared to the three aforementioned publications, this researcher's work stands out for its exclusive focus on the impact of life imprisonment on the Indonesian correctional system.

B. Problem Formulation

Based on the description above, the following problems can be formulated:

1. What is the impact of the implementation of life imprisonment on the correctional system in Indonesia?
2. How is life imprisonment formulated in the Indonesian criminal law system?

C. Research Method

The author used the procedure deemed most appropriate for the research object in this study:

1. Types and Nature of Research

This study is divided into two categories based on its methodology: normative legal research and library research. Normative legal research refers to legal studies that rely on the examination and evaluation of primary and secondary sources found in libraries.⁹ Considering, as Peter Mahmud Marzuki explains, the purpose of legal research is to identify applicable legal principles, doctrines, and norms, this approach is deemed appropriate. Using library resources, this study takes an analytical and exploratory approach.¹⁰

2. Data Sources

⁷ Akbar Ainur Ramadhan, Dkk, *Penerapan Sanksi Pidana Penjara Seumur Hidup Dihubungkan Dengan Tujuan Pemidanaan Berdasarkan Undang-Undang Masyarakat*, Jurnal Lek Generalis, Volume. 2, Nomor 9, 2021

⁸ Muhammad Zakir, Dkk, *Efektifitas Pidana Penjara Seumur Hidup Dalam Sistem Hukum Pidana Indonesia*, Jurnal Hukum & Hukum Islam, Volume.11, Nomor 2, 2024.

⁹ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tindakan Singkat*, Raja Grafindo, Jakarta, 2007, Hlm. 13-14

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum edisi revisi*, Kencana Pranada Media Group, Jakarta, 2015, Hlm. 164

Secondary data sources are the backbone of normative legal studies. Primary, secondary, and tertiary legal materials are the three categories that encompass secondary data in this type of research.

Legal sources primarily come from:

- a. The 1945 Constitution of the Republic of Indonesia
- b. The Criminal Code (KUHP)

Documents such as draft laws, research findings, scholarly articles written by lawyers, and other similar sources are examples of secondary legal sources.

The Great Indonesian Dictionary, other legal dictionaries, and publications that may be helpful in this research are examples of tertiary legal sources.¹¹

3. Data Collection Techniques

Documentary and literature-based methods are the only means of data collection in normative legal research. In certain cases, unstructured interviews may be used, but they are more of a supplementary tool than the primary method of data collection.

4. Data Analysis

Qualitative and descriptive analysis follows the data processing and collection. This type of analysis relies on well-structured phrases, rather than numerical data, to explain complex concepts. Using deductive techniques, which require drawing specific conclusions from more general ones, the

reported and researched facts are then summarized.

D. Research Results and Discussion

1. Impact of Life Imprisonment on the Correctional System in Indonesia

Prisoners' rights, as stipulated in Law No. 22 of 2022 concerning Corrections, include: the right to medical care, the right to communicate with loved ones, the right to humane treatment, and the right to a reduction or remission of their sentence. To further ensure that there are no human rights violations, the National Commission on Human Rights (Komnas HAM) and NGOs regularly monitor prison conditions.

The Ministry of Law and Human Rights oversees the implementation of sentences through the Directorate General of Corrections. Along with evolving social norms, international law, and rehabilitation requirements for former prisoners, criminal policy is continuously reviewed and revised. In Indonesia, the goal of criminal policy is to help former prisoners return to productive members of society through rehabilitation, rather than solely through punishment. To be successful, this effort requires a collaborative effort from various government

¹¹ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum ...*, Op.Cit., hlm. 12

agencies and the general public. Anyone whose sentence has become legally binding as a result of a court decision is considered a prisoner. A person's rights and responsibilities are governed by Indonesian law while they are a prisoner. This implies that prisoners have legal rights that must be upheld in accordance with the rules established by law.

From a purely legal perspective, several laws and regulations outline in great detail the rights and responsibilities of prisoners. In accordance with the requirements of the Corrections Law, these rules are established to ensure that prisoners are treated with respect and given the opportunity to recover, while fulfilling responsibilities that assist them in their rehabilitation. All correctional functions—services, guidance, community counseling, care, security, and supervision—are fundamentally enhanced by the Corrections Law, which also upholds the rights to respect, protection, and fulfillment of victims' rights.¹²

According to Article 9 of the Corrections Law, prisoners have certain rights and responsibilities while serving their sentence. These rights include: the right to worship,

access to medical care and nutritious food, education, counseling, and legal representation, the ability to file complaints or grievances, humane treatment, guaranteed safety and security in the workplace, social services, and the right to accept or refuse visits. Article 10 further details the rights of former prisoners who have met certain requirements, including the right to pardon, integration, parole, and other rights granted by law. Participation in development and training programs, a lower risk level, and excellent behavior are all required.¹³

Article 11 stipulates the responsibilities of prisoners, who must obey the rules, participate in rehabilitation programs, maintain personal hygiene, ensure the safety of their community, and respect the human rights of all members. Therefore, with a focus on protecting human rights, the Corrections Law more precisely regulates the rights and responsibilities of prisoners. To achieve the goals of rehabilitation and social reintegration for criminals, the correctional system must be continuously reformed, with strong government commitment and strict monitoring

¹² Harab Zafrulloh, *Persepsi Pandangan Hukum Dan Masyarakat Dalam Pengertian Hukuman Mati Dan Penjara Seumur Hidup Dalam Penerapan Sanksi Pidana*, Jurnal Thengkyang, Volume. 2, Nomor. 1, 2021, Hlm. 39

¹³ Hermien Hadiati Koeswadji, *Perkembangan macam-macam pidana dalam rangka pembangunan hukum pidana* Citra Aditya Bakti, Bandung, 2020, Hlm. 16

to ensure the effective implementation of this law.

Fundamental changes in the techniques for handling and controlling criminals are also included in the transition from the correctional system to the correctional system, along with the implementation of the basic principles of the correctional system. Correctional tasks are revised and implemented in accordance with a system of operational procedures that refer to the fundamental responsibilities of correctional institutions, as stated in the ten principles of correctional services, to ensure more effective and equitable correctional services.¹⁴

Law enforcement officials and courts impose and interpret sentences based on their own opinions, which may differ, because the Criminal Code does not outline the objectives and standards for sentencing. Furthermore, the penalties in the Criminal Code (KUHP) are inflexible, and therefore cannot be adjusted to reflect changes in the perpetrator's character. Whether imposing the death penalty, fines, imprisonment, or punishment for minors, the Criminal Code's penal system clearly does not provide judges with the discretion to determine the

appropriate punishment for the perpetrator.¹⁵

In practice, outcomes do not meet these legal requirements, even though the Criminal Code and the Corrections Law provide a transparent legislative structure for controlling punishment and the administration of correctional institutions in Indonesia. Various empirical findings indicate that the living conditions and behavior of prisoners in prison do not meet the standards set by the legislation.

Some of the issues most frequently mentioned by authors are as follows.

1. Overcrowding

- *Fact:* The number of inmates in many prisons in Indonesia is far higher than their capacity, which is a fact.

- *Non-compliance:* The Correctional Law guarantees inmates the right to a minimum acceptable standard of living and humane treatment; non-compliance with these provisions violates these rights.

2. Poor Sanitation and Health Conditions

Fact: The availability of clean water, adequate sanitation, and medical care is severely lacking in many correctional institutions. The Correctional Law ensures that inmates have access to adequate health services and housing, and

¹⁴ *Ibid.*, Hlm. 17

¹⁵ Yudi Krismen, *Sistem Peradilan Pidana Indonesia*, Rajawali Press, Jakarta, 2020, Hlm.12

non-compliance with this law violates these rights.

3. Violence and Torture

- *Fact: Correctional staff are still routinely accused of committing acts of violence and torture against inmates, a well-documented fact.*

- *Inappropriateness: This contradicts the standards of humane treatment mandated by law and the human rights protected by the Corrections Law.*

4. Corruption, Extortion, Extortion, and Bribery

- *Fact: Corruption and extortion are common in correctional institutions, where members of the inmate population or their relatives are forced to pay for certain privileges or access to certain facilities.*

- *Inappropriateness: This contradicts the ideals of transparency and accountability outlined in the Criminal Code.*

5. Poor Quality of Rehabilitation and Development Programs

- *Fact: Education, skills training, and psychological counseling are just a few examples of rehabilitation and development programs that many correctional institutions fail to provide.*

- *Inappropriateness: Development programs to help inmates prepare for reintegration into society are highly valued by the Corrections Law.*

6. Neglected Human Rights

- *Fact: Prisoners are often denied their fundamental rights, including humane treatment, access to information, and family visits.*

- *Non-compliance: Although these fundamental rights are guaranteed by the Corrections Law, many correctional institutions do not fully comply with them.*

7. Lack of Professionalism of Corrections Officers

- *Fact: Some correctional staff are unprofessional and poorly trained, which exacerbates the problems of corruption and violence within the correctional system.*

- *Non-compliance: Correctional officers are required by law to undergo ongoing education and training to hone their skills, but this is not in practice.*

8. Inadequate and Unsafe Facilities

- *Fact: The physical conditions of many correctional institutions are so poor that they threaten the safety of prisoners. Access to adequate and standardized health facilities is limited.*

- *Non-compliance: This contradicts the requirements of the Corrections Law, which states that correctional institutions must be adequate and safe. This is an example of inconsistency.*

9. Lack of Alternative Sentencing³⁴

- *Fact: Only a small number of cases utilize alternative sentencing options such as drug rehabilitation or community service.*

- *Inconsistency: To reduce overcrowding and provide better care for juvenile offenders and drug addicts, the Correctional Law encourages the implementation of alternative sentencing procedures.*

10. Existence of Discriminatory Practices

- *Fact: Prisons are still a common place for discrimination. It appears that corruptors receive preferential treatment in Sukamiskin Prison, compared to regular prisons, which house ordinary criminals.*

- *Inconsistency: The Corrections Law is based on the principle of anti-discrimination, which underpins the operation of the Corrections System. This is also guaranteed by the Corrections Law.*

All of the above demonstrates that there are significant discrepancies between the provisions contained in the Indonesian Criminal Code and the Indonesian

Corrections Law and the reality of prison conditions resulting from the imposition of life sentences. The government and other stakeholders need to intensify their efforts to address this issue and ensure the corrections system complies with the law and helps inmates reintegrate into society as quickly as possible. According to the Preamble to Law No. 12 of 1995 concerning Corrections, the official goal of the corrections

system is to help former inmates learn from their mistakes, become better individuals, and prevent repeat offenses, enabling them to reintegrate into society.

To achieve this goal, Indonesia adheres to the theory of relative punishment, which states that the purpose of punishment is not revenge, but rather the maintenance of public order. This provision further emphasizes that retributive justice, the belief that criminal law is primarily used for revenge, is not applied in the Indonesian correctional system. Thus, as stated in the preamble to the a quo law, the concept of life imprisonment clearly contradicts the Correctional Law.¹⁶

The strategy of implementing life sentences through the correctional system is considered inappropriate according to integrative punishment theory because it does not provide integrated protection for individuals and society.

2. The Formulation of Life Imprisonment in the Indonesian Criminal Law System

The criminal justice system will address the alleged offense by the suspect and impose a sentence

¹⁶ Simeon Tonggengbio, *Sistem Pemidanaan Dalam Penjatuhan Pidana Penjara Berdasarkan UndangUndang Nomor 12 Tahun 1995 Tentang Pemasyarakatan*, Lex Administratum, Volume 4, Nomor, 3, 2021

commensurate with the severity of the offense. General penalties, as outlined in the Indonesian Criminal Code (KUHP), include imprisonment, fines, and even the death penalty in extreme cases. Once all other remedies have been exhausted, criminal law will intervene. As a general rule, the phrase "life imprisonment" is reserved for the most serious offenses. Nominal sentences and life sentences are the two main types of sentences in the past. The maximum duration of a nominal sentence varies by jurisdiction; for example, in Indonesia, it is twenty years.

Life imprisonment, according to Article 12 paragraph (1) of the Indonesian Criminal Code, is often used by judges as an alternative to the death penalty, with the consequence that the convict loses his freedom for life unless he dies, while the death penalty awaits execution by the prosecutor. Both cause psychological and physical suffering for the convict.

Based on Article 12 of the Criminal Code, there are two types of imprisonment, namely life imprisonment and imprisonment for a certain period, where Article 12 paragraph (4) expressly limits the maximum of a certain period of imprisonment to twenty years. However, if we look more closely at Article 12, it shows that a life sentence cannot be equated with the

age of the convict when sentenced. If a convict is 30 years old and is sentenced to 30 years in prison, then that falls into the category of a certain period of imprisonment, not life imprisonment, and clearly violates the maximum provisions in Article 12 paragraph (4).

A life sentence should be considered a sentence to be served until the end of the convict's life. After all, a judge might simply say 18 years if the offender is 18, rather than using the phrase "life imprisonment." The lack of a fixed term, in contrast to the rehabilitation focus of fixed-term sentences, further emphasizes this. Furthermore, the primary purpose of a life sentence is to deter perpetrators of particularly violent crimes.

Because the offender is required to serve the remainder of their sentence—even though no one can be certain how many years they will live—a life sentence is still considered a definite sentence.

Some argue that a life sentence is more accurately described as an indeterminate sentence due to the inherent ambiguity surrounding the estimated life expectancy of a life inmate. There is no specific time limit for a life sentence in the Criminal Code, further reinforcing the notion that it is an indeterminate sentence. The only prison sentence prescribed under

Article 12 of the Criminal Code is a specific number of years, ranging from fifteen consecutive years to at least one day. The minimum and maximum prison terms are determined by these limits.

Many people have a misconception about life imprisonment. There are two versions, both of which differ. The first version stipulates that the duration of a life sentence is proportional to the offender's age at the time of sentencing. A 25-year-old offender, for example, would serve 25 years and be eligible for release at age 50 (unless a request for commutation is granted) after serving their sentence.

According to the second interpretation, a life sentence is a sentence that continues until the offender dies, regardless of their age. One of the two types of prison sentences outlined in Article 12 paragraph (1) of the Criminal Code (KUHP) is life imprisonment. According to Article 12 paragraph (4) of the KUHP, a life sentence does not exceed 20 years in prison and indicates that the convict will serve the sentence until death.

Article 12 of the Criminal Code details the general provisions relating to life imprisonment and reads as follows:

1) Life imprisonment or a fixed-term sentence is a possible punishment.

2) The prison sentence may be a short sentence of one day or a sentence of fifteen consecutive years' imprisonment.

3) In cases where the court has the discretion to choose between the death penalty, life imprisonment, or a fixed-term sentence, the perpetrator may be sentenced to twenty consecutive years' imprisonment. This applies regardless of whether the maximum sentence of fifteen years is exceeded due to recidivism, joint criminal acts, or other circumstances listed in Articles 52 and 52a.

4) The maximum duration of a fixed-term sentence is twenty years.

A previous analysis of Article 12 of the Criminal Code clearly shows that paragraph (1) is the only provision governing the general provisions regarding life imprisonment. From this provision, it is clear that the provisions regarding fixed-term imprisonment are... The type of prison sentence that is often used is life imprisonment or temporary imprisonment, as stated above in Article 12 paragraph (1) of the Criminal Code. Therefore, unlike regulations relating to fixed-term prison sentences, this general provision does not refer to the regulation of life imprisonment.

Life imprisonment without parole is usually understood as a

life sentence, although the term is not defined in Article 12 of the Criminal Code. Viewed from the perspective of punishment and the perspective of the convict, life imprisonment is a definitive punishment, namely serving a life sentence.¹⁷

A family's economic and social well-being can plummet if a person's ability to own property is deprived. It is also believed that imprisonment leaves a stigma attached to former offenders even after their criminal behavior has subsided.

This type of crime carries a mandatory minimum sentence of life imprisonment or a term of imprisonment for several years, as stipulated in Article 12 No. 1 of the Indonesian Criminal Code. A life sentence, like the death penalty, cannot be overturned. A life sentence is considered indisputable (a definite sentence) from both the perspective of the court enforcing the sentence and the inmate, because it stipulates a specific term for the inmate.

The absence of a life sentence limit in the Indonesian Criminal Code (KUHP) often causes confusion for legal experts when interpreting the law. The common understanding among legal professionals is that the phrase "life

sentence" means the age of the offender at the time of the crime.¹⁸

From a qualification perspective, offenses designated as (serious) crimes in the Criminal Code are those punishable by life imprisonment. Book II details these offenses in eight chapters and twenty-three provisions.

Punishment now serves a more rational function than the revenge of the past. The purpose of punishment, which encompasses both social policy and law enforcement, is to improve the general welfare of society, and the application of criminal law as a last resort remains crucial to achieving this goal. The government's choice to implement criminal law represents a logical effort to resolve social problems and achieve public benefit.¹⁹

The purpose of life imprisonment is to protect society. Essentially, a life sentence means an inmate cannot leave their prison cell at any time for the rest of their life. This limits the offender's ability to commit crimes. During this period, society is under the illusion that the inmate cannot harm or injure them. It can be argued that the policy of life imprisonment under Indonesian law meets or

¹⁷ Barda Nawawi Arief, *Efektifitas Pidana Penjara*, Fakultas Hukum UII, Yogyakarta, 1995, Hlm. 17

¹⁸ Sallahudin & Mitro Subroto, *Penerapan Pidana Seumur Hidup Bagi Narapidana Di Indonesia*, Journal Justiciabellen (JJ) Volume. 03, Nomor. 01, 2023

¹⁹ Bambang Waluyo *Pidana dan Pemidanaan*, Sinar Grafika, Jakarta, 2008, Hlm. 20.

aligns with the principle of community protection from a community protection perspective.

Furthermore, the purpose of life imprisonment is to help rehabilitate inmates. It is believed that inmates can improve their character, acquire new skills, and change their behavior through correctional programs. The goal of rehabilitation is to help former inmates make a positive transition back into society upon release. Inmates are given the opportunity to improve themselves and reintegrate into society when they are sentenced to life imprisonment, rather than simply serving a regular sentence.²⁰

Life imprisonment without parole is a discretionary, not a mandatory, sentence, according to the sentencing formulation in the Indonesian Criminal Code (KUHP), which often uses alternative procedures. On the other hand, fixed-term imprisonment is often formulated using a single imperative system.

Life imprisonment is determined in the Indonesian Criminal Code when viewed within the context of the entire KUHP, which uses its own method, and the construction of life imprisonment as stipulated in the KUHP. This is

different from the formulation of fixed-term imprisonment, which involves a single imperative mechanism.

Life imprisonment without parole is a fundamentally contradictory policy. The rehabilitation process will undoubtedly be hampered by overcrowding in correctional institutions housing life offenders, especially those whose parole applications have been rejected.

Under current Indonesian criminal law, the likelihood of a life sentence reintegrating into society is quite low. The bleak prospects for those serving life sentences may be due to the numerous legal obstacles they must overcome before they can even consider reintegrating into society. The most significant legal barrier preventing life-sentenced prisoners from reintegrating into society is a series of regulations contained in the Indonesian Criminal Code (KUHP). Several provisions in the KUHP, the foundation of Indonesian criminal law, are inconsistent with the concept of "socialization." For example, according to the KUHP, those sentenced to life imprisonment are not permitted to participate in social adaptation.

The exact length of a life sentence is unknown, as the KUHP does not specify a maximum term for life imprisonment.

²⁰ I Komang Satria Jagadhita, Dkk, *Pidana Penjara Seumur Hidup Sebagai Alternatif Pidana Mati Dalam Perspektif Penologi*, Jurnal Kolibi, Volume. 2, Nomor 10, 2024, Hlm. 289

Consequently, release is not a viable option for those sentenced to life imprisonment. This is due to the indeterminacy of whether two-thirds (2/3) of a life sentence can be sentenced, given its undetermined duration.

The Indonesian Criminal Code also includes a life sentence, which has several conflicting provisions and is often debated by legal experts. Just because the death penalty remains a component of criminal law does not mean that Indonesian society universally accepts it. Many organizations oppose life sentences because they violate the principles of correctional education, which state that after completing their sentence, prisoners should be given at least some opportunity to reintegrate into society.

As a result of receiving a life sentence, which is a form of deprivation of liberty, both the convict and those who depend on them are forced to face a series of hardships. As a result, victims of crime and everyone else whose lives are affected by the perpetrator of the crime will experience the ongoing suffering of a life sentence.

While such studies are urgently needed, there is a lack of comprehensive studies on life imprisonment, which is considered a serious crime with lasting benefits and harms.

Indonesian society considers reviewing and revising life imprisonment a top priority. They are currently working to reform the criminal law in line with socio-cultural norms and are working towards the creation of a new Criminal Code.

Harmonizing public perception and legal reality cannot occur instantly. A multidimensional approach involving the active participation of various parties, from law enforcement officials, academics, the mass media, and educational institutions, is required to provide an objective and accessible understanding of the law. Inclusive and communicative legal education must be continuously promoted so that the public understands that life imprisonment is a serious form of punishment, has severe consequences, and cannot be equated with fixed-term imprisonment.

By creating a harmonious understanding between the public and the legal system, it is hoped that a critical and constructive attitude towards legal decisions will emerge, so that the primary objectives of criminal justice, namely upholding justice, protecting society, and promoting public order, can be achieved sustainably. Therefore, strengthening public legal literacy is not only a necessity but also a

crucial strategy in upholding the dignity of the law and the supremacy of justice in Indonesia.

E. Conclusion

The following conclusions are presented to answer the research questions; they are drawn from the author's previous studies, analysis, and discussion:

- 1. As a consequence of the influence of negative factors, those incarcerated can experience various setbacks, both personally and socially. Some of the most devastating consequences include: deplorable living conditions, uncontrolled disease spread, brutality and torture, dehumanization and stigmatization, lack of social interaction, mental health problems such as stress and anxiety, sexual abuse and deviance (homosexuality), HIV/AIDS transmission, depression leading to suicidal thoughts, post-traumatic stress disorder, identity and personality disorders, and lack of psychological support. These constitute clear violations of human rights principles that must be upheld within the context of the correctional system.*
- 2. The imposition of life imprisonment as a provision in the Indonesian Criminal Code (KUHP). The KUHP, or Indonesian Criminal Code, states in the first paragraph of Article 12 that there are two different forms of*

imprisonment. One is life imprisonment. The maximum penalty that can be imposed for crimes resulting in life imprisonment, defined as "imprisonment without the possibility of release until death," is twenty years imprisonment, as stated in Article 12 paragraph 4 of the Criminal Code.

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