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COVID-19 and Release of Prisoners

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Abstract

The COVID-19 pandemic struck almost all countries throughout the world, including Indonesia. On 11 March WHO announced the corona virus as a pandemic. Corona virus is very easily transmitted only by air. Data from the World Health Organization (WHO) on May 24, 2020 shows that the number of confirmed worldwide was 5,206,614 people, as many as 337,736 people died. Indonesia is a country that has the most prisoners and prisoners. Correctional institutions and overcrowded state detention centers are the government's concern. The government is trying to prevent COVID-19 from spreading in prison or state detention centers. Based on data from residents as at 31 March 2020 based on the Correctional Database System (SDP) totaling 270,231 people with a capacity of 131,931 people. This means that overcrowded has reached 106%, so that the conditions of prisons and state detention centers are overcrowded. Research problems are the strategies of the Directorate General of Corrections in handling COVID-19 in correctional facilities and state detention centers? The purpose of this study was to conduct a systematic literature review for developing strategies deal with the problem of infectious diseases in prisons. The research method used was systematic literature review. The results showed that the strategy taken by the government to provide assimilation and integration to prisoners was appropriate. The decision was made considering the overcrowded correctional conditions. On 31 March 2020 Indonesia provided assimilation and integration for prisoners.

Keywords: COVID-19, strategy, prison, assimilation

Introduction

COVID-19 is a particular disease. It is highly infectious but not particularly deadly – especially for the healthy and the young. It is also unusual in that it has hit all the major economies of the world at the same time. Countries accounting for over two-thirds of the planet's output and income are engaging in containment policies that would – in normal times – seem extreme. But these aren't normal times. (Mauro & Mauro, 2020).

The Corona Virus or COVID-19 pandemic that initially occurred in Wuhan China. Happened in Wuhan in December. China is locking down to overcome this problem. The development of this virus continues to grow and mutate so that almost the entire world. On 11 March WHO announced the corona virus as a pandemic. Corona virus is very easily transmitted only by air. If we look at data from the World Health Organization (WHO) on May 24, 2020, it shows that the number of confirmed worldwide is 5,206,614 people, 337,736 people have died. Countries

with the top five rankings are Americas, Europe, Eastern Mediterranean, South-East Asia, Africa. Indonesia is one of the countries detected by COVID-19 to enter in February. This virus is very small but has killed many victims around the world due to this virus. Up to May 20, 2020, there were 22,271 positive people with the addition of 526 people, 15,497 people were treated, 1,372 people died and 5,402 people were cured.

Table 1

Number of cases and deaths in selected countries

	United States	Brazil	Rusia	Spain	United Kingdom
Total Cases	1,747,781	414,661	379,051	283,849	267,240
Total Deaths	102,197	25,697	4,142	27,118	37,460
	Italy	French	Germany	Turkey	India
Number Cases	231,139	182,913	181,895	159,797	159,054
Total Deaths	33,460	28,596	8,533	4,431	4,541

Sumber : www.worldometers.info, tanggal 27 Mei 2020

Many countries do lock down to overcome this virus problem. Indonesia carried out Large Scale Social Restrictions (PSBB) for 14 days and carried out differently from each region. This PSBB still allows the economy to run as if the market is still open, but for shops that sell non-basic necessities they cannot open. The impact of COVID-19 is felt in various aspects. The most striking aspect is that schools are conducted from home School From Home (SFH) applies to all schools from elementary schools to universities. Workers also do Work From Home (WFH). The fact is not all companies do WFH because there are types of work that cannot be done from home. Physical distancing is a way of prevention that must be done as well as body temperature measurements, frequent hand washing and wearing masks. The key is the community must be at home so that the virus does not spread.

There is something worrying the public is the spread of COVID-19 in correctional facilities and state detention centers. The overcrowded conditions of prisons and state detention centers are the concern of the government. The government is trying to prevent this happening in prison or state detention centers. If we look at the data on 1 May 2020 the number of Technical Implementation Units (UPT) throughout Indonesia is as much as 680. The details are as follows:

Tabel 2

Jumlah Unit Pelaksana Teknis Pemasyarakatan

No.	Satuan Kerja	Jumlah
1.	Lembaga Pemasyarakatan	327
2.	Rumah Tahanan Negara	165
3.	Lembaga Pembinaan Khusus Anak	33

4.	Balai Pemasyarakatan	90
5.	Rumah Penyimpanan Benda Sitaan Negara	64
6.	Rumah Sakit	1
	Total	680

Sumber : SDP (1 Mei 2020)

The capacity of correctional facilities and state detention centers is 132,107 people but the number of occupants is 232,526 people which means there is overcrowded of more than 76%. The number of prisoners in this condition is very vulnerable, if there is a COVID-19, it will spread very quickly in the impact there will be very many victims. The number of prisoners in the past 5 years has always increased. Under these conditions the government issued **Minister of Law and Human Rights Regulation No. 10 of 2020** and **Minister of Justice and Human Rights Decree number M.HH-19.PK.01.04.04**, which is about **the release of prisoners through assimilation and integration**. The number of prisoners issued until 30 April 2020 was 39,193 people.

The problem in this paper is how the prisoner release policy in handling the spread of COVID-19 in prison and state detention centers?

Literature Review

In the 1920s an influenza pandemic had taken place in a US prison where the spread was very fast and the prison officers were overwhelmed. Officers are not able to solve it when it happens in prison. This influenza pandemic is spreading rapidly, as the article I quoted below.

Of the 58 cases in this epidemic, 26 entered prison before April, and none of them, so far as can be determined, was ill at that time. Thirty-two had arrived since April. Masks were not used in this last epidemic, since, from the previous experience of the October visitation it was believed they were of little value because the prisoners would not use them. It was considered better to warn the inmates against close contact and congregating in inclosed places. All assemblages were prohibited. As soon as an inmate reported ill he was immediately placed in the hospital and quarantined. Here he was held for at least 10 days after subsidence of symptoms.(Publications, 2020)

In prison there are many diseases that are easily transmitted to one another. The disease are **The prevalence of HIV, HCV, HBV, and tuberculosis is higher in prison populations than in the general population, mainly because of the criminalisation of drug use and the detention of people who use drugs. The most effective way of controlling these infections in prisoners and the broader community is to reduce the incarceration of people who inject drugs.**(Dolan et al., 2016)

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Jails and prisons house large numbers of people with chronic diseases and complex medical needs who are more vulnerable to COVID-19. One of the best ways to protect these people is to reduce overcrowding in correctional facilities. (Sumber <https://www.prisonpolicy.org/virus/virusresponse.html>)

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The elderly, and persons with underlying illnesses, are at high risk of severe illness and mortality from SARS- CoV-2 infection. As a result of longer sentences (mostly for non-violent offenses), the average age of the prison population has increased. In 2013, state prisons housed 131 500 persons older than 55 years, a 400% increase since 1993. Many incarcerated persons older than 55 years have chronic conditions, such as heart and lung diseases.³ About half of the people incarcerated in state prisons have at least 1 chronic condition; 10% report heart conditions, and 15% report asthma, percentages far greater than those for the population at large, even when comparing similar age groups. (Binswanger et al., 2007)

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In closing, staff are a valuable and expensive resource for prisons and stress from the job is a real problem with significant consequences for both staff and the employing correctional organization. Research, therefore, needs to identify the variables that contribute to the job stress of correctional staff across a wide array of correctional institutions. (Lambert, Keena, Haynes, May, & Leone, 2020)

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Prisons are high-risk settings for the transmission of contagious diseases and there are considerable challenges in managing outbreaks in them. A public health approach to managing Covid-19 in prisons is required. (Beaudry et al., 2020)

The current pandemic provides a much-needed opportunity to reimagine that frame and consider the ways in which the institutions of criminal law are not just responsive to crisis; they also create crisis. (Levin, Olorado, & Eview, 2020)

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Our conceptual framework highlights the fact that COVID-19 policy interventions can generate or exacerbate interactive and multiplicative equity harms. Applying this framework can help in three ways: (1) identifying areas where a policy intervention may generate inequitable adverse effects; (2) mitigating policy and practice interventions by facilitating the systematic examination of relevant evidence; and (3) planning for lifting COVID-19 lockdowns and policy interventions around the world. (Glover et al., 2020)

Material and Methods

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The research method used in this study is qualitative. According to Cresswell Qualitative research are methods to explore and understand the meaning that some individuals or groups of people consider as coming from social or humanitarian problems. (Cresswell, 2016). This

type of research is literature review. The new ideas provide directions and suggest new ways to measure. In turn, the new ways to measure shapes how we will collect additional data. In short, we bridge ideas with data in an ongoing, interactive process. To summarize, we think about and make decisions regarding measurements in quantitative studies before we gather data. The data are in a standardized, uniform format: numbers. In contrast, in a qualitative study, most of our thinking and management decisions occur in the midst of data gathering, and the data are in a diffuse forms. (Djamba & Neuman, 2002)

Results and Discussion

The overcrowded condition of prisons and state detention centers can make COVID-19 easy to spread. Data on residents as at 31 March 2020 based on the Correctional Database System (SDP) totaled 270,231 people with a capacity of 131,931 people. This means that overcrowded has reached 106%, so that the conditions of prisons and state detention centers are overcrowded. Overcrowded in correctional facilities and state detention centers causes inmates to not be able to sleep normally because it is difficult for them to sit alone let alone to sleep. The air maybe they have to fight with each other. If we look at the overcrowded conditions of prisons and state detention centers, it is very worrying because they can be filled with dozens of people in one block. Their sleep was tilted and lined even some were wearing hanging gloves. With overcrowded like this, of course, if it happens in prison or detention, there is one person exposed to the impact is extraordinary. Especially with transmission that is very fast. Dense housing can make the virus spread quickly if the tiddak is prevented immediately.

Only a few prisons / remand centers in Indonesia have medical personnel. Correctional institutions and detention centers rarely have medical personnel. The total owned by all of Indonesia is 1,035 people. This number is spread throughout Indonesia, but there are many Regional Offices of the Ministry of Justice and Human Rights which only have a few Health workers. For example the West Papua Regional Office which only has 1 medical staff. So the effort made is to establish cooperation with health centers or government hospitals.

Social Distancing (limiting social interactions with specific goals) is difficult because the overcrowded environmental conditions cause no distance to make social interactions difficult to limit. The condition (the spread of COVID-19) can cause panic for the residents which results in potential riots because the residents are infected. Based on the results of a meeting with the opinion of the House of Representatives (DPR) with the government, especially the Minister of Law and Human Rights, it was agreed on the release of prisoners through integration and assimilation. This decision is contained in Permenkumham Number 10 of 2020

and Minister of Law and Human Rights Decree number M.HH-19.PK.01.04.04. The regulation explains the assimilation criteria as follows:

1. Prisoners who have served $\frac{2}{3}$ of the criminal period.
2. Children who have served $\frac{1}{2}$ the criminal period.
3. Prisoners and Children who are not related to PP 99 of 2012 who do not undergo subsidiary and are not foreign citizens
4. The proposal is made through a correctional database system. The letter of integration is issued by the Director General of Corrections

Associated with assimilation is poured as follows:

1. Prisoners with $\frac{2}{3}$ criminal sentences until 31 December 2020.
2. Children whose half-term falls until December 31, 2020.
3. Prisoners and Children who are not related to PP number 99 of 2012, who do not undergo subsidiary and are not foreign citizens.
4. Assimilation is carried out at home until the start of integration in the form of parole, parental leave and parole leave
5. Assimilation decree is issued by the Head of Prison, Head of LPKA and Head of Detention Center.

There are several criteria for prisoners' expenditures based on Permenkumham Number 10 year 2020 and Kepmenkumham number M.HH-19.PK.01.04.04 that prisoners' expenditures do not apply to prisoners and children:

1. Criminal Acts of Terrorism
2. Narcotics and precursor crime of narcotics, psychotropic substances
3. Corruption
4. Crimes against state security
5. Crimes against gross human rights crimes
6. Transnational organized crime
7. Foreign Citizens

Prisoners and Children expenditure policies in Indonesia are based on the policies of other countries that issue prisoners in a COVID-19 pandemic condition. The countries include:

1. The United States issued 9,201 prisoners
2. Iran issued 95,000 prisoners
3. Poland releases as many as 20,000 prisoners
4. Canada issued 1,000 prisoners
5. Afghanistan releases 10,000 prisoners

6. Germany releases 10,000 prisoners
7. Tunisia issued 1,420 prisoners
8. Brazil issued 34,000 prisoners (compiled by authors from various sources)

Based on the policies of other countries, Indonesia also carries out prisoner expenditures. The aim of making this policy is to protect prisoners and in anticipation of letting the prison and state detention centers become mass graves. Prisoners who get assimilation and integration have gone through a previous selection process. Especially prisoners and detention centers that have fulfilled the requirements in accordance with applicable regulations.

Based on data from the Directorate General of Public Relations's data on April 30, 2020, the total number of free prisoners amounted to 39,193 with details as follows:

1. Assimilation There were 36,029 inmates and 908 children
2. Parole Inmates received 1,376 people and 17 children
3. Conditional leave Inmates received 807 people and 19 children
4. Free Ahead Leave There were 37 inmates who got them

Discussion

The United States is the country that has the highest number of prisoners. The US has more than 2.1 million. After the US is China which has the second largest number of prisoners. China has more than 1.5 million and Russia also has prisoners totaling 874 thousand.

Seeing the condition of the country almost all over the world affected by COVID-19 many things that must be considered to take precautions namely:

1. The stronghold that can be done is to do a rapid test for all employees and prisoners. Making it easier to detect who is being handled and who is not.
2. Doing isolation independently
3. Social Distancing
4. Maintain a hygienic life

UN recommendations related to the COVID-19 pandemic towards the policy of state authorities especially for prisons in the world. Michelle Bachelet, the UN Commissioner for Human Rights at the end of March 2020, said that the steps that could be taken were appropriate because they had already released prisoners.

As with general epidemic preparedness, the COVID-19 pandemic will teach us valuable lessons for preparedness in correctional settings. It will also invariably highlight the injustice and inequality in the United States that are magnified in the criminal justice system. As U.S.

criminal justice reform continues to unfold, emerging communicable diseases and our ability to combat them need to be taken into account. (Koven, 2020)

10 Prisons are enclosed, all-encompassing environments that exert powerful influences on the day-to-day behaviours of prisoners. Too often the influence of the prison environment has been to produce violent and unproductive behaviour from the prison inhabitants. However, it is this very power to influence that gives hope that there may be solutions to many of the control problems that plague prisons. The principles of situational prevention provide the rationale for analysing and modifying the environmental conditions that generate or allow prison misbehaviour and disorder. (Ruíz, 2015)

Assimilation was issued, not released because if a crime can be put back into prison and go into a sell strap. The policy taken by the Ministry of Law and Human Rights is already based on applicable laws and government regulations. A legal umbrella has been provided. This is a good step taken through careful consideration. Rapid response conducted in situations and conditions that are urgent. The Ministry of Law and Human Rights has made anticipatory efforts to prevent transmission in state prisons and detention centers. This policy has been measured and is very selective in determining prisoners who can get assimilation and integration.

34 The Ministry of Law and Human Rights has a very selective SDP. For prisoners who are free and commit violations there are consequences that must be accepted. Despite the fact that some people repeat the crime. When free but this is only slightly compared to other countries. Of the 38 thousand that are free, there are still many that are positive compared to negative. But the news that sells now is the repetition of the crimes committed. Even though only 50 people did the repetition. Assimilation and integration are prisoners' rights. The socialization carried out by the Directorate General of Pas must be maximized to the public. But when inmates are free, a lot of distortion. This is a good momentum to tackle the prevention of the spread of COVID-19 in the state penitentiary and detention centers.

If the Ministry of Justice and Human Rights does not carry out a policy of spending prisoners will create new problems. For example, riots in prison and state detention centers. For example, the riots that occurred at Tumiting Class IIA Penitentiary in Manado. This happened because of protests by other criminal convicts who wanted assimilation and integration. COVID-19 in prisons can cause riots. Restlessness of the citizens of correctional services.

There have been rebellions in other countries due to this pandemic. In Europe and Latin America is a country with over-crowded prisons. In America, there are 300 prisoners who are exposed to COVID-19, which makes them worry.

Correctional function is considered as a punishment function. Lots of negative coverage in the mass media. In the assimilation phase is a critical phase. Do people want to accept or not. This is an indicator of the success of the training conducted by correctional institutions.

Media communication must be more assertive because a lot of hoax news is circulating. Corrections must strengthen the media to counter negative news. There are also prisoners who do not carry out their obligations, namely reporting to Probation Officer Bapas. Even though there is a prison problem, it has power.

How it relates when viewed from correctional revitalization. This Litmas is a systematic and objective effort. There is something interesting about revitalization regarding valuation. Assessment tools owned Recommendation : Explain what the assessment mechanism is like. The public was told and knew what the mechanism was like, Carry out a Long-term assessment mechanism, Explain well how the monitoring mechanism. How do you resolve the mitigation? Because many incidents of prisoners are free.

Assessment Already done to make assessment tools from CDS, Strengthening Probation Officer competencies, one of the tasks is to have the competence to carry out assessments. It is expected that all correctional institutions and state detention centers carry out assessments conducted by the Probation Officer, The assessment conducted by the penal assessor is not carried out by the Probation Officer If inmates after assimilation, what will be done is TPP trial function Theft and robbery are prone to become recidivists Substantially, in addition to his criminal background, he also changes the attitude of the prisoners while in prison. Assimilation is given very carefully.

The public perception is already bad towards correctional: Management of public communication, Community perceptions are positive and negative. For those who are negative, positive news can be done to build a positive image. Breath. Assimilation is given very carefully.

9 COVID-19 outbreak infecting over 500 prisoners may have come from staff: Medical director. The new coronavirus outbreak has exposed 583 prisoners in Tennessee prisons exposed. They are exposed by prison staff. An alarming collection of infections in the Bledsoe Correctional Complex in Pikeville, Tennessee, accounted for 99% of a total of 588 positive cases of coronavirus throughout Bledsoe County, according to the Tennessee Correction Department and the state Department of Health. Kenneth Williams, medical director for the Tennessee Penitentiary Department, said he suspected the spread of transmission in prisons, which holds 9 more than 2,300 inmates, was started by staff.

Based on data on May 6, 2020 that the number of prisoners exposed to COVID-19 was 2,778 prison employees and as many as 15 people died. A total of 4,893 inmates have been diagnosed with COVID-19 since April 21, 2020. Death inmates numbered 88 people. Policy analysis is designed to provide policy-relevant knowledge about the five types of questions: Policy problems. What is the problem for which a potential solution is sought? Is global warming a man-made consequence of vehicle emissions, or a consequence of periodic fluctuations in the temperature of the atmosphere? What alternatives are available to mitigate global warming? What are the potential outcomes of these alternatives and what is their value or utility? Expected policy outcomes. What are the expected outcomes of policies designed to reduce future harmful emissions? Because periodic natural fluctuations are difficult if not impossible to control, what is the likelihood that emissions can be reduced by raising the price of gasoline and diesel fuel or requiring that aircraft use biofuels? Preferred policies. Which policies should be chosen, considering not only their expected outcomes in reducing harmful emissions, but the value of reduced emissions in terms of monetary costs and benefits? Should environmental justice be valued along with economic efficiency? Observed policy outcomes. What policy outcomes are observed, as distinguished from the outcomes expected before the adoption of a preferred policy? Did a preferred policy actually result in reduced emissions, or did decreases in world petroleum production and consequent increases in gasoline prices and reduced driving also reduce emissions? Performance policy. To what extent has the policy performance been achieved, as defined by valued policy outcomes signaling the reduction of global warming through emissions controls? To what extent has the policy achieved other measures of policy performance, for example the reduction of costs of carbon emissions and global warming to future generations (Dunn, 2015) This policy has been very meticulous. It is organized and has a legal basis. All policies have been formulated well. Supervision after the prisoners are out is the responsibility of the Community Guidance Anxiety that occurs with conditions like this can cause rebellion. In a statement, SMR stated when the state deprived someone of their independence. The state is responsible for health

Conclusion

All policies have been formulated well. Supervision after the prisoners are out is the responsibility of the Community Guidance Anxiety that occurs with conditions like this can cause rebellion. In a statement, SMR stated when the state deprived someone of their independence. The state is responsible for health.

The advice of this research is that when it comes to issuing a new policy it should be socialized first. The goal is that there is no misperception. The community is also ready and can receive the prisoners back to the community.

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