

THE LEGALITY OF THE EXISTENCE OF POLICE DETENTION CENTERS IN THE REPUBLIC OF INDONESIA THAT ARE NOT UNDER THE DIRECTORATE GENERAL OF CORRECTIONS

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Abstract

This research analyzes the legality of detention centers operated by the Indonesian National Police (Polri) that are not affiliated with the Directorate General of Corrections (Ditjen PAS) and assesses their impact on the protection of detainees' rights. The study is motivated by the discrepancy between legal provisions, which place detention management authority under Ditjen PAS, and the reality that Polri continues to operate its own detention facilities outside the official structure. Using a normative-empirical legal method, this research combines a normative juridical analysis of relevant laws and regulations with empirical data gathered through interviews with officials from Ditjen PAS and the Metro Jaya Regional Police, field observations, and documentation review. The findings indicate that *de jure*, detention center management falls under the authority of Ditjen PAS as stipulated in Government Regulation No. 27 of 1983, Law No. 22 of 2022, and Ministerial Decree No. M.01.PR.07.03 of 2007. However, *de facto*, Polri continues to manage detention centers based on its investigative authority, creating legal ambiguity. This situation results in non-uniform service and facility standards, weak centralized oversight, obstacles to prisoner data integration, and suboptimal rehabilitation and reintegration programs, ultimately undermining the protection of detainees' rights. The study concludes that regulatory harmonization and stronger coordination between Polri and Ditjen PAS are necessary to ensure all detention facilities have a clear legal basis and can guarantee the protection of detainee rights in accordance with correctional principles.

Keywords: Legality, Detention Center, Indonesian National Police, Affiliated, Directorate General of Corrections

1. Introduction

The State Detention Center is a place where suspects or defendants are detained during the investigation, prosecution, and trial process in court (Sanusi, 2016). In the Indonesian criminal justice system, detention centers play a strategic role in ensuring that suspects or defendants remain under legal supervision until the judicial process is complete. Detention centers not only serve as a place to detain individuals suspected of committing crimes, but also as an instrument to guarantee the fulfillment of their basic rights during the legal process (Shafira et al., 2022). Therefore, the management of detention centers must comply with the principle of legality, which aims to prevent unlawful detention and ensure the protection of human rights, as stipulated in various laws and regulations, such as Law Number 22 of 2022 concerning Corrections and Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code (KUHAP), which stipulates that every place of detention must meet legal standards and protect human rights (Hasibuan & Prasetyo, 2022).

In legislation, the existence of detention centers is regulated in Article 18 of Government Regulation No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code (KUHAP). This article stipulates that detention centers shall be established by the Minister in every regency capital or municipality. In addition, the Minister may also establish or designate detention centers outside the capital of a regency or municipality as branches of the detention center. The head of the detention center branch is appointed and dismissed by the Minister. The term “Minister” in this provision refers to the Minister of Justice, now known as the Minister of Law and Human Rights. Based on these provisions, the Ministry of Law and Human Rights has full authority to establish, appoint, and manage detention centers and detention center branches throughout Indonesia (Sanusi, 2016).

But in practice, there's a big difference between the rules and how things work in real life. One effort to ensure legality is through the appointment of State Detention Center (Rutan) branches by the Minister of Law and Human Rights, as stipulated in Ministerial Decree Number M.01.PR.07.03 of 2007. This regulation was created to regulate the existence of detention centers located in certain police headquarters so that they have a clear legal basis and remain under the supervision of the Ministry of Law and Human Rights. Based on the Ministerial Decree, detention centers located at police headquarters that have been designated as detention center branches include the National Police Headquarters Detention Center Branch, the Police Mobile Brigade Headquarters Detention Center Branch, the East Java Regional Police Detention Center Branch, the North Sumatra Regional Police Detention Center Branch, the South Sumatra Regional Police Detention Center Branch, and the South Sulawesi Regional Police Detention Center Branch (Sanusi, 2016).

That said, what we see on the ground shows that there are detention practices that don't fit with the correctional institutional structure as set out in the laws and regulations. Based on preliminary information obtained by the author through informal conversations with a member of the Metro Jaya Regional Police, it is known that within the Metro Jaya Regional Police headquarters there are detention cells that hold many detainees, even those who have been detained for more than a month. This indicates the existence of detention facilities at police headquarters that are not registered as official branches of the State Detention Center (Rutan). This discrepancy raises serious questions about the legality of these detention facilities and the extent to which the basic rights of detainees can be guaranteed in conditions that do not comply with legal standards. The existence of detention centers that do not have a clear legal basis risks violating the principle of due process of law, whereby every action taken by law enforcement officials should be based on applicable regulations (Chandra, 2015).

This gap is exacerbated by the lack of supervision and coordination between the Ministry of Law and Human Rights, as the institution responsible for managing detention centers and prisons, and the police, who still have their own detention facilities. Based on the theory of legality, all forms of detention must have a clear legal basis and must not conflict with higher regulations. However, in reality, many detention centers managed by the police are not affiliated with the Directorate General of Corrections, hereinafter referred to as Ditjenpas, so that their management is in a gray area without standard norms. As a result, supervision of the physical condition of detainees, their treatment, and access to basic rights, such as legal and health assistance, often do not comply with the standards set out in the Standard Minimum Rules for the Treatment of Prisoners (SMR) or the Mandela Guidelines (Appludnopsanji, Disemadi, & Jaya, 2021).

The inconsistent implementation of this regulation has the potential to cause significant legal and social consequences. First, from a legal perspective, the use of detention facilities that lack formal legality can be considered a violation of the principle of the rule of law, whereby every government action must be based on applicable law. This can raise questions about the validity of legal proceedings against detainees held in facilities that lack a clear legal basis (Shafira et al., 2022).

Second, from a human rights perspective, the existence of unregistered detention facilities has the potential to lead to non-compliance with standards for the treatment of detainees. Rights that must be guaranteed in the correctional system, such as the right to humane treatment, the right to legal assistance, and the right to decent detention conditions, can be neglected due to the lack of binding regulations in the management of detention centers outside the Directorate General of Corrections (Shafira et al., 2022).

Third, in terms of public trust in the judicial system, this inconsistency can lead to distrust of the legal system and worsen public perception of law enforcement officials. The existence of detention centers outside the Directorate General of Corrections that are not supervised by the Ministry of Law and Human Rights can trigger allegations of abuse of authority, both in the form of arbitrary detention and the possibility of other maladministration practices. If this condition is not resolved immediately, there are concerns that it will further reduce the level of accountability of law enforcement institutions in the eyes of the public.

Based on the above description, research entitled “The Legality of Indonesian Police Detention Centers Not Affiliated with the Directorate General of Corrections” is important for three fundamental reasons. First, in terms of law, this research will examine the gap between formal provisions (Article 18 of Government Regulation No. 27/1983 and Law No. 22/2022) and detention practices in the police force, so that the results can be used as a basis for recommendations to harmonize detention center management with the principle of legality. Second, in terms of human rights, the findings of this study are expected to reveal potential violations of detainee rights (such as access to lawyers and health services) in detention centers not under the Directorate General of Corrections, while ensuring protection in accordance with the Standard Minimum Rules for the Treatment of Prisoners. Third, in terms of social-institutional aspects, this research is relevant to restoring public trust in the integrity of the criminal justice system, given that the unclear legal status of police detention centers risks triggering allegations of maladministration. Thus, this research not only contributes to the development of correctional law literature but is also practical for policy reform to ensure legal certainty and justice for suspects/defendants.

2. Theoretical Background

2.1 Integrated Criminal Justice System Theory

The Integrated Criminal Justice System Theory emphasizes the necessity of coordination, synergy, and a seamless procedural chain among the four pillars of the criminal justice process: the police, the prosecutor's office, the courts, and correctional institutions (Atmasasmita, 2011). This theory posits that an effective justice system requires institutional integration where each component functions in harmony with shared legal principles and objectives.

In the context of detention management, this theory provides a critical lens to examine whether the operation of Polri detention facilities outside the formal correctional system creates systemic fragmentation. The theory helps identify gaps in legal authority,

supervision mechanisms, and procedural continuity that may undermine the principle of an integrated justice system.

2.2 Concept of Legality in Detention Management

Legality refers to the conformity of institutional actions and structures with established legal frameworks (Asshiddiqie, 2020). In detention management, legality encompasses:

- 1) Formal authorization based on statutory provisions
- 2) Compliance with procedural safeguards
- 3) Adherence to human rights principles
- 4) Institutional accountability mechanisms

This study applies this concept to evaluate whether Polri detention centers possess valid legal basis for their existence and operation separate from the Ditjen PAS system, particularly examining their compliance with Law No. 22 of 2022 concerning Corrections and related regulations.

2.3 Institutional Framework of Detention Centers

Detention centers (Rutan) serve as temporary custody facilities for suspects and defendants during judicial proceedings. Their institutional positioning within the justice system determines:

- 1) Operational standards and protocols
- 2) Supervision and accountability structures
- 3) Resource allocation and facility conditions
- 4) Integration with rehabilitation programs

The theoretical framework examines how the separation of Polri detention centers from the formal correctional system affects these institutional dimensions and their implications for detainee treatment.

2.4 Correctional System Integration

The Indonesian correctional system (Pemasyarakatan) operates under the Directorate General of Corrections with the mandate of implementing rehabilitation and reintegration programs. Key theoretical considerations include:

- 1) Standardization of detainee treatment protocols
- 2) Professionalization of correctional staff
- 3) Implementation of rehabilitation programs
- 4) Monitoring and evaluation systems

The study analyzes how non-integration of Polri detention centers affects the implementation of these correctional principles and the realization of rehabilitation objectives.

2.5 Rights Protection Framework

The theoretical framework incorporates human rights principles governing detention, including:

- 1) Right to humane treatment and dignity
- 2) Access to legal representation
- 3) Healthcare and basic needs provision
- 4) Protection from arbitrary treatment
- 5) Judicial oversight mechanisms

This dimension examines how institutional separation impacts the practical realization of these rights and the accountability mechanisms available to detainees.

2.6 Systemic Coordination Mechanisms

The theoretical framework identifies essential coordination requirements between law enforcement and correctional institutions, including:

- 1) Information sharing systems
- 2) Transfer protocols for detainees
- 3) Standardized reporting procedures
- 4) Joint monitoring mechanisms
- 5) Policy harmonization processes

These coordination mechanisms are analyzed for their effectiveness in bridging the institutional gap between Polri detention operations and the formal correctional system.

This comprehensive theoretical framework enables systematic analysis of the legal, institutional, and human rights dimensions of Polri detention centers operating outside the formal correctional system, providing the foundation for evaluating their legitimacy and impact on justice delivery.

3. Methods

3.1 Research Design

This study employs a normative-empirical legal research design. The normative component involves a systematic review and analysis of relevant laws and regulations to establish the legal framework governing detention management. The empirical component examines the implementation of these regulations in practice, focusing on the operational realities of Polri detention centers and their impact on detainee rights protection. This mixed approach allows for a comprehensive analysis of the gap between legal provisions and ground-level practices.

3.2 Research Scope and Object

The research object is the legality and operational practices of detention centers managed by the Indonesian National Police that operate outside the formal structure of the Directorate General of Corrections. The primary scope includes the Metro Jaya Regional Police as a representative case study. The study focuses on facilities not listed as official branches under Ministerial Decree No. M.01.PR.07.03 of 2007.

3.3 Data Collection Techniques

Data were collected through multiple techniques to ensure triangulation:

- 1) Document Analysis: Collection and examination of primary legal documents, including:
 - a. Government Regulation No. 27 of 1983
 - b. Law No. 12 of 1995 (amended by Law No. 22 of 2022) concerning Corrections
 - c. Ministerial Decree No. M.01.PR.07.03 of 2007
 - d. Relevant National Police Chief Regulations
 - e. Official reports and internal documentation
- 2) In-depth Interviews: Semi-structured interviews were conducted with key informants selected through purposive sampling, including:
 - a. Officials from the Directorate of Detention and Evidence (*Ditreskrimsus*) of the Metro Jaya Regional Police (3 officers)

- b. Officials from the Directorate General of Corrections (Ditjen PAS) (2 officers) Interviews focused on operational procedures, supervisory mechanisms, challenges in standards implementation, and perceptions of detainee rights fulfillment.
- 3) Non-participant Observation: Limited observation of detention facility conditions and administrative processes to contextualize interview and documentary data.

3.4 Operational Definitions of Research Variables

The key variables examined are defined as follows:

- 1) Legality: The conformity of a detention center's establishment and operation with statutory authorization and procedural regulations. Measured through analysis of its formal designation, regulatory basis, and compliance with administrative requirements.
- 2) Institutional Affiliation: Whether a detention facility is formally integrated into the Ditjen PAS system as a designated branch or operates under sole Polri authority. A binary variable (affiliated/non-affiliated).
- 3) Protection of Detainee Rights: The degree to which a facility ensures basic rights as mandated by law, including access to legal counsel, healthcare, humane conditions, and protection from arbitrary treatment. Assessed through regulatory compliance, reported practices, and informant testimonies.

3.5 Data Processing and Analysis Techniques

Collected data underwent systematic processing and analysis:

- 1) Data Processing:
 - a. Editing: Verification of interview transcripts and document authenticity for accuracy and completeness.
 - b. Systematization: Organization of data into thematic categories aligned with research variables.
- 2) Data Analysis:

A descriptive-qualitative analysis was conducted in three integrated stages:

 - a. Content Analysis: To identify key themes, contradictions, and interpretations within legal documents and interview transcripts regarding legality, authority, and rights protection.
 - b. Policy Implementation Analysis: To evaluate the effectiveness and gaps in applying regulations (particularly Ministerial Decree No. M.01.PR.07.03 of 2007) in designating and supervising detention branches.
 - c. Gap Analysis: A comparative analysis to systematically identify and explain discrepancies between the normative legal framework (de jure) and empirical practices (de facto) in the management and oversight of Polri detention centers.

This methodological approach is designed to yield findings that not only describe the legal and operational status of non-affiliated Polri detention centers but also provide a foundation for evidence-based recommendations for policy harmonization and institutional reform.

4. Results and Discussion

4.1 Legality of the Existence of Indonesian National Police Detention Centers that are not Affiliated with the Directorate General of Corrections

The existence of detention rooms within the Indonesian National Police that are not formally designated as branches of the State Detention Center under the Ministry of Law

and Human Rights has become a crucial legal issue in Indonesia's criminal justice system. This issue has come to the fore as law enforcement agencies often use these facilities for detention, even though their legal status remains unclear. This raises serious problems regarding the clarity of their status, scope of authority, and accountability mechanisms in the management of detainees. Therefore, this research is important to understand the legal implications of these practices, particularly in relation to the principles of legality and the protection of detainees' rights.

On this basis, it is important to review this issue from a relevant theoretical foundation, particularly with regard to the concepts of legality and an integrated criminal justice system. Legality essentially refers to the conformity of an action, policy, or institution with applicable law. In the context of criminal law, the principle of legality (*nullum crimen sine lege, nulla poena sine lege*) asserts that every legal action must be based on valid and applicable legislation and must not conflict with higher legal norms. Hans Kelsen, through his Pure Theory of Law, emphasizes that the legality of a legal norm or action derives from the validity of higher norms in the legal hierarchy (Kelsen, Pure Theory of Law). This means that every entity that carries out detention functions must have a clear legal basis and cannot simply operate based on functional needs without formal legitimacy.

Compared to normative provisions, detention practices within the Indonesian National Police that are not governed by the Directorate General of Corrections (Ditjenpas) raise serious questions. The Integrated Criminal Justice System theory proposed by Romli Atmasasmita emphasizes the urgency of coordination and synergy between law enforcement agencies, including the police, prosecutors, courts, and correctional institutions, to ensure that each stage of the criminal justice process runs in an integrated manner and in accordance with legal principles (Atmasasmita, Integrated Criminal Justice System, 2011). Within this framework, the integrated system can be disrupted if one of the actors acts outside of coordination or without a clear legal umbrella, which has the potential to damage the integrity of the system as a whole. From a legal perspective, every detention facility must have legitimacy as stipulated in Law Number 22 of 2022 concerning Corrections and Article 18 of Government Regulation Number 27 of 1983, which confirms the authority of the Minister of Law and Human Rights in establishing detention centers and their branches.

Based on the results of the interview, the Directorate General of Corrections emphasized that the authority to establish and manage detention centers, including their branches, rests with the Ministry of Law and Human Rights and is exercised by the Directorate General of Corrections. This stipulation is legally formal in nature, not merely administrative. Furthermore, the designation of police headquarters as detention center branches must go through a formal legal process and be stipulated in a Decree of the Minister of Law and Human Rights, such as Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.01.PR.07.03 of 2007. The 2011 Memorandum of Understanding (MoU) between the Minister of Law and Human Rights, the Minister of Finance, the National Police Chief, and the Attorney General was actually aimed at unifying the detention management system outside the Ministry of Law and Human Rights detention centers, but this MoU expired in 2016 and its renewal process in 2023 has encountered obstacles, resulting in loose coordination between institutions. This indicates that not all police detention facilities have the legal status of official detention center branches.

In comparison with these provisions, practices in the field show that many Police Detention Centers operate without formally being affiliated with the Directorate General of Corrections. Based on interviews with the Metro Jaya Regional Police Headquarters' Detention Center Unit, this unit functionally houses and manages temporary detainees who are suspects in the investigation process, even though it does not have the status of an official detention center branch. Directorate General of Corrections Explained that they are guided by the Criminal Procedure Code (KUHP) and National Police Chief Regulation Number 4 of 2015. This shows that the police consider internal regulations to be sufficient to regulate the detention system during the investigation stage. Furthermore, Directorate General of Corrections stated that ideally, the National Police should only manage detainees during the investigation process, after which the detainees would be transferred to detention centers under the Directorate General of Corrections. Therefore, from an internal perspective, the current system is considered to be sufficiently effective and efficient. The addition of new regulations or changes to the formal status of detention facilities is not considered urgent, as long as practices in the field can still meet the legal and operational needs of the agency. However, the fact that not all National Police detention facilities are legally valid detention center branches, and that the MoU governing coordination has expired, creates a gap between normative provisions and implementation in the field.

In light of this, the legality of the existence of Indonesian National Police detention centers that are not affiliated with the Directorate General of Corrections is complex, tending to fall into a legal “gray area.” De jure, the appointment and management of detention centers is the absolute authority of the Ministry of Law and Human Rights through the Directorate General of Corrections, in accordance with the Corrections Law and Government Regulations. However, de facto, the Indonesian National Police continues to manage detention facilities based on investigative authority as regulated in the Criminal Procedure Code and Indonesian National Police Chief Regulations. This shows that the legality of Indonesian National Police detention centers that are not affiliated with the Directorate General of Corrections is limited and functional, only valid during the investigation period and based on internal police regulations. When compared to the principle of legality, which requires every state action to have a clear and written legal basis, the status of Indonesian National Police detention centers that are not fully affiliated with the Directorate General of Corrections creates ambiguity.

When examined critically, there is tension between the normative approach taken by the Directorate General of Corrections and the functional approach applied by the police. On the one hand, the Directorate General of Corrections takes the position that all forms of detention must be within a clear legal structure, namely as part of the correctional system. On the other hand, the Indonesian National Police argues that as long as the detention process is carried out based on a warrant and during the investigation period, detention in police detention rooms is administratively valid. This difference in approach is the main source of the problem regarding the legality of Indonesian National Police detention centers. Theoretically, the argument of the Directorate General of Corrections is more in line with the principle of legality as formulated in Pure Legal Theory and Integrated Criminal Justice System Theory. If the existence of a detention facility is not based on explicit legal provisions and is not under a standard supervisory system, then its legality is in a gray area and can even be said to be invalid under the formal legal structure. However, on the other hand, it must also be acknowledged that the operational needs of the police in conducting investigations efficiently are a factor that cannot be ignored.

According to this analysis, it can be concluded that the existence of Indonesian National Police detention centers that are not affiliated with the Directorate General of Corrections has no formal legal legitimacy within the correctional system, and therefore cannot be considered fully legal according to applicable legal principles. Although this practice is recognized functionally in the context of investigations, in terms of institutional structure and legal accountability, it creates space for abuse. The existence of such detention centers contradicts the spirit of integration in the integrated criminal justice system and has the potential to weaken the protection of prisoners' rights. Therefore, corrective measures are needed through regulatory reforms, strengthened inter-agency coordination, and the establishment of clear boundaries regarding detention functions within the police force to ensure compliance with the principles of legality, legal certainty, and accountability.

4.2 Impact on the Protection of Prisoners' Rights in Indonesian Police Detention Centers that are not Affiliated with the Directorate General of Corrections

Previously, it was explained that not all detention facilities within the Indonesian National Police are officially recognized as branches of the State Detention Center under the coordination of the Directorate General. This condition, in fact, has the potential to create significant gaps in the system for protecting the rights of detainees. Without formal recognition and full integration into the correctional structure, Indonesian National Police detention facilities tend not to receive standardized and comprehensive supervision, making them vulnerable to practices that do not comply with human rights standards. This issue is crucial considering that prisoners are a highly vulnerable group, in a position of powerlessness and completely dependent on the detaining party. Therefore, guaranteeing their basic rights is an absolute prerequisite for upholding justice and human dignity.

In this context, it is important to revisit the Integrated Criminal Justice System Theory, which emphasizes that law enforcement is not merely a matter of authority to arrest or detain, but also includes the fundamental obligation to protect the rights of individuals involved in legal proceedings (Atmasasmita, Integrated Criminal Justice System, 2011). A lack of integration in the detention system can create “gaps” or gray areas in control and accountability mechanisms, which in turn have the potential to undermine the protection of the fundamental rights of detainees. Furthermore, Human Rights Theory, as articulated by figures such as Henry Shue and Jack Donnelly, asserts that the state has an absolute responsibility to fulfill the basic rights of every individual, including detainees, regardless of where they are placed or what stage of the legal process they are in (Shue, Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy, 1980). These rights are inherent to every individual even before a person is found guilty by a judge, and must be guaranteed from the first moment of arrest until the end of the legal process.

Based on the results of interviews, the Directorate General of Corrections revealed the difficulties they face in monitoring Indonesian National Police detention facilities, even those that are administratively recognized as branches of detention centers. A statement from the Directorate General of Corrections stated that, “we find it difficult to conduct supervision, let alone detention rooms that are not registered as branches of detention centers, even the detention rooms at the Mobile Brigade Headquarters, which are already branches of detention centers, they are refused to conduct monitoring.” This indicates resistance or a lack of coordination in the implementation of supervisory functions. Furthermore, the explanation from Dittahiti emphasized that the monitoring process in

Indonesian National Police detention centers is carried out entirely by the Indonesian National Police internally, without involving external parties such as the National Human Rights Commission or the Directorate General of Corrections. In comparison, this practice is in stark contrast to the principles of an integrated criminal justice system that emphasizes synergy and multiple layers of oversight.

The most serious implication of this inconsistency is seen in the differences in the regulation of prisoners' rights. Law No. 22 of 2022 on Corrections regulates in detail the various rights of prisoners, including those listed in Article 7 letters C and I. Article 7 letter C regulates the right to "receive adequate health care and food," while Article 7 letter I affirms the right to "be treated humanely and protected from torture, exploitation, neglect, violence, and any actions that endanger physical and mental health." However, when viewed from the Indonesian National Police Regulation Number 4 of 2015, which is the basis for the police, these rights are not explicitly regulated in the same detail or are even neglected. Significant differences in the regulation of these rights can have a major impact on the form of protection of detainee rights in the field, creating a potential gap in protection that is detrimental to detainees.

Data from the 2023 National Human Rights Commission report further reinforces these concerns, stating that the police are the number one institution receiving complaints from the public regarding human rights violations. The report even notes cases of prisoner deaths that indicate serious violations of the right to protection from violence. One of the cases highlighted is the "Death of a Detainee at the North Lubuk Linggau Police Station." The death was discovered on February 14, 2022, at 10:30 p.m. Western Indonesian Time, approximately 12 hours after the arrest. The family was also not allowed by the police to visit the victim during his arrest or to see the victim's body at the hospital without any clear reason. After being able to see the body, it was found that the victim's body had several injuries, including wounds on the right and left arms, bruises all over the body, and a broken neck." (2023 Annual Report of the National Human Rights Commission). This is clear evidence of how greatly differences in the regulation of prisoners' rights impact implementation in the field. The report shows that when one of the most important rights, namely Article 7(I), which states that prisoners "shall be treated humanely and protected from torture, exploitation, neglect, violence, and any actions that endanger physical and mental health," is not regulated or may even be omitted from internal regulations, a detainee can be beaten to death within just 12 hours of arrest. This incident also serves as clear evidence that internal oversight alone is insufficient, because when monitored by fellow internal parties, the potential for bias and lack of transparency becomes very high, as evidenced by the case of the prisoner's death, where initially the body was not allowed to be seen even by his own family.

The critical analysis of this data shows that the police's claim that they can guarantee prisoners' rights on their own is questionable. With the deaths of prisoners and the National Human Rights Commission's report naming the police as the institution with the highest number of human rights violations, it's clear that internal oversight alone isn't enough to make sure prisoners' rights are protected in a comprehensive and transparent way. This situation indicates that Indonesian Police Detention Centers, which are not under the supervision of the Directorate General of Corrections and lack comprehensive external oversight, are at high risk of inhumane practices and human rights violations. If this situation is allowed to continue, the future risks are continued impunity, loss of accountability, and damage to public trust in the criminal justice system. Therefore, it can be concluded that the unintegrated legal status and lack of effective external oversight of

the Indonesian National Police Detention Center significantly negatively impacts the protection of detainees' basic rights, creating loopholes that threaten the principles of justice and human dignity.

5. Conclusion

The legal status of Indonesian Police Detention Centers that are not affiliated with the Directorate General of Corrections is ambiguous and falls within a functional gray area, but is not yet fully legal in terms of structure and form within the framework of the national correctional system. There is tension between the normative approach of the Directorate General of Corrections, which calls for structural integration, and the functional approach of the police, which is based on internal regulations. The lack of formalization and the termination of the Memorandum of Understanding (MoU) between the relevant agencies has made the Indonesian National Police Detention Center vulnerable to legal uncertainty and inconsistent standards, and has hampered the integrated criminal justice system.

Impact on the protection of prisoners' rights in Indonesian Police Detention Centers that are not affiliated with the Directorate General of Corrections is the emergence of serious gaps in the fulfillment of prisoners' human rights. Differences in the regulation of prisoners' rights between the Corrections Law and Indonesian Police Regulations have the potential to eliminate fundamental rights such as protection from torture. Internal oversight by the Indonesian National Police alone has proven inadequate in ensuring accountability and transparency, as evidenced by the high number of complaints of human rights violations and cases of detainee deaths. This indicates that without multiple layers of oversight and integration into a broader system, detainee rights are vulnerable to violation.

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