

Juridical Study on Supervision Tasks in the Implementation of Correctional Functions in the Perspective of Law Number 22 of 2022 concerning Correctional

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Abstract. Regulation Number 22 of 2022 concerning Rectifications, in its overall clarification, contains an explanation that the reason for condemning is a work to stir detainees and criminal kids to lament their activities, and return them to be productive members of society, comply with the law, maintain moral and social qualities, and religion to accomplish a protected, precise and tranquil local area life. During the time spent oversight, it is directed exhaustively in Articles 56, 57, 65, and 88 of Regulation Number 22 of 2022 concerning Remedies.

Keywords: juridical; supervision; correctional

1 Introduction

The third amendment to the 1945 Constitution of the Republic of Indonesia in Article 1 paragraph (3) states that "the State of Indonesia is a state of law." The law stipulates what must be done and or what is allowed and what is prohibited.[1] The Indonesian legal system had known criminal law, i.e a system of rules that regulate all actions that should not be carried out (prohibited) accompanied by strict sanctions for each violator of these criminal rules as well as procedures that must be followed for those who are competent in their enforcement.[2]

The pattern of prisoner development is a way of treating prisoners desired by the correctional system to achieve the goal, namely so that after returning prisoners can behave as good members of society and are useful for themselves, society, and the state. Convict coaching also has the meaning of treating someone with the status of a prisoner to be built to rise to become a good person. So what must be cultivated is the character and character for prisoners to regain self-confidence and develop a sense of responsibility and social functioning in order to adapt to society.

Correctional development programs require support and participation from the community. The assistance can be seen from the positive attitude of the community which can be implemented with the following system:

- a. shelter.

Protection is behavior towards inmates in the context of protecting the community from the possibility of repeating crimes by inmates, as well as providing life provisions for prisoners in prison so that they become worthwhile citizens in society.

- b. Equality of Treatment and Service.
Uniformity of treatment and administration is the arrangement of similar treatment and administrations to detainees without segregation.
- c. Education.
Instruction is that the supplier of schooling and direction is done in view of Pancasila, including the development of a family soul, abilities, otherworldly training, and chances to perform love.
- d. Respect for Human Dignity and Dignity.
Regard for human nobility is that as individuals who are lost, restorative detainees should in any case be required as people.
- e. Losing Independence.
Loss of freedom is the possibly enduring assuming that the jail detainees should be in the Remedial Foundation for a specific period so they have the full an open door to further develop it. While in Remedial Establishments (detainees actually get their different privileges like people, at the end of the day, their social liberties are as yet safeguarded, for example, the option to get treatment, wellbeing, food, drink, clothing, bedding, exercise, sports, or diversion).
- f. Guaranteed the right to keep in touch with a particular family or person.
The assurance of the option to stay in contact with specific families or individuals is that remedial detainees are in the Restorative Foundation, yet should in any case be brought nearer and acquainted with the local area and may not be excluded by the local area, remembering connecting with the local area for the type of visits, diversion to the Restorative Establishment from free citizenry, in the potential chance to assemble with loved ones, for example, an excursion program to see family.

Furthermore, correctional development is regulated in Article 35 of Law Number 22 of 2022 concerning Corrections, as follows:

Article 35

- (1) Guidance for prisoners is carried out by prisons.
- (2) Prisons as referred to in paragraph (1) are established in districts/cities.

Article 36

- (1) Implementation of the Guidance of Convicts as referred to in Article 35 paragraph (1) includes:
 - a. reception of prisoners;
 - b. placement of prisoners;
 - c. implementation of Convict Guidance;
 - d. expulsion of prisoners; and
 - e. prisoner release.

Article 37

For the sake of security, guidance, and/or the purposes of the judicial process, prisoners may be transferred.

Article 38

Based on the results of Litmas, prisoners are given guidance in the form of:

- a. personality development; and

b. independence development.

Article 39

- (1) The development of independence as referred to in Article 38 letter b can be increased into activities to produce goods and services that have benefits and added value.
- (2) The results of the guidance as referred to in paragraph (1) shall become a source of non-tax state revenue by the provisions of the legislation.

Direction endeavors are a significant consider the course of the remedial framework which is focused on the self-awareness of detainees with the goal that they don't rehash criminal demonstrations and submit to material lawful guidelines. Other than that, it likewise cultivates connections among detainees and the local area so later they can be free and acknowledged as a local area individuals. Without great management, there will find actual success instructing process. Management is expected to accomplish the capabilities and goals of restorative self-improvement.

2 Problem

The problem in this paper is about how the Supervision Tasks in the Implementation of Correctional Functions in the Perspective of Law No. 22 of 2022 concerning Corrections.

3 Method and Approach

Method

The method used in writing the applied paper is the descriptive analytical method, namely by using data that clearly describes the problems directly in the field. Then the analysis is carried out and concluded to reach a problem resolution. The method of collecting data is through observation and literature study to obtain problem-solving in the preparation of this paper.

Approach

The normative juridical approach is the method used to examine the problem from a legal and systematic perspective, and as a guide to legal rules, standards, or other legitimate guidelines that apply to the execution of the Management Undertaking in the Execution of Restorative Capabilities in the Point of view of the Law Number 22 of 2022 concerning Redresses.

4 Discussion

Duties and Functions of Community Counselors

Community Counselors are Correctional Officers who carry out Litmas, assistance, guidance, and supervision of Clients, both inside and outside the criminal justice process. The functions and duties of the Community Counselor are regulated in several articles as follows:

Article 55

- (1) Community Guidance for Clients is carried out by the Fathers.
- (2) The Bapas as referred to in paragraph (1) shall be established in a regency/city.

Article 56

- (1) Implementation of Community Guidance includes:
 - a. accompaniment;
 - b. mentoring; and
 - c. supervision.
- (2) The implementation of Community Guidance as referred to in paragraph (1) is carried out through the following stages:
 - a. Client acceptance;
 - b. program delivery; and
 - c. termination.
- (3) The assistance as referred to in paragraph (1) letter a is used to fulfill the needs and protect rights in the judicial process from the pre-adjudication stage to the post-adjudication stage and further guidance.
- (4) The guidance as referred to in paragraph (1) letter b is used to provide provisions in improving the mental and spiritual quality, intellectuality, skills, and independence of the Client.
- (5) The supervision as referred to in paragraph (1) letter c is used to ensure the implementation of the stipulated requirements and programs.
- (6) The activities of mentoring, mentoring, and supervision as referred to in paragraph (3), paragraph (4), and paragraph (5) are carried out based on the Litmas result.
- (7) Litmas as referred to in paragraph (6) is prepared by the Community Advisor.

Article 57

The provisions regarding Community Guidance for Clients as referred to in Article 56 also apply to Clients who undergo the:

- a. criminal social work and criminal supervision for adults; and
- b. warning, criminal conditions, job training, and coaching in institutions for children.

Article 58

- (1) Client Guidance ends due to:
 - a. has finished undergoing a period of Community Guidance based on a court decision or a ministerial decision/head of the institution;
 - b. die; or
 - c. their Community Guidance is revoked for violating the requirements of Community Guidance.
- (2) The Head of the Correctional Institution is obliged to end the Client's Community Guidance as referred to in paragraph (1).

Article 59

Further provisions regarding the implementation of Community Guidance shall be regulated by a Government Regulation.

Supervision Tasks in the Implementation of Correctional Functions in the Perspective of Law Number 22 of 2022 concerning Corrections

The motivation behind cultivating detainees is firmly connected with the goals of the law enforcement framework. The law enforcement framework is a framework in the public eye

to manage wrongdoing, the motivation behind which is to re-mingle and restore hoodlums, control, and forestall wrongdoing and acknowledge local area government assistance. In acknowledging great character advancement, the cycle requires great oversight from related gatherings like Local area Advocates. Regulation Number 22 of 2022 concerning Adjustments, connected with the errand of management, is directed in a few articles as follows:

Article 88

- (1) Internal supervision of the implementation of the Correctional function is carried out by the minister/head of the institution.
- (2) External oversight of the remedial organization is done by a commission in the Place of Delegates of the Republic of Indonesia which handles the lawful field.
- (3) In completing the management as alluded to in passage (2), the commission will frame an administrative group.
- (4) Further arrangements in regards to the development of the administrative group as alluded to in section (3) will be controlled by a Guideline of the Place of Delegates of the Republic of Indonesia.

Based on a study on the importance of supervision of better correctional development in the future, with the hope that human rights are fulfilled and guaranteed. It is realized by changing the penitentiary system to be more humane by providing guidance and special services for children and vulnerable groups. This change in the correctional system is supported by the opening of public access who participates in submitting correctional program proposals, assisting in the implementation of correctional programs, guiding clients, and/or conducting research on correctional facilities.

Supervision of personality development can be obtained along with an increase in the quality of correctional officers, in this case, the Community Counselor, whose duty is to improve services in prisons or detention centers. In addition, by carrying out security activities correctional officers, both preventive measures as an effort to prevent and repressive measures as an effort to maintain security and order in prisons or detention centers, so that they can support the duties of other law enforcers such as the police and the prosecutor's office. With the success of fostering residents and clients, it is hoped that prisons will no longer be a place for "crime education" or add to problems for the community, but with a new coaching model that will produce productive correctional residents and clients who can play a better role in society.

Strengthening the professional capacity of Community Counselors continues to be carried out, with special priority on eliminating discriminatory practices and threats of violence which are an integral part of the program to increase the professionalism of correctional staff in supporting the success of the client's personality development program.

Referring to the provisions in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), the provisions that bind the elements of correctional facilities as a sub-criminal justice system include:

- a. detention (related to the function of the detention center) in Article 22;
- b. supervision and observation of court decisions (related to prisons) in Article 281-Article 282.

One of the court decisions in the scope of the crime is the confiscation of certain goods (Article 10 of the Criminal Code). Thus, the confiscation of certain goods as a result of court

decisions becomes the authority of the prison in managing them. It is a form of supervision pattern given to prisons and/or Community Counselors who are given the flexibility to develop a form of supervision to achieve a conducive situation that supports clients' personality development programs.

References

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- [3] Law Number 22 of 2022 concerning Corrections.
- [4] The Criminal Procedure Code (KUHAP).