

STRENGTHENING THE POSITION OF CORRECTIONAL FACILITIES IN THE INTEGRATED CRIMINAL JUSTICE SYSTEM THROUGH THE DETAINEE SERVICE FUNCTION

Riki Afrizal, Iwan Kurniawan, Fajar Wahyudi

Faculty of Law, Andalas University, Padang, Indonesia

Email: rikiafrizal@law.unand.ac.id

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ABSTRACT

Changes in the correctional facility system were marked by the passage of Law Number 22 of 2022 Concerning Correctional Institutions. One of the things that are regulated is regarding detainee services as the correctional function. This arrangement is of course interesting to analyze because so far correctional facilities have only been synonymous with fostering convicts, which is the final stage in the criminal justice system. Services for detainees at the detention center are related to the ongoing criminal justice process because legally the responsibility for detention is still on the law enforcement agencies that carry out the detention. This paper aims to analyze the relationship between the regulation of detainee services in the Correctional Law and the integrated criminal justice system in Indonesia. This study uses a normative juridical method with a statutory and conceptual approach, especially regarding the correctional system and integrated criminal justice system. The results of the discussion and analysis show that there are strict and clear arrangements regarding the administration of detainee services as a function of a correctional facility. This is a form of legal certainty and at the same time affirms the existence of correctional facilities as an integrated criminal justice subsystem. As part of the criminal justice system, correctional facilities do not only work at the end of a series of criminal justice processes through the function of fostering convicts and criminal children but also when the criminal justice process is in operation or progress.

Keywords: Strengthening; Correctional Facility; Criminal Justice System; Detainee Service

1. INTRODUCTION

Law Number 22 of 2022 Concerning Correctional Facilities (hereinafter shall be referred to as the Correctional Facility Law) has been ratified and promulgated as a substitute for the previous correctional facility law. This law change is an attempt to find a solution related to the dynamics surrounding the correctional facility system and the treatment of those who are serving a sentence of loss of independence. In addition, the amendment to the law is also in the context of implementing the principles of restorative justice in the currently developing criminal justice system. Practically, changes to the Correctional Facility Law, among others, depart from the idea that the main task of correctional institutions is related to the treatment of detainees, convicts, and correctional institutions' clients.

This new Correctional Institutions Law regulates many things that are different from Law Number 12 of 1995 Concerning Correctional Institutions (the previous Correctional Institutions Law). Some of these different substances include strengthening the position of correctional institutions in the integrated criminal justice system. In terms of the goals of the correctional system, there is an expansion in its scope. In terms of principles, there is a renewal of principles in the implementation of the correctional system. In addition, there are also correctional function arrangements consisting of service functions, coaching, community guidance, treatment, security, and observation as well as other related functions.

One of the interesting things to discuss and analyze among the various substances regulated in Correctional Law is related to the existence of arrangements for the provision of detainee services. The Correctional Law regulates the provision of services to detainees as one of the functions of correctional institutions. Strict and clear regulation in this law is of course one of the new things as an effort to improve and strengthen the previous Correctional Law.

In the previous Correctional Law, it was not explicitly and clearly regulated regarding the administration of services to detainees as a correctional function. The law only mentions or regulates the treatment of detainees as contained in Article 51 paragraphs (1) and (2) of Law Number 12 of 1995 concerning Corrections. The article also only refers to further arrangements regarding the administration of detainee care through Government Regulations and that is clearly not on the same level as the law hierarchically. Thus it can be said that the previous Correctional Law did not contain substance regarding the function of serving detainees. In fact, the institution that carries out the care and services for detainees is in practice carried out by the detention center (Rutan) which is part of the correctional facility.

Arrangements regarding detainees were later found to be regulated in several other laws and regulations. Concerning Detention Center as a place for treating detainees is regulated in Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code. Besides that, it is also contained in Government Regulation Number 58 of 1999 concerning Terms and Procedures for the Implementation of the Duties and Responsibilities of Detainee Care. Although it was not clearly regulated in the previous Correctional Law, the responsibility for managing detention centers and caring for detainees at detention centers is part of the duties of Corrections and lies with the Directorate General of Corrections of the Ministry of Law and Human Rights.

Talking about detainees is of course related to detention which is regulated by the provisions of the Criminal Procedure Code (Law No. 8 of 1981 Concerning Criminal Procedure Code or KUHAP). In the provisions of the Criminal Procedure Code, detention is the authority possessed by law enforcement for each level of examination (investigation, prosecution, and trial), so the service or treatment of these detainees can be carried out by each of these law enforcement agencies. Likewise with the place of detention, where each law enforcement institution has one in the event that there is no Detention Center.¹

Article 21 of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code stipulates that juridically the responsibility for detainees lies with the detaining official according to the level of investigation. The physical responsibility for the detainee rests with the head of the detention center. Services to detainees in Article 4 of the Correctional Law are regulated as one of the functions of the correctional institution as well as the function of fostering convicts and children, although they differ in terms of designation and place of implementation. Coaching is carried out for convicts and placed in Correctional Institutions (Lapas), while the detainee service function is carried out by Rutan. The implementation of detainee services in the law is contained in Chapter Three, Part One regarding detainee services starting from Article 19 to Article 27 of the Correctional Law. In addition to the provision of detainee services, many things related to detainees, including the rights and obligations of detainees, are strictly regulated in the law.

Regulations regarding the implementation of detainee services in the new Correctional Law will of course have an influence on and link to the regulations on the provision of detainee services which have been the basis and technical regulations regarding detainee services by Detention Centers. This is bearing in mind that on the one hand, the promulgation of this law is an effort to harmonize and harmonize the legal basis for the implementation of correctional duties with other relevant regulations.²

1 Yuliyanto, "Efektivitas Pelayanan Tahanan Menurut Undang-Undang Nomor 8 Tahun 1981 Tentang Hukum Acara Pidana," *Jurnal Penelitian Hukum De Jure* 18, no. 1 Tahun 2018 (2018): 105, <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/393>

2 Haryono, "Implikasi Perubahan Undang-Undang Pemasyarakatan Terhadap Perlakuan Tahanan, Anak Dan Warga Binaan Pemasyarakatan," *Jurnal Ilmiah Kebijakan Hukum* 15, no. 1 Tahun 2021 (2021): 18, https://ejournal.balitbangham.go.id/index.php/kebijakan/article/view/1512/pdf_1

Another thing that is also important in relation to the regulation of the provision of detainee services in the Correctional Law is the affirmation that correctional facilities are part of law enforcement and an integral part of the integrated criminal justice system. As explained in the General Elucidation of the Correctional Law that the implementation of correctional facilities is part of a system referred to as a correctional system which is an arrangement regarding directions and boundaries and methods for carrying out the functions of correctional facilities in an integrated manner between officers, detainees, children, inmates, and the community.

The existence of correctional function arrangements in which it regulates detainee services certainly shows that correctional institutions have a role in a series of criminal law enforcement processes or the criminal justice process itself. This is considering that the status of the detainee is something that is attached to someone who is still in the stage of an ongoing criminal investigation either as a suspect or a defendant. The detention of a suspect is against a person under investigation status and the detention of a defendant is against a person at the stage of prosecution or trial proceedings.

In the series of criminal justice processes, correctional facilities have only been seen as the estuary or end of the series of processes. It is also said that Correctional Institutions are the final part of the criminal justice system in an integral criminal justice system.³ Correctional facilities are often only understood as a place for executing criminal decisions in the form of imprisonment. Thus, the correctional facility is seen as only working after the series of criminal justice processes, starting from the investigation to the court trial, are completed. Through this role, it means that it has more to do with the correctional function as a place for coaching convicts. The existence of arrangements for the provision of detainee services as a correctional function in the new Correctional Law certainly has implications for the position of correctional institutions in the integrated criminal justice system.

Previous studies related to the problems that will be discussed in this study include Haryono's research article entitled "Implications of Changes to the Correctional Law on the Treatment of Detainees, Children, and Correctional Families" in the Balitbangham Journal Volume 15 No 1 of 2021 discusses more about implications of changes to the Correctional Law for all correctional functions and not specifically for detainees. Likewise in Yulianto's article entitled "Effectiveness of Detention Services According to Law Number 8 of 1981 Concerning Criminal Procedure Code" in the De Jure Research Journal, discusses detainee services but its relation is to regulation by the Criminal Procedure Code.

Based on the above, there is a novelty in this research. The change in the Correctional Law which substantially regulates the administration of detainee services certainly has an influence on the position of the correctional center as part of the integrated criminal justice system. Therefore, to discuss and analyze the legal issues, this paper discusses these issues in accordance with the title stated at the beginning of this paper. To limit the discussion of the problem in this paper, the formulation of the problem is stated as follows; how is the regulation of the provision of detainee services as a correctional function and what are the implications of regulating the function of detention services as a correctional function for the integrated criminal justice system?

2. METHOD

The research method used in discussing and analyzing this research is a normative juridical research method. The research was carried out by examining library materials or secondary data.⁴ The secondary data is obtained by conducting a review of library materials, including a review of statutory regulations and legal concepts or theories. The main laws and regulations reviewed are Law Number 22 of 2022 concerning Corrections and Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code. The thing that is reviewed and tested with the existing legal concept is related to the substance regarding the function of detainee services and then aspects regarding the treatment of detainees in the

3 Rugun Romaida Hutabarat, "Problematika Lembaga Pemasyarakatan Dalam Sistem Peradilan Pidana Terpadu," *Muara Ilmu Sosial, Humaniora, Dan Seni* 1, no. 1 April 2017 (2017): 46, <https://journal.untar.ac.id/index.php/jmishumsen/article/view/333>

4 Soerjono Soekanto & Sri Mamudji, *Penelitian Hukum Normatif : Suatu Tinjauan Singkat* (Jakarta: PT. RajaGrafindo Persada, 2010), 13

implementing regulations of the Criminal Procedure Code.

In normative legal research, there are usually several approaches used. The research approach used in this study is a statute approach and a conceptual approach. The statutory approach is carried out by examining all laws and regulations or regulations related to the issue being researched. The authors examine the implementation of detainee services as regulated in the Correctional Law and compare it with previous laws and other related regulations. The conceptual approach departs from views and doctrines in the science of law.⁵ The authors study and examine the theories of the correctional system and the concept of the criminal justice system and then use it as an analytical knife to discuss the research problems raised, especially regarding the implications of regulation regarding detainee services in the correctional law on the integrated criminal justice system.

This research data collection was carried out on secondary data or library materials in the form of Correctional Laws and other related regulations in order to obtain theoretical conceptions and opinions, conceptual thoughts in the form of correctional system concepts and criminal justice system theories obtained from legal materials in the form of books, journals, and other scientific works. Based on data collection through library materials, the data were analyzed qualitatively.

3. DISCUSSION

3.1. Arrangements for the Implementation of Detention Services as Correctional Functions

In 1963, Sahardjo first put forward the term correctional institution openly. In his speech, he stated that the purpose of imprisonment is correctional. This then becomes the basis for coaching for those who are sentenced and placed in Correctional Institutions.⁶ In relation to sentencing, in the beginning, the concept of correctional was actually born as a form of a shift in the function of punishment. Through correctional institutions, imprisonment shifts to the reintegration and resocialization of those who are serving the detainee sentence. Thus the aim of punishment in principle is not only to protect the public interest (society and rule of law) but also the interests of individuals, namely the convict himself. Imprisonment is not intended solely as a form of punishment for perpetrators of criminal acts.

By changing the paradigm of thinking related to the purpose of punishment, efforts to organize a correctional system are always associated with placing and treating those involved in crimes humanely and society on the other hand can be protected. Things that form the rationale for changing the correctional system are goals that will be carried out through a system called the correctional system.

Correctional institutions work is based on a system called the Correctional System. Within the correctional system, there are many parties involved, such as correctional institution/detention officers, detainees, children, inmates, and the community itself who work based on the method of carrying out correctional functions in an integrated manner. All parties involved work to achieve the goal of the correctional system. In Correctional Law, the functions of correctional institutions include service, coaching, social guidance, treatment, security, and observation.

In connection with this correctional function, as a part of the Correctional System, a service function is attached to those who are undergoing a period of detention besides this service function is also attached to children. The function of this service is strictly regulated in the new Correctional Law. As it is known that a detainee is a suspect (at the investigation stage) or a defendant (prosecution and trial process) who is undergoing a criminal justice process and is being held in a detention center. The detention center is one of the sub-systems of the Correctional System that is known to the public and works during the pre-trial period.⁷

5 Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 93

6 Sudarto, *Kapita Selektum Hukum Pidana*, Pertama (Bandung: PT Alumni, 2010), 73

7 Zakky Ikhsan Samad Eva Achjani Zulfa, Anugrah Rizki Akbari, *Perkembangan Sistem Pemidanaan Dan Sistem Pemasyarakatan* (Depok: Rajawali Pers, 2017), 65

The detention of a suspect or defendant is based on the provisions of the Criminal Procedure Code (KUHAP) where the authority to detain rests with competent institutions at every level such as investigators, public prosecutors, and judges. Thus the authority to make detention rests with that institution. According to Article 22 Paragraph (1) of the Criminal Procedure Code, the detention of a suspect or defendant is based on the type of detention in addition to other types of detention, namely house detention and city detention.

Detention in detention centers is often also referred to as detention in the true sense. It is said that because in fact the detention center does restrain the freedom of movement and activities and relates to the environment outside the place of detention. Not only restrictions on freedom but also visiting family or relatives is also limited and cannot be carried out at any time.

In the event that detainees are placed in Detention Centers, the provision of services and care for detainees is the responsibility of the Detention Center. Then based on Article 21 of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code, it is stated that the detention center is managed by the Department of Justice (Ministry of Law and Human Rights, especially the Directorate General of Corrections). Thus management responsibilities including service and care for detainees are in the detention center which is part of the correctional facility itself.

Detention is a form of deprivation of a person's freedom, in other words, detention is basically an act that limits a person's freedom of movement or independence. This gives an indication that detention is directly related to human values and human dignity. Therefore detention may only be carried out by an authorized official and the time period is set in a limitative manner in the Criminal Procedure Code.⁸

This arrangement shows that even though detainees are assumed to be those who are undergoing a criminal justice process because of the crimes they have committed, this does not mean that this is the basis for justifying the reduction of their human rights let alone the elimination of their human rights. There must be legal guarantees that protection of their rights can be obtained even in detention.

Violation of the rights of others from a legal perspective is also a form of violation. The rights of a person suspected of violating the law must be protected, respected, and fulfilled. In the context of law enforcement, as stated by Mardjono Reksodiputro that the main purpose of law enforcement is the occurrence of a fair law enforcement process (due process of law) in which the rights of suspects, defendants, and convicts are protected and considered part of the rights of Citizens are therefore part of human rights.⁹

The implementation of services for detainees is inseparable from efforts to guarantee and implement the rights of detainees. Various statutory regulations have also guaranteed efforts to protect the human rights of suspects or defendants in detention. This means that detention may not be carried out arbitrarily by the authorities.¹⁰ To avoid this, it is necessary to guarantee the rights of detainees in an underlying law.

The previous Correctional Law (UU No. 12 of 1995) did not regulate the rights of detainees. In the amendment to the correctional law through the current Correctional Law, this is regulated. The Correctional Law has strictly regulated the rights of detainees, namely:

- a. The right to worship according to their religion and belief;
- b. The right to receive physical and spiritual care;
- c. The right to education, teaching, and recreational activities, as well as opportunities to develop potential;
- d. The right to get proper health and food services;
- e. The right to obtain information services;
- f. Get counseling and legal assistance;

8 Ruslan Renggong, *Hukum Acara Pidana : Memahami Perlindungan HAM Dalam Proses Penahanan Di Indonesia* (Jakarta: Prenadamedia Group, 2014), 63

9 Chairul Idrah, "Penegakan Hukum Dan Perlindungan Hak-Hak Tahanan," *Jurnal Lex Specialis* Juli, no. 15 (2012): 2, http://jih.unbari.ac.id/index.php/LEX_SPECIALIST/article/view/24

10 Dwi Prasetyo & Ratna Herwati, "Tinjauan Sistem Peradilan Pidana Dalam Konteks Penegakan Hukum Dan Perlindungan Hak Asasi Manusia Terhadap Tersangka Di Indonesia," *Pembangunan Hukum Indonesia* 4, no. Nomor 3 (2022): 410, <https://ejournal2.undip.ac.id/index.php/jphi/article/view/14400/8034>

- g. The right to submit complaints or complaints;
- h. The right to obtain reading material and to participate in mass media broadcasts that are not prohibited;
- i. Receive humane treatment and be protected from acts of torture, exploitation, neglect, violence, and all actions that endanger the physical and mental;
- j. The right to get social services;
- k. Accept or refuse visits from family, advocates, companions, and the community.¹¹

The rights mentioned above are rights attached to detainees that are in accordance with the 1984 Convention Against Torture And Other Cruel, Inhuman, or Degrading Treatment or Punishment. The existence of these rights places detainees in an equal position before the law and guarantees that they will avoid all forms of arbitrary treatment.

The implementation of detainee service functions at detention centers based on Article 20 of the Correctional Law includes acceptance, placement, implementation of services, and release of detainees. The detainee service function for the first time is at the time of admission of detainees. Services at this stage include examining documents and the health conditions of detainees who will be placed in detention centers. Documents related to this detainee were obtained through the officials who detained him.

Government Regulation Number 27 of 1983 concerning Implementation of the Criminal Procedure Code Juncto Regulation of the Minister of Justice Number M.04.UM.01.06 of 1983 stipulates that detainees placed in detention centers are detainees who are still in the process of investigation, prosecution, and trial. All detainees are placed in detention centers without exception. The head of the detention center as the physical person in charge of the detainee takes the following steps:

- 1) Compile a list of detainees based on the level of examination and classification of detainees according to age and sex
- 2) Examination of the identity and completeness of the detention order or judge's determination
- 3) Searching the detainee's body/or belongings
- 4) Compile a list of detainees every month and submit it to the Ministry of Law and Human Rights through the Director General of Corrections and a copy of which is submitted to the official in charge of juridical detention and the Head of the Regional Office of the Department of Law and Human Rights
- 5) Notify the detaining official regarding the detainee whose detention period is about to expire no later than 10 (ten) days before the detention period or extension of detention ends.¹²

After completion of acceptance, detainees will be placed in the detention center. Placement of detainees in detention centers is carried out separately based on age and sex or placement based on other reasons in accordance with risk assessment and other placement needs. Other reasons referred to include the need for detainee services, the risk of escape, the risk of harm to others, and the detainee's mental, physical, and psychological health.

Regarding the placement of detainees in Correctional Law, it is slightly different from Article 19 paragraph (2) of Government Regulation Number 27 of 1983 concerning the implementation of the Criminal Procedure Code. The Government Regulation stipulates that places of detention are separated based on gender, age, and level of examination. The criteria for the placement of detainees are even more complex when referring to Government Regulation Number 58 of 1999 concerning Requirements and Procedures for the Implementation of the Authority, Duties, and Responsibilities of the Care of Detainees. Article 7 of the Government Regulation states that the placement of detainees is based on age classification, sex, type of crime, level of examination of cases, and for certain purposes in accordance with needs and developments.

The next implementation of detainee services is regarding the release of detainees. In certain cases, detainees can be released from the detention center for certain purposes as stipulated in the Correctional Law. The interests referred to in general can be grouped into the detainee's personal interests, as well as the interests of the examination. The mechanism for releasing detainees at the detention center, where detainees can be

11 Pasal 7, Undang-Undang Republik Indonesia Nomor 22 Tahun 2022 Tentang Pemasyarakatan

12 Renggong, *Hukum Acara Pidana : Memahami Perlindungan HAM Dalam Proses Penahanan Di Indonesia*, 82.

released in the form of fixed expenditure, temporary expenditure, and expenditure by law. In the event that the judicial process against the defendant has been completed or dies, then the detainee is subject to permanent expulsion. This means that the detainees have been sentenced. If the decision is in the form of a sentence (imprisonment sentence), and the time for serving it after deducting the detention period still needs to be served, then the detainee or convict will then undergo coaching at the Correctional Institution.

The temporary release can be made at the request of the detaining agency, but in an emergency, situation detainees can be released by notifying the detaining agency which is carried out by the head of the detention center. Expenditures for temporary detainees at the request of the detaining agency, among others, due to health care for sick detainees, the reconstruction of cases currently being processed, attending court hearings, becoming marriage guardians and/or attending lawful child marriages, dividing the inheritance, and implementing detainee services. Meanwhile, what is meant by the expulsion of detainees in emergency conditions is in the case of detainees who are seriously ill, give birth, fire, riots, natural disasters, and other emergency conditions which are determined based on the assessment of the head of the detention center.

For suspects or defendants who have expired their detention period or have expired their detention extension period, it is mandatory to be released from the detention center. These expenditures are obligatory by law to be carried out by the head of the detention center after the detention period ends and before changing to the next day.

The existence of clear arrangements regarding the provision of these services through the Correctional Law indicates that there is legal certainty regarding the obligations of correctional institutions through the detention center to carry out their duties and authorities. The new Correctional Law regulates clearly and comprehensively regarding detainees and their rights and obligations, not only in terms of service but also treatment. Similar to Correctional Institutions, Temporary Child Placement Institutions (*Lembaga Penempatan Anak Sementara* – LPAS), and Child Special Development Institute (*Lembaga Pembinaan Khusus Anak* – LPKA), the Detention Center in carrying out its service function also provides and takes care of detainees. Treatment of detainees includes health care, rehabilitation, and fulfillment of basic needs. Treatment of detainees is a correctional function that is also attached to detainees because both are related to the treatment of detainees in detention centers.

Health maintenance includes health education and disease prevention, basic health care, vulnerable groups, communicable diseases, mental illness, palliative, environment and sanitation, and referral care. Treatment in the form of rehabilitation is related to efforts to prevent and eradicate criminal acts related to narcotics which are carried out in accordance with the provisions. Treatment of detainees regarding basic needs includes meeting the needs of drinking water, nutritious and proper food, clean water, body, and environmental hygiene equipment, clothing, special equipment for women and babies, and sleeping equipment.

The implementation of the detainee service function including treatment is part of the effort to guarantee and realize the rights that have been clearly regulated in the Correctional Law. The implementation of the detainee service function as part of the correctional system is one of the objectives of the correctional system itself, namely to provide guarantees for the protection of the rights of detainees as contained in Article 2 letter a of the Correctional Law.

The purpose of protecting detainees which is the goal of the correctional system is a form of renewal within the correctional system itself. Besides showing that the implementation of correctional institutions prioritizes the protection of human rights, it also emphasizes that correctional facilities are an integral part of the criminal justice system in Indonesia.

3.2. Implications for regulating the function of detainee services as a correctional function for the integrated criminal justice system

Correctional is one of the subsystems of criminal justice. As an integrated criminal justice subsystem, correctional institutions carry out law enforcement in the field of treatment of detainees, children, and convicts both in the pre-trial, adjudication, and post-adjudication stages. The operation of a correctional institution with its own system known as a correctional system is basically in order to achieve the common goals of an integrated criminal justice system that places correctional facilities within it.

As a sub-system, the functions carried out by the correctional center show the essence of the criminal justice system, where it is said that the criminal justice system is closely related to the law enforcement system. This is because the criminal justice process is rooted in a process of upholding the law.¹³ Corrections in this case take part as a sub-system that plays a role in the implementation of sentencing decisions.

Correctional institutions as the most well-known institution are part of the government (executive) institution which carries out a series of law enforcement functions as the implementation of crimes. Correctional Institutions carry out crimes handed down by court judges in the form of sentencing decisions, especially in the form of imprisonment. The implementation of imprisonment in the correctional system is related to the purpose of sentencing. The Correctional Institution thus determines the policy of executing the crime, in accordance with the established system.¹⁴

The criminal justice system is also said to be a law enforcement system in an effort to tackle crime. As the normative approach in the criminal justice system views elements of the law enforcement apparatus including correctional institutions as implementing institutions of applicable laws and regulations so that they are only part of the law enforcement system.¹⁵

The criminal justice system itself is divided into 3 (three) stages, namely the pre-trial stage, the trial stage, and the post or post-trial stage. In its mechanism, the criminal justice system requires cooperation as a system. Cooperation between sub-criminal justice systems is intended so that the criminal justice system itself runs well. The four sub-systems of criminal justice (police, prosecutors, courts, and correctional institutions) have different tasks according to the provisions of the criminal procedure law and based on their sectoral legislation. Even though they are different, they work to achieve the same goal and have a very close relationship. Consequently, if one of the sub-systems does not carry out its duties and authorities properly, it will affect the system as a whole.¹⁶

The criminal justice system is said to be a system because it consists of components or institutions, each of which has the authority and duties according to its field. Although divided into components, the whole works together to achieve the same goal.¹⁷ The objectives of the criminal justice system according to Mardjono Reksodiputro are:

- a. Prevent people from becoming victims of crime;
- b. Resolving criminal cases that have occurred so that the community is satisfied that justice has been upheld and the guilty have been punished;

13 Nyoman Serikat Jaya Putra Appludnopsandi, Hari Sutra Disemadi, "Reformasi Sistem Peradilan Pidana Indonesia Berwawasan Pancasila," *Kertha Wicaksana* 15, no. 1 (2021): 3, <https://doi.org/10.22225/kw.15.1.2021.1-10>.

14 Pujiyono, "REKONSTRUKSI SISTEM PERADILAN PIDANA INDONESIA DALAM PERSPEKTIF KEMANDIRIAN KEKUASAAN KEHAKIMAN," *Masalah-Masalah Hukum* 41, no. 1 (2012): 123, <https://ejournal.undip.ac.id/index.php/mmh/article/view/4167/21923>

15 Tolib Effendi, *Sistem Peradilan Pidana Perbandingan Komponen Dan Proses Peradilan Pidana Di Beberapa Negara* (Yogyakarta: Penerbit Pustaka Yustisia, 2013), 21.

16 Ismail Pettanase, "PEMBINAAN NARAPIDANA DALAM SISTEM PEMASYARAKATAN," *Solusi* 17, no. 1 (2019): 58–59, <https://jurnal.unpal.ac.id/index.php/solusi/article/view/151>.

17 Riki Afrizal, "PENGUATAN SISTEM PERADILAN PIDANA MELALUI KEWAJIBAN PENYAMPAIAN SURAT PEMBERITAHUAN DIMULAINYA PENYIDIKAN : Kajian Putusan Mahkamah Konstitusi Nomor 130/PUU-XIII/2015," *Jurnal Yudisial* 13, no. 3 Desember 2020 (2021): 395, <https://doi.org/10.29123/jy.v13i3.386>

c. Ensure that those who have committed crimes do not repeat their crimes.¹⁸

The objectives of the criminal justice system mentioned above are in line with the objectives of the Correctional System. The purpose of correctional as regulated in Article 2 of the Correctional Law states that the purpose of correctional is:

- a) Provide guarantees for the protection of the rights of detainees and children;
- b) Improving the quality of personality and independence of the inmates so that they are aware of mistakes, improve themselves, and not repeat criminal acts so that they can be accepted again by the community, can live normally as good citizens, obey the law, are responsible, and can play an active role in the development;
- c) Provide protection to the public from the repetition of criminal acts.

With this goal, it is very appropriate to say that correctional facilities are one of the components that work to achieve the goals of the criminal justice system.

Looking at the position of correctional institutions as part of the criminal justice system, previously so far this has only been seen in the work of prisons in providing guidance to detainees. This can be seen in the substance of the previous Correctional Law which regulated more on aspects of fostering convicts and criminal children. With this arrangement, it means that the position of the correctional facility is only at the end of the criminal justice process in order to realize the ultimate goal of the criminal justice system in the form of rehabilitation and resocialization of law offenders.¹⁹ Another opinion also says that correctional is the last component in the criminal justice system as well as in the criminal justice process.²⁰ This is true if the context of the problem in question is related to the function of fostering convicts.

Talking about correctional institutions in the context of the above regarding their existence in the criminal justice system, it can be said that it has an important function in determining the goals built by the criminal justice system, especially coaching convicts to become good human beings after they return to society. As the last component in the criminal justice system as well as in the criminal justice process itself, the work of the correctional facility is to support the goals of the criminal justice system itself. Here it has been seen how the position of the penitentiary through Correctional Institutions is very important in the integrated criminal justice system. In line with efforts to improve and perfect the penitentiary system in Indonesia, the existence of penitentiaries as a component of the criminal justice system is increasingly visible, not only in the aspect of fostering convicts but also has a more important role relating to the ongoing or working of the criminal justice process through efforts to achieve justice. in criminal law enforcement. Corrections through detention centers seek to ensure that a series of criminal justice processes in terms of law enforcement actually runs without any violation of human rights, especially those of criminals who are serving a period of detention.

An advance in the current new Correctional Law, which not only regulates the function of coaching but also regulates detainee services as a correctional function and this is regulated comprehensively in the law. Regulating the provision of detainee services as a correctional function shows that there is already legal certainty regarding correctional institutions which have had a role since the beginning of the criminal justice process through services to those who are currently carrying out the criminal justice process both in status as suspects and defendants in the event that they carry out detention in detention centers.

The provision of services to detainees by the Detention Center at the same time will also be related to the detention authority possessed by other components of the criminal justice system. In the event that a detainee is a suspect in an investigation process, then there is the authority of the Police investigator. Likewise, if the defendant is in the custody of the public prosecutor and the trial, there is authority from the components of the public prosecutor and the judge of the court there. Thus, it is necessary to have cooperation and coordination between these institutions. Juridical detention authority rests with law enforcement agencies which have the

18 H.R.Abdussalam & Adri Desasfuryanto, *Sistem Peradilan Pidana*, Ketiga (Jakarta: PTIK, 2012), 4.

19 Mahmud Mulyadi, *Pokok-Pokok Pikiran Penguatan Pemasyarakatan Dalam Sistem Peradilan Pidana Terpadu Melalui Revisi KUHAP*, ed. Lollong M Awu Gatot Goei (Jakarta: Center For Detention Studies, 2019), 32.

20 Effendi, *Sistem Peradilan Pidana Perbandingan Komponen Dan Proses Peradilan Pidana Di Beberapa Negara*, 163

authority to carry out detentions and physical responsibility for detainees is the duty and authority of the Detention Center. In the context of the criminal justice system, this is what Mardjono says is integration in an integrated criminal justice system. Muladi also refers to the terms of synchronization and harmony.²¹

Alignment or synchronization in the criminal justice system in this context can take the form of coordination between the detention center and other law enforcement agencies or detaining agencies (Strutural Synchronization). This coordination has existed from the reception of detainees to the release of detainees. At the time of acceptance of detainees, of course, through the stages of surrendering suspects or defendants who are detained by law enforcement agencies who hold that the validity of the documents is one of the stages that is carried out between the officers of the law enforcement agencies who hold them and the detention center. At this stage, coordination concerns the handover of detainees. Since the handover of detainees was carried out, the function of serving and caring for detainees was then attached to the detention center. Furthermore, coordination between the detention center and the law enforcement agencies carrying out the detention can also be seen at the time the temporary detainees were released. Detention centers may not release temporary detainees without a request from the agency authorized to detain them. This also includes, for example, the transfer of detainees by the detention center must obtain permission from the competent authority.

In addition to this form of coordination and cooperation, the provision of detainee services in the context of fulfilling the rights of detainees by the Detention Center is also a concrete manifestation of the role of Corrections in achieving the goals of the criminal justice system and creating a law enforcement system that upholds human values. The criminal justice system as a process of upholding the law carried out by the detention center must of course be supported by the commitment of its institutions to uphold human rights and strengthened by being regulated in law as a form of legal certainty. In another sense, an integrated criminal justice system is precisely a system that is able to maintain a balance in the protection of interests, both the interests of society and individual interests and the interests of perpetrators and victims of criminal acts are no exception.²² To realize this, the Correctional Law also regulates the rights of detainees.

It can be said that the amendment to the Correctional Law is a strengthening as well as an affirmation of the existence of correctional facilities as part of an integrated criminal justice system. Correctional institutions through the existence of an institution (Detention Center) as a detainee service provider shows that correctional facilities have been working since the beginning of the criminal justice process. Thus correctional facilities as part of the criminal justice system do not only concern the function of fostering convicts which are carried out through the Detainee function which is understood as the estuary of the criminal justice process, but through Detention Centers it is also a part that strengthens the operation of the criminal justice system from the start of the process.

4. CONCLUSION

The detainee service function is one of the correctional functions regulated in the Correctional Law. This is regulated clearly and unequivocally so that the function of correctional facilities is not only related to the development of convicts and juvenile offenders as contained in the previous Correctional Law but also the services of detainees by the Rutan as its institution. When linked to the goals of the correctional system, this function strengthens the goals of the Correctional System, especially in protecting the rights of detainees who are an important part of the law enforcement process.

The function of detainee services also confirms and strengthens the position of correctional institutions within the criminal justice system. The regulation of the detainee service function shows that correctional facilities through the detention center as an institution were already working during the criminal justice process. This is a form of support in the form of strengthening the functioning of the integrated criminal justice system in achieving its goals.

21 Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer*, Ke 3 (Jakarta: Kencana Prenada Media Group, 2013), 3–5

22 Samud Nursyamsudin, “SISTEM PERADILAN PIDANA TERADU (INTEGRATED CRIMINAL JUSTICE SYSTEM) MENURUT KUHAP,” *Mahkamah: Jurnal Kajian Hukum Islam* 7, no. 1 (2022): 159, <https://www.syekhnurjati.ac.id/jurnal/index.php/mahkamah/article/view/10413/4347>.

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