



## CORRECTIONS (PEMASYARAKATAN) AFTER LAW NUMBER 22 OF 2022: NEW PRINCIPLES AND POLICY IDENTIFICATION REGARDING THE FUNCTIONS OF PROBATION AND PAROLE OFFICES

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### Abstract

The enactment of Law Number 22 of 2022 concerning Corrections (Pemasyarakatan), which replaces the previous Law Number 12 of 1995, significantly changes the implementation of Correctional functions, mainly the functions carried out by Probation and Parole Offices. If in the 1995 Law Corrections is only referred to as the final part of the Criminal Justice System, the new Law emphasizes the position of Corrections which are more integrated with the entire criminal justice process, so that Correctional functions are carried out at the pre-adjudication, adjudication, and post-adjudication stages. This amendment to the law is also interesting to be studied conceptually, especially to find out what principles are contained in it that form the basis for implementing the functions of Corrections. In line with this, it is also essential to identify what kind of policy changes should be carried out regarding the functions of Probation and Parole Offices in the future with the existence of new principles and differences of provisions in terms of the implementation of corrections functions. By using conceptual analysis methods, particularly policy detection analysis, which is technically carried out in two stages; first, the analysis stage of the content of the law and second, the theoretical coherence analysis stage, this paper comes to two conclusions. First, this paper finds an affirmation of new principles in Law Number 22 of 2022, namely the principle of restorative reintegration, the principle of evidence-based treatments, the principle of individualization, the principle of continuity, and the principle of collaboration. Second, this paper identifies 5 (five) policy changes that need to be made regarding the function of the Probation and Parole Office according to those principles. The policies that must be implemented can be divided into three groups—first, the need for further operationalization of the restorative reintegration concept described by this law. Second, the need for reformulation of various instruments needed in implementing functions, especially social inquiry reports. Third, the need for facilitative strengthening, especially the quantity and quality of probation and parole officers and other facilitative supports.

**Keywords:** restorative-reintegration; evidence-based; individualization; continuity; collaborative

## INTRODUCTION

### Background

Law on Corrections number 12 of 1995 (from now on referred to as the 1995 Law) has finally changed to Law Number 22 of 2022 (from now on referred to as the 2022 Law). A change was awaited due to the gap between existing practices and the provisions of the 1995 Law. The 1995 Law could no longer explain the complex function of corrections.

Global developments in the treatment of detainees, prisoners, and clients are other factors in assessing the relative lag of Indonesian corrections. In the Norwegian context, the implementation of punishment must be oriented towards creating community security<sup>1</sup>; in the United States, the importance of risk-need and responsiveness principles in prisoner re-entry programs is emphasized, which is considered to reduce recidivism,<sup>2</sup> in line with the principle of evidence-based practice.<sup>3</sup> Likewise, the tendency of the Criminal Justice System towards restorative justice is because it is considered capable of reducing recidivism.<sup>4</sup>

The enactment of the 2022 Law shows the tendency of Corrections to adjust to some of these previous developments. This is demonstrated by the efforts of this law to address several issues found in implementing Corrections based on the 1995 law. Three gaps were identified in implementing the

corrections functions based on the old Law.

First, the gap between the goals in practice and the goals in the law. In the 1995 Law, it is emphasized that the goal of Indonesian corrections is the restoration of life and livelihood relationships between prisoners and their communities, referred to as the goal of social reintegration.<sup>5</sup> However, in practice, Indonesian Corrections have implemented attempts that lead to restorative justice, both in the treatment by the Correctional Institutions (*Lapas*) and the social guidance function by the Probation and Parole Offices (*Bapas*). This gap is increasingly visible with the issuance of Law Number 11 of 2012 on the Juvenile Justice System (from now on referred to as SPPA). This law stipulates the role of Corrections, especially Probation and Parole Offices, in achieving restorative justice, together with other law enforcement institutions.<sup>6</sup> It is ultimately understandable why in the 2022 Law, restorative justice is emphasized as a concept that is also strengthened by Indonesian Corrections.

The concept of social reintegration, which was formulated as the goal of the Indonesian Corrections at the Conference on Corrections in Lembang in 1964 (from now on referred to as the Lembang Conference), has signaled the existence of the purpose of social restoration, namely the restoration of relations between prisoners/clients and society. The restoration, in this case, includes improving the prisoner's condition by making them understand the impact of the crime they committed and committing to improving their behavior so that they no longer endanger the community.

1 Norwegian Ministry of Justice and the Police, "Punishment That Works -Less Crime- A Safe Society," *Federal Sentencing Reporter* 31 No.1 (October 2018): 52-57.

2 Cheryl Lero Jonson and Francis T Cullen, "Prisoner Reentry Programs," *Crime and Justice* 44 No.1 (September 2015): 517-575.

3 J. Richard Couzens, "Realignment and Evidence-Based Practice A New Era in Sentencing California Felonies," *Federal Sentencing Reporter* 25 No.4 (April 2013): 217-219.

4 Judy C Tsui, "Breaking Free of the Prison Paradigm: Integrating Restorative Justice Techniques Into Chicago's Juvenile Justice System," *The Journal of Criminal Law and Criminology* 104 No.3 (Summer 2014): 635-666.

5 The purpose of the relationship of life in this case is a person's social relationship with the community. While the livelihood relationship means economic activities carried out by a person in the community

6 Yul Ernis, "Diversi Dan Keadilan Restoratif Dalam Penyelesaian Perkara Tindak Pidana Anak Di Indonesia.," *Jurnal Ilmiah Kebijakan Hukum* 10 no.2 (July 2016): 163-175.

From the community side, the concept of restoration is understood as an openness to be involved in the reintegration of prisoners. Not only in the form of willingness to accept back but understanding that the causes of crime are also present in the community so that efforts to prevent reoffending are also the responsibility of the community, not only correctional institutions. Indonesia itself has great potential to develop restorative justice with the existence of laws in the community.<sup>7</sup>

Second, the gap between the position of Corrections in the Criminal Justice System according to the provisions of the law and the existing work based on the functions carried out. In the 1995 Law, Corrections are emphasized only as the final part of the Criminal Justice System, so it is only understood as a Correctional Institution (Lapas). Whereas institutionally, from the functions carried out, Corrections have played a role since the pre-adjudication stage through the service function for detainees by the State Detention Center<sup>8</sup>, guidance and assistance of juveniles in the diversion process, as well as at the adjudication stage through the part of social inquiry report as a consideration for judges in deciding juvenile's cases<sup>9</sup>. The 2022 Law amended the provisions of the previous law by emphasizing that Corrections is part of the Integrated Criminal Justice System which organizes functions at the pre-adjudication, adjudication, and post-adjudication stages.

Third, related to the previous explanations, there is also a gap between the functions implemented and the functions stipulated in the law. Detention services,

juvenile assistance, and provision of social inquiry reports for juvenile courts have become Corrections functions even though no provision in the 1995 Law. Provision on detention is held in the Criminal Procedure Code (KUHAP), more specifically in Government Regulation (PP) Number 27 of 1983 on the Implementation of Criminal Procedure Code (KUHAP). State Detention Center (Rutan) owns physical authority in detention as a correctional unit that provides services to detainees. Meanwhile, the juridical power of detention lies with investigators, public prosecutors, and judges.

This is also the case with the function of Corrections in the restorative justice process. The 1995 Law does not include the role of corrections in diversion and restorative justice for juveniles, while the Juvenile Justice System Law (SPPA) emphasizes assisting juveniles by Probation and Parole Officers in the judicial process, including their role in diversion and restorative justice efforts.

As a result of the changes to the law, Corrections will need to make several adjustments to the concepts and functions outlined in the new law. Some changes will be long-term, but others will need to be made in the short term.

The functions of the Probation and Parole Offices deserve attention as they fall under short-term changes. Some of these functions are already carried out at the pre-adjudication and adjudication stages under the SPPA Law, although they are no provisions in the 1995 Correctional Law. However, the functions of assistance, guidance, and the preparation of social inquiry reports, all three of which are carried out by the Probation and Parole Offices, have been expanded under the 2022 Law.

Assistance and social inquiry reports, to name just a few of the many aspects, which have only been carried out for children under the SPPA Law, are also carried out for

7 Said Noor Prasetyo Tongat, Nu'man Aunuh, and Yaris Adhial Fajrin, "Hukum Yang Hidup Dalam Masyarakat Dalam Pembaharuan Hukum Pidana Nasional," *Jurnal Konstitusi* 17 No.1 (March 2020): 157–177.

8 Article 21 Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code.

9 Article 14 and Article 60 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

adult clients under the new Law. Whether the assistance function for adult clients will be carried out with the same model as that for juveniles will be an essential question. A similar question in relation to the social inquiry report for adult clients at the pre-adjudication and adjudication stages. Will it use the same instruments as the social inquiry report for a juvenile carried out under the SPPA Law or not?

In addition to the need for further explanation of the development of the function of the Probation and Parole Offices, the conceptual strengthening carried out by the 2022 Law also requires further elaboration. Especially regarding the concept of restorative justice. Some of the issues that arise are how this concept is translated into future correctional policies, especially about the role of the Probation and Parole Offices in it. Whether the model that has been carried out under the SPPA Law will also be carried out for adult clients. Identifying restorative justice implementation models in corrections is essential because there are still differences in the understanding of restorative justice itself.

The 2022 Law not only changes the implementation of the functions of Probation and Parole Offices but also the concept underlying the functions of corrections in general. Therefore, in addition to the importance of further identifying the policy changes that need to be made about the implementation of functions, mainly the functions of Probation and Parole Offices, it is also essential to recognize what new principles are contained in the 2022 Law. These principles will not only differentiate the current corrections and the Corrections regulated by the 1995 Law but also become the rationale backgrounds behind the need for future Corrections policy changes.

## Problem Formulation

Based on the background presented previously, two main problems are raised in this paper. First, what are the new principles contained in the 2022 Law? Second, what are the policies that need to be carried out by Indonesia Corrections in terms of Probation and Parole Offices functions?

Observing the provisions stipulated in the 2022 Correctional Law, these two problems can be seen at two levels: conceptual and technical. Conceptually, several provisions require further explanation. While technically, there is a need to identify the implementation model of the new provisions, the required instrumentation, and other facilitative aspects in implementing the Probation and Parole Offices function.

## Objectives

The first objective of this paper is to identify and explain the principles of the 2022 Law. The second objective is to identify future correctional policy changes as an implication of the 2022 law, especially in the functions carried out by the Probation and Parole Offices. The discussion is limited to issues related to the part of Probation and Parole Offices. This paper does not explain several linkages with other functions, such as serving detainees in the detention center, treating prisoners in prisons, health care, rehabilitation, and security.

In general, this paper aims to find principles in the contents of the law and how these principles become rational in policy development, especially those related to the function of Probation and Parole Offices.

## Methods

This paper used a conceptual analysis method to achieve these two objectives, particularly detection analysis.<sup>10</sup> The

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10 Milos Kosterec, "Methods of Conceptual Analysis," *Filozofia* 71 No.3 (2016): 221–222.

detection analysis technique identifies things that can explain a concept without modifying the idea itself. Therefore, detection analysis is an attempt to operationalize the concept. Detection analysis does not expand or reduce the scope of the concept.

Detection analysis in this paper is a process of interpretation through theoretical coherence by comparing the two contents of the law (1995 Law and 2022 Law), observing the corrections practice itself, and analyzing references or documents related to it. This paper detects through the interpretation of the theoretical concepts contained in the two laws and rules. To be able to see concepts, an understanding of theories becomes essential. The performance of the existence of certain concepts or principles is the result of a coherent process with relevant theories.

Conceptual Analysis can also be interpreted as a technique that defines the meaning of a concept precisely by identifying and determining what entities or phenomena are classified under the concept. This method aims to increase understanding of how concepts communicate ideas in a particular field.<sup>11</sup> In this paper, the central concept analyzed is the concept of corrections, which the 2022 Law explains. To clearly define this concept and understand how this concept is used, the identification of entities, phenomena, or symptoms, which are the operationalization of the concept, is carried out.

In addition, this paper is also a prospective policy analysis using a conceptual approach. According to Gilsinan, one of the tools that can be used in policy analysis is theoretical thoughts from various scientific disciplines.<sup>12</sup> The results of the conceptual study can

11 Jonathan Furner, "Conceptual Analysis: A Method for Understanding Information as Evidence, and Evidence as Informations," *Archival Science* 4 (2006): 233–234.

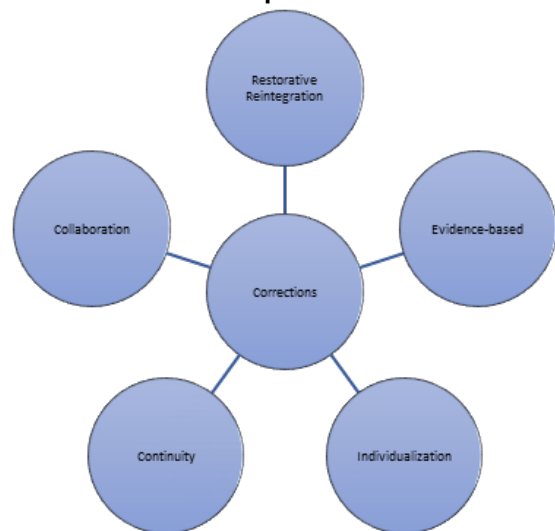
12 James Gilsinan, *Criminology and Public Policy: An Introduction* (New Jersey: Prentice Hall, 1990). p.11

be used to predict future policy models. In this paper, the policy models that will be developed depart from the new provisions in the 2022 law.

## DISCUSSION

Through conceptual analysis, particularly detection analysis, this paper identifies new principles in implementing the Corrections function based on the 2022 Law, namely; restorative reintegration principles, evidence-based principles, individualization principles, continuity principles, and collaboration principles (see Figure 1).

**Figure 1**  
**Correctional Principles in Law 22 of 2022**



Source: Compiled by the author

Of the 4 (four) principles identified, three are the result of conceptual interpretation or analysis of the regulated provisions, because, in the text of this new law, there is no mention at all of the three. Only 1 (one) principle is identified based on the explicit narrative in this law, namely the restorative reintegration principle.

Using the same method, this paper also identifies a strong tendency for the new law to strengthen the functions of Probation and Parole Offices and simultaneously emphasizes that corrections are a continuous

process. The principles identified are, in fact, very closely related to the tasks carried out by Probation and Parole Offices and ensure a sustainable approach. The functions of the Probation and Parole Offices unite the corrections as a continuous process.

### New Principles

The philosophy of punishment, sometimes called theory, goals, or perspectives, is a construction influenced by points of view or approaches and political dynamics. In the United States and Western Europe, the approach to punishment has historically been a fluctuating construction between punitive and humanitarian policies.<sup>13</sup> This trend impacts the prison population's size, especially if it leads to a punitive approach.

The emergence of the concept of the Indonesian correction (called *Pemasyarakatan*) in 1963/1964 was a shift from classical punitive philosophy, which tends to be retributive towards a humanist approach. The change from imprisonment to corrections in that period led the changes in criminal sentencing in Indonesia. Although the policy on corrections was formally regulated in law in 1995, between 1963 and 1995, policy dynamics showed Indonesia's desire to avoid the imprisonment model with a punitive concept. Since independence, efforts to change the goal of punishment from retaliation to resocialization have been carried out.

The first policy in the history of Indonesian prisons was the Policy Letter of the Ministry of Justice Number G.8/588, dated October 10, 1945. It emphasized three things; the need to pay attention to the health of the imprisoned, to provide work to change habits and to give all treatment based on humanity and justice.

13 Mugambi Jouet, "Mass Incarceration Paradigm Shift? Convergence in an Age of Divergence," *The Journal of Criminal Law and Criminology* 109 No.4 (2019): 703–768.

This policy was reaffirmed in 1951 at the First Prison Conference in Nusakambangan. Imprisonment is seen as both punishment and education. In 1960 it was also determined that the perspective on punishment was focused on the circumstances surrounding the individual's life, not only the individual being punished. The term 'narapidana' (correctional citizen) was also introduced this year.<sup>14</sup>

At the Lembang Bandung Conference in 1964, Indonesia Corrections was formulated more operationally. In addition to confirming that the goal of corrections is social reintegration, a correctional technical implementation model was also developed, ranging from organizational forms to industrial activities in prisons.

The 1995 Law formally affirms the goal of social reintegration. The same applies to the principles, such as the principle that the only suffering given to prisoners is the deprivation of freedom of movement. The rest are guaranteed and protected by their rights as human beings. However, as explained earlier, the concept of corrections in the 1995 Law is more associated with the function of treatment in prisons after someone is sentenced to imprisonment by the court. Article 1, paragraph 1 of the 1995 Law states that corrections are activities to the treatment of prisoners based on systems, institutions, and methods of treatment, which are the final part of the sentencing system in the Criminal Justice System. The 2022 Law later amended this provision. Article 1, paragraph 1 emphasizes that corrections are criminal justice subsystems that carry out law enforcement in treating detainees, juveniles, and correctional citizens.

The substance of the 2022 Law is to deal with the gap stated previously in the

14 Direktorat Jenderal Pemasyarakatan, *Sejarah Pemasyarakatan: Dari Kopenjaraan Ke Pemasyarakatan* (Jakarta: Ditjenpas Departemen Kehakiman, 1983). p.93

background. Besides reversing the point of view that the Corrections is no longer the last part of the Criminal Justice System, the 2022 Law confirms that the function of the Corrections has started from the pre-adjudication, adjudication, up to post-adjudication stages, through the role of the detention center, and especially the role of Probation and Parole Offices. The 2022 Law has also changed the goals of Corrections, not only into social reintegration but also to strengthen the efforts to achieve restorative justice. The following parts will explain more about those principles.

### 1. Restorative Reintegration

Since the Indonesia Correctional concepts were introduced, crimes have been seen as a conflict between the offender and the society. Therefore, punishment is a way of reintegration. From 1963/1964 until the emergence of the 1995 Law, then renewed by the 2022 Law, criminal sentencing (treatment functions) and other functions in Correctional Systems were dedicated to relationship recovery through the strengthening of life aspects (social relations) and livelihood (economic relations).

There were some periods when Corrections experienced a shift in conception toward rehabilitation way, which saw crimes as pathological behavior. These periods were called *Bina Tuna Warga* (citizen disabled treatment), which were signed with the change of Directorate General of Corrections to Directorate General of Citizen Disabled Treatment based on the Presidential Decree No 39 of 1969.<sup>15</sup> Crimes in the pathological concepts were counted as the same as diseases. Therefore the punishments were seen as therapeutic efforts. These rehabilitative Correctional conceptions lasted until 1975, with the reassignment to the Corrections.

The term restorative reintegration is an offer from this writing for the new formula of the Correctional's goals based on the latest law.<sup>16</sup> This offer was quite reasonable, judging from the concepts which the Corrections strengthened: social reintegration and restorative justice. In the general explanation of the 2022 Law, it is mentioned that besides strengthening the social reintegration concepts, Corrections also reinforces the restorative justice concepts as obeyed in the SPPA and the renewal of national criminal law. Based on this explanation, the future functions of Corrections are the relation recovery efforts not only between the detainees, juvenile, or the correctional citizen with its society but also concluded the loss recovery in a broad meaning which are caused by the crimes.

However, the understanding of restorative justice itself is various. Therefore it becomes an effort to create restorative justice models in Corrections. The 2022 Law recognized restorative justice concepts as they were obeyed in SPPA Law and the national criminal law renewal. According to article 1, paragraph 6, restorative justice is defined as the criminal settlement of cases by involving the offender, the victim, the both family, and other parties involved to find fair solutions together by emphasizing the re-recovery to the original state and not the revenge. The implementation of restorative justice in SPPA has a close connection with other rules about diversion in article 1, paragraph 7. Diversion is a shift in settling the juvenile's case from the criminal justice process to the outside of the formal process. Based on the provisions in SPPA, restorative justice is seen more as the effort of the criminal case settlement. If this is combined

15 Ibid. p.123

16 This offer has been the writer explained in the article "The Philosophy of Indonesian Pemasyarakatan and Its Paradoxes", Conference Proceeding, International Conference on Nusantara Philosophy, Fakultas Filsafat, Universitas Gadjah Mada, Yogyakarta, 10-11 November 2015.

with diversion, then restorative justice is the criminal case settlement conducted outside the Criminal Justice System.

Observing the concepts developed in various references, the understanding of restorative justice is broader than that. In Handbook on Restorative Justice Programmes,<sup>17</sup> restorative justice is defined as an approach that offers alternative ways to the offenders, victims, and community toward justice. It is conducted by promoting safe participation for the victims and encouraging responsibility and acceptance for the loss caused by the offender's actions. This is based on the understanding that crimes are not only against the law but also harmful to the victims and community. However, apart from the existence of a different perspective on restorative justice, the author point of view states that an urge from the Correctionals to strengthen restorative justice in the new Law is a progressive effort.

## 2. Evidence-Based

This emergence of evidence-based principle cannot be separated from the publication of the evaluation study conducted by Robert Martinson toward the implementation of treatment programs in a correctional system in 1974.<sup>18</sup> Martinson's evaluations found the gaps between the programs and the prisoners' needs. The inaccuracy created the treatment's failure by tendencies to recidivism.<sup>19</sup> Martinson used the term 'nothing works' to describe these gaps. Therefore, the movement toward the evidence-based was an effort to make the

treatments work effectively (what works)<sup>20</sup>, by finding what should have been the focus of the intervention. This principle is designated for the first time as recidivism prevention.<sup>21</sup> Not only for the intervention in prison, but also the intervention when doing the reintegration programs in the community.<sup>22</sup>

Evidence-based principles are generally known in policy programs, although significantly developed in the Criminal Justice System.<sup>23</sup> According to Cecelia Klingele, evidence-based principles at the beginning were dedicated to reducing the prison population and decreasing the cost of imprisonment<sup>24</sup>. In further development, these principles are more connected to the accuracy of the program in imprisonment with the prisoners' conditions. According to Alarid and Reichel, the evidence-based practice was first used in the criminal justice context in 2009. Although it has been used in the medical field (and mental health), education, and social work.<sup>25</sup>

In the implementation of Indonesia's Corrections functions, evidence-based principles basically have been known since the Corrections were explained at the 1964 Lembang Conference. According to Sumarsono<sup>26</sup>, the evidence-collecting efforts

17 United Nations Office on Drugs and Crime, *Handbook on Restorative Justices Programmes* (Vienna: United Nations, 2020). p.3  
 18 Robert Martinson, "What Works? Questions and Answer About Prison Reform," *The Public Interest* 35 (1974): 22–54.  
 19 Rick Sarre, "Beyond What Works? A 25 Year Jubilee Retrospective of Robert Martinson's Famous Article," *The Australian and New Zealand Journal of Criminology* 34 (1) (2001): 38–46.

20 Mary K Stohr and Anthony Walsh, *Corrections The Essentials* (Thousand Oaks: Sage Publications Inc, 2019). p 761.  
 21 Keesha M Middlemass and Calvin John Smiley, *Prisoner Reentry in the 21st Century: Critical Perspectives of Returning Home* (New York and London: Routledge, 2020). p 26  
 22 Edward J Latessa and Paul Smith, *Corrections in the Community*, 6th ed. (New York and London: Routledge, 2015). p 22  
 23 Patrick Lester, "Managing Toward Evidence: State-Level Evidence Based Policymaking and the Results First Initiative," *The Annals of the American Academy of Political and Social Sciences* 678 (2018): 93–102.  
 24 Cecelia Klingele, "The Promises and Perils of Evidence-Based Corrections," *Notre Dame Law Review* 91, no. 2 (2016): 537–584.  
 25 Leanne F Alarid and Philip L Reichel, *Corrections*, 3rd ed. (New York: Pearson, 2018). p 9.  
 26 Sumarsono A Karim, *Buku Materi Pokok Teknik*



later known as Social Inquiry have been conducted since 1958. The meeting treatise document of the Lembang Conference, especially in the part of Bahroedin Soerjobroto's ideas, explains the importance of the base for treatments. In the document, the efforts to find information that later will be based of treatments are called 'the submergence.'

Bahroedin mentioned the necessity of submergence before implementing the Correctional process (treatment), which is discovering all elements related to offenders background. Since the Corrections sees crimes more as events centered in life integration and livelihood, this submergence is done through their social environment and economy.

According to Bahroedin, this submergence must be done continuously during the Correctional process and used for increasing (treatment stages) so that the guidance of the Correctional Institutions is no longer needed. It means that the results of the research will determine the form and the stage of the treatment programs which the prisoners will experience. This includes whether the prisoners has reached the highest stage, a stage where the counseling is an automatic process done by the prisoners themselves. Bahroedin calls this highest stage the self-propelling readjustment or the ability to adjust themselves in the community.

The importance of this inquiry for every stage of the Correctional process is re-emphasized in 1974 through the explanation of the Corrections as the Process.<sup>27</sup> In this term, the Corrections are comprehended as the evolutionary processes which are done step by step. When the prisoner enter the

Correctional Institution for the first time, it is better to recognize and know first the reasons for committing the crimes and other matters related to him. The term submergence, or the effort to recognize and understand, is finally called Social Inquiry Report (*Litmas*). According to Sumarsono, the term *Litmas* was first used in 1976.<sup>28</sup>

In 2018, the importance of evidence-based Correctional was confirmed more detail in the Minister of Law and Human Rights (Permenkumham) Decree Number 35 of 2018 about the Revitalization of Correctional Implementations. In this regulation, the role of social inquiry report and assessment becomes critical in implementing Correctional functions. The goal is to increase the objectivity in assessing the changes in the detainees, prisoners, and clients' behaviors as the basis for implementing the detention service, the prisoner's treatment, and the clients guidance program.<sup>29</sup>

Substantively, the evidence-based provisions in Correctional Revitalization are further developed in the Correctional Law of 2022. Being developed in this context means provisions regarding social inquiry and assessment roles are being elaborated and delineated in their Correctional functions. One of the important breakthroughs in the new Law is the existence of social inquiry as intended for consideration in investigations, prosecutions, and courts. This is no longer limited to cases of children in conflict with the law, but now also includes adult offenders. Another breakthrough is the establishment of indicators to decrease prisoner risk levels in the provision of conditional rights, such as remission, assimilation, and reintegration. Therefore, even though it has been known

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*Pemasyarakatan: Metode Dan Teknik Penelitian Kemasyarakatan* (Depok: BPSDM, 2007). p. 16-17

27 It is explained in Regulation No KP.10.13/3/1 on 8 February 1974 about the Correctional as the Process.

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28 Karim, *Buku Materi Pokok Teknis Pemasyarakatan: Metode Dan Teknik Penelitian Kemasyarakatan*. p 17

29 Article 2 point b Regulation of the Minister of Law and Human Rights Number 35 of 2018 concerning Revitalization of Correctional Implementation.

for a long time, the new Law explicitly emphasizes the importance of evidence-based correctional treatment.

**Table 1**  
**Evidence-Based Correctional Transformation**

Year	Implementation Model	Objective
1958-1964	Case Study	Materials for judge consideration in children court
1964-1974	Case Study Report	Fulfillment of judge request
1974-1976	Social Research Report	Fulfillment of judge request and determination of coaching and guiding stages
1976-2018	Community Research Report	Determination of coaching, guiding, and mentoring stages; materials for judge consideration based on Law on the Child Criminal Justice System (UU SPPA)
2018-2022	Community Research and Assessment	Includes the above objectives, plus the determination of risk level in services and coaching
2022	Community Research and Assessment	Includes the above objectives, plus recommendations for judges in adult cases and determination of risk conditions in the implementation of prisoners' rights

Source: Compiled by author based on Sumarsono, Lembang Conference Documents, Correctional Documents as a Process, Correctional Revitalization, and Law No. 22 of 2022.

### 3. Individualization

This principle of individualization emerged as a response to the gap between theory and practice in prison reintegration and rehabilitation programs. To address this gap, intervention programs should be based on individual assessments of risk and needs.<sup>30</sup> This risk-based sentencing limits

30 Rais Gul, "Our Prisons Punitive or Rehabilitative? An Analysis of Theory and Practice," *Pluto Journals: Policy Perspectives* 15 No.3 (2018): 67–83.

the principle of retributivism (punishment as retaliation), seeks to find reliable information about the reoffending risk of an individual's crime, and is used to reduce treatment level, not the other way around.<sup>31</sup> The principle of individualization is also related to classifying prisoners based on information obtained from them and ensuring the program is by individual requests.<sup>32</sup>

At the 1964 Lembang Conference, it was agreed upon that the focus of treatment in correctional function was the individual and the community. Both are seen as a single unit interacting in the context of living and livelihood. Correctional is therefore regarded as a critique of the treatment system, which only focuses on individual improvement by correctional institutions. This understanding raises a question about the purpose of the principle of individualization. Is this principle by or against the concept of Correctional itself?

The principle of individualization contained in this law is related to the evidence-based principle described earlier. Every implementation of the Correctional function are based on the results of social inquiry reports and assessments carried out on certain subjects, both detainees, juveniles, prisoners, and clients. Substantive social inquiry and assessments will study not only individual conditions but also their social environment. Implementation of Correctional function must consider the differences in conditions of each subject or are casuistic in nature. Therefore, this principle fundamentally does not conflict with the concept of Indonesian Corrections. In the principle of individualization, recognizing

31 Christopher Lewis, "Risk-Based Sentencing and the Principles of Punishment," *The Journal of Criminal Law and Criminology* 112, No.2 (2022): 213–264.

32 Mary K Stohr and Anthony Walsh, *Corrections: From Research, to Policy, to Practice* (Los Angeles: Sage Publications Inc, 2018). p 528-529.

individuals is done by considering their social context.

Howard Zehr, one of the leaders in the development of restorative justice, also emphasized that punishment must be individualized by making criminals responsible or making them productive members of the community through their actions.<sup>33</sup> Without the principle of individualization, restorative justice is difficult to achieve because conventional formal reactions to crimes tend not to consider individual conditions and social environment. Crime is only seen as a violation of the law, and the interests of victims and society are generally represented by the authority of the Criminal Justice System.

Studies on correction system failures in the prevention of repeated crime (recidivism) are also the background of the emergence of the principle of individualization. Uniform treatment models based on subjective assessment of officers/institutions or the tendency to implement treatment models believed to be “needed” by detainees or prisoners tend to be inconsistent with the needs and risk levels. This gap causes an ineffective correction attempt, increasing the risk of repeat crime after a person is released from prison.

Investigation of the motives of an individual committing a crime is an attempt to identify risk factors and needs. It is deemed a need because a crime is caused by a person’s vulnerable state, which requires strengthening so that it does not recur after release. At the same time, risk factors are more related to security aspects, such as the tendency of self-violence as well as towards others or escapism risk. Adjustment between risk factors and needs to the given correction model is also referred to as the principle of responsiveness.

According to Ward and Maruna,<sup>34</sup> principle of responsiveness is an adjustment between the factors that intervened in the corrections agency’s services to risk factors and needs. This principle is considered essential to ensure the proper treatment of prisoners. This is why Stephen Wormith and Alexandra Zidenberg<sup>35</sup> said that the risk-need-responsivity (RNR) model is the dominant paradigm in treatment programs in the current correction system.

#### 4. Continuity

This principle affirms the concept of Correction as a process previously described in the evidence-based principle. Continuity ensures that all Correction’s functions as a treatment system are interrelated.

In the 2022 Law, this continuity principle is seen in social inquiry activities carried out from the investigation until finally undergoing the reintegration process. Because social inquiry report is carried out at all stages of the criminal justice process (starting from pre-adjudication, adjudication, and post-adjudication), therefore social inquiry report is a crucial document in ensuring the continuity of the implementation of every function in the form of transition that does not only transfer a person (detainee, juvenile, or prisoners) to other Correctional technical units but also data transfer.

Therefore, data of social inquiry reports has a dynamic nature and may change or develop since social inquiry report is a deepening process rather than a repetition of previous studies. There are possibilities that new data/information can be found or further understood through each research. The database will store, process, and present

33 David H McElreath et al., *Introduction to Corrections* (Boca Raton: CRC Press Taylor and Francis Group, 2012). p.45

34 Tony Ward and Shadd Maruna, *Rehabilitation* (London and New York: Routledge, 2007). p.44

35 Elizabeth L Jeglic and Cynthia Calkins, *New Frontiers in Offender Treatment: The Translation of Evidence-Based Practices to Correctional Settings* (Cham: Springer, 2018). p.11

the processed data to implement additional functions.

## 5. Collaboration

Like the evidence-based principle, collaboration has also been around for a long time. At the Lembang Conference in 1964, the principle of collaboration was formulated in two groups of concepts. First, through the concept of social participation and support, where implementation of Correctional function requires community support in a broad sense. Second, through the three pillars of Correction, prisoners, officers/institutions, and the community act together as a joint force in implementing Correction.

Provisions regarding collaboration are also regulated in the 1995 Law, although they are specific in functions of treatment in Correctional Institutions and social guidance by Probation and Parole Offices. Collaboration is carried out with relevant government institutions, community agencies, and individuals. In the 2022 Law, other forms of collaboration are regulated, not only limited to treatment and guidance but also collaboration in producing various research for developing correctional policies.

Conceptually, collaboration is not only understood as something that needs to be done by considering the limitations of the state's ability to carry out correctional functions. Further, collaboration is a principle embedded in the concept of Correctional itself. Focusing on the relationship between individuals and the community and integrating livelihood (economics) aspects requires a treatment model that involves elements of society from a wider perspective. Probation and Parole Offices will play a significant role in efforts to include elements of the community in the correctional treatment system. Knowledge and abilities possessed by external parties can be determinant factors in adjusting programs to the needs of prisoners and

clients. Factors behind a person committing a crime are precisely in the community itself, so it becomes very reasonable to involve the community in implementing Correctional functions.

## Policies Identification as The Repercussion of The Law Amendment

According to William Dunn, recommendation analysis is an analysis that develops information about possible future courses of action to construct a beneficial impact.<sup>36</sup> Although the recommendation conveyed is not known as the best policy model; they are more known as an alternative. Therefore, identifying the policies described in this section is an alternative recommendation that Corrections can implement in the future.

The 2022 Law composes of a variety of amendments. There are many other breakthroughs regulated by this law, such as special clauses on intelligence service, technology and information systems, facilities and infrastructures, clauses on groups with special needs, and policy changes in the implementation of detainees, juveniles, and prisoners' rights. These breakthroughs remain coherent with the five principles of Corrections described previously. However, this paper only focuses on the functions of the Probation and Parole Offices. Probation and Parole Officers (PK) refer to The Correctional Officers who carry out social inquiry reports, assistance, guidance, and supervision of clients inside and outside the Criminal Justice System.

The following identifies several policies or policy changes that need to be made. Since it uses conceptual analysis, the identification conducted is a detection of the operational components of a particular concept. In this case, the concept is what the previous

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<sup>36</sup> William Dunn, *Pengantar Analisis Kebijakan Publik* (Yogyakarta: Gadjah Mada University Press, 2000). p.405

principles have identified. By using the functions of the Probation and Parole Offices as the frame of analysis, this paper identifies 5 (five) policies that Corrections must carry out in the future based on the new Law of 2022. The policies are; the restorative justice implementation model; social inquiry and assessment model; strengthening the role of probation and parole officers; database; and community involvement model.

#### 1. Restorative Justice Implementation Model

Although the concept of restorative justice is an integral part of the social reintegration's goal, one of the weaknesses of the 2022 Law is that there is no further elaboration in the body of The Law regarding the model of restorative justice within the correctional system itself. Therefore, it is very open to detection analysis.

As previously explained, understanding the concept of restorative justice is immensely diverse. Law enforcement agencies, such as the police, prosecutors, and courts, are more likely to perceive restorative justice as a method to resolve criminal cases outside the Criminal Justice System. In the extensive description of the 2022 Law, it is stated that the concept of restorative justice that needs to be reinforced is the concept adhered to the SPPA Law and the amendment of the national criminal law. SPPA identifies restorative justice as the settlement of criminal cases outside of the Criminal Justice System when co-implemented with the diversion policy. Nevertheless, the primary substance of restorative justice is situation restoration after being damaged by a crime, which is jointly sought by the offender, the victim, their families, and other parties.

Under the clause in the new Correctional Law and the SPPA Law, restorative justice in Corrections can

be identified into two models. First, the implementation model in the context of the general relationship between Corrections and the Criminal Justice System. Second, the implementation model is embedded within the Correctional functions.

The author believes that the social inquiry report is the entry point for Correction's role in implementing restorative justice in relation to other law enforcement agencies' functions. In the 2022 Law, the social inquiry report is being underlined as an activity carried out for the benefit of service, treatment, and client guidance, as well as as a basis for consideration of the investigators, public prosecutors, and judges in resolving cases. The subject is no longer limited to underage clients, as adult clients are also included. Suppose a social inquiry report finds aspects supporting the resolution of criminal cases outside the Criminal Justice System. In that case, the probation and parole officers can recommend implementing the restorative justice process in the Community to the investigator, public prosecutor, or judge.

Therefore, the upcoming policy is to reformulate the procedures, the systematic, and the substances of social inquiry reports. Social Inquiry in preparing for guidance is undeniably distinctive from social inquiry in terms of reference matters to other law enforcement (ex. Presentence Report). The reformulation procedure, in this case, relates to how the social inquiry procedure is carried out. Meanwhile, the system is related to the technical preparation of reports. On the other hand, the substance is related to what indicators were studied or designed when this research carried out.

Similarly, delivering social inquiry reports (presentence reports) to investigators, public prosecutors, and judges also requires special provisions. In the Law of 2022, there is no further

provision on how this 'pro-judiciary' social inquiry should be carried out. Should it adhere to the model implemented in the Law of SPPA, the social inquiry is mandatory for investigators, prosecutors, and judges to consider in implementing diversion based on a restorative justice approach. This model can be an alternative in the future for policy making. This includes limiting the cases requiring social inquiry as a matter of recommendation from judges for implementing restorative justice. In the provisions of the SPPA, the diversion is carried out if the crime committed is sentenced to a maximum of 7 (seven) years of imprisonment and not a recidivist.

Three stages of the judiciary can fulfill the restorative justice process; pre-prosecution, trial, and post-conviction.<sup>37</sup> In the pre-prosecution stage, the diversion (implementing the restorative judiciary procedures) is generally carried out in case of non-serious offenses committed by the under-aged or the offenders who committed the crimes for the first time. It is done to minimize stigma. The victims do not always have to be involved in this process since the impact suffered by the victims is minimal. Simultaneously, in the trial and sentencing stage, the diversion can be made through the involvement of customary trials, or the courts can delay the trials and transfer the convicts into community-based restorative judiciary programs. The outcome of restorative judiciary procedures will determine the court's final sentence.

Meanwhile, in the post-conviction stage, the diversion can be carried out as a restorative judiciary process in prison. Its implementation can be merged with the parole program. Social reintegration programs can also have restorative

judiciary effects by implementing efforts to eliminate the emotional impact of the offense experienced by the victims.

The implementation model of restorative judiciary procedures for its functions in the internal Correctional Institution can be considered tautological. This happened because the function of service, treatment, assistance, and guidance is to restore damage caused by crimes. In other words, the Corrections has performed a restorative judiciary procedure when implementing the correctional function itself. Nevertheless, the development of this model needs to be carried out since the elements involved in the recovery attempts are not all implicated, especially for the victims. Implementing internal functions aimed at restorative reintegration is carried out only by applying the individuals (detainees, prisoners, or clients), the officers/institutions, and the general public. The state symbolically represents the victims through its law enforcement.

To make clear the elaboration and the implementation of the restorative justice concept by the correctional institution as part of the Criminal Justice System, it should be regulated in the Criminal Code Procedure (KUHAP). In this regard, reforming the Criminal Code Procedure is one of the policies that must be carried out in the future. It is necessary to standardize it in procedural law.<sup>38</sup>

## 2. The Function of Social Inquiry Report and Assessment

As previously explained, the amended Law on Corrections has a principle of evidence-based and individualization. The focal point of this principle is social inquiry reports and assessments. Both determined the form

<sup>37</sup> United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes*. p.42

<sup>38</sup> Asmadi Syam, "Measuring The Concept of Restoration in Criminal Justice System," *Jurnal Ilmiah Kebijakan Hukum* 16 No.2 (2022): 373–376.

of treatment, including the exercise of conditional rights. Seen from the functions or the purposes, the social inquiry and assessment can be grouped as shown in the table below.

**Table 2**  
**The Social Inquiry and Assessment**

Activities	Functions	Purposes
Assessment	Service	The placement of adult inmates and underage inmates
		The placement of high-risk inmates
	Coaching	The placement of adult/underage inmates
		The determination of risk level in exercising rights
Community research	Judicial	Recommendation materials for investigators, prosecutors, and judges
	Service	The implementation of service for the adult inmates and underage inmates
	Coaching	The implementation of coaching especially the determination of coaching programs and the underaged inmates
		Coaching for high-risk inmates
	Mentoring	The implementation of mentoring
	Guiding	The implementation of guidance

On the other hand, the orientation for social inquiry is divided into two: as the determinant and as the proponent. The social inquiry as determinant refers to its function to resolve the treatment of all offenders, both adults, and underage. Meanwhile, the social inquiry as the proponent refers to its role to provide recommendations for law enforcement agencies. Even though it has different functions, based on Law 2022, social inquiry is a mandatory activity.

Different objectives of the assessment and social inquiry require other procedures, systematics, and substances to be formulated. Similarly,

when considering the subject to be assessed or researched. Based on table 2 above, 3 (three) categories of issues can be identified: juvenile, adults, and high-risk. Based on the objectives, assessment instruments can be distinguished between instrument to determine detainees service functions, treatment functions, and as a conditions for implementing the conditional rights of correctional citizens. Meanwhile, based on the objectives, the social inquiry instruments can be divided into social inquiry for consideration of the judicial process, detainees services, prisoners treatment, assistance, guidance, and specific social inquiry for high-risk prisoners.

Assessments carried out regularly, combined with monitoring based on clear achievement indicators, will provide information for decision-making or adjustments that must be made to critical components for the success of the intervention program.<sup>39</sup>

### 2.1. Procedure

The implementation of mandatory assessments and social inquiry requires clear procedures for implementation. Because it is related to the Correctional internal functions, the standard methods implemented so far can still be applied, with several affirmations. The affirmation relates to several provisions regarding new assessment and social inquiry activities or old but not consistently carried out actions. The evaluation for the placement of prisoners and the assessment of high-risk prisoners is relatively clear from a procedural point of view because it can be carried out directly by assessors in the detention center if it does not involve probation and parole officers. The same applies to the assessment of the placement of

<sup>39</sup> Global Center on Cooperative Security, *Implementing Evidence-Based Rehabilitative Interventions*, Correcting the Course, 2017.

prisoners and the assessment of high-risk prisoners.

The new provision is implemented to determine the level of risk before granting conditional rights to the prisoners. It needs a procedure that determines when it is implemented, given that the known level of risk from the assessment results is a condition for all conditional rights, such as remission, assimilation, leave to visit family, conditional leave, leave before release, and parole. The implementation model can be carried out periodically so that the assessment data can be used at any time or carried out when someone applies for conditional rights.

For social inquiry, new procedures are needed, especially for implementing social inquiry as a consideration for the judicial process (presentence report). Whether to follow the implementation model based on the SPPA Law starts from investigators' request for social inquiry for diversion. In addition, new procedures are also needed for social inquiry for treatment and treatment for high-risk prisoners. Social inquiry used as the basis for treatment will be a complex procedure because social inquiry determines the stages of the treatment process.

## 2.2. Systematics

Each type of social inquiry should have its reporting system. Social inquiry, intended as consideration to investigators, will be systematically different from social inquiry as a consideration to the judges. Likewise, the social inquiry for determining the initial treatment program will differ from the social inquiry for preparing the social reintegration program. Systematics is determined by what, aspects, elements, or indicators must be explored in the research.

Although social inquiry is more synonymous with recommendation research, substantively studying the conditions of individuals and their social environment, including recognizing specific recognizable changes in individuals, is an activity that is identical to scientific research in general. Therefore, from a systematic point of view, social inquiry includes at least 5 (five) main components; background, problems that have an explanation of the objectives, data or primary information adapted to the goals of the social inquiry, analysis that includes theoretical arguments to strengthen conclusions, and recommendations. Systematics will be more complex if the purpose of social inquiry requires the search for data or information that is increasingly complex and deep.

## 2.3. Substance

The essence of assessment and social inquiry is to recognize the subject, through deepening, aspects, elements, or indicators in the individual and their environment. Assessment tends to be deductive, while social inquiry is more inductive. That is why the assessment is carried out with standardized instruments, resulting from a lengthy study on what indicators should be measured to identify individuals. The indicators derived from theories about human behavior or other social and psychological theories have been tested as predictive indicators. However, the various new evaluative research on Corrections requires them to evaluate their assessment instruments periodically.

In contrast to a deductive assessment, the social inquiry is more dynamic, flexible, and more adaptive to several changes in the individual and situational dynamics in the social environment. This adaptive nature is a characteristic of inductive or qualitative



research that concludes something based on information and data collected at the empirical level. The final result of social inquiry is not an evaluation based on particular measuring standards, as is done in an assessment, but is determined by the breadth and depth of data or information. That is why social inquiry is relatively effective in determining the treatment system for large functions, such as treatment (including for high-risk) and guidance. That includes social inquiry for preparing the judge's recommendation material, except when the social inquiry concept for the judiciary has to be broad and deep from the outset in preparing recommendations for investigation purposes. So since the investigation stage, the social inquiry has been carried out in depth.

Although in 2022 law, the measurement of the level of risk as a condition for granting rights is identical to the function of the assessment, this paper views that efforts to identify the level of risk can also be carried out through social inquiry. Of the five components that are generally social inquiry systematics, the most crucial part is the scope of data or principal information tailored to the purpose of the social inquiry. With depth and breadth, qualitatively, it remains possible to infer the level of risk of a person.

Social inquiry for detainees' service, assistance, and after-released guidance functions are more likely to be easy. In the data or information component, the social inquiry in service function will be more directed at recognizing behavioral tendencies identified through habits. Meanwhile, social inquiry for assistance is more directed at specific needs at the pre-adjudication, adjudication, and post-adjudication stages. For after-released guidance, social inquiry focuses on environmental conditions, particularly identifying aspects that support or

potentially hinder reintegration. For large functions, such as treatment, guidance, granting conditional rights, and compiling recommendation materials for judges, the width and depth of the data will significantly determine the accuracy of the assessment.

Therefore, reforming the social inquiry instrument as a mandate of the 2022 Law should begin with a substance tailored to the objectives. Systematics and procedures will be easier to adjust once we recognize the extent and depth of the essence. For example, Moffat and Maurutto<sup>40</sup> explained in the Canadian context that the Pre-Sentence Report (PSR) would contain the following information. First, the detainees' age, maturity level, character, behavior, attitude, and willingness to make changes. Second, information on whether there is a court disposition that has been given before or if there is any wrongdoing that has been done before. Third, the record of detainees' alternative treatments and their responses.

Identifying the substance of social inquiry and the assessment, following the new goal stipulated in the new Law, are part of short-term changes.

### 3. Strengthening the Role of Probation and Parole Officers

Ming-Li Hsieh et.al,<sup>41</sup> provide an analysis of the role models performed by a probation officer.<sup>42</sup> They explain that the role of probation and parole officers has undergone a metamorphosis but can be grouped into three models; rehabilitation-

40 Kelly Hannah Moffat and Paula Maurutto, "Re-Contextualizing Pre-Sentence Reports: Risk and Race," *Punishment and Society* 12 (3) (2010): 262–286.

41 Ming-Li Hsieh et al., "Probation Officer Roles: A Statutory Analysis," *Federal Probation* 79, No.3 (2015): 20–37.

42 In Indonesia, probation officer is called Pembimbing Kemasyarakatan (PK). Since guidance is being given to both with alternative sentence and parole, PK in Correctional Center is called Probation and Parole Officers.

oriented tasks; Law Enforcement-Oriented Tasks, and Case Manager-Oriented Tasks. In rehabilitation-oriented, probation and parole officers will play a role in helping the client's needs so that they can adapt well after being released and eliminate problems (social-psychological) and obstacles that exist in the reintegration process. While in Law-Enforcement oriented, probation and parole officers will control and supervise in collaboration with the courts to maintain public safety. This task includes tracking violators, visitation, and providing recommendations in sentencing. Whereas in Case Manager-Oriented, probation and parole officers will play a role in conducting risk assessments, identifying criminogenic needs, and carrying out individual case management based on these assessments.

The 2022 Law further emphasizes the role of probation and parole officers in rehabilitation, law enforcement, and case management. These include involvement in efforts to achieve restorative justice. Therefore, the readiness of the probation and parole officers is crucial. Considering several changes mandated by the 2022 Law, this paper identifies 3 (three) aspects that the probation and parole officers must improve: quantity, quality or proficiency, and facilitative.

3.1. Sufficient Quantity

The limited number of probation and parole officers will impact the implementation of the guidance function, assistance function, and social inquiry. Based on data obtained from 42 (out of a total of 90) Probation and Parole Offices throughout Indonesia, as of December 2021, there was a different burden of guidance and implementation of social inquiry varies per probation and parole officer from each office. The average data can be seen in the following table.

**Table 3**  
**Probation and Parole Officers Burden**  
**As of December 2021**

	Total Probation and Parole Officers	Total Clients	Total Request for Community Research
	1463	65.230	118.211
The proportion of probation and parole officers to Clients		44,59	
The proportion of probation and parole officers to Social Inquiry Report			80,8

Source: Primary Data

The data above shows that the average burden of one probation and parole officer with the number of guidance clients for 2021 is 1: 44.59. While the average load of one probation and parole officer with demand for social inquiry for 2021 is 1: 80.8.

The most significant impact of the provisions of the 2022 Law is the increasing number of social inquiry requests. Likewise with the number of clients, because under the new law, a guiding function is also carried out for those who receive alternative punishments such as social work and criminal supervision. The data shown in Table 3 is only limited to requests for juvenile social inquiry and social inquiry for guidance programs. Based on the new law's provisions, there are new types of social inquiry, that will adding the burden of probation and parole officers, namely service social inquiry, guidance social inquiry, and social inquiry for recommendation materials for investigations, prosecutions, and courts (presentence report).

This study did not find the ideal proportion standard between probation and parole officers and the burden of social inquiry or guidance clients. However, by looking at the current conditions and the estimated additional burden, increasing the number of probation and parole officers and Assistant of probation and parole officers is an identified policy.

### 3.2. Quality or Proficiency

Before the significant impact of the new Correctional Law, the quality of probation and parole officers is still an issue that needs improvement. Quality is not only related to the level of probation and parole officers' rank because the probation and parole chief officers are assumed to have the highest ability, so they get a different social inquiry task from the middle-rank probation and parole officers. Moreover, the quality of probation and parole officers is closely related to the mastery of methodologies and techniques in conducting research, including the ability to write good research reports. In addition, the function of assistance and guidance also requires skills in communication. The need for probation and parole officers with some of these qualities certainly impacts the training model.

### 3.3. Facilitative

Strengthening the facilitative aspect, is more of a normative affirmation about the need for proportional support in implementing the community guidance function, specifically with the significant changes in the 2022 Law. The facilitative changes requires the willingness of the Ministry of Law and Human Rights, with the principle of a proportional budget. In addition, policies to increase the quantity and quality of probation and parole officers are also within The Ministry's authority. These include adding a new Probation and Parole Offices, as mandated by the

law. Long-running fulfillment to cover all regencies and cities in Indonesia needs to be planned from the beginning.

## 4. Database

The provision of an information technology-based database is included in the facilitative aspects described previously. The database is necessary to ensure the principle of continuity of the correctional functions. Therefore, in each Probation and Parole Office, not only probation and parole officers are functional officials but also functional officers who manage information technology (hardware and software).

## 5. Community Engagement

The last identification is the aspect of community involvement in a broad sense. The guidance function cannot be carried out with a top-down perspective, where the probation and parole officers conduct mentoring solely based on concepts and policies determined centrally. The nature of the client as a social individual bound by a particular social context requires a participatory mentoring model, open to the involvement of other parties broadly. The 2022 law regulates cooperation in this broad sense, not only with fellow government institutions but with community organizations, business entities, to individuals. The parties' involvement can also be done in implementing the mentoring process.

The initiative to form a Correctional Care Community Group (*Pokmas Lipas*) is a reasonable strategy. *Pokmas* come from the grassroots, which grows in specific social contexts or fields that can align with the interests and needs of Correctional clients. Other initiative identification should be carried out, particularly in utilizing groups with particular expertise or expertise related to the mentoring function.

## CLOSING

### Conclusion

The 2022 Law contains new principles in the implementation of Correctional functions. These are not included in the old provisions of the 1995 Law. Basically, the forerunners of these principles have been contained in the technical policies carried out by the Corrections since 1964 until before the 2022 Law appeared. However, the new law stipulates more firmly.

As discussed earlier, some of these principles have been known for a long time in the implementation of technical functions, such as reintegration and collaboration. Since 1964, reintegration has been the concept that underlies Corrections as offenders' treatment institutions. However, the 2022 Law does a reconceptualization that combines reintegration with restorative justice. Similarly, the further elaboration of the collaboration principle in practice has been known in the form of cooperation. The other three principles, namely evidence-based, individualization, and continuity, can be concluded as principles that have historically explicitly developed around the preparation and stipulation of this new law.

### Recommendations

The various identifications of policies that need to be carried out can generally be grouped into three parts. First, the need for further operationalization of the restorative objectives of reintegration because it has yet to be further explained thoroughly within the new Law. How it is modeled in the context of a relationship between the Corrections and the Criminal Justice System in general, and how it is modeled in Corrections functions itself.

Second, the need for evaluation and reformulation of various instruments related to implementing the guidance function and implementing social inquiry. Instruments are determined by the assessment and

social inquiry objectives, specifically in the immensity and depth of substance.

The third is the need for facilitative strengthening, based on the principle of proportionality, by considering the workload estimation of Corrections, especially probation and parole officers, based on the new Law.

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