

## Duties and Functions of Corporate Centers in Supervision and Guidance of Corporate Clients

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### Abstract

*This study aims to determine the duties and functions of the Correctional Center in supervising and guiding correctional clients based on Law No. 22 of 2022. This research was carried out in Semarang City, Central Java by selecting the relevant agency with the problem in this journal, namely the Class I Correctional Center Semarang. By using a research method in the form of Sociological Juridical method. The research specification used is descriptive analytical. The data sources are obtained from primary data sources and secondary data with data collection carried out by means of field studies by conducting interviews supported by library studies. From the research conducted, the authors get the following results, Supervision and guidance of correctional clients is the duty and function of the Correctional Center based on Law number 22 of 2022 in order to aim for correctional clients to be able to integrate healthily with the community, so that they can play a role again as free and responsible members of society. The implementation of the duties and functions of supervision and guidance is carried out by the Community Counselor as a functional official under the Head of the Correctional Center.*

*Keywords: Supervision; Guidance; BAPAS*

### 1. Introduction

Article 1 Paragraph (3) of the 1945 Constitution explains that Indonesia as a state of law (rechstaat) as stated in the state constitution, this provides a strong legal basis for the enforcement of the rule of law. which is evident in every element of community life.

The purpose of punishment in the State of Indonesia is to use a prison system, where the treatment or action against inmates is based on the rational thought that humans who violate the law are evil humans and sometimes they are not seen as humans. This happened during the Dutch colonial era when Indonesia was not yet independent. After the independence of the Indonesian nation from Dutch colonial rule, the prison system changed to a correctional system by prioritizing human rights. It is an effort to rehabilitate and reintegrate the inmates of the correctional system so as to give birth to a coaching system which has been known for more than thirty years and is known as the correctional system. Since 1964 there has been a fundamental change in the coaching system for convicts and juvenile delinquents, namely from a prison system to a correctional system. Philosophically penitentiary is a criminal system that has moved far away from the philosophy of retributive (retaliation), deterrence (imprisonment), and resocialization. In other words, punishment (punishment) is not intended to cause suffering as a form of retaliation, is not intended to deter and suffer, nor does it assume the convict is someone who lacks socialization. Correctional is in line with the philosophy of social reintegration by assuming that crime is a conflict that

occurs between the convict and the community. So that sentencing (punishment) is intended to restore conflict or reunite the convict with the community (reintegration).<sup>1</sup>

The rights of prisoners in Law Number 22 of 2022 concerning Corrections Article 9 are:

- Performing worship according to their religion or belief
- Get treatment, both physical and spiritual
- Get education, teaching and recreational activities as well as opportunities to develop potential
- Get health services and proper food in accordance with nutritional needs
- Get information service
- Get legal counseling and legal assistance
- Submitting complaints and/or complaints
- Get reading material and follow mass media broadcasts that are not prohibited
- Get humane treatment and be protected from acts of torture, exploitation, neglect, violence, and all actions that harm physically and mentally
- Get work safety guarantees, wages or work premiums
- Get social services
- Accept or refuse visits from family, advocates, companions and the community.

Procedures and requirements for the implementation of prisoners' rights, such as; remission, assimilation, leave to visit family, conditional leave, leave before being released, and parole are regulated in Government Regulation Number 32 of 1999 which was later changed to Government Regulation Number 28 of 2006 and the second amendment was issued by Government Regulation Number 99 of 2012. The administrative process of management Prisoners' rights are carried out by community counselors at the Correctional Center office.

Correctional Center is an institution or place that carries out the function of community guidance for clients.<sup>2</sup> While undergoing parole, inmates are required to follow the guidance and supervision of the Correctional Center until their prison sentence is over and plus a probationary period of 1 (one) year.<sup>3</sup> Community Guidance is an activity organized to assist clients inside and outside the criminal justice process and to prepare clients for the social reintegration process. What is meant by the client here is a correctional client, is someone who is in community guidance, both adults and children.

Prisoners who get the right to parole, conditional leave, assimilation and leave before being released are required to take part in community guidance activities which are carried out at the Correctional Center.

Based on the considerations stated above, the author makes the reason for writing a journal entitled Duties and Functions of the Correctional Center in the supervision and guidance of correctional clients based on Law Number 22 of 2022.

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<sup>1</sup>Qrak Sulhin. Filsafat (sistem) Pemasyarakatan. *Jurnal Kriminologi Indonesia*. Vol.7 N0.1 Mei 2010, h. 134-150.

<sup>2</sup>Article 1 of Law Number 22 of 2022 concerning penitentiary

<sup>3</sup>Timbul Marangtua Simbolon. (2018). Analysis The Role Of Correctional Center (Bapas) The Exemption Conditional, *Jurnal Daulat Hukum* Vol. 1 No. 3

The purpose of this research is to find out the duties and functions of the Correctional Center in supervising and guiding correctional clients based on Law No. 22 of 2022; to find out how the pattern of implementation of supervision and guidance of correctional clients is regulated in Law number 22 of 2022 and the obstacles faced in its implementation.

## 2. Methods

This study uses a sociological juridical problem approach. The sociological juridical approach is to identify and conceptualize law as a real and functional social institution in a real life system.<sup>4</sup>The sociological juridical approach emphasizes research that aims to obtain legal knowledge empirically by going directly to the object, namely to find out the role of the community in the implementation of supervision and guidance to correctional clients. The research specification used is descriptive analytical. The data sources are obtained from primary data sources and secondary data. And primary data collection through field studies by conducting interviews with the Community Counselor at the Correctional Center then secondary data is carried out by means of a literature study, namely laws and regulations, especially those related to diversion, namely the Republic of Indonesia Law Number 22 of 2022 concerning Corrections.

## 3. Results and Discussion

The results of the research on the duties and functions of the Correctional Center in the supervision and guidance of correctional clients based on Law number 22 of 2022 at the Class I Correctional Center Semarang. The Correctional System as a treatment system for Detainees, Children, and Inmates is implemented through the Correctional function which includes Service, Guidance, Community Guidance, Care, Security, and Observation by upholding respect, protection, and fulfillment of human rights. This is in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as has been ratified by Law Number 5 of 1998 concerning Ratification of the Convention Against Torture and Other Cruel, Inhuman,

One of the correctional functions is the guidance of correctional clients carried out by community counselors at the Correctional Center. Guidance is one of the goals of the correctional system, namely correctional clients so that they can integrate healthily with the community, so that they can play a role again as free and responsible members of society.<sup>5</sup>On the one hand, the penitentiary system is organized in order to shape the inmates of the penitentiary so that they become fully human, realize their mistakes, improve themselves, and do not repeat criminal acts so that they can be re-accepted by the community, can play an active role in development, and can live naturally as citizens who good and responsible.<sup>6</sup>

The client guidance process is a systematic effort in the criminal justice system and the law violators coaching system that contains aspects of law protection and

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<sup>4</sup> Bahan Ajar Pelatihan terpadu sistem peradilan pidana anak, 2017, Press Media Jakarta, hal. 51

<sup>5</sup> Law number 12 of 1995 Article 3

<sup>6</sup> Ibid.

enforcement. In the context of preventing crime and treating violators of the law, it must be carried out based on the applicable provisions. Law number 11 of 2012 concerning the juvenile criminal justice system stipulates that the process of treatment, coaching and mentoring starts from pre-adjudication, adjudication and post-adjudication. The implementation of treatment and guidance becomes strategic in the criminal justice process which is carried out based on the process and stages of development, the guidance process which is carried out comprehensively integrated with the judicial process.

The implementation of guidance for correctional clients at the Correctional Center (BAPAS) has a guidance mechanism that has been regulated in the regulations regarding the duties and functions of the correctional facility. Mechanism is the implementation in accordance with the program plan that is prepared by leading to progress at each stage by constantly evaluating and monitoring for the perfection of a standard. The stages of guidance for correctional clients carried out by community counselors at the Correctional Center have 3 (three) stages, including:<sup>7</sup>

- Initial Guidance Stage with the process of activities, among others:
  - Client acceptance and registration
  - Making litmas as guidance material
  - Preparation of mentoring program
  - Implementation of mentoring program
  - Controlling the implementation of the early stage guidance program
- Advanced Guidance Stage with the process of activities, among others:
  - Preparation of advanced stage guidance program
  - Program implementation
  - Controlling the implementation of the advanced stage mentoring program
- Final Guidance Stage with the process of activities, among others:
  - Preparation of the final stage mentoring program
  - Program implementation
  - Program implementation control
  - Preparation of clients to face the final stage of mentoring by considering the provision of advanced stage guidance services

In addition to guiding correctional clients, the Correctional Center has the task of carrying out supervision. Supervision is a step or activity that functions to prevent deviations from the implementation of social reintegration. Supervision is important because if the client deviates or does not carry out the specified conditions, it will have the potential for him to commit a crime again (recidivism).

Understanding Supervision is an administrative function that has the aim of preventing non-conformance of program implementation from the policy plans that have been prepared previously. With supervision, weaknesses, strengths and obstacles can be found in the implementation of the program.<sup>8</sup>In the scope of correctional

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<sup>7</sup> Government Regulation No. 31 of 1999 concerning the Guidance and Guidance of Community Supported Citizens.

<sup>8</sup> Sakti, F. T., & Fauzia, S. N. (2018). Pengaruh Pengawasan Pajak Hotel Terhadap Tingkat Kepatuhan Wajib Pajak. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 8(1), 160–173.

supervision is a process of observation and assessment to prevent violations of the implementation of diversion, assimilation, parole, parole, leave before release and conditional leave by correctional clients.

Supervision has the aim of ensuring that the mentoring program has been carried out in accordance with the plan (guidance contract), as well as knowing the obstacles in the implementation of mentoring so that through problem analysis solutions can be found and determine corrective actions.<sup>9</sup>

In carrying out the task of supervising the Class I Penitentiary in Semarang, 2 (two) methods are used:

- Internal monitoring  
This supervision is carried out by means of mandatory reporting activities and home visits. Community Counsellors visit the client's residence to provide guidance.
- External Monitoring  
External supervision is an observation and assessment activity carried out by parties outside the correctional facility, in this case the community environment where the correctional clients such as neighbour's and local civil servants.

Supervision of correctional clients carried out by community counselors at the Correctional Center (BAPAS) has several stages, namely:

- Stages of Monitoring Program Planning
  - The community supervisor receives an assignment order to carry out supervision based on court decisions/court decisions. Community advisors make home visits to the residences of parents/family, the surrounding environment, schools and workplaces/related parties.
  - The community advisor studies the case files of the correctional client then coordinates with related parties
  - The community supervisor determines the schedule and form of supervision and registers the supervision program plan at the correctional observer team meeting
  - The secretary of the correctional observer team session noted the planned surveillance program to be tried.
  - The secretary of the session of the correctional observer team will make a list of the planned surveillance program that will be evaluated.
  - The secretary of the correctional observer team's session will schedule a session of the correctional observer team's meeting.
  - The secretary of the correctional observer team session prepares and submits an invitation to the correctional observer team session.
  - The secretary of the prison observer team announced the monitoring program plan.
- Supervision Stage
  - The Head of the Correctional Center receives and studies the letter of decision / court decision and execution
  - The Head of the Correctional Center appoints a community advisor

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<sup>9</sup> Anonymous, Journal of Law and Humanities || issn print :2354-9033 || issn online :2579-9398 || Vol. 7 No. 2 Year 2020 || <http://jurnal.um-tapsel.ac.id/index.php/justitia>

- The Community Health Service staff makes a supervisory order signed by the Head of the Correctional Center
- Community advisors receive supervision orders
- Community counselors study case files from correctional clients
- Community advisors carry out monitoring plans
- Community advisors coordinate with related parties
- Community counselors supervise correctional clients
- The community advisor reports the results of the supervision report
- Stages of making a supervisory program report
  - Community advisors collect data for the preparation of program implementation reports.
  - Community advisors sort and verify data.
  - Community advisors compile and make reports.
  - The community advisor checks and signs the report.
  - The community advisor submits the results of the report to the Head of the Fathers Council.
  - The Head of the Fathers received and was also aware of the report.
  - The Head of the Fathers Council signs the cover letter for the supervisory program report addressed to the relevant parties
  - The administrative officer makes an agenda, gives a number and gives a stamp on the report.
  - Administrative officers distribute/send reports.
  - Community advisors archive reports
- Stages of implementing the monitoring program evaluation
  - PK registers a report on the implementation of the evaluation of the supervision program at the prison observer team session.
  - The secretary of the prison observer team session records the evaluation report of the supervision program that will be on trial.
  - The secretary of the correctional observer team session reads out the results of the correctional observer team's evaluation of the monitoring program that will be on trial.
  - The Community Counselor reads the guidance program.
  - The chairperson of the correctional observer team asks for approval, responds and decides on the outcome of the trial.
  - The secretary of the session of the correctional observer team reads back the evaluation of the supervision program that has been approved.
  - The secretary of the correctional observer team read out the conclusions of the trial results.
  - The chairperson of the correctional observer team closed the trial.
  - The chairperson of the correctional observer team examines, initials and signs the book of the results of the correctional observer team's session.
  - The head of the correctional observer team session signs the report book of the correctional observer team session.

- The secretary of the correctional observer team's session makes an announcement regarding the results of the correctional observer team's trial.
- The secretary of the TPP trial attached the results of the trial.
- The secretary of the correctional observer team's hearing keeps the trial files in their place
- The secretary of the correctional observer team session makes a list of evaluations of the surveillance program that will be evaluated

Some things that must be considered in the stages of supervision of correctional clients include the following:<sup>10</sup>

- The Community Counsellor must learn the legal basis/guidelines/standard operating procedure (SOP) and the mentoring contract.
- Supervision by conducting a risk assessment to determine the level of risk of repeating a client's crime and a needs assessment to determine the most appropriate mentoring needs for the client. This assessment provides an assessment of criminogenic factors. These factors include aspects of pro-criminal/anti-social attitudes, levels of alcohol and drug abuse, family and social relationships, educational and economic levels, and crime history.<sup>11</sup>

Supervision is a step or activity that functions to prevent deviations from the implementation of assimilation, parole, leave before release, and conditional leave, including evaluation and reporting activities.<sup>12</sup>

The Correctional Center is a stakeholder in carrying out supervision and guidance in an integrated and consistent manner to ensure that all correctional clients are obedient in carrying out the regulations that have been set. Therefore, monitoring activities are carried out regularly every month, both meeting directly with clients and online through short messages, telephone, video calls, and so on.<sup>13</sup>

#### 4. Closing

From the writing above, it can be concluded that the duties and functions of the Correctional Center in supervising and guiding correctional clients are based on Law Number 22 of 2022. Guidance is one of the goals of the correctional system, namely correctional clients so that they can integrate healthily with the community, so that they can play a role. back as a member of the community freedom and responsibility, on the one hand that the correctional system is organized in order to shape the inmates of the prison so that they become fully human, realize mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted again by the community, can play

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<sup>10</sup> Anonymous. Journal of Law and Humanities || issn print :2354-9033 || issn online :2579-9398 || Vol. 7 No. 2 Year 2020 || <http://jurnal.um-tapsel.ac.id/index.php/justitia>

<sup>11</sup> Bonta, J., Bourgon, G., Rugge, T., Scott, T., Yessine, A. K., Gutierrez, L., & Li, J. (2010). Corrections Research : User Report The Strategic Training Initiative in Community Supervision : *Risk-Need Responsivity in the Real World*. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2010-01-rnr/2010-01-rnr-eng.pdf>.

<sup>12</sup> Minister of Law and Human Rights Regulation No. M.2.PK.04-10 of 2007 concerning Terms and Procedures for Implementation of Assimilation, PB, CMB, and CMB

<sup>13</sup> Humam, K. M. (2020). Asimilasi di Rumah Menyusul Darurat Pandemi Covid- 19. In P. K. Indonesia. *Kapita Selekta Pemasarakatan* (pp. 105-112). Kubu Raya: IDE Publishing.

an active role in development, and can live naturally as good and responsible citizens. Arrangements regarding the duties and functions of supervising and supervising have been regulated in the Correctional Law and Government Regulations. The pattern of guidance for correctional clients is carried out in 3 (three) stages, namely early stage guidance, advanced stage guidance, and final stage guidance in which the implementation of guidance from one step to another is determined through the TPP session. One of the job duties carried out by the Community Counselor includes mentoring child clients and mentoring adult clients in the form of personality guidance and independence guidance. As well as carrying out supervision where the aim is to ensure that the mentoring program has been carried out in accordance with the plan (guidance contract), as well as knowing the obstacles in the implementation of mentoring so that through problem analysis solutions can be found and determine corrective actions

Given the importance of the duties and functions of supervision and guidance to correctional clients, the authors suggest that the government socialize Law No. 22 of 2022 concerning correctional facilities, then suggestions for correctional institutions community advisors to always establish communication with correctional clients and guarantors so that the implementation of guidance and supervision runs effective so that it can reduce the number of repetitions of criminal acts (recidivism).

## 5. Reference

### Legislation:

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