

Legal Analysis The Role Of Community Guidance In Correctional Center (Bapas) In Implementation Criminal Supervision And Criminal Social Work

Rasyid Wiraputra¹⁾ & Nanang Sri Darmadi²⁾

¹⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: rasyidwiraputra.std@unissula.ac.id

²⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: nanang@unissula.ac.id

Abstract. *This study examines the strategic role of Correctional Institutions (Bapas) in the criminal justice system in Indonesia, particularly after the enactment of Law Number 1 of 2023 concerning the National Criminal Code. The main focus of the research is to analyze the transformation of the function of Community Guidance (PK) in implementing two new alternative criminal models, namely supervision and social work. The results of the study show that the role of Bapas has experienced significant expansion.. While previously the Judicial Review (PK) function was limited to mentoring, guidance, and supervision within the juvenile criminal justice system and prisoner integration, the Judicial Review now has the constitutional authority to provide recommendations to prosecutors and judges regarding the implementation of supervised sentences and community service. This transformation aligns with the shift in the paradigm of Indonesian criminal law from retributive justice (retribution) to corrective, restorative, and rehabilitative justice. This study concludes that strengthening derivative regulations, modernizing digital oversight infrastructure, increasing human resources, and massive public education are essential for criminal supervision and social work to achieve the desired rehabilitative goals.*

Keywords: *Community Guidance; Correctional Center; Social Work; Supervision.*

1. Introduction

The enactment of Law Number 1 of 2023 concerning the Criminal Code has breathed new life into the struggle for law enforcement in Indonesia after a long period of using the legacy of the Dutch. The codification of criminal law in Indonesia through the Criminal Code (hereinafter abbreviated as the KUHP) has so far only implemented the provisions of criminal law derived from the *Wetboek van Strafrecht* (WvS) which has been in effect in the Netherlands since 1886. This KUHP has the original name *Wetboek van Strafrecht voor Nederlandsch Indie* (WvSNI) which was first implemented in Indonesia with *Koninklijk Besluit* (King's Decree) Number 33 dated October 15, 1915 and came into effect on January 1, 1918.¹

The colonial mission made the Criminal Code that was enforced in the Indonesian region undergo adjustments so that several articles were removed and added to follow Dutch interests (Bahiej, 2006:13).² Post-independence, the Criminal Code at that time still followed the social conditions of society which placed the death penalty along with imprisonment and fines as the main punishment. However, as time progressed, there was a paradigm shift in the death penalty shifting with the abolition of this type of punishment in most European countries between 1950 and 1980. to respond to this global change by echoing the changes to the Criminal Code that began in 1963. Since then, great legal figures from both academics and practitioners have taken the initiative to formulate their own provisions for criminal law reform adapted to the social conditions of Indonesian society. The long journey of reforming the Criminal Code reached its peak when the Indonesian Government discussed and ratified Law Number 1 of 2023 concerning the Criminal Code as a codification provision that will come into effect in January 2026 simultaneously throughout Indonesia. The urgency of changing the old Criminal Code created by the Dutch colonial government with the National Criminal Code formulated by Indonesian legal figures is that in essence when the legal system functions as social control, the development of society is the foundation for the formation of new norms.

¹Sudarto, 2007, *Law and Criminal Law*, PT. Alumni, Bandung, p. 33.

²quoted from <https://jurnal.uns.ac.id/recidive/article/viewFile/86440/pdf> accessed on Saturday, August 2, 2025

Overall, the fundamental difference between the old Criminal Code and the National Criminal Code is the underlying philosophy. The old Criminal Code was based on Classical School thinking which is based on actions or Criminal Acts, while the National Criminal Code is based on the neo-classical school which maintains a balance between objective factors (actions/outward) and subjective factors (people/inner attitudes). Deputy Minister of Law and Human Rights Edward Omar Sharif Hiariej said there are at least three main values behind the renewal of the Criminal Code, including adapting to current developments, oriented towards modern criminal law, and guaranteeing legal certainty. The National Criminal Code will come into effect after 3 (three) years from the date of promulgation, and will be implemented in 2026. The National Criminal Code has undergone many changes in terms of philosophy, Criminal Acts/Criminalization, Corporate Crime, and Sanctions. One of the most significant changes concerns the types of principal and additional penalties as well as the death penalty which is now no longer the main penalty and is replaced with alternative threats which will certainly have an impact on law enforcement.

The main criminal penalties stipulate new types of punishment, namely supervision and community service. These two types of punishment, along with fines, need to be developed as alternatives to short-term prison sentences imposed by judges. By implementing these three types of punishment, convicts can be helped to free themselves from guilt and avoid the destructive effects of deprivation of liberty. Likewise, the community can interact and actively participate in helping convicts lead normal social lives by engaging in beneficial activities. The main types of punishment include imprisonment, detention, supervision, fines, and community service.³

2. Research Methods

Peter Mahmud Marzuki examines these legal research approaches as follows:⁴:

- a. The legal approach is carried out by reviewing all laws and regulations that are related to the legal issue being handled.
- b. The case approach is carried out by reviewing cases related to the issues at hand using court decisions that have permanent legal force.

³National Legal Development Agency, 2015, Academic Draft of the Criminal Code Bill, Jakarta, Pages 176-177 downloaded on August 5, 2025 at 14.30 WIB on the site https://bphn.go.id/data/documents/naskah_akademik_tentang_kuhp_dengan_lampiran.pdf

⁴Peter Mahmud Marzuki, Op.Cit., p. 268

- c. The conceptual approach starts from the views and doctrines that have developed in legal science.
- d. The historical approach is carried out by examining the background of what is being studied and the development of regulations regarding the issues faced.
- e. Comparative approach, this approach is carried out by comparing the laws of one country with the laws of other countries regarding the same matter.

In examining the issues related to this thesis, the researcher uses a legal approach. Using this legal approach, the researcher conducts an inventory of laws and regulations related to the legal issue. The researcher will create a comprehensive legal system, both vertically and horizontally, to enable comprehensive review and analysis.

3. Results and Discussion

3.1. The Role Of Correctional Supervisors In Implementing Guidance For Convicts Under Supervision And Social Work

1. The Role of Correctional Institutions in the Criminal System in Indonesia.

The Correctional Center is a unit under the Ministry of Immigration and Corrections which carries out its functions towards correctional clients which is the main task of the Directorate General of Corrections including providing guidance and assistance to adult criminals, child offenders and inmates not only during the trial but also from before the trial begins until the stage after the judge's verdict is read.

The Correctional Center aims to provide citizens' basic rights in the form of mental improvement and social reintegration in accordance with the objectives of sentencing.⁵ Thus, the Correctional Center is an important sub-unit in the correctional system and is an integral part of the national penal system and, if viewed more broadly, is included as a part that forms a complete unit with the integrated penal system.

The Correctional Center has a strategic role in the criminal justice system in Indonesia, which organizes the process of restoring the client's condition and also assists the process of returning the client to be accepted back into their social

⁵Hermi Asmawati, 2022, "Analysis of Strengthening the Correctional System Through the Concept of Social Reintegration," *Jurnal Mengkaji Indonesia* 1, no. 2, pp. 172–86, <https://doi.org/10.59066/jmi.v1i2.209> accessed on February 19, 2026 at 12.00 WIB.

environment.⁶ The implementation of a role in the rehabilitation and social reintegration process is considered appropriate to the objectives of criminal justice, which prioritizes a restorative approach over a retributive approach. The role of the Correctional Center, which runs the correctional system, includes mentoring, guidance, and supervision of both juvenile and adult cases. In carrying out its role, the Correctional Center adheres to the Correctional Law and, in handling juvenile cases, adheres to the Juvenile Criminal Justice System Law. The Correctional Center, which functions as a community counselor, is present from the beginning of a criminal process until it provides guidance when inmates receive a social reintegration program.⁷

In the Correctional Center, community counselors play a role in the Indonesian penal system, as follows: First, their role and function relate to supervision. This supervisory role is carried out by community counselors, who are intended to monitor the implementation of services according to their needs. For example, a supervisory activity carried out by the Correctional Center is the mandatory attendance program for clients undergoing integration programs. In this mandatory attendance program, community counselors can monitor the activities of clients after returning to the community and the obstacles they face in the process of reintegrating into society.⁸ This supervision aims to continuously monitor the client's whereabouts and condition to prevent them from committing a second crime. In this case, a client can be defined as a person who receives all correctional programs provided by the Correctional Center. Furthermore, in handling juvenile cases, the Correctional Center, through community counselors, performs a supervisory function while the juvenile is serving a criminal sentence or disciplinary action. In carrying out supervision during a criminal sentence, community counselors typically monitor juvenile offenders while they are in the

⁶Rafi Hafidz et al., 2025, "Reducing Social Stigma: Optimizing the Role of Bapas in Social Reintegration Through the 'Bapas Goes to Village' Program," *Masyarakat Berkarya: Journal of Community Service and Social Change* 2, no. 1, downloaded from the website <https://scholar.google.com/scholar?q=+intitle:%27Reducing%20Social%20Stigma:%20Optimizing%20the%20Role%20of%20Bapas%20in%20Social%20Reintegration%20Through%20Program%20%E2%80%9CBapas%20Goes%20to%20Village%E2%80%9D%27> on February 19, 2026 at 21.00 WIB.

⁷Julinda Silce Abram, 2023, Strengthening the Position of Corrections in the Integrated Criminal Justice System Through Community Guidance Functions, *INNOVATIVE: Journal of Social Science Research*, Vol.3, downloaded from the website [https://www.researchgate.net/publication/372463679 Strengthening Correctional Stat](https://www.researchgate.net/publication/372463679_Strengthening_Correctional_Stat) us in the Integrated Criminal Justice System through Detention Service Functions on February 19, 2026 at 21.00 WIB.

⁸Yosy Yudha Kusuma, 2023, "Optimizing the Role of Community Guidance Counselors in Supervising Correctional Clients at the Class I Semarang Correctional Center," *MAGISTRA Law Review* 04, accessed via the website <https://doi.org/10.56444/malrev.v4i01.3633>, on February 19, 2026 at 18.35 WIB.

Juvenile Correctional Center.⁹, while supervision of punishment, the role of the community counselor is to supervise efforts to improve the child's relationship with his family, the victim and his community environment.¹⁰.

Second, the role and function of guidance. In this case, the Correctional Center provides two types of guidance activities: personality guidance and guidance regarding fostering independence for correctional clients.¹¹ Personality guidance focuses on providing moral, mental, and spiritual support to clients. Meanwhile, independence guidance is provided to equip clients with skills that will improve their standard of living upon their return to society. The guidance provided by community counselors aims to enable clients to live independently and earn a decent living. The ultimate goal of success is to prevent clients from reoffending.¹².

Lastly, the role and function of the Correctional Center are related to community research or litmas. Litmas is a data-based research conducted by community counselors to support various activities that will be implemented by the correctional center in providing correctional programs for clients. The function of litmas is as a consideration in the diversion process at various levels; the basis for judges' considerations in deciding juvenile cases and has the consequence of being null and void by law if not carried out in accordance with the basis for implementing the reference for prisoner services; the basis for implementing guidance for prisoners and a reference for providing mentoring, guidance and supervision activities for clients.¹³.

⁹Suharto, Rahmat Bowo and Tasmo, 2019, "Legal Consequences of Judges' Decisions in Criminal Justice Child Cases that are Not Based on Community Research from the Supervisory Community", Jurnal Daulat Hukum Vol.2, accessed via the website <https://jurnal.unissula.ac.id/index.php/RH/article/view/8362/3900> on February 19, 2026 at 18.35 WIB.

¹⁰Rini Wahyuningsih, Sufirman Rahman, and Baharuddin Badaru, 2022, "Optimizing the Implementation of Rights Protection for Children in Conflict with the Law in Correctional Institutions," Journal of Lex Theory (JLT) 1, accessed via the website <https://doi.org/10.56444/malrev.v4i01.3633>, on February 19, 2026 at 18.35 WIB

¹¹Jaya Saputra, Ridwan Tahir, and Nurhayati, 2024, "Criminological Analysis of the Factors Causing the Recurrence of Narcotics Crimes in the Class II Palu Correctional Center Area," Tadulako Master Law Journal (TMLJ) 8, accessed via the website <https://jurnal.fh.untad.ac.id/index.php/TMLJ/article/view/1044>, on February 19, 2026 at 20.35 WIB

¹²Bayu Ramadan, 2024, "EFFECTIVENESS OF INDEPENDENCE GUIDANCE IN ENCOURAGING CLIENT REINTEGRATION AND STIGMA REDUCTION IN SOCIETY," Jurnal Social Worker Indonesia 1, no. 1.

¹³Hendi Setyo Bahwono and Asri Agustiwi, 2024, "The Role and Function of Correctional Institutions in Community Guidance in the Pre-Adjudication Phase in the Integrated Criminal Justice System Since the Enactment of Law Number 22 of 2022 Concerning Corrections," JPDSH: Journal of Basic Education and Social Humanities 3.

2. Transformation of Correctional Institutions in Supporting the Implementation of Supervision and Social Work Penalties Based on the National Criminal Code.

Following the enactment of Law Number 1 of 2023 concerning the Criminal Code, the role and function of Correctional Institutions have expanded. The role of Correctional Institutions related to two new sentencing models is outlined in Article 57 of the Correctional Law.¹⁴ This law explains that Community Guidance Officers have authority over the implementation of supervised sentences and community service sentences. Although regulations regarding the role of the Correctional Center in implementing the two types of punishment mentioned above already exist, their implementation is minimal due to the continued use of the Criminal Code, which predominantly uses imprisonment as a punishment. The following is a clear indication of the additional role of the Correctional Center following the enactment of the National Criminal Code:

The Role of Correctional Centers	
Prior to Law Number 1 of 2023	After Law Number 1 of 2023
The old Criminal Code did not provide any provisions regarding the role and function of the Correctional Center. These roles and functions were only found in the Correctional Law and the Juvenile Justice System Law. Under these two provisions, the role of the Correctional Center, through its Community Guidance Officers, was related to mentoring, supervision, and guidance.	In Law Number 1 of 2023, there are three roles of the Correctional Center related to decision-making related to juvenile crimes, supervision crimes and social work crimes.

Based on Law Number 1 of 2023 concerning the Criminal Code, supervision is now the principal form of punishment, whereas previously it was only understood as one method of punishment. Using the concept of general and special conditions, this supervision is almost the same as a conditional sentence. This supervision is

¹⁴Law Number 22 of 2022 concerning Corrections, accessed on the website <https://peraturan.bpk.go.id/Details/218804/uu-no-22-tahun-2022>, February 20, 2026 at 10:35 WIB

an alternative to imposing a prison sentence. If we look at Article 76 paragraphs (5) and (6) of Law Number 1 of 2023,¹⁵ The involvement of community counselors in providing advice to prosecutors is revealed, considering whether a prisoner or client can receive a reduction in their supervision period, serve a prison sentence, or have their supervision period extended. Based on the law, prosecutors can propose to judges, based on the community counselor's recommendation, that the prisoner's detention period be changed or the supervision period extended. In providing these considerations, community counselors must establish greater synergy than before by coordinating with various institutions to supervise convicts. Furthermore, if consideration from the community counselor is required, community research (litmas) is also required.

Furthermore, in the projected implementation of community service, various considerations are made, one of which is the defendant's consent and is given as a substitute for a short sentence with a light fine. Because this form of community service is a punishment, its implementation must not be commercial, so the convict will not receive wages. In its implementation, the community service is focused on various public service locations. This community service sentence can be imposed for a minimum of eight working hours and a maximum of 240 hours. It can be carried out in installments for a maximum of six months, depending on other beneficial activities undertaken by the convict. In its implementation, there will be the presence of a community counselor as a mentor for the convict doing community service.¹⁶

Indonesia itself has never implemented community service, so there are no concrete examples of practical application that can serve as a reference for implementing community service. There is a need for derivative regulations that further regulate how this community service mechanism is implemented and implementing regulations regarding the role of the Correctional Center in implementing this type of punishment. Referring to the practice of implementing community service in the Netherlands, the authority for its implementation involves three organizations based on the type of crime committed. These organizations are tasked with ensuring that convicts receive the type of social work appropriate to their expertise and supervising convicts to ensure that the work is

¹⁵Article 76 of Law Number 1 of 2023 reads:

(5) In the event that the convict violates special conditions without a valid reason, the prosecutor, based on the considerations of the community counselor, will propose to the judge that the convict serve a prison sentence or extend the supervision period determined by the judge, the length of which will not be longer than the supervision sentence imposed.

(6) The prosecutor may propose a reduction in the supervision period to the judge if during supervision the convict demonstrates good behavior, based on the considerations of the community guidance counselor.

¹⁶Article 85 paragraph (4), paragraph (5), and paragraph (8) of Law Number 1 of 2023 concerning the Criminal Code

carried out.¹⁷Based on Dutch practice, if used as a reference for implementing community service in Indonesia, maximum resources are required from both the prosecutor's office and the correctional facility. This ensures a strong connection between prosecutors and correctional officers in exercising their supervisory authority, based on reports from community guidance counselors.

3.2. Legal And Institutional Obstacles Faced By Prosecutors In Guiding Convicts Under Supervision And Social Work

1. Legal Obstacles Faced by BAPAS in Guidance

The Correctional Center is responsible for providing guidance and supervision to convicts undergoing alternative punishment, however, from a legal perspective, there are normative constraints that influence the implementation of the BAPAS function.

First, the National Criminal Code is a normative framework (framework legislation) that requires technical arrangements in implementing regulations. While provisions regarding criminal supervision and community service have been formulated operationally, including oversight mechanisms, compliance parameters, evaluation procedures, and violation handling procedures, they have not been comprehensively regulated in directly operational norms. This situation creates wide room for interpretation and has the potential to lead to disparities in practice between regions.

Second, there is potential disharmony between Law No. 1 of 2023 concerning the Criminal Code and Law No. 22 of 2022 concerning Corrections. The Corrections Law emphasizes the role of community counselors in conducting research, guidance, and supervision of correctional clients.¹⁸Meanwhile, the Criminal Code regulates the types of crimes and the consequences of violations without explicitly detailing the coordination mechanism between judges, prosecutors, and the Criminal Investigation Agency (BAPAS) in the alternative punishment execution phase. This lack of synchronization can create issues of competence and authority, particularly regarding recommendations for revoking supervision sentences or converting community service sentences to other punishments in the event of violations.

¹⁷Erasmus AT Napitupulu et al., 2019, "Sentence Without Imprisonment: Regulation, Implementation, and Projection of Alternative Non-Imprisonment Sentencing in Indonesia", Jakarta, Institute for Criminal Justice Reform (ICJR), accessed via website <https://icjr.or.id/wp-content/uploads/2019/09/Hukuman-Tanpa-Penjara.pdf>, on February 20, 2026 at 21.30 WIB.

¹⁸Muladi and Barda Nawawi Arief, Op.Cit

Third, from the perspective of legality and legal certainty, there is no established national standard for indicators of success in criminal supervision and community service. When compliance parameters are not explicitly stipulated in binding regulations, the Penitentiary Supervisory Agency (BAPAS) faces challenges in determining whether a violation is administrative, substantive, or merits further legal action. This regulatory gap has the potential to create uncertainty and even administrative disputes.

Fourth, legal constraints also arise in the context of overseeing the implementation of social work. The National Criminal Code stipulates that social work must take into account the convict's abilities and the interests of the community. However, there are no regulations regarding the form of work, the limits of responsibility of the institution receiving the social work, or standards of legal protection for convicts while performing social work. In the absence of these technical norms, BAPAS must rely on internal administrative policies, which serve as binding force rather than statutory regulations. This situation has the potential to raise accountability issues in the event of a legal dispute.

Fifth, there are obstacles in the executorial coordination aspect. In an integrated criminal justice system, the implementation of judges' decisions should proceed within a coordinated framework between the courts, the prosecutor's office, and correctional institutions. In this regard, explicit regulations governing the periodic reporting mechanism for BAPAS to the courts and standard procedures for violations of the terms of a supervised sentence have not yet been issued. This creates a vacuum, slowing the legal response to violations and reducing the effectiveness of the oversight function.

2. Institutional Obstacles Faced by BAPAS in the Guidance of Convicts.

A fundamental reform in the Indonesian penal system is the enactment and enactment of Law Number 1 of 2023 concerning the Criminal Code. The National Criminal Code introduces alternative punishments in the form of supervision and community service as part of the national penal system. These punishments implement the principle of balance between community protection and the development of convicts. However, their effectiveness depends heavily on the role of the Correctional Center as the institution responsible for guiding, supervising, and evaluating convict compliance. The expansion of norms in the National Criminal Code has not been fully accompanied by the readiness of the BAPAS. These institutional obstacles include:

a. Paradigm Changes in Criminal Justice.

The enactment of Law Number 1 of 2023 concerning the Criminal Code (KUHP) marks the end of the decolonization era of criminal law in Indonesia, which for

more than a century had been based on the *Wetboek van Strafrecht (WvS)*. This change is not simply an update of legacy Dutch articles, but rather a philosophical revolution that shifts the emphasis of criminal punishment from retributive justice to a more modern approach, namely corrective, restorative, and rehabilitative justice.¹⁹.

In the old paradigm, the primary focus of law was on inflicting misery or suffering on the perpetrator. In the National Criminal Code, punishment is viewed as a means to achieve social benefits, resolve conflicts arising from criminal acts, and restore disturbed balance, rather than simply physical punishment. This shift is evident in the arrangement of sanctions, which now prioritizes the principle of *ultimum remedium*, or imprisonment as a last resort.

The National Criminal Code introduced a variety of more humane sanctions, including probation and community service. This measure was taken to address the chronic problem of overcrowding in correctional institutions and to prevent negative stigmatization of convicts who still have the potential to improve. Furthermore, the introduction of a dual-track system, which differentiates between criminal sanctions for guilty offenders and sanctions for those requiring medical or psychological treatment, demonstrates that the state now cares more about the root causes of crime than merely its consequences.

One of the most progressive breakthroughs in the paradigm shift of the death penalty. In the National Criminal Code, the death penalty is no longer considered a primary punishment, but rather a special, extraordinary punishment. Death row inmates are now given a second chance through a ten-year probationary period to demonstrate positive behavioral changes. If the convict is proven to have improved within a certain period, the sentence can be changed to life imprisonment or twenty years. This reflects the state's attempt to balance the protection of human rights with the demands of public justice, which still demands severe sanctions for extraordinary crimes.

Thus, the law is no longer viewed as a rigid instrument dropped from the sky, but rather as an instrument that breathes and aligns with the growing sense of justice among the people. Ultimately, the National Criminal Code is a major effort to humanize criminal law, where the ultimate goal is no longer how much someone suffers behind bars, but rather how effectively the legal system can rehabilitate victims, reform perpetrators, and create peace in society.

b. Institutional Problems in the Implementation of Supervisory Criminal Procedure and Social Work Punishment

¹⁹General explanation of Law No. 1 of 2023 concerning the Criminal Code.

The criminal supervision and community service penalties in Law Number 1 of 2023 concerning the Criminal Code present several problems, the first arising from the limited human resources and technical capacity of the Community Service Supervisory Agency (BAPAS), which plays the role of field supervisor in criminal supervision and implementing supervisor in criminal social service. The workload of community counselors is predicted to increase sharply, while the ratio of officers to the number of convicts who will be subject to alternative sanctions remains disproportionate, which risks making supervision merely an administrative formality without addressing the substantive aspects of guidance.²⁰

Second, the institutional problem lies in the weak synchronization between the Prosecutor's Office, as the executor, and government agencies or social organizations where community service is implemented. Practically, there is no integrated database that maps "social work banks" across Indonesia, making it difficult for prosecutors and judges to determine the type of work that aligns with their competencies and community recovery needs.²¹

Third, the lack of clarity in cross-agency standard operating procedures (SOPs) exacerbates the potential for monitoring failures, particularly in ensuring that convicts actually carry out the stipulated community service hours in a disciplined manner.

Fourth, state budget support is a significant barrier, considering that community service and supervision require financial support for digital monitoring facilities and operational costs for coordination with third-party agencies, which have not been fully accommodated in the comprehensive budget structure of the relevant ministries.

Fifth, the lack of detailed derivative regulations regarding the classification of social work for various profiles of convicts makes this policy vulnerable to abuse or ineffectiveness. If these institutional obstacles are not immediately addressed through strengthening technical regulations and modernizing the supervisory infrastructure before the National Criminal Code comes into effect, then supervision and social work penalties risk failing to achieve their intended rehabilitative goals.²²

²⁰<https://emedia.dpr.go.id/2025/12/31/adang-daradjatun-soroti-kesiapan-aparat-penegak-hukum-menyongsong-kuhp-dan-kuhap-baru/> accessed on February 21, 2026 at 19.30 WIB

²¹Eva Achjani Zulfa, 2022, "Restorative Justice in Indonesia: A Study of Social Work Penalties," Jakarta, Salemba Humanika, pp. 75-77.

²²Romli Atmasasmita, 2010, "Contemporary Criminal Justice System", Jakarta, Kencana, p. 134

c. Wide Working Area

BAPAS is a technical implementation unit under the correctional division of the regional offices of the Directorate General of Corrections in various cities and regencies throughout Indonesia. The Ministry that oversees government affairs in the field of Immigration and Corrections is required to establish BAPAS in regencies/cities. In fact, currently, there are only 91 BAPAS units throughout Indonesia. Indonesia has 416 regencies and 98 cities.²³.

Given the continued shortage of correctional facilities, at least 423 new units are needed. However, this issue requires careful consideration, as building such a large number of correctional facilities will undoubtedly require a substantial budget. Furthermore, data shows that by 2026, there will only be 2,686 community counselors throughout Indonesia.²⁴. in the last three years (2015-2017) the number of community counselors was 1,022 (one thousand twenty two) people, while the number of community research (Litmas) was 11,708 (eleven thousand seven hundred and eight) meaning that 1 (one) community counselor officer handled 43 litmas per month, while the ideal condition based on data from the Directorate General of Corrections is 1:5 meaning 1 PK officer handles 5 litmas²⁵Of course, the imbalance between the number of workers and the workload will have an impact.

d. Sociological Dimensions and Impact on the Effectiveness of Criminal Justice

The impact on the effectiveness of criminal punishment is largely determined by the extent to which society accepts alternative sanctions, such as probation and community service, as legitimate forms of justice. If society remains oriented toward revenge (imprisonment), then the effectiveness of non-imprisonment sanctions will face challenges in the form of resistance or additional social

²³<https://www.kompasiana.com/asesmenbintang3261/66560c5ec925c40cb732b7d6/berkaca-pada-the-dutch-probation-mewujudkan-masyarakat-sinergis-dan-integratif?page=all#section1> accessed on February 20, 2026 at 20.30 WIB.

²⁴https://www.tempo.co/hukum/pemerintah-akan-tambah-11-ribu-pembimbing-kemasyarakatan-2104343#google_vignette accessed on February 20, 2026 at 20.30 WIB.

²⁵Trisapto Agung Nugroho, "Analysis of the Needs of Community Guidance Officers at the Bandung Correctional Center (BAPAS)," *Scientific Journal of Legal Policy* 13, no. 1 (2019): 69, <https://doi.org/10.30641/kebijakan.2019.v13.69-84>, accessed on February 20, 2026 at 20.30 WIB

sanctions against convicts within their communities, which in turn risks triggering the failure of the rehabilitation process.²⁶

The effectiveness of punishment from a sociological perspective is also closely related to social control and labeling theory. By prioritizing alternative punishments for minor crimes, the National Criminal Code minimizes the negative impact of prisons, which often become "schools of crime" (prisonization), and prevents permanent stigmatization that makes it difficult for former inmates to reintegrate productively into society.²⁷ However, this effectiveness depends heavily on the social structure and the readiness of local institutions to accept and guide convicts. In the context of Indonesia's heterogeneous society, recognition of living law also carries a sociological dimension regarding how formal law interacts with customary law.

4. Conclusion

Based on the research results and discussion in Chapter III, it can be concluded that the role of the Correctional Institution (BAPAS) in the national criminal justice system has undergone a significant transformation following the enactment of Law Number 1 of 2023 concerning the Criminal Code. The National Criminal Code no longer places imprisonment as the primary instrument of punishment, but rather prioritizes diversified sanctions oriented towards corrective, restorative, and rehabilitative approaches through the introduction of supervision and community service as the primary punishment. This paradigm shift expands the function of BAPAS, particularly Community Guidance Officers, not only in the context of guiding and supervising integration clients, but also in providing professional considerations regarding the implementation, evaluation, and possible changes to alternative forms of punishment. Normatively, this expansion of authority has not been fully accompanied by comprehensive technical regulations. Although the basic framework is stipulated in Law Number 22 of 2022 concerning Corrections, there remains a gap in norms regarding operational mechanisms, compliance evaluation standards, procedures for handling violations, and cross-institutional coordination patterns between courts, prosecutors, and the Correctional Services Agency (BAPAS). This situation creates the potential for regulatory disharmony, legal uncertainty, and disparities in practice between regions in the implementation of supervised and community service sentences. From an institutional perspective, the readiness of the Community Guidance and Counseling Agency (BAPAS) to implement alternative punishment still faces serious challenges. The limited number of BAPAS units, which is not evenly distributed across all districts/cities, the disproportionate ratio

²⁶Eva Achjani Zulfa, 2011, "Paradigm Shift in Criminalization", Jakarta, Lubuk Agung, p. 102.

²⁷Satjipto Rahardjo, 2010, "Law Enforcement Problems: A Sociological Review", Bandung, Sinar Baru, p. 78.

of Community Guidance and Supervision workloads, and limited budget and supervision infrastructure are factors that can hinder the effectiveness of counseling. Without strengthening institutional capacity, supervision and community service punishments have the potential to operate in an administrative-formalistic manner and fail to achieve the rehabilitative goals envisioned by the National Criminal Code.

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