

## The Role of Probation and Parole Officers in Legal Reform in Indonesia: Addressing Overcrowding in Prisons and Detention Centers

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### Abstract

Legal reform is a crucial element in maintaining justice, sustainability, and progress within a nation. In Indonesia, legal reform involves various stakeholders, including Probation and Parole Officers, who play a pivotal role in shaping a law-abiding society and supporting the implementation of a legal system grounded in restorative justice. This research aims to analyze the role of probation and parole officers in legal reform in Indonesia, particularly after the enactment of Act Number 22 of 2022 on Corrections and Act Number 1 of 2023 on the Criminal Code. The research methodology is literature review in order to explore in depth the strategic role of Probation and Parole Officers. The research findings reveal that the Act Number 22 of 2022 reinforces the role of Probation and Parole Officers through the Social Research, Guidance, Monitoring, and Assistance programs, especially in relation to reducing overcrowding in correctional facilities (Lapas) and detention centers (Rutan). The humanistic approach used, such as rehabilitation programs recommendations designed on a personal basis, aim to reform the attitude and behaviour of inmates and prepare them for social reintegration. Meanwhile, the Act Number 1 of 2023 on the new Criminal Code expands the role of Probation and Parole Officers in conducting Social Research on adult suspects, as well as providing guidance and monitoring during the supervisory sentence and social work sentence. Not only does this role reduce criminality and increase legal compliance, but it also increases the sense of justice within the society. Therefore, these two Acts serve as a strong legal basis for Probation and Parole Officers to perform their role optimally within the legal reform in Indonesia. A full support from the government and other related institutions is required to ensure the effectiveness and sustainability of this strategic role in creating a legal system that is fair, humanist, and oriented towards social restoration.

**Keywords:** corrections, criminal code, overcrowding, prison, probation and parole officer

### Abstrak

Pembaharuan sistem hukum merupakan elemen penting dalam menjaga keadilan, keberlanjutan, dan kemajuan suatu negara. Di Indonesia, reformasi hukum melibatkan berbagai pemangku kepentingan, termasuk Pembimbing Kemasyarakatan, yang memiliki peran signifikan dalam membentuk



masyarakat yang patuh hukum serta mendukung penerapan sistem hukum berbasis keadilan restoratif. Penelitian ini bertujuan untuk menganalisis peran Pembimbing Kemasyarakatan dalam reformasi hukum, khususnya setelah diberlakukannya Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan dan Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (KUHP). Metode penelitian menggunakan pendekatan tinjauan literatur untuk menggali secara mendalam peran strategis Pembimbing Kemasyarakatan. Hasil penelitian menunjukkan bahwa Undang-Undang Nomor 22 Tahun 2022 menguatkan peran Pembimbing Kemasyarakatan melalui pelaksanaan Litmas, pembimbingan, pengawasan, dan pendampingan, khususnya dalam pengurangan overcrowding di Lapas dan Rutan. Pendekatan humanistik yang diterapkan, seperti rekomendasi program pembinaan yang disusun khusus, bertujuan memperbaiki sikap dan perilaku warga binaan serta mempersiapkan mereka untuk reintegrasi sosial. Sementara itu, Undang-Undang Nomor 1 Tahun 2023 tentang KUHP Baru memperluas peran Pembimbing Kemasyarakatan dalam memberikan Litmas untuk tersangka dewasa, serta pembimbingan dan pengawasan pada pidana pengawasan dan pelayanan masyarakat. Peran ini tidak hanya menurunkan angka kejahatan dan meningkatkan kepatuhan hukum, tetapi juga memperkuat nilai-nilai keadilan di masyarakat. Oleh karena itu, kedua undang-undang ini memberikan landasan hukum yang kuat bagi Pembimbing Kemasyarakatan untuk menjalankan perannya secara optimal dalam reformasi hukum di Indonesia. Dukungan penuh dari pemerintah dan lembaga terkait diperlukan untuk memastikan efektivitas dan keberlanjutan peran strategis ini dalam menciptakan sistem hukum yang adil, manusiawi, dan berorientasi pada pemulihan sosial.

**Kata kunci:** KUHP, Lapas, overcrowding, pemasyarakatan, Pembimbing Kemasyarakatan

## Introduction

Corrections play a major role in the criminal justice system in Indonesia. Within the juvenile criminal justice system, the role of Corrections, through the Probation and Parole Offices (*Balai Pemasyarakatan/Bapas*) and Juvenile Correctional Centers (*Lembaga Pembinaan Khusus Anak/LPKA*), is executed spanning from the pre-adjudication phase to post-adjudication phase (Sriwiyanti et al., 2021). In every step of the juvenile criminal justice system, Probation and Parole Officers (*Pembimbing Kemasyarakatan*) conduct Assistance, Guidance, and Social Research. Afterwards, LPKA plays its role as the place where juveniles go through their correctional rehabilitation taking into account programs that are recommended by Probation and Parole Officers (Saefudin et al., 2022).

The above major role is extensively regulated under the Act Number 11 of 2012 on the Juvenile Criminal Justice System (*Undang-Undang Sistem Peradilan Pidana Anak/UU SPPA*; henceforth SPPA Act). This Act is a breakthrough in reducing the level of overcrowding in Juvenile Correctional Centers. Ever since this Act was implemented, there has been a decreasing trend in the number of juvenile offenders who are given prison sentences (Sriwiyanti et al., 2021). As a matter of fact, according to the Correctional Database System, the LPKAs' capacity of 4,387 is only occupied by 2,310 juvenile offenders (System Database of Correction, 2024). Much of the success of SPPA in reducing overcrowding can be attributed to the implementation of a restorative justice approach through Diversion and alternative punishment and shows improvement in the legal system in Indonesia.

The same passion for reducing overcrowding in Correctional Institutions (*Lembaga Pemasyarakatan/Lapas*) and Detention Centers (*Rumah Tahanan Negara/Rutan*) was put into action by ratifying changes in Act Number 1 of 2023 on Criminal Code (henceforth Criminal Code Act) and Act Number 22 of 2022 on Corrections (henceforth Corrections Act). These two Acts, according to the Minister of Law and Human Rights at that time, not only reinforce the concept of social reintegration but also emphasize restorative justice, which is adopted in the Juvenile Criminal Justice System and the rejuvenating of the Indonesian national criminal justice law (Detik.com, 2023).

The Corrections Act amends the definition of Social Research conducted by Probation and Parole Officers. In Act Number 12 of 1995 on Corrections, Social Research is defined as a document used to understand the background of inmates (Corrections Act, 1995). Currently, Social research is “an activity of collecting, processing, analyzing, and disseminating data systematically and objectively for the Caretaking of Detainee or Underaged Individuals, rehabilitation of Convicted Criminals or Underaged Convicts, and the Social Guidance of Correctional Clients, as well as the basis of consideration for investigators, prosecutors, and judges in the resolution of a criminal case. (Article 1 Clause 15, Corrections Act, 2022).

Meanwhile, Article 51 of the Criminal Code Act explains that Corrections within the criminal justice system have the following purposes:

- a. preventing the commission of criminal acts by upholding legal norms for the sake of protecting society;
- b. socializing convicted criminals by conducting rehabilitation and guidance into becoming a good and productive person;
- c. resolving conflicts that arise due to the commission of Criminal Acts, restoring balance, and establishing the sense of security and peace within the society; and
- d. bringing about remorse and freeing the guilt of convicted criminals.

The above Article 51 shows a common theme with the Corrections Act regarding Social Research, which is utilized as a basis to formulate guidance programs so that detainees/prisoners become a good and productive person. In another article, the Act also explains that Probation and Parole Officers play a role in the Guidance and Monitoring of Alternative Punishment. This also includes mutations of punishment and providing considerations for rehabilitation guidelines (Criminal Code Act, 2023).

The complexity of the role of Probation and Parole Officers going forward is believed to have a positive impact in reducing overcrowding in both Lapas and Rutan in Indonesia (Ricky Fahriza, 2020). The two newly established two Acts provide legitimacy for Probation and Parole Officers in Indonesia to play their role in providing recommendations on alternative punishment, so that imprisonment becomes the ultimate choice, as well as accelerating and increasing the effectiveness of in-prison rehabilitative processes using needs-based rehabilitation programs. Various rehabilitation programs are conducted on the inmates based on assessments carried out to ensure that inmates receive the best treatment based on the assessed risk of repeat offending (Saefudin, 2020a).

Probation and Parole officers as correctional officers who perform duties of social research and assessment play a role in preventing offenders of the law from being imprisoned (Nasirudin, 2019), while at the same time giving recommendations regarding the right treatment in accordance with the previously conducted needs and risk assessments. Consequently, inmates will be given treatment (rehabilitation and guidance programs) that would help them become members of society who can carry out healthy interactions when they return to the society (Mubarok & Yulianti, 2023).

However, some problems need to be immediately addressed, including the unbalanced understanding among Probation and Parole Officers. This is particularly related to the restorative justice approach that will be adopted as a basis of the treatment on detainees and inmates. Through this research, we want to examine the role of Probation and Parole Officers in reducing overcrowding rates inside Correctional Institutions and Detention Centers through the existence of the Corrections Act and Criminal Code Act. Moreover, this research further explores the extent of Probation and Parole Officers' knowledge about the business model implemented currently and going forward within the correctional system.

### **Research Methods**

This study utilizes the literature review method aimed at identifying, analyzing, and synthesizing relevant literature systematically. The process begins with identifying literature by searching academic databases such as Scopus, PubMed, and Google Scholar using keywords relevant to the research topic. Afterward, the identified literature is selected based on inclusion criteria such as topic relevance, pub-

lication time frame, and publication in peer-reviewed journals, as well as exclusion criteria like limited access and potential bias. The literature that passes the selection process is then analyzed using thematic analysis techniques to organize findings based on specific themes and synthesized to provide a comprehensive understanding of the issue being studied and to identify research gaps. Criticism of the literature is also conducted to evaluate its strengths, weaknesses, and limitations, ensuring that the resulting discussion is more objective. This method is chosen because it allows for the comprehensive and efficient collection of secondary data without the need for primary data collection, making it highly suitable for this study (Marczyk et al., 2005).

## Results and Discussion

### Prison Overcrowding in Indonesia

Presently, according to the World Population Review data, Indonesia is among the ten countries with the highest number of incarcerated people (detainee/prison inmates), as presented in the following table:

*Table 1. Number of incarcerated people*

Rank	Country	Total Incarcerated
1	United States of America	1 808 100
2	China	1 690 000
3	Brazil	888 791
4	India	573 220
5	Russian Federation	433 006
6	Turkey	378 657
7	Thailand	274 277
8	Indonesia	273 697
9	Mexico	235 461
10	Iran	189 000

*Source: (World Prison Brief Data, 2024)*

Referring to the World Prison Brief, the above number of incarceration compared to the population of Indonesia which reaches 288.83 million (as of March 2024) produces the incarceration rate of 96 per 100,000 of the national population. That number places Indonesia in rank 159 out of 224 recorded nations.

The Indonesian Government continuously strives to make improvements in the correctional system in Indonesia to reduce the ongoing overcrowding. The purpose is to optimize various programs carried out to create change in behaviour among inmates, to reduce the likelihood and number of repeat offending. The aforementioned programs include reintegration program (parole i.e., conditional release or conditional leave), remission program, education, and rehabilitation program both related to personality and occupational skills. These various programs are evidence of the shift from punitive imprisonment to rehabilitative corrections (Regita Anjani et al., 2024).

Despite the existing efforts, the problem of overcrowding in Lapas/Rutan is yet to be resolved. Until now, the increase of the number of inmates has not been balanced with a significant increase of incarceration capacity. Therefore, the rate of occupancy within Lapas/Rutan keeps on increasing. The following table shows the number of detainees and inmates occupying Lapas and Rutan over the years.



Table 2. Number of Detainees and Inmates 2019-2024

No.	Year	Number of Occupants	Capacity	Discrepancy	Percentage of Overcrowding
1.	2019	260,752	134,757	125.995	193%
2.	2020	252,037	136,289	115.748	185%
3.	2021	270,054	136,289	133.765	198%
4.	2022	270,780	136,704	134.076	198%
5.	2023	267,149	137,246	129.903	195%
6.	2024	272,604	145,661	126.943	187%

Source: (System Database of Correction, 2024)

The above table shows the persisting overcrowding problem within the correctional system. In general, there have been fluctuations in overcrowding rate over the years. We can observe a largely consistent increase in the total number of inmates occupying Lapas and Rutan. While a slight dip occurred in 2020 (arguably the impact of the house-assimilation program enacted due to the Covid-19 pandemic, which allowed a lot of inmates to enter probation earlier), it was followed by a jump in the number of inmates; in fact, the peak of overcrowding rate during the recent years was observed in 2021-2022. The reduced number of inmates in 2023 was also followed by an increased number even larger than the decrease observed in that year. While the capacity of Lapas and Rutan has also increased over the years with the establishment of new correctional facilities and the expansion of existing prisons, this effort hasn't been able to overcome overcrowding, which remains close to 90% as of 2024.

The existing overcrowding problem in Lapas and Rutan could lead to a myriad of problems, among other things related to the rehabilitation program (occupational skills training, medical and social rehabilitation) which cannot be provided optimally due to insufficient resources caused by the population exceeding capacity (Fahriza, 2020). Secondly, the overcrowding worsens the non-deal discrepancy ratio between the number of inmates and the available officers. In this situation, the security, monitoring, and rehabilitative functions are compromised. In consequence, riot, prisoner escapes, and the failure to carry out certain programs become more likely to happen. Another problem has to do with the ballooning cost that the country needs to spend for the living cost of the inmates (Napitupulu et al., 2019).

Aside from the previous issues, referring to the benchmark of prison density measured by the occupancy rate, the situation in Indonesian Lapas and Rutan falls under *extreme overcrowding* since the measured occupancy rate is above 150% (ICJR, 2018). According to ICJR, this density is caused by several factors, including the policy of criminal justice which is still incarceration-oriented, excessive punishment for minor offences and victimless crimes, excessive pre-trial detention, problematic administrative procedure, less than optimal assimilation and reintegration, inadequate access for suspects/convicts to get legal advocacy and avoid excessive detention and incarceration, as well as institution-related issues including those related to human resources, infrastructure within the Directorate General of Corrections and the Technical Operating Units under it.

The success of many countries in overcoming overcrowding can be attributed to various strategies. One of the strategies to overcome overcrowding is the reorientation of punishment. Another strategy is optimizing policies of non-incarceration punishment as the primary priority of punishment. Establishing a limit on pre-trial detention can also help reduce overcrowding in detention centres, as well as expand the infrastructure of Lapas/Rutan. The expansion of infrastructure is not limited to the establishment of new Lapas/Rutan, but also involves competent human resources as well as a measurable and professional rehabilitation model.

## The Role of Probation and Parole Officers in the Juvenile Criminal Justice System Act

Ever since its writing and effective enactment 10 years ago, the SPPA Act has proven effective in reducing overcrowding within juvenile correctional Centers (LPKA). This has to be attributed partly to the restorative justice paradigm, which is the distinct characteristic utilized in the juvenile criminal justice system. Restorative justice is an approach within the criminal justice system that focuses on the recovery, reconciliation, and restoration of a relationship that was damaged due to a criminal act (Marshall, 1999; Mcchargue, 2020; Ness et al., 2001).

This approach emphasizes efforts to overcome root causes as well as the psychological, social, and emotional impacts that the criminal act causes both on the victim, perpetrator, and society in a broader scope. The main principle of Restorative Justice is shifting the focus from punishment and retaliation towards resolution of conflict and recovery. In a traditional system, perpetrators are usually punished with incarceration and/or fine, while the victim is often left feeling dissatisfied with the result while the long-term effect of the crime remains (Maglione, 2021).

In the restorative justice approach, a dialogue between the victim, perpetrator, and the community is made possible to discuss the consequences of the criminal act and come to a solution that is favorable to all parties involved. This can include apology, restitution, or other courses of action that can help rectify the consequences of the criminal act. This approach strives to develop responsibility and learn from mistakes, which hopefully will decrease the rate of reoffending (Gaffney et al., 2024).

The following table shows the number of criminal cases involving juveniles in Indonesia from the year 2012 to 2023 as well as their resolution, which includes imprisonment and diversion/non-prison sentencing.

*Table 3: Number of juvenile cases*

No	Year	Number of cases	Case Resolution	
			Imprisonment	Non-Prison and Diversion
1	2012	6056	4334	1722
2	2013	6466	4970	1496
3	2014	7142	3182	3960
4	2015	11118	2237	8881
5	2016	11959	2448	9511
6	2017	13854	3662	10192
7	2018	11319	2202	9117
8	2019	12197	2944	9253
9	2020	10983	2595	8388
10	2021	8183	2194	5989
11	2022	5504	1471	4033
12	2023	15293	3760	11533

The above table shows that, during the year 2012 to 2014, the number of juvenile offenders who were given prison sentences was larger than those whose cases were resolved with non-prison sentencing or were diverted. During this period, the SPPA Act has not been enforced even though it was

signed in 2012 due to the three-year transition period. Afterwards, in 2015-2023—ever since the SPPA Act was in effect—the number of juveniles who are given sentences outside of prison or had their cases Diverted is consistently larger than those who were sentenced to incarceration.

Within the ten years since the new Juvenile Criminal Justice System was enacted, there is a significant drop in the number of juvenile criminal cases which ended in incarceration. Furthermore, according to the Correctional Database System, the number of the juvenile correctional institution (LPKA) occupancy is below the current capacity, with the juvenile prison capacity of around 4387 occupied by roughly 2310 people. This indicates that the SPPA Act is indeed effective in overcoming overcrowding within Juvenile Correctional Centers (Saefudin & Nasirudin, 2022).

The SPPA Act states that Probation and Parole Officers play significant roles, two of them being conducting Social Research which provides recommendations for non-prison punishments and Assistance during each step of the criminal justice process. This means that the success of the SPPA Act in reducing overcrowding in LPKAs cannot be detached from the role of Probation and Parole Officers that are regulated by the SPPA Act.

Probation and parole officers play a crucial role in the implementation of restorative justice in Indonesia. Prior to the enactment of the SPPA Law, their responsibilities were primarily focused on conducting community assessments for judges to consider when determining outcomes for children involved in court cases. However, with the introduction of the SPPA Law, the duties of probation and parole officers became more strategic. They are now involved in various stages of the legal process, including conducting Litmas for case resolution at court, facilitating diversion programs with the police and prosecutors, and participating in diversion deliberations as deputy facilitators. Consequently, probation and parole officers can effectively advance restorative justice principles by working to prevent children from being sentenced to prison. The implementation of the SPPA Law, which emphasizes restorative justice in juvenile criminal proceedings, has led to a significant decrease in non-prison sentences.

### **The Role of Probation and Parole Officers in the Acts on Corrections**

The Act Number 22 of 2022 on Corrections is a legislation that regulates the correctional system in Indonesia. This legislation replaced the previously implemented Act Number 12 of 1995 on Corrections. In general, this Act regulates the correctional system in regard to the treatment of Detainees, Underaged Individuals, and Inmates. The treatment is enacted through correctional functions that includes Attendance (*pelayanan*), Rehabilitation (*pembinaan*), Social Guidance (*bimbingan kemasyarakatan*), Caretaking (*perawatan*), Safeguarding (*pengamanan*), and Observation (*pengamatan*) in adherence to the fulfillment, respect, and protection of human rights.

This Act was implemented to reinforce the Correctional system in Indonesia which, under the Act Number 12 of 1995 on Corrections, had adopted social reintegration to replace the paradigm of retaliation and imprisonment. Aside from reinforcing the concept of social reintegration, this Act also adopts the paradigm of alternative punishment, which was previously adhered to in the Juvenile Criminal Justice System, and the rejuvenation of criminal justice in Indonesia.

Furthermore, the Corrections Act aims to reinforce a fair, beneficial, and humanitarian correctional system, improve the effectivity of the enactment of correctional functions, improve the quality of the attendance and rehabilitation of inmates, improve the protection and fulfillment of the fundamental human rights of inmates, as well as increasing the participation of society in the implementation of Corrections (Saefudin, NCD, et al., 2021).

A significant change brought about by the new Corrections Act is the reinforcement of social reintegration, which is the process of returning an incarcerated individual back into the society as a responsible and productive member of society. Moreover, the Corrections Act also further enforces restorative justice, which is the resolution of criminal cases with the involvement of the perpetrator, victim, and the

society. This Act also adds to the function of Social Guidance, which comprises guidance activities, assistance, and Monitoring on people who have finished the duration of their incarceration in a Correctional Institution (*Lembaga Pemasyarakatan/LAPAS*). In addition, this Act also introduces additional functions of Caretaking, namely the medical and nonmedical assistance to disabled or sick inmates.

Under the aforementioned changes, probation and parole officers have two interconnected primary duties, namely conducting Social Research/*Penelitian Kemasyarakatan* (Article 20, 29, 36, and 48) and conducting Social Guidance activities that consists of Assistance, Guiding, and Monitoring (Article 56 Clause (2)). Article 1 Clause (15) explains that Social Research is the activity of collecting, analysing, and disseminating data, which is done in a systematic and objective manner for Caretaking of Detainee or Underaged Individuals, rehabilitation of Convicted Criminals or Underaged Convicts, as well as the basis of consideration for investigators, prosecutors, and judges in the trial process of a criminal case. Meanwhile, it is explained in Article 1 Clause (11) that Social Guidance are activity carried out to assist Correctional Clients within and outside of the criminal justice process and prepare Correctional Clients for their social reintegration.

Social Research in the Corrections Act is used in the detention process to provide considerations for the detention services of both detainees and underaged suspects. The recommendations that can be given include the suspension of detention, house arrest, or city detention, as stated in Article 20, Paragraph (5) in conjunction with Article 29, Paragraph (5). In addition, in the rehabilitation process, Social Research is used to provide considerations for the rehabilitation of inmates. The recommendations that can be provided by the community advisor through Social Research include remission programs, assimilation, integration, placement, and rehabilitation (intervention), as stated in Article 36, Paragraph 5 in conjunction with Article 48, Paragraph 5.

Afterward, in the guidance program, Social Research is used as a consideration to provide guidance programs for clients. The guidance programs offered can be specific programs based on needs or extended guidance programs as stated in Article 56, Paragraph (5). Furthermore, in the investigation, prosecution, and trial processes, Social Research is used to provide consideration to investigators, public prosecutors, and judges in resolving cases. The recommendations that can be given include the implementation of diversion and alternative penalties, which may include reconciliation, compensation, community service, or supervision penalties.

Social Guidance (*bimbingan kemasyarakatan*) includes assistance, guidance programs, and monitoring. Assistance is carried out to guarantee the fulfillment of needs and rights all the way from the pre-adjudication phase to the post-adjudication phase and extended guidance. Meanwhile, guidance programs are conducted to enhance Correctional Clients' mental and spiritual resilience, intelligence, skills, and independence in regard to their return to society. Lastly, Monitoring programs aim to make sure that the established terms and designed programs are adhered to (Saefudin, 2020b).

In the Assistance function during pre-adjudication phase, the role of Probation and Parole Officers is to provide aid and assistance during the writing of the Police Investigation Report (*Berita Acara Pemeriksaan/BAP*), diversion, mediation, and the handover of case files to the Prosecutor's Office. During the Adjudication process probation and Parole Officers escort the suspect during the trial, while during the post-adjudication phase, Assistance is conducted during the execution of the sentence and to ensure the fulfillment of educational, health, and other types of needs (Saefudin, Mubarak, et al., 2021).

Guidance provided during the pre-adjudication phase involves the Probation and Parole Officer giving pre- and post-interrogation counseling as well as affirmation for the suspect's family. At the adjudication phase, Guidance includes post-trial counseling, family affirmation, and providing consultation before the trials. Lastly, at the post-adjudication phase, the Probation and Parole Officer gives counseling within the Correctional Institutions, giving reaffirmation for the convict's family, as well as conducting personality guidance and occupational skills guidance at the Probation and Parole



Office. The family reaffirmation as well as personality guidance and occupational skills guidance is also given during the extended guidance phase (Saefudin et al., 2022).

The function of Monitoring at the pre-adjudication phase involves monitoring the Diversion efforts and the enactment of the Diversion agreement, while Probation and Parole Officers monitor the execution of recommendations related to the caretaking of detainees. During the post-adjudication phase, Monitoring is conducted on the adherence to recommendations regarding prisoner and Juvenile convicts' rehabilitation as well as the implementation of guidance programs.

The above explanation of the duties of Probation and Parole Officers shows that Social Research, Assistance, Guidance, and Monitoring play crucial roles in designing guidance programs for the rehabilitative process of detainees, inmates, and correctional clients, especially to reduce the existing overcrowding.

Social research is very important in understanding factors that influence criminal behaviors and the rehabilitation process. In social research, information regarding personal background, needs, and individual characteristics can be obtained. The research can also help in determining the best approach for guidance and rehabilitation, as well as ensuring that the designed programs are in accordance with the identified needs and characteristics of each individual (Nasirudin, 2019).

Furthermore, Assistance carried out by Probation and Parole Officers helps to ensure that each individual facing a criminal justice process has their rights protected and gets the assistance they need throughout the criminal justice process, starting from the pre-adjudication phase to the post-adjudication phase. In the context of rehabilitation, Assistance plays an important role in ensuring the presence of emotional, social, and legal support for detainees or inmates. With properly carried out Assistance, the individual will feel heard, understood, and holistically supported, which might increase the likelihood of a successful rehabilitation.

The crucial role that the Guidance function plays is providing skills, knowledge, and the necessary support for the detainees, inmates, or correctional clients to change their behavior and prepare them to reintegrate into society. With the Guidance function, individuals are given training with topics ranging from social skills, life skills and occupational skills, as well as enriching their mental and spiritual resilience to help them adapt with a healthy and functional environment after they leave Lapas/Rutan (Awibowo & Wibawa, 2023).

Meanwhile, the Monitoring conducted can ensure that rehabilitation and intervention programs are carried out effectively and according to the established plan. This includes making sure that the terms established in the guidance program are adhered, and that the individual obtains the support they need during their rehabilitation process. With strict monitoring, the potential for violations and other problems can be anticipated, identified, and overcome in a timely manner, which ultimately helps reduce the risk of recidivism.

By reinforcing probation and parole officers in understanding and carrying out all of these aspects in a holistic manner, rehabilitation and guidance programs during the rehabilitation process of detainees, inmates, and correctional clients can be planned and design more effectively and comprehensively, enabling them to get treatments in accordance to their needs, and reducing overcrowding by providing the necessary support to change criminal behavior into positive and productive behavior.

### **The Role of Probation and Parole Officers in the Criminal Code Act**

The Act Number 1 of 2023 concerning the Criminal Code (*Kitab Undang-Undang Hukum Pidana/KUHP*) introduces a new concept of punishment in Indonesia that is more oriented towards restorative justice. One of the key actors in implementing this approach is the Probation and Parole Officers (*Pembimbing Kemasyarakatan/PK*). The role of the Probation and Parole Officers is significantly reinforced, both in the context of guidance and monitoring of clients, as well as its scope, which

has expanded from only handling juvenile cases to also include adult cases. With this new legal framework, the duties and responsibilities of the Probation and Parole Officers have become more strategic in supporting the objectives of corrections and the criminal justice system in Indonesia.

In the latest Criminal Code, the role of the PK is clearly defined through various articles that emphasize the importance of collaboration between Probation and Parole Officers and other law enforcement authorities (*Aparat Penegak Hukum*/APH), such as investigators and prosecutors. Article 41, for example, assigns Probation and Parole Officers, together with investigators and professional social workers, to make decisions in cases involving children under 12 years old who have committed or are suspected of committing a criminal act. This shows that the Probation and Parole Officers are part of efforts to provide protection and humanistic solutions, particularly for children who come into conflict with the law.

Moreover, Article 76, Paragraph (5) asserts that in the implementation of supervisory sentences, the Probation and Parole Officers have a strategic role in providing recommendations to the prosecutor regarding violations of specific conditions by the convicted person. Probation and Parole Officers also have the authority to recommend reducing the duration of supervision for convicts who show good behavior, as outlined in Article 76, Paragraph (6). This illustrates that Probation and Parole Officers are not only passive supervisors but also play a decisive role in assessing the social reintegration of the convicted individual.

In the context of community service sentences, Article 85, Paragraph (8) mandates Probation and Parole Officers to conduct guidance during the implementation of community service sentences. This task not only includes administrative supervision but also moral and social guidance to offenders, ensuring their participation in social activities has a positive impact on the community. Thus, the new Criminal Code provides a solid legal foundation for the PK to take on a more active and integrative role.

With the reinforcement of Probation and Parole Officers' role in the Criminal Code, several important implications need further analysis. First, the restorative justice approach promoted by the new Criminal Code offers great opportunities for Probation and Parole Officers to contribute to reducing recidivism. Probation and Parole Officers are tasked with ensuring that clients, both juveniles and adults, receive comprehensive guidance to change their behavior. This approach not only focuses on punishment but also on rehabilitation and social reintegration.

Second, the role of Probation and Parole Officers in implementing supervision penalties and community service sentences reflects a new paradigm of punishment that is more focused on social recovery. Community service sentences, for example, provide offenders with an opportunity to contribute to society while internalizing positive social values. Here, the role of Probation and Parole Officers becomes central in orienting, monitoring, and evaluating the implementation of these sentences to align with the goals of the sentence.

However, the implementation of the Probation and Parole Officers' role within the context of the new Criminal Code is not without challenges. One of the main challenges is the lack of higher-level regulations concerning the implementation of restorative justice for adult suspects. Currently, only juvenile offenders receive comprehensive legal protection through Act Number 11 of 2012 concerning the Juvenile Criminal Justice System. Without more detailed regulations, the execution of Probation and Parole Officers' duties in adult cases risks becoming inconsistent and dependent on the internal policies of each law enforcement agency. Therefore, additional policies are needed to clearly and comprehensively regulate the role of the Probation and Parole Officers in implementing the Criminal Code.

Third, collaboration among stakeholders is also an important element in the successful implementation of the Criminal Code. Probation and Parole Officers cannot work alone; they require support from the community, other law enforcement authorities, and government agencies overseeing

social work. This collaboration is essential to creating an ecosystem that supports the rehabilitation of offenders and their successful social reintegration.

From the explanation above, we can see how the role of PK in the new Criminal Code, especially in realizing the restorative justice approach embedded in the penal system, is crucial. With tasks that encompass social research, guidance, monitoring, and assistance, Probation and Parole Officers become key actor in ensuring the successful implementation of supervision penalties and community service sentences. However, to maximize this role, more comprehensive policies and solid collaboration from all stakeholders are required. In this way, the goals of punishment, which not only aim to punish but also to rehabilitate and reintegrate offenders, can be optimally achieved.

### **Conclusion**

With the strengthening of the role of Probation and Parole Officers through Act Number 22 of 2022 and Act Number 1 of 2023, legal reforms in Indonesia can be implemented more effectively and sustainably. The role of Probation and Parole Officers in carrying out Social Research, guidance, monitoring, and assistance not only provides solutions to the overcrowding issues in correctional institutions and detention centers, but also strengthens the application of restorative justice in the criminal justice system. Therefore, support from the government and relevant institutions is crucial to ensure the effectiveness and sustainability of the strategic role of Community Advisors in legal reforms in Indonesia.

### **Implication**

The implications of the study are significant for various stakeholders, including policymakers, law enforcement agencies, probation and parole officers, and society at large:

1. **Policy Implications:** Policymakers can use the findings to inform future legislative reforms and policies related to corrections and criminal justice. Understanding the pivotal role of probation and parole officers can lead to the development of more comprehensive and effective strategies for reducing recidivism, promoting rehabilitation, and enhancing public safety.
2. **Professional Development Implications:** Probation and parole officers can benefit from insights gained through the research by refining their approaches to rehabilitation and reintegration. By recognizing the importance of their role in legal reform, officers may be motivated to seek additional training and resources to enhance their effectiveness in supporting offenders' successful transition back into society.
3. **Resource Allocation Implications:** The study underscores the importance of allocating adequate resources to support probation and parole programs. Investing in educational and rehabilitative initiatives, as well as training and professional development opportunities for officers, can yield long-term benefits in terms of reduced crime rates, improved public safety, and overall societal well-being.
4. **Community Engagement Implications:** The research highlights the potential for increased collaboration between probation and parole officers and community organizations, educational institutions, and employers. By engaging with these stakeholders, officers can better address the diverse needs of offenders and facilitate their successful reintegration into society.
5. **Public Awareness and Perception Implications:** Disseminating the findings of the study can help raise public awareness about the role of probation and parole officers in legal reform. By promoting a better understanding of the challenges and opportunities associated with rehabilitation and reintegration, the public perception of offenders and the criminal justice system as a whole may become more nuanced and supportive.

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