

# LEGAL STUDY RELATED TO INDONESIAN RECIDIVISM RISK ASSESSMENT AND CRIMINOGENIC TOWARDS THE GRANTING OF CONDITIONAL RIGHTS BY COMMUNITY GUIDANCE BASED ON LAW NUMBER 22 OF 2022 CONCERNING CORRECTION (CASE STUDY IN CLASS II BAPAS KARANGASEM)

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## Abstract

Implementation of the Indonesian Recidivism Risk Assessment and Criminogenicity towards the granting of conditional rights by Community Guidance Officers based on Law Number 22 of 2022 concerning Corrections by emphasizing the authority of Community Guidance Officers in their implementation which intersects with the duties of the Correctional Assessor so that there is no continuity between the applicable regulations and the implementation that occurs in the field.

Based on the background above, the problems can be formulated as follows: 1) How is the authority of Community Guidance Officers in implementing the Indonesian Recidivism Risk Assessment and Criminogenicity towards the granting of Conditional Rights based on Law Number 22 of 2022 concerning Corrections? And 2) What are the obstacles to the implementation of the Indonesian Recidivism Risk Assessment and Criminogenicity by Community Guidance Officers towards the granting of Conditional Rights based on Law Number 22 of 2022 concerning Corrections?

Based on the research conducted, it was found that the authority of the Community Guidance Officer in implementing the Indonesian Recidivism Risk Assessment and Criminogenicity regarding the granting of Conditional Rights based on Law Number 22 of 2022 concerning Corrections, namely the imbalance in the implementation of the Indonesian Recidivism Risk Assessment and Criminogenicity which is the task of the Assessor but in the field is still carried out by PK to fulfill the completeness of the completion of the community research report. Law Number 22 of 2022 concerning Corrections explains the authority of PK, namely community research, guidance, supervision and assistance as stated in Article 56, but in the field to fulfill the completion of Community Research as one of the authorities, PK must carry out the Indonesian Recidivism Risk Assessment and Criminogenicity which should be carried out by the Correctional Assessor.

**Keywords:** Asesmen, Pembimbing Kemasyarakatan, Asesor

## Introduction

Crime is an act that harms society and causes serious problems in the sustainability of community life. In general, crime occurs because of differences in social structures that close access and create inequality for one part of society to obtain a decent living. In addition, the increasingly rapid development of individuals goes hand in hand with the development of the

quality of crime itself. The increase in crime in Indonesia, both in terms of quantity and quality, has formed a concern that has invited opinions and discussions from experts to jointly find the right solution to control crime. One of the steps highlighted in controlling crime is reducing the rate of repetition of the crime itself. One effort to reduce the rate of repetition of criminal acts (recidivism) is by implementing an appropriate criminal system.

Every offender who commits a crime must be given a punishment or criminal penalty. This is part of the authority of the state as the highest policy maker to formulate a system, determine principles, and formulate appropriate treatment regarding the meaning of punishment for its society.

On the one hand, the state is obliged to provide safety guarantees for every member of society without exception to avoid all forms of criminal threats, but on the other hand, inmates or offenders, who are also members of society, must also be given justice where the only suffering that the state can give is the deprivation of their freedom. Therefore, the preparation of regulations regarding the criminal justice system has gone through various pros and cons. In Indonesia, the criminal justice system has experienced long dynamics and turmoil and resulted in many changes, especially in terms of shifting the purpose and meaning of the criminal justice itself. From a criminal justice system with an absolute or retributive theory where losing an eye is paid for an eye, life is paid for life to the development of the correctional system that we have implemented until now. Article 1 Paragraph (2) of Law Number 22 of 2022 concerning Corrections states that the Correctional System is an order regarding the direction and boundaries and methods of implementing the Correctional function in an integrated manner. This means that the correctional system is proof of the presence of the state as the holder of the highest authority both physically and spiritually to all its people to provide fair treatment to convicts. Therefore, the implementation of the Correctional System upholds the use of the philosophy of social reintegration as the basis for the treatment of inmates. Social reintegration views that someone who commits a crime does not necessarily do it only because of intention and desire but is triggered by other factors. Social reintegration is defined as a process mechanism that brings individuals who commit crimes who were originally deviant to a more focused and productive social order so that they can adapt and show positive changes, of course by referring to applicable social norms and values. Corrections and social reintegration have collaborated to determine their goals. The rapid development of the objectives of the punishment is stated in the Law, namely to provide guarantees of protection for the rights of Prisoners and Children, improve the quality of personality and independence of Inmates so that they realize their mistakes, improve themselves, and do not repeat criminal acts, so that they

can be accepted back by the community, can live normally as good citizens, obey the law, are responsible, and can actively play a role in development; and provide protection to the community from repeating criminal acts in accordance with the mandate of the Law. These goals are not simply formulated without reason. The state conveys a noble desire to provide fair treatment for the entire community, including inmates who are also its members. The sentence contained in the purpose of corrections is said to be very fair because the state emphasizes punishment as a momentum of change for offenders and provides an opportunity to be able to show the main qualities of self. This means that corrections treat offenders humanely where they are prepared to return to society with the best version, have skills, and are equipped with abilities. This is done to reduce recidivism specifically and reduce the crime rate in general which has been a long, never-ending problem.

Law Number 22 of 2022 concerning Corrections hereinafter (referred to as the Corrections Law) which is also the legal basis for treatment mandates the granting of rights to every inmate. This is a manifestation of the fulfillment of the human rights of every community. Article 9 of the Corrections Law mandates that every inmate has the right to carry out spiritual activities, receive physical and spiritual care, receive education or potential development, receive health services, receive information services, legal assistance, and complaints. In addition, Article 10 Paragraph (1) of the Corrections Law explains in more depth that inmates who have met certain requirements are also entitled to remission, assimilation, CMK, CB, CMB, PB, and other rights in accordance with laws and regulations. The view to reduce the high rate of repeat criminal acts or recidivism needs to be reviewed from the perspective of granting conditional rights to inmates so that they have time to adapt before actually living their lives, lives and livelihoods when they return to the midst of society. Conditional rights based on those stated in the Corrections Law, especially in Article 10 paragraph (1) that "In addition to the rights as referred to in Article 9, prisoners who have met certain requirements without exception are also entitled to: (a) Remission; (b) assimilation; (c) leave to visit or be visited by family; (d) conditional leave; (e) leave before release; (f) conditional release; and (g) other rights in accordance with the provisions of laws and regulations". In order to realize this, based on the Decree of the Directorate General of Corrections, Instructions for the Implementation of Fulfillment of Conditional Rights for Prisoners were issued in accordance with Law Number 22 of 2022 concerning Corrections Number PAS-20.OT.02.02 of 2022. In Chapter II, general provisions state that conditional rights are given to prisoners in the form of rights such as (a) Remission; (b) assimilation; (c) leave to visit or be visited by family; (d) conditional leave; (e) leave before release; (f) conditional release with the provision that the conditions that must be

met include good behavior, actively participating in the coaching program and have shown a decrease in the level of risk and does not include prisoners sentenced to life imprisonment and death row inmates.

Derived from the Correctional Law, there is a derivative of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2022 concerning the second amendment to the Regulation of the Minister of Law and Human Rights Number 3 of 2018 concerning the Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Leave Before Release and Conditional Leave which explains that the conditions referred to for conditional rights obtained by Prisoners except for remission require a Community research report made by the Community Guidance Officer and acknowledged by the Head of the Correctional Institution.

The granting of these conditional rights is a form of trust given by the State to the Prisoners themselves so that it can reduce the occurrence of repeated criminal acts. The function of punishment is no longer about deterrence but a process of rehabilitation and social reintegration of Inmates. The concept of guidance that is often used as a form of assessment and rehabilitation for prisoners is the Risk-Need-Responsivity (RNR) concept. Of the three principles, it is seen that the principle of risk and need is needed by Community Guidance Officers in completing research reports as a benchmark for assessments carried out on prisoners. This RNR concept provides knowledge of the risks and needs of prisoners through risk and Criminogenic assessments that determine the provision of services, rehabilitation or guidance for prisoners based on the results of the assessment. The higher the risk and needs based on the results of the assessment, the more program recommendations are given that focus on reducing the level of risk first so as not to endanger state security when prisoners receive their conditional rights. This assessment is included in the section on community research written by Community Guidance Officers. Based on the Correctional Law in Article 1 paragraph (23) it states that "Community Guidance Officers are Correctional Officers who carry out Litmas, assistance, guidance and supervision of Clients both inside and outside the criminal justice process".

## **Methods**

The type of research used by the author is Normative legal research. Also called juridical, doctrinal, library, and documentary studies because this research is carried out in relation to written legal regulations or materials as secondary data and is supported by empirical research results. This research is also supported by field research conducted by the author at Bapas Class II Karangasem regarding the implementation of RRI and Criminogenic assessments of the granting of conditional rights by Community Guidance based on Law Number 22 of 2022 concerning Corrections.

## **Results and Discussion**

### **Authority of Community Guidance Officers in implementing Indonesian Recidivism Risk Assessments and Criminogenicity towards granting Conditional Rights based on Law Number 22 of 2022 concerning Corrections.**

In this Law, the Definition of Community Research, Community Guidance Officers and Assessors is explained in general in Article 1 paragraph (15) which states that Community Research, hereinafter referred to as Litmas, is an activity of collecting, processing, analyzing and presenting data carried out systematically and objectively for the benefit of Prisoner or Child Services, Guidance of Prisoners or Foster Children, and Community Guidance of Clients, as well as a basis for consideration by investigators, public prosecutors and judges in resolving cases. Article 1 paragraph (23) states that Community Guidance Officers are Correctional Officers who carry out litmas, assistance, guidance and supervision of Clients, both inside and outside the criminal justice process and in Article 1 paragraph (24) that Correctional Assessors are correctional officers who carry out assessments of Prisoners, Children and Foster Residents. In addition, the discussion of conditional rights stated in Article 10 paragraph (1) and paragraph (2) which explains the granting of conditional rights to prisoners and one of the requirements is a decrease in the level of risk.

In Indonesia, the problem of breaking the law committed by citizens, both adults and children, is the task of Law Enforcement Officers to provide sanctions and guidance so that citizens can realize that the highest part of the Indonesian state is the law. Law enforcement officers are institutions that are responsible and have the authority to carry out the judicial process, arrest, examine, supervise or carry out statutory orders in their respective fields. Corrections are one of the law enforcement officers in Indonesia whose duties are in the process of fostering citizens who break the law.

According to the Corrections Law, Article 56 paragraph (1) states that the implementation of Community Guidance is part of the Corrections, including assistance; guidance and

supervision. In addition, Article 56 paragraph (2) states that the implementation of Community Guidance as referred to in paragraph (1) is carried out through the stages of accepting Clients; providing programs; and termination. The activities of mentoring, guidance and supervision as explained as the duties and functions of the Community Guidance Officer are carried out based on the results of community research compiled by the Community Guidance Officer. This is stated in Article 56 paragraph (6) and paragraph (7) of the Correctional Law. Article 1 paragraph (15) of the Correctional Law states that Community research, hereinafter referred to as litmas, is the activity of collecting, processing, analyzing and presenting data carried out systematically and objectively for the benefit of Prisoner or Child Services, Guidance of Prisoners or Foster Children, and Client Community Guidance, as well as a basis for consideration by investigators, public prosecutors and judges in resolving cases. This community research is needed as one of the requirements for Prisoners to receive their conditional rights such as conditional release, conditional leave, leave to visit family or leave before release. Therefore, this community research has an important role in realizing prisoners can receive their conditional rights. The attachment to the community research contains the assessment results of the Risk Assessment and Crimonigenic Assessment (Needs) instruments, namely in the integrated litmas.

According to Kunandar, assessment is an activity to obtain, analyze and interpret data about the process and learning outcomes of students that are carried out systematically, accurately and continuously. This assessment is carried out using certain measurement tools, so that it becomes information in making decisions about achieving competency.

According to Carrasco and Martines, "In Spain, in the early 1990s, assessment was conceived, at least theoretically, as a process of dialogue, understanding and improvement of the teaching-learning process" meaning that assessment has the meaning of a process of dialogue, understanding, and improving the teaching and learning process between students and education that is carried out continuously. The assessment process is applied systematically and systematically by educators through the collection of valid and reliable data or information in order to communicate the results of the development of the student learning process.

This study discusses the assessment of Risk and needs for prisoners who will receive their conditional rights. In the Decree of the Director General of Corrections Number PAS-31.OT.02.02 of 2021 in Attachment II that the Recidivism Risk Assessment and Criminogenic Needs for WBP are designed to measure who is most likely to repeat crimes and what coaching/guidance program needs are needed by WBP for general criminal cases, in order to reduce the risk of repeating crimes in the future.

Risk Assessment and Criminogenic Needs Assessment have separate instruments but the use of both cannot be separated from each other. Both instruments are important components in the preparation of community research to assist Community Guidance Officers in determining recommendations for coaching/guidance programs according to the needs of the WBP concerned.

One of the assessment instruments that can be carried out by assessors is stated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 12 of 2013 concerning Risk Assessment and Needs Assessment for Prisoners and Correctional Clients, namely Article 1 paragraph (4) that assessors are officers who carry out Risk Assessments and Needs Assessments for prisoners and correctional clients. Article 15 explains that officers who have carried out their duties as assessors but have not participated in the Risk Assessment and Needs Assessment are required to participate in Risk Assessment and Needs Assessment training in accordance with the provisions stipulated in this Ministerial Regulation. This states that only assessors can conduct assessments using the Risk Assessment and Criminogenic Assessment (Needs) instruments. Community counselors only receive the results of the instruments and consider them through recommendations from community research. This statement is reinforced by the technical instructions for compiling Community Research Number PAS6.PK.01.05.02-572 of 2014. The circular regarding the technical instructions for community research states that "Ordering Community Counselors to consider the recommendations of the Assessment carried out by the assessor, which are stated in the community research report". In the implementation in the field, what happens is that Community Counselors still conduct assessments as part of community research, especially integrated community research which is a request from the Prison/Detention Center. This incident reflects that the assessor has not fully carried out his duties, namely conducting an assessment of Prisoners or Correctional Clients to fulfill the Risk Assessment and Needs Assessment instruments as an attachment to the Community Research because the implementation in the field is still entirely taken by the Community Guidance Officer. This phenomenon is contrary to Law Number 22 of 2022 concerning Corrections which states that the implementation of the assessment is carried out by the assessor.

Since the enactment of Law Number 22 of 2022 concerning Corrections, no derivative regulations have been issued in the form of Government Regulations, Ministerial Regulations, Director General's Decrees, Implementation Instructions or Technical Instructions that bind correctional assessors to carry out assessment tasks. In fact, the task of carrying out this assessment is the main task carried out by correctional assessors, but it seems to be just an

additional task. The absence of these derivatives has an impact on the authority of Community Guidance Officers who are still conducting assessments of the Risk Assessment and Needs Assessment instruments as a complement to the Community Research report. If the assessment is not carried out by the Community Guidance Officer, the community research report is considered incomplete, thus affecting the submission of conditional rights for prisoners at the Prison/Detention Center because the Community Research report signed by the Head of Bapas is one of the requirements for submitting conditional rights in accordance with Permenkumham Number 7 of 2022 concerning the Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Leave Before Release and Conditional Leave.

### **Obstacles to the implementation of the Indonesian Recidivism Risk Assessment and Criminogenic by Community Guidance Officers regarding the granting of Conditional Rights based on Law Number 22 of 2022 concerning Corrections.**

The implementation of the Indonesian Recidivism Risk Assessment (RRI) and Criminogenic is a form of assessment of the needs and risks of inmates that is important to implement, especially in terms of placement and planning of guidance patterns that lead to the growth of inmates' awareness of their mistakes, changes in inmates' behavior towards the better, and a decrease in repeat criminal acts or recidivism.

Based on Law Number 22 of 2022 concerning Corrections in Article 1 Number 24, it is stated that Correctional Assessors are Correctional Officers who carry out assessments of Prisoners, Children, and Inmates. Until now, the Decree concerning Assessor Officers has been issued and its contents regulate correctional officers in Prisons/Detention Centers/LPKA who are tasked with carrying out assessments. However, the obstacle is that until now the Community Counselor who should only carry out the duties of Community Research (Litmas), mentoring, guidance, and supervision of Clients both inside and outside the court process according to the Law on Corrections in fact also carries out duties as an assessor whose assessment results are part of the Litmas report.

The function of PK to carry out assessments is not regulated in the duties and functions of PK in the Law on Corrections, but because it carries out the task of preparing Community Research reports, the assessment function seems to be 'attached' to the Litmas task. Therefore, field facts show that until now the implementation of RRI and Criminogenic assessments is still carried out by PK by attaching it to the Litmas document in the context of submitting conditional rights.

According to the latest data in 2022, it shows that until now there are only 91 Bapas offices throughout Indonesia. When compared to the number of districts/cities in Indonesia, the number of Bapas offices is only 17.50% of the total number of districts/cities in Indonesia. This number is not balanced with the number of prison/detention center/LPKA offices which in the same year amounted to 526 units.

Based on the data, it is known that in the Bali region there are only 2 Bapas offices, namely Bapas Class I Denpasar and Bapas Class II Karangasem with each number of PK, namely 45 PK in Bapas Denpasar and 24 PK in Bapas Karangasem. Compared to the number of prisons/detention centers/LPKA in the Bali region, which consists of 6 prisons, 4 detention centers, and 1 LPKA with a total number of occupants reaching 3,707 prisoners and correctional students, it is very clear that there is a very large difference between the number of assessors and the subjects of assessment.

This number is very unbalanced where there is an imbalance between the number of assessors and the subjects being assessed, namely 79 PKs must conduct assessments on 3,707 inmates. The imbalance in the number of assessors and the subjects being assessed affects the quality of the assessment. The disproportionate number of assessors means that the assessment implementation process cannot run well, such as a rushed assessment process considering the large number of assessment requests.

This suboptimal assessment process also resulted in inaccurate results. As a result, the assessment could not be carried out in accordance with the Guidelines of the Directorate General of Corrections Number: PAS-71.PK.01.04.01 of 2021 concerning the Indonesian Recidivism Risk Assessment Instrument (RRI) and the Assessment of Criminogenic Needs for Prisoners and Correctional Clients Number (1) which states that the RRI assessment process must be carried out a maximum of 7 days after being incarcerated and for Correctional Clients a maximum of 7 days after being registered as Correctional Clients. Finally, the implementation of the assessment in the field was completed not according to the implementation deadline. The existence of a deadline for the implementation of the assessment combined with the imbalance in the number of assessors makes the picture of the imbalance between the subjects being assessed and the number of assessors carrying out the assessment even clearer. If this situation is compared with data from the Bali Regional Correctional UPT, it can be described that 1 assessor conducted an assessment on around 46 inmates. The number is dynamic and will continue to increase when there is an increase in the number of prisoners entering the Prison/Detention Center/LPKA and applying for a conditional program as one of their rights. The number is also dynamic, meaning it always changes according to the number of inmates in

each Prison/Detention Center/LPKA. In other words, if the number of inmates increases, the burden of each PK assessor will also increase.

Given the imbalance between the number of PK and the inmates being assessed and the fact that the assessment results are very much needed to provide a picture of the condition of the inmates, so far what has happened in the field is that all Community Guidance Officers (PK), both those who have been certified as assessors and those who have not participated in assessor training, can carry out assessment tasks. This is done considering the increasing number of assessor subjects which is directly proportional to the burden of assessment by the assessor. Therefore, in order to realize the correctional system as mandated in the laws and regulations, the duties of assessors in the field, especially those related to the process of granting conditional rights, are still carried out by all PKs in general.

This field fact continues to this day, PK generally carries out assessor duties without certification or training related to the implementation of the assessment. This field reality is not supported by a legal basis or statutory regulations stating that PK can carry out assessor duties. Until now, the implementation of assessments by PK has been carried out without a legal basis so that there are no guidelines that can strengthen the duties of PK as an assessment implementer. In other words, the assessment implementer by PK is only assessed based on the results of his assessment.

After calculating the imbalance in terms of the quantity of assessment implementers with the subjects being assessed, the next obstacle arises, namely regarding the quality of the assessor staff. As is known in the Regulation of the Head of BKN Number 5 of 2017 concerning Guidelines for the Implementation of Guidance for Functional Positions of Community Guidance, it can be seen that the educational background of a PK has a minimum of a Bachelor's degree (S1) / Diploma IV (D IV) in social sciences which is specifically stated to have completed studies in the fields of social welfare, sociology, law, psychology, correctional science, and other educational qualifications determined by the Supervising Agency).

The diverse educational backgrounds of PKs are also related to the ability to analyze different needs and risks. Meanwhile, in the implementation of the assessment consisting of these questions, it cannot be asked directly to the assessment subject but rather through an in-depth interview process to obtain accurate analysis so that it can determine maximum and targeted results. This is where the quality of PK as an assessor is proven by the results of the assessment and the right recommendations. Although they come from different educational backgrounds, then various training, education and training, strengthening for each PK emerged to support their skills in conducting assessments. The training implementation process is also

facilitated by the Directorate General of Corrections, including having to attend Community Guidance training, Juvenile Criminal Justice System training, to the most related, namely assessor training. However, the implementation of this training cannot be followed continuously but requires time in turns considering the limited budget owned by the Directorate General of Corrections, BPSDM Kumham, and Badiklat as an institution that facilitates the implementation of training within the Ministry of Law and Human Rights.

The implementation of training and reinforcement that should be accepted as a form of refreshment and competency improvement for each PK has not been running optimally. The technical guidance needed periodically to improve the quality of assessment results and to keep up with changes in the crime paradigm cannot be realized properly. The importance of implementing training and refreshment periodically should have a very complex impact on the implementation of corrections in Indonesia. The complex impact in question is, if the assessment results are born from qualified, certified, and competent assessors, it will produce recommendations that are right on target. The assessed subjects can be identified as having a good risk of repeating their criminal acts so that they can be grouped into the right recidivism group and then placed in the right institution. Furthermore, in terms of criminogenic assessment, if the assessment results are born from competent assessors, the assessment results will produce recommendations for coaching activities that can be pursued by inmates so that when waiting for the integration process, appropriate treatment can be given and produce new personality and independence abilities in inmates. This can be a valuable provision when they are later given the opportunity to reintegrate into society so that they can realize the goals of the correctional system, namely to improve the quality of their personality and independence, realize their mistakes and improve themselves, and not repeat criminal acts.

The complex influence of the assessment results carried out by assessors and community counselors makes this important to discuss because it is through competent assessors that the assessment results can be given appropriately and in line with the goals of correctional services. Through these assessment results, security and protection for the community can also be achieved. In other words, if the assessment has been carried out by competent people and produces appropriate results, it will also have an impact on public trust in the correctional system. More broadly, the stigma about former convicts can be slowly eliminated because inmates who return to society through conditional programs have shown changes in themselves and can be accepted back by the environment so that they can continue their lives properly as law-abiding, responsible, and active citizens in development.

Given that accurate risk and needs assessments are essential in determining effective and targeted rehabilitation programs, and lead to reducing the risk of recidivism or repeated criminal acts, then in terms of granting conditional rights as regulated in the Correctional Law which is referred to as one of the rights of inmates, improving the quality of PK who also acts as an assessor is very important to do. Improving the quality of PK can be done with various parties including:

1. The Ministry of Law and Human Rights of the Republic of Indonesia, which has now transformed into the Ministry of Immigration and Corrections through the Directorate General of Corrections, can form a Training Center tasked with organizing the implementation of training and refresher courses on matters related to the duties and functions of PK, especially those related to the implementation of RRI and criminogenic assessments for granting conditional rights. The training process must be carried out periodically and continuously. Periodic means that training for PK is carried out every quarter or semester, according to the needs of the position. The material provided for each training implementation must be adjusted to changes in nomenclature to the paradigm of corrections. The material is not only technical but also concerns in-depth knowledge of law and human rights. In addition, the material provided is gradual from an introduction to the implementation of tasks to specializing in complex materials that require mature understanding. Continuous means that the implementation of training and refresher courses must be carried out continuously, each new PK must go through training to carry out tasks so that each material compiled in the training center curriculum can be conveyed completely. In each training, PKs are given in-depth training related to assessment instruments based on the latest criminology theory. This aims to improve the accuracy of recidivism risk assessments and identify criminogenic factors of prisoners. By having competent assessors, it can be ensured that each inmate receives a coaching program that suits their needs and potential so that it is in line with the commitment to creating a better society.
2. In a smaller scope, precisely at the Correctional Center, coaching mentoring activities can be carried out. This activity is carried out internally by the work unit by providing opportunities for PKs who have completed training at any stage to disseminate the knowledge gained with other PKs internally. Activities can be carried out at any time so that they are not determined periodically. Through this activity, PKs who have completed training can summarize training materials and disseminate information in internal forums so that PKs who have participated in the training can be refreshed with

old materials and for PKs who have not participated in the training, it becomes additional information and knowledge that can be used in carrying out daily tasks. This simple activity is very important to be carried out in each work unit considering that training activities usually cannot accommodate many participants and the training implementation time is uncertain. However, the output of this activity can match training activities where coaching mentoring carried out in two directions can improve the quality of PK as an assessor in conducting RRI and Criminogenic assessments for the implementation of conditional rights of inmates in accordance with the Corrections Law. Law Number 22 of 2022 concerning Corrections states that Correctional Assessors are Correctional Officers who carry out assessments of Prisoners, Children, and Inmates. Therefore, with the renewal of the nomenclature regarding Correctional regulations, it is deemed necessary to also compile derivative regulations regarding the implementation of the duties and functions of each party in the implementation of the correctional system, including regulations regarding the implementer of assessor duties as defined, namely officers who carry out assessments for inmates. Derivative regulations can be issued through Ministerial Regulations/Decrees, Circulars of the Directorate General of Corrections, and others. The goal is for the new Law to be implemented properly.

Currently, the field conditions show that in the work units of Prisons/Detention Centers/LPKA there are correctional assessors whose duties should be to carry out assessments of both RRI, Criminogenic, ISPN, and other assessments. However, until now this task has not been carried out according to the mandate of the law. One of the reasons is that until now the view of the assessors of Prisons/Detention Centers/LPKA is that the assessment task is an additional task where those who are appointed as assessors already have other tasks including staff in each subsection in the work unit. Finally, the implementation of the assessment is still carried out by PK in full because it is part of the Litmas report submitted as in the Litmas conditional rights program which requires the attachment of the results of the RRI and Criminogenic assessments

Therefore, in order to provide a binding view of the assessor's duties and provide a more detailed explanation of the implementation of the assessment by the correctional assessor, it is deemed necessary to draft derivative regulations of the law containing the obligations of the correctional assessor in carrying out his duties, the authority of the correctional assessor, procedures for implementing the assessment, workload analysis, to other matters related to the position of correctional assessor such as allowances, assessor career levels, and other aspects

related to the welfare of the Correctional assessor. This is intended to provide interest and attraction for correctional officers in the position of assessor so as to create a conducive work environment. Referring to the increase in the population of inmates, the mandate of Law Number 22 of 2022 concerning Corrections, especially in Article 10 paragraph (2), and the increasingly complex objectives of corrections, the need for correctional assessors is also increasingly urgent. The role of correctional assessors is a central and crucial element because they are required to manage, ensure, and guarantee the security, welfare, and supervision of inmates. Therefore, it is necessary to recruit correctional assessors.

Recruitment of correctional assessors is not merely a formality but is a systematic step that leads to change so as to support the framework of the correctional system. The recruitment process is carried out based on in-depth calculations and analysis of the assessor's workload. In implementing recruitment, educational background, ability to analyze and collect interview data, and physical and mental health are also considered so that new assessors are increasingly competent and ready to receive various materials regarding assessment.

A clean, targeted, and structured recruitment process facilitates the selection of prospective correctional assessors who can become the spearhead of the realization of a humanistic and rehabilitative correctional system. Professional and competent assessors are assets for the Ministry so that they are able to bring the correctional goal of preparing inmates to return to society more responsibly and increase public trust.

## **Conclusion**

- a. 1. The authority of the Community Guidance Officer according to Article 1 paragraph (23) of Law Number 22 of 2022 concerning Corrections is to carry out Litmas, assistance, guidance and supervision of Clients, both inside and outside the criminal justice process. The implementation in the field shows that the authority of the Community Guidance Officer as regulated in the Law is not appropriate. This is because the assessor as a correctional officer who should carry out his duties to conduct assessments of prisoners or Correctional Clients is not carried out and tends to be completed by the Community Guidance Officer because the Risk Assessment and Needs Assessment as a complement to the community research report must be submitted based on the approval of the Head of Bapas to the Regional Office which will later end up at the Directorate General of Corrections as a requirement for the issuance of a decision letter on Conditional Rights for Prisoners or Correctional Clients.
2. In its implementation, several things were found that became obstacles to the implementation of the RRI and Criminogenic assessments by Community Guidance Officers in granting conditional rights based on Law Number 22 of 2022 concerning Corrections.

First, there is an imbalance in the number of PKs with assessment subjects. The number of PKs carrying out assessments is not comparable to the number of dynamic inmates. This makes the number of PKs with assessment subjects less than ideal. Second, there are obstacles in terms of assessment quality where the assessment should be born from a competent assessor so that the assessment results are right on target and have a positive impact on the community..

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### CONSTITUTION

- Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang Undang Hukum Pidana (KUHP).
- Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan. Lembaran Negara Republik Indonesia (LNRI) Nomor 165 Tahun 2022.
- Undang-Undang Nomor 13 Tahun 2022 tentang Perubahan Kedua atas Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan. Lembaran Negara Republik Indonesia (LNRI) Nomor 143 Tahun 2022.
- Peraturan Kepala Badan Kepegawaian Negara Nomor 5 Tahun 2017 tentang Petunjuk Pelaksanaan Pembinaan Jabatan Fungsional Pembimbing Kemasyarakatan.

Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor PAS-31.OT.02.02 Tahun 2021 tentang Instrumen Asesmen Risiko Residivisme Indonesia dan Instrumen Asesmen Kebutuhan Kriminogenik bagi Narapidana dan Klien Pemasyarakatan Versi 02 Tahun 2021.

Peraturan Menteri Hukum dan HAM Nomor 7 Tahun 2022 tentang Perubahan Kedua atas Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 3 Tahun 2018 tentang Syarat dan Tata Cara Pemberian Remisi, Asimilasi, Cuti Mengunjungi Keluarga, Pembebasan Bersyarat, Cuti Menjelang Bebas, dan Cuti Bersyarat.