

## Integrating the Correctional System into Criminal Procedural Law: An Analytical Study on the Urgency of Legal Reform

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### Abstract

Corrections is a sub-system within the Indonesian criminal justice system, playing a key role in the treatment of Detainees, Children, and Inmates throughout all stages of the judicial process. However, the correctional functions as regulated under the Corrections Law have not yet been systematically integrated into the Criminal Procedure Code, which serves as the primary legal framework for criminal procedural law. This lack of integration potentially positions corrections as an institution external to the criminal justice system. This study aims to examine the current position of the correctional system within Indonesia's criminal procedure law, assess the urgency of reforming the Criminal Procedure Code to accommodate the correctional system, and formulate an ideal integration model that aligns correctional functions within the broader criminal justice framework. This research employs a normative juridical method using statutory and conceptual approaches, and analyses them through descriptive qualitative techniques. The statutory approach focuses on an analysis of the Corrections Law, the Criminal Procedure Code, and the Draft of Criminal Procedure Code, while the conceptual approach applies legal concepts such as the correctional system and the criminal justice system. The results of this study highlight the importance of substantive reform in criminal procedural law to reflect integration and synchronisation of correctional roles in supporting the objectives of the criminal justice system. In the reform of the Criminal Procedure Code, it is necessary to regulate the position and function of corrections at the pre-adjudication, adjudication, and post-adjudication stages, particularly regarding the implementation of new types of punishment introduced in the new Criminal Code.

## Introduction

Efforts to improve the correctional system through Law No. 22 of 2022 concerning Corrections have further affirmed the position of corrections and strengthened its role as an integral part of the criminal justice system.<sup>1</sup> The correctional system itself functions as a sub-system within the criminal justice system, tasked with the enforcement of laws about the treatment of detainees, juvenile offenders, and convicted inmates.

The role of corrections as an integral component of the criminal justice system can be traced to Mardjono's conception of the justice system as a mechanism of crime control, comprising the police, the prosecution service, the judiciary, and the correctional institutions.<sup>2</sup> As a component or sub-system of the criminal justice system, the correctional system operates to achieve the overarching goals of criminal justice. However, it has

<sup>1</sup> "Ini 11 Poin Penting Substansi UU Pemasyarakatan Terbaru," accessed February 15, 2025, <https://www.hukumonline.com/berita/a/ini-11-poin-penting-substansi-uu-pemasyarakatan-terbaru-lt62c6d22f40ec8/>.

<sup>2</sup> Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer* (Jakarta: Kencana, 2010), 3.

traditionally been perceived merely as the final stage in the criminal justice process, despite its substantial role in realising the system's objectives, particularly the rehabilitation and reintegration of inmates.<sup>3</sup> It is generally acknowledged that corrections have often been viewed as the endpoint of the criminal justice sequence. In this regard, it is commonly regarded as the concluding phase of the penal process within an integrated criminal justice framework. As a result, corrections is frequently understood simply as the institution responsible for executing custodial sentences.<sup>4</sup>

As a system, corrections should hold an equal position and role alongside other institutions or sub-systems of the criminal justice system in the enforcement of criminal law. Considering that the process of law enforcement through the operation of the criminal justice system is governed by procedural law (Law No. 8 of 1981 concerning the Criminal Procedure Code), the existence and role of the correctional system should likewise be accorded the same recognition and status as the other sub-systems within the Criminal Procedure Code.

As a procedural law and a legal framework intended to bind institutions within Indonesia's criminal justice system, the Criminal Procedure Code provides only minimal recognition of the role of corrections in the functioning of the criminal justice system.<sup>5</sup> This condition creates the impression that the Criminal Procedure Code primarily governs the operationalisation of the police, prosecution, and judiciary sub-systems. It appears that the Criminal Procedure Code is concerned mainly with the functions of investigation, prosecution, and trial proceedings.

Since the enactment of Law No. 22 of 2022 concerning Corrections, significant reforms have been introduced to strengthen and reposition corrections, particularly as an integral part of the criminal justice system. From a regulatory perspective, this law also reinforces the institutional status of corrections.<sup>6</sup> Moreover, it affirms that the treatment of law violators must be grounded in the principles of legal protection and respect for human rights.<sup>7</sup> The regulation of correctional functions under this law reflects that the operation of the correctional system now begins at the pre-adjudication stage, continues through the adjudication stage, and extends into the post-adjudication stage. This is carried out through functions such as detention, rehabilitation, guidance, and other roles embedded within the correctional system.

The paradigm shift and the strengthening of the correctional system as part of the criminal justice system remain partial and sectoral in nature, as they are regulated solely under the Corrections Law, without being accommodated within the Criminal Procedure Code, which serves as the procedural framework for criminal justice. Although the Criminal Procedure Code was intended to serve as a codified body of law governing criminal proceedings in Indonesia, in practice, it still relies on implementing regulations issued by various law enforcement agencies. Therefore, a reform of criminal law is necessary as a step

<sup>3</sup> Tolib Effendi, *Sistem Peradilan Pidana : Perbandingan Komponen Dan Proses Sistem Peradilan Pidana Di Beberapa Negara* (Yogyakarta: Pustaka Yustisia, 2013), 163.

<sup>4</sup> Julinda Silce Abram, "Penguatan Kedudukan Pemasyarakatan Dalam Sistem Peradilan Pidana Terpadu Melalui Fungsi Bimbingan Kemasyarakatan," *Innovative : Journal Of Social Science Research* 3, no. 3 (2023): 3, <https://j-innovative.org/index.php/Innovative/article/view/2330>.

<sup>5</sup> Syawal Amry Siregar, "Suatu Tinjauan Kedudukan Lembaga Pemasyarakatan Sebagai Sub Sistem Peradilan Pidana DI Indonesia," *RETENTU* M 1, no. 1 (2019): 35, <https://jurnal.darmaagung.ac.id/index.php/retentum/article/view/281>.

<sup>6</sup> "DPD RI Sebut Implementasi UU 22/2022 Dorong Era Baru Pemasyarakatan," accessed February 15, 2025, <https://www.antaranews.com/berita/4178853/dpd-ri-sebut-implementasi-uu-22-2022-dorong-era-baru-pemasyarakatan>.

<sup>7</sup> "UU No. 22 Tahun 2022 Usung Semangat Perubahan Dan Kemajuan Pemasyarakatan," accessed February 15, 2025, <http://www.ditjenpas.go.id/uu-no-22-tahun-2022-usung-semangat-perubahan-dan-kemajuan-pemasyarakatan>.

toward integrating the correctional system into the criminal procedure framework in the future.

If the chosen course of action is to reform criminal law as part of law enforcement efforts, then such an initiative constitutes an attempt to renew the legal substance in order to enhance the effectiveness of law enforcement.<sup>8</sup> The reform of the Criminal Procedure Code involves the renewal of legal substance, encompassing both formal criminal law and the law governing the execution of criminal sanctions. Specifically, the reform of formal criminal law has undergone significant changes and developments, extending beyond mere procedural aspects of criminal case resolution to also include regulations related to institutional structures. Based on this background, the researcher is interested in examining this issue through a study entitled *'Integrating the Correctional System into the Criminal Procedure Law (An Analysis of the Urgency of Reforming KUHAP)'*.

## Method

The method is optional for original research articles. This method is written in descriptive form and should provide a statement regarding the methodology of the research. This method uses as much as possible to give an idea to the reader through the methods used. This Method is optional, only for original research articles.

The discussion and analysis of the issues in this paper employ normative legal research methods. Normative legal research encompasses research on the systematisation of law, research on legal synchronisation, legal history research, and comparative legal research.<sup>9</sup> The author discusses and analyses the synchronisation of the correctional system with the KUHAP, including its urgency in the context of the reform of the Criminal Procedure Code. This research is conducted by collecting and analysing secondary data.<sup>10</sup> Secondary data are obtained through an examination of library materials, including an assessment of statutory regulations as well as legal concepts and theories.

This study employs both the statutory approach and the conceptual approach. The statutory approach is carried out by examining all laws and regulations relevant to the issues under study.<sup>11</sup> In this regard, the author examines the correctional system as regulated under Law Number 22 of 2022 on Corrections and Law Number 8 of 1981 on the Criminal Procedure Code, as well as several academic drafts of the Bill on the Criminal Procedure Code. The conceptual approach is grounded in perspectives and doctrines in legal scholarship. The researcher examines and analyzes theories of the correctional system, the concept of the Criminal Justice System, and the reform of criminal law

## Findings and Discussion

### The Correctional System and Its Position within the Criminal Justice System

The correctional system cannot be separated from the historical context of how offenders were treated under the prison system. In line with the evolving perspectives on the treatment of individuals serving sentences, the prison system gradually developed toward a model of guidance and rehabilitation. According to Romli Atmasasmita, as a newly independent and developing country at that time, Indonesia aspired to establish a new system,

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<sup>8</sup> Hanafi Amrani, *Politik Pembaharuan Hukum Pidana* (Yogyakarta: UII Pres, 2019), 10.

<sup>9</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2000), 51.

<sup>10</sup> Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Depok: PT. RajaGrafindo Persada, 2010), 13.

<sup>11</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 93.

including in the field of imprisonment. The emergence of the correctional system was also a consequence of this situation and reflected the prevailing conditions of that era.<sup>12</sup>

In its historical development, the approach of humane treatment toward individuals serving prison sentences emerged in 1963 and was formally institutionalised through the Resolution of the Prison Administration Leadership Conference on April 27, 1964. The conference agreed and resolved that the execution of imprisonment in Indonesia would be carried out under a system known as the correctional system. This correctional system was implemented not only as the direction and purpose of imprisonment but also as a fundamental principle in guiding and rehabilitating inmates. The term Correctional itself was first introduced by Sahardjo in his 1963 address, in which he stated that the ultimate purpose of imprisonment is correctional.<sup>13</sup>

The changes did not only concern the form of treatment, but also extended to the structural orientation of the correctional system, which has shifted toward a greater emphasis on protection and rehabilitation.<sup>14</sup> The establishment of the correctional system marked a new era in Indonesia's approach to the rehabilitation of inmates and correctional juveniles.

According to Law No. 22 of 2022 on Corrections, the correctional system is defined as an arrangement concerning the direction, limits, and methods of implementing correctional functions in an integrated manner. These functions include services, guidance, community supervision, care, security, and observation. Based on these functions, it is evident that corrections constitute a subsystem of the criminal justice system responsible for law enforcement in the field of treatment of detainees, juveniles, and inmates. The implementation of correctional functions demonstrates that corrections are not merely limited to rehabilitation, but also perform other essential functions within the criminal justice system. For instance, the service function applies to detainees and juveniles, directly linked to individuals undergoing criminal proceedings whose cases have not yet been decided by the court. This indicates that corrections operate from the early stages of the criminal justice process. The strengthening of the correctional system through the new Corrections Law is considered to reinforce its position as an integral component of the criminal justice system. As clarified in the explanatory section of the law, corrections are part of the integrated criminal justice system that administers law enforcement in relation to the treatment of detainees, juveniles, and inmates during the pre-adjudication, adjudication, and post-adjudication stages.<sup>15</sup>

According to Mardjono Reksodiputro, the criminal justice system constitutes a societal mechanism for addressing crime. The term 'addressing' is to be understood as an effort to exercise control over crime so as to ensure that it remains within the boundaries of societal tolerance.<sup>16</sup> From this perspective, efforts to address crime are not solely directed at punishing offenders, but rather form part of society's endeavour to maintain social order by controlling crime so that it remains within tolerable limits. Accordingly, the system functions not only as an instrument of law enforcement but also as a social mechanism for preserving stability and balance within society.

Another conception of the criminal justice system can be traced to the view of Romli Atmasasmita, who defines it as a term denoting the working mechanism in crime control based on a systems approach. This view is consistent with that of Remington and Ohlin, who

<sup>12</sup> Romli Atmasasmita, *Strategi Pembinaan Pelanggar Hukum Dalam Konteks Penegakan Hukum Di Indonesia* (Alumni 1982) 9.

<sup>13</sup> Djisman Samosir, *Sekelumit Tentang Penologi & Pemasyarakatan* (Nuansa Aulia 2012) 128.

<sup>14</sup> G. Suyanto, *Seluk Beluk Pemasyarakatan* (BPHN Depatemen Kehakiman RI 1981) 7.

<sup>15</sup> Bagian Umum Penjelasan Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan

<sup>16</sup> Mardjono Reksodiputro, *Hak Asasi Manusia Dalam Sistem Peradilan Pidana: Kumpulan Karangan Buku Ketiga* (Lembaga Kriminologi Universitas Indonesia 2007) 84.

describe the criminal justice system as the application of a systems approach to the administration of criminal justice. As a system, criminal justice is understood as the outcome of the interaction between legislation, administrative practices, and social attitudes or behaviours.<sup>17</sup>

As a means of crime control through a systems approach, the criminal justice system pursues several objectives, namely: to prevent society from becoming victims of crime; to resolve criminal cases in a manner that assures the public that justice has been upheld and offenders have been punished; and to ensure that those who have committed crimes are dissuaded from reoffending.<sup>18</sup>

It is at this point that the correctional system assumes a strategic role, wherein corrections not only carry out the imposition of punishment but also serve as a forum for rehabilitation aimed at preparing inmates to return to society as better citizens. This is consistent with the systemic approach to crime control, in which corrections function as an element ensuring that the response to crime does not end merely with the imposition of penalties.

In general understanding, when linked to the objectives of the criminal justice system, corrections represent the final component within the system, particularly in relation to the rehabilitation of inmates<sup>19</sup> In this capacity, through its institutions (Correctional Facilities), corrections function to reform offenders so that they may resume a normal and productive life after serving their sentence<sup>20</sup> This effort constitutes both a continuation and the output of the entire criminal justice process, which has been initiated since its earliest stages.

Although corrections are situated at the final stage of the criminal justice process, the emphasis of the criminal justice system lies in coordination and synchronization. In line with this, Romli Atmasasmita characterizes the systems approach to criminal justice as placing primary emphasis on the coordination and synchronization of its components, as well as on the supervision and control of the exercise of power by those components.<sup>21</sup>

In practice, corrections do not operate solely at the final stage of the criminal justice process (post-adjudication), but also play a role at every stage of the process (pre-adjudication and adjudication). Although this is not expressly regulated in an integrated statutory framework, it is in fact already functioning in accordance with the respective roles of correctional units, such as through the existence of detention centers (Rutan) and community supervisors within the Probation Office (Bapas). As is well known, Rutan, as part of the correctional system, functions during the trial process whenever detainees are held at each level of examination. Similarly, community supervisors carry out duties related to social inquiry reports (Litmas), which are required in order to assist judges in rendering sentences while the judicial process is still on going.

The aforementioned roles and functions are evidently not exercised by corrections solely at the final stage of the criminal justice process, but rather during the process itself. The position of corrections at this stage is reinforced by its recognition as one of the objectives of corrections, namely, to provide protection for detainees.<sup>22</sup> This signifies that correctional functions are also carried out at the early stages of the criminal justice system. Detainee services, in fact, constitute one of the functions expressly provided under the

<sup>17</sup> *Sistem Peradilan Pidana Kontemporer* (n 3) 2.

<sup>18</sup> *Hak Asasi Manusia Dalam Sistem Peradilan Pidana: Kumpulan Karangan Buku Ketiga* (n 19) 84–85.

<sup>19</sup> *Sistem Peradilan Pidana : Perbandingan Komponen Dan Proses Sistem Peradilan Pidana Di Beberapa Negara* (n 4) 163.

<sup>20</sup> Ruslan Renggong, *Hukum Acara Pidana* (Kencana 2014) 226.

<sup>21</sup> Achmad Budi Waskito, ‘Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi’ (2018) 1 *Jurnal Daulat Hukum* 288, 288 <<https://jurnal.unissula.ac.id/index.php/RH/article/view/2648>>.

<sup>22</sup> Pasal 2 Huruf a Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan

Corrections Law<sup>23</sup> As is known, the provision of services and care in the sense of physical responsibility for detainees placed in detention centres all under the responsibility of correctional officers. Moreover, the Head of a Rutan is vested with the authority to release a detainee by operation of law once the detention period has expired.

In another respect, the supervisory function of corrections consists of a series of activities carried out with the aim of providing assistance to clients throughout the criminal justice process, from the pre-adjudication stage to the post-adjudication stage, as well as preparing them for social reintegration. The implementation of community supervision encompasses three main aspects, namely assistance, guidance, and monitoring, which are conducted to ensure that the conditions and programs established are properly fulfilled. These activities of assistance, guidance, and monitoring are based on the results of the social inquiry report prepared by the community supervisor as the responsible officer for implementing correctional supervision.

The social inquiry report prepared by community supervisors is a series of activities encompassing the systematic and objective collection, processing, analysis, and presentation of data. This research is conducted in the interest of providing services to detainees or juveniles, facilitating the rehabilitation of inmates or juvenile offenders, and supporting the community supervision of clients. The results of the social inquiry report also serve as a basis of consideration for investigators, public prosecutors, and judges in the resolution of a case.<sup>24</sup>

The role and position of corrections in the judicial decision-making process prior to the imposition of a sentence is also evident in the mechanism of social inquiry conducted by community supervisors at the Probation Office (Bapas). Thus far, this mechanism has primarily been implemented within the juvenile criminal justice process. In this context, the role of community supervisors is even broader and more significant, as they are actively involved in the stages of investigation and inquiry, including diversion prosecution, as well as in the judicial decision-making process.<sup>25</sup>

Based on the foregoing explanation, it can be understood that corrections currently hold a strategic role encompassing all stages of the criminal justice process. This demonstrates that the function of corrections is no longer confined to the execution of sentences at the final stage, but has evolved into an integral component contributing to the overall effectiveness and efficiency of the criminal justice system. The position of corrections within the criminal justice system is therefore significant, as it supports the attainment of the system's fundamental objectives.

### **The Urgency of Integrating the Correctional System into the Criminal Procedure Law**

The functioning of the components of the criminal justice system as an integrated whole is governed under a single legal framework, namely the Indonesian Criminal Procedure Code. It may be said that the Criminal Procedure Code serves as the criminal justice system model and the principal legal foundation for the administration of integrated criminal justice.<sup>26</sup> This is because the Criminal Procedure Code systematically regulates the

<sup>23</sup> Pasal 4 Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan

<sup>24</sup> Myke Ratu, 'Telaah Peran Pembimbing Kemasyarakatan Dalam Implementasi Konsep Restorative Justice Menurut Undang-Undang Pemasyarakatan Nomor 22 Tahun 2022' (2023) 3 COMSERVA : Jurnal Penelitian Dan Pengabdian Masyarakat 1868 <<https://comserva.publikasiindonesia.id/index.php/comserva/article/view/982>>.

<sup>25</sup> Gunawan Hadi Purwanto, 'Peran Pembimbing Kemasyarakatan Dalam Perspektif Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak' (2021) 3 JUSTITIABLE : Jurnal Hukum 7 <<https://ojs.ejournalunigoro.com/index.php/JUSTITIABLE/article/view/326>>.

<sup>26</sup> Supriyanta, 'KUHAP SEBAGAI SARANA MEWUJUDKAN SISTEM PERADILAN PIDANA TERPADU DAN KENDALANYA' (2019) 1 Jurnal Responsa <<https://ejurnal.unisri.ac.id/index.php/RESPONSA/article/view/715>>.

process from investigation, inquiry, prosecution, and trial, to the execution of judgments. The Criminal Procedure Code functions to unify the police, the prosecution, the courts, and corrections within a coherent legal framework. In other words, it not only regulates the working mechanisms of each institution but also serves as an instrument of coordination among institutions in ensuring a fair, efficient, and accountable legal process. This perspective underscores that the success of the criminal justice system is determined not merely by the effectiveness of a single institution, but by the synergy and harmony among all of its components. Criminal procedure law seeks to establish the basic framework for the administration of an integrated criminal justice system.<sup>27</sup> The Criminal Procedure Code introduced the concept of an integrated criminal justice system based on the principle of functional differentiation among law enforcement agencies. This principle provides that each institution has distinct functions and authorities, yet remains interconnected within the law enforcement process. The system is designed to foster better coordination and to avoid overlapping jurisdictions that may hinder the judicial process.<sup>28</sup>

In relation to criminal procedure law, one of the fundamental weaknesses of Indonesia's current criminal justice system lies in its partial recognition of the correctional system. This is reflected in the lack of full integration of correctional functions and principles across all stages of the criminal justice process. The existing the Criminal Procedure Code regulates only the procedural sequence of investigation, prosecution, and adjudication by the courts, alongside provisions on the protection of human rights for suspects or defendants.

Corrections, though regarded as an essential component and the ultimate output of the criminal justice process, is not regulated under the Criminal Procedure Code. This gives the impression that corrections is a separate entity from the criminal justice system itself, as its working mechanisms are governed only by sectoral legislation. By contrast, the investigative and inquiry functions of the police are comprehensively regulated within the Criminal Procedure Code. Likewise, the prosecutorial functions and the coordination between the prosecution service and the police, as well as the mechanisms of trial and adjudication of criminal cases, are also expressly provided for under the Criminal Procedure Code.

Meanwhile, corrections with its various functions as practised to date are not regulated under the Criminal Procedure Code. Several reasons may be put forward to demonstrate that corrections, through their diverse functions, play a role in the operation of the criminal justice system. First, in practice, corrections through the function of detention centres cannot be separated from the pre-adjudication stage. Second, there is the regulation of the supervisory function carried out by the Probation Office. Third, Law Number 1 of 2023 on the Indonesian Criminal Code (the new *KUHP*) provides for alternative sanctions which explicitly place the role of community supervisors within its framework.

The new Criminal Code has been enacted with a range of new paradigms embedded within its substantive provisions. It reflects a fundamental shift from a retributive approach toward a more utilitarian model of punishment that emphasises social benefit rather than mere retribution. This transformation introduces a new perspective and paradigm in sentencing, offering proportional justice for both offenders and victims of crime.<sup>29</sup> One of the

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<sup>27</sup> Indra Feri Dalimunthe Fence. M. Wantu and Fenty U Puluhawala, 'Desain Penuntutan Hukum Pidana Dalam Sistem Peradilan Pidana Di Masa Yang Akan Datang' (2021) 1 *Philosophia Law Review* 8 <<https://ejurnal.ung.ac.id/index.php/plr/article/view/10536>>.

<sup>28</sup> Cyta Sucy Marrismawati Arini Asriyani and Muhammad Rusdi, 'Reformasi Sistem Peradilan Pidana Indonesia: Tantangan Dan Solusi Menuju Keadilan Efektif' (2024) 11 *JULIA : Jurnal Litigasi Amsir* 377 <<http://journalstih.amsir.ac.id/index.php/julia/article/view/415/302>>.

<sup>29</sup> Fauziah Lubis Muhammad Idris Nasution, Muhammad Ali, "Pembaruan Sistem Pemidanaan Di Indonesia: Kajian Literatur Atas KUHP Baru," *Judge : Jurnal Hukum* 5, no. 1 (2024): 17, <https://journal.cattleyadf.org/index.php/Judge/article/view/507>.

most significant aspects of the new criminal code concerns the concept of punishment and sentencing itself.

Article 65, paragraph (1) of the new Criminal Code regulates supervisory punishment and community service punishment as principal forms of punishment. These are new categories of sanctions introduced as alternatives to imprisonment, which have long dominated Indonesia's criminal law framework. The implementation of both types of punishment involves the role of community counsellors to ensure their effective application.

Community counsellors provide recommendations to prosecutors concerning the implementation of supervised punishment. Likewise, in cases involving community service punishment, community counsellors are responsible for guiding and supervising the convicted individuals undergoing such sentences. These sanctions form part of judicial decisions whose procedures and mechanisms are governed under the Criminal Procedure Code. While these provisions primarily reflect the role of the correctional system in the post-adjudication stage, they should nonetheless be regulated within the criminal procedure code to provide substantive legal authority and to promote an integrated and coherent implementation mechanism within the criminal justice system.

Given the current role of the correctional system within the criminal justice framework and its increasingly strategic position in the future, it is necessary to integrate correctional functions into the provisions of the Criminal Procedure Code in the years ahead. The long-standing weakness of the criminal code lies in its treatment of correctional institutions as a separate entity rather than as an integral part of other subsystems of criminal justice. This gap should serve as the foundation for reform and be addressed in the drafting of the new Criminal Code. Such reform is both timely and feasible, particularly considering the ongoing efforts to update Indonesia Criminal Procedural Law. This initiative is also essential to ensure synchronisation with the new Criminal Code, which is set to take effect in 2026. The developments introduced by the new criminal code, including the formal recognition of community counsellors, further necessitate the renewal of the Criminal Procedure Code.

In light of the evolving direction of criminal law and the amendments to the Correctional Law, correctional functions must be incorporated into the forthcoming revisions of the Criminal Procedure Code. The aspects that need to be regulated include the framework of relationships that define the functions and roles of the correctional system at every stage of the criminal justice process, beginning from investigation and inquiry, prosecution, and court proceedings, to the execution of sentences.

Therefore, the integration of the correctional system into the Criminal Procedure Code constitutes an urgent necessity that the government must prioritise. Although correctional institutions have in practice played a vital role throughout various stages of the criminal justice process, the absence of explicit provisions in the Criminal Procedure Code has led to inconsistencies in law enforcement practices. The revision of the Criminal Procedure Code should thus be directed toward the comprehensive inclusion of the roles, functions, and operational mechanisms of the correctional system from the investigative stage to the implementation of punishment. Such an approach would not only strengthen the position of the correctional system as an integral component of the criminal justice framework but also reflect the state's commitment to upholding human rights protection, enhancing the effectiveness of law enforcement, and ensuring legal certainty throughout the entire criminal justice process.

## Conclusion

The correctional system constitutes an integral part of the criminal justice system, functioning within the broader framework of criminal law enforcement. In practice, the correctional system has played a role not only at the final stage of the criminal justice process

but also from the pre-adjudication and adjudication stages through various correctional functions, including detention services and community guidance. This demonstrates that the correctional system is an essential subsystem within the criminal justice framework.

However, from a normative perspective, the correctional system has not yet been fully integrated into the procedural framework of criminal law, as reflected in the current Criminal Procedure Code. In fact, an integrated criminal justice system requires synergy and coordination among all law enforcement institutions, including correctional authorities. With the recent reforms in Indonesia's national criminal law, particularly the recognition of alternative sanctions under the new Criminal Code, the need to integrate the correctional system into the criminal procedure code has become increasingly urgent. Such regulation is crucial to ensure legal certainty, the protection of human rights, and the optimisation of the correctional system's role in achieving the overarching goals of the criminal justice system.

## References

“DPD RI Sebut Implementasi UU 22/2022 Dorong Era Baru Pemasyarakatan,” accessed February 15, 2025, <https://www.antaranews.com/berita/4178853/dpd-ri-sebut-implementasi-uu-22-2022-dorong-era-baru-pemasyarakatan>.

“Ini 11 Poin Penting Substansi UU Pemasyarakatan Terbaru,” accessed February 15, 2025, <https://www.hukumonline.com/berita/a/ini-11-poin-penting-substansi-uu-pemasyarakatan-terbaru-1t62c6d22f40ec8/>.

“UU No. 22 Tahun 2022 Usung Semangat Perubahan Dan Kemajuan Pemasyarakatan,” accessed February 15, 2025, <http://www.ditjenpas.go.id/uu-no-22-tahun-2022-usung-semangat-perubahan-dan-kemajuan-pemasyarakatan>.

Achmad Budi Waskito, ‘Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi’ (2018) 1 Jurnal Daulat Hukum 288, 288 <<https://jurnal.unissula.ac.id/index.php/RH/article/view/2648>>.

Cyta Sucy Marrismawati Arini Asriyani and Muhammad Rusdi, ‘Reformasi Sistem Peradilan Pidana Indonesia: Tantangan Dan Solusi Menuju Keadilan Efektif’ (2024) 11 JULIA : Jurnal Litigasi Amsir 377 <<http://journalstih.amsir.ac.id/index.php/julia/article/view/415/302>>.

Djisman Samosir, *Sekelumit Tentang Penologi & Pemasyarakatan* (Nuansa Aulia 2012) 128.

Fauziah Lubis Muhammad Idris Nasution, Muhammad Ali, “Pembaruan Sistem Pemidanaan Di Indonesia: Kajian Literatur Atas KUHP Baru,” *Judge : Jurnal Hukum* 5, no. 1 (2024): 17, <https://journal.cattleyadf.org/index.php/Judge/article/view/507>.

G. Suyanto, *Seluk Belum Pemasyarakatan* (BPHN Depatemen Kehakiman RI 1981) 7.

Gunawan Hadi Purwanto, ‘Peran Pembimbing Kemasyarakatan Dalam Perspektif Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak’ (2021) 3 JUSTITIABLE : Jurnal Hukum 7 <<https://ojs.ejournalunigoro.com/index.php/JUSTITIABLE/article/view/326>>.

Hanafi Amrani, *Politik Pembaharuan Hukum Pidana* (Yogyakarta: UII Pres, 2019), 10.

Indra Feri Dalimunthe Fence. M. Wantu and Fenty U Puluhawala, ‘Desain Penuntutan Hukum Pidana Dalam Sistem Peradilan Pidana Di Masa Yang Akan Datang’ (2021) 1 *Philosophia Law Review* 8 <<https://ejurnal.ung.ac.id/index.php/plr/article/view/10536>>.

Julinda Silce Abram, “Penguatan Kedudukan Pemasyarakatan Dalam Sistem Peradilan Pidana Terpadu Melalui Fungsi Bimbingan Kemasyarakatan,” *Innovative : Journal Of Social Science Research* 3, no. 3 (2023): 3, <https://j-innovative.org/index.php/Innovative/article/view/2330>.

Mardjono Reksodiputro, *Hak Asasi Manusia Dalam Sistem Peradilan Pidana: Kumpulan Karangan Buku Ketiga* (Lembaga Kriminologi Universitas Indonesia 2007) 84.

Myke Ratu, 'Telaah Peran Pembimbing Kemasyarakatan Dalam Implementasi Konsep Restorative Justice Menurut Undang–Undang Pemasyarakatan Nomor 22 Tahun 2022', (2023) 3 COMSERVA : Jurnal Penelitian Dan Pengabdian Masyarakat 1868 <<https://comserva.publikasiindonesia.id/index.php/comserva/article/view/982>>.

Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 93.

Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer* (Jakarta: Kencana, 2010), 3.

Romli Atmasasmita, *Strategi Pembinaan Pelanggar Hukum Dalam Konteks Penegakan Hukum Di Indonesia* (Alumni 1982) 9.

Ruslan Renggong, *Hukum Acara Pidana* (Kencana 2014) 226.

Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Depok: PT. RajaGrafindo Persada, 2010), 13.

Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2000), 51.

Supriyanta, 'KUHAP SEBAGAI SARANA MEWUJUDKAN SISTEM PERADILAN PIDANA TERPADU DAN KENDALANYA' (2019) 1 Jurnal Responsa <<https://ejurnal.unisri.ac.id/index.php/RESPONSA/article/view/715>>.

Syawal Amry Siregar, "Suatu Tinjauan Kedudukan Lembaga Pemasyarakatan Sebagai Sub Sistem Peradilan Pidana DI Indonesia," *RETENTU M* 1, no. 1 (2019): 35, <https://jurnal.darmaagung.ac.id/index.php/retentum/article/view/281>.

Tolib Effendi, *Sistem Peradilan Pidana : Perbandingan Komponen Dan Proses Sistem Peradilan Pidana Di Beberapa Negara* (Yogyakarta: Pustaka Yustisia, 2013), 163.