

The Urgency of the Functional Position of Correctional Guardians in Supporting the Authority of Inmates Development

Markus Marselinus Soge¹, Budi Priyatmono², Egitya Firdausyah³

Email : marcel@poltekip.ac.id, budi.prym@gmail.com, egitya24@gmail.com

¹Lecturer of Polytechnic of Correctional Science, Depok, Indonesia

²Lecturer of Polytechnic of Correctional Science, Depok, Indonesia

³Employee of Directorate General of Correction, Jakarta, Indonesia

ABSTRACT

The purpose of the study is to determine the urgency of the functional position of correctional guardians in supporting the authority of inmates development. The research uses normative legal research methods with a legislative approach and uses secondary and primary data sources. The results of the study are first, law number 22 of 2022 concerning corrections and the regulations under it have given attributive authority to the correctional guardian to support the head of the correctional institution or state detention house to carry out assistance in the development of inmates. Second, the correctional functional positions available at this time are positions whose scope is security and guidance so functional positions related to development are needed. Third, the presence of the functional position of correctional guardian is expected by correctional guardian officers in the field because they are more focused on assisting the implementation of coaching. Fourth, from the concept of position, the functional position of correctional guardian has the authority to provide certainty and continuity of correctional organizations because this position can be developed through functional education and training to improve competence and professionalism in providing public services.

Keywords: Functional Position; Correctional Guardian; Inmates Development

ABSTRAK

Tujuan dari penelitian ini adalah untuk mengetahui urgensi jabatan fungsional wali masyarakat dalam mendukung kewenangan pembinaan narapidana. Penelitian menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan menggunakan sumber data sekunder dan primer. Hasil penelitian pertama, undang-undang nomor 22 tahun 2022 tentang masyarakat dan peraturan di bawahnya telah memberikan kewenangan atributif kepada wali masyarakat untuk mendukung kepala lembaga masyarakat atau rumah tahanan negara untuk melakukan pembinaan terhadap narapidana. Kedua, jabatan fungsional masyarakat yang tersedia saat ini adalah jabatan yang ruang lingkupnya adalah pengamanan dan pembimbingan sehingga diperlukan jabatan fungsional yang terkait dengan pembinaan. Ketiga, kehadiran jabatan fungsional wali masyarakat sangat diharapkan oleh petugas masyarakat di lapangan karena bisa lebih fokus dalam membantu pelaksanaan pembinaan. Keempat, dari konsep jabatan, jabatan fungsional wali masyarakat memiliki kewenangan untuk memberikan kepastian dan kesinambungan organisasi masyarakat karena jabatan ini dapat dikembangkan melalui pendidikan dan pelatihan fungsional untuk meningkatkan kompetensi dan profesionalitas dalam memberikan pelayanan publik.

Kata kunci: Jabatan Fungsional; Wali Masyarakat; Pembinaan Narapidana

A. Introduction

Indonesia adopts the correctional system in treating people who have been sentenced to imprisonment. In this system, which has been initiated by Sahardjo since 1963, convicted people who have the status of inmates are given guidance while serving their sentences so that they realize their mistakes as much as possible, improve themselves, and do not repeat their actions, even they are given training and skills as provisions for returning to society. As of December 25, 2022, there were 228,204 inmates in the State Correctional Institution/State Detention Center with 181,886 inmates and 46,318 detainees.¹

The place where imprisonment is carried out is now called a Correctional Institution in which

¹ "Data Total Penghuni dan Kapasitas", <https://sada.kemenumham.go.id/ditjenpas>, 21 Desember 2022.

inmates are given guidance, while the State Detention Center is currently not only a place for detainees while undergoing the judicial process but also functions as a place for inmates to receive guidance due to the limited number of Correctional Institutions which have only reached 332 units from a need of 514 units.²

The guidance given to inmates is carried out by officers who work in Correctional Institutions and State Detention Centers, these officers have the status of government employees, especially civil servants, and are part of the Ministry of Law and Human Rights employees who carry out their duties and functions in the field of Corrections. The 2021 Performance Report data shows that there are 43,350 correctional officers, most of whom (57.3%) do not handle the guidance of inmates but handle security with a total of 24,850 people. In addition to the number of correctional officers who are dominated by security, there are problems faced in the management of human resources in the field of Corrections, including the quality and quantity of education and training, the quality and quantity of promotions and transfers, and the quality and quantity of Correctional functional positions, all of which greatly affect the overall performance of Corrections.³

Correctional functional positions that are currently available and given a performance allowance are functional Community Counselor First Expert, Young Expert, Middle Expert, and Major Expert⁴, functional Assistant Community Counselor Executor / Skilled, Advanced / Proficient Executor, and Supervisor⁵, functional Correctional Security Supervisor First Expert, Young Expert, Middle Expert, and Major Expert⁶, as well as functional Correctional Security Beginner, Skilled, Proficient, and Supervisor⁷. Thus, Correctional officers who occupy functional positions only as Correctional Guards, Security Supervisors, Assistant Community Supervisors, and Community Supervisors where these positions are included in the scope of the security and guidance function which are only two functional tasks of the Corrections. Following the provisions of Law Number 22 of 2022 concerning Corrections, there are six functions of Corrections, namely service, guidance, development, care, security, and observation.⁸

² Direktorat Jenderal Pemasyarakatan, *Laporan Kinerja Direktorat Jenderal Pemasyarakatan Tahun 2021, Potensi Dan Permasalahan Penyelenggaraan Pemasyarakatan*, (Jakarta: Direktorat Jenderal Pemasyarakatan, 2021), P.27.

³ *Ibid.*, P.45.

⁴ Peraturan Menteri Hukum Dan Hak Asasi Manusia RI Nomor 22 Tahun 2022 tentang Perubahan Atas Peraturan Menteri Hukum Dan Hak Asasi Manusia Nomor 10 Tahun 2021 tentang Pelaksanaan Pemberian Tunjangan Kinerja Di Lingkungan Kementerian Hukum Dan Hak Asasi Manusia, (BN No.1084 Tahun 2022), Lampiran I Kelas Jabatan Dan Besarnya Tunjangan Kinerja Di Lingkungan Kementerian Hukum Dan Hak Asasi Manusia, Pembimbing Kemasyarakatan Ahli Pertama kelas jabatan 8, Ahli Muda kelas jabatan 9, Ahli Madya kelas jabatan 11, dan Ahli Utama kelas jabatan 13.

⁵ *Ibid.*, Asisten Pembimbing Kemasyarakatan Pelaksana/Terampil kelas jabatan 6, Pelaksana Lanjutan/Mahir kelas jabatan 7, dan Penyelia kelas jabatan 8.

⁶ *Ibid.*, Pembina Keamanan Pemasyarakatan Ahli Pertama kelas jabatan 8, Ahli Muda kelas jabatan 9, Ahli Madya kelas jabatan 11, dan Ahli Utama kelas jabatan 13.

⁷ *Ibid.*, Pengaman Pemasyarakatan Pemula kelas jabatan 5, Terampil kelas jabatan 6, Mahir kelas jabatan 7, dan Penyelia kelas jabatan 8.

⁸ Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan, (LN No.165 Tahun 2022, TLN No.6811), Pasal 4.

The task of the development or coaching function is very important considering that in the Correctional system, coaching is carried out for inmates based on Pancasila which is carried out in an integrated manner between the coach, the coached, and the community to improve the quality 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 environment, can actively participate in the development, and can live reasonably as good and responsible citizens. The Correctional system functions to prepare inmates so that they can integrate healthily, namely the restoration of the unity of relations with the community so that they can play a role as members of the community.⁹

The function of development that sustains the implementation of the correctional system and is so important has not been supported by the availability of functional positions of civil servants in charge of the correctional field because only functional positions related to security and guidance are available. One of the Correctional officers who bear the task of development is the Correctional Guardians, namely Correctional officers who assist inmates while undergoing coaching at the Correctional Institution / State Detention Center.¹⁰ The function of development that sustains the implementation of the correctional system and is so important has not been supported by the availability of functional positions of civil servants in charge of the correctional field because only functional positions related to security and guidance are available. One of the Correctional officers who bear the task of guidance is the Correctional Guardians, namely Correctional officers who assist Inmates/Inmates while undergoing guidance at the Correctional Institution / State Detention Center.¹¹ The duties and challenges of the Correctional guardian as a companion as well as a parent, especially for child inmates / foster children, are increasingly complex and not light because following applicable provisions the Correctional Guardians receive complaints from adult inmates including foster children while the characteristics of foster children family background, education, economic conditions, and social environment are the biggest obstacles so that foster children can obey and comply with the rules.¹²

Taking into account the description above, it is very interesting to study or discuss the Urgency of the Functional Position of Correctional Guardians in Supporting the Authority of Inmates Development.

⁹ Andi Wijaya Rivai, *Buku Pintar Pemasarakatan*, (Jakarta: Lembaga Kajian Pemasarakatan, 2014), P.12-13.

¹⁰ *Ibid.*, P.41.

¹¹ "Cerita Wali Pemasarakatan Dalam Mendampingi Napi di Lapas", <https://www.kukarnews.id/cerita-wali-pemasarakatan-dalam-mendampingi-napi-di-lapas>, 22 Desember 2022.

¹² "Tahu Tugas Wali Pemasarakatan Kian Kompleks, LPKA Klas I Kutoarjo bersama PKBI Jateng Fasilitas Pelatihan" <https://magelangekspres.disway.id/read/648133/tahu-tugas-wali-pemasarakatan-kian-kompleks-lpka-klas-i-kutoarjo-bersama-pkbi-jateng-fasilitas-pelatihan>, 23 Desember 2022.

B. Focus Of Problem

The subject matter of this research is: What is the urgency of the functional position of Correctional Guardians in supporting the authority of inmates development?

C. Research Methology

Research related to the urgency of the functional position of Correctional Guardians in supporting the authority of inmates development uses normative legal research methods. Normative legal research is legal research that focuses on rules or principles in the sense that the law is conceptualized as norms or rules derived from legislation, court decisions, and doctrines from leading legal experts. The research approach used is the legislative approach, which examines and analyzes all laws and regulations relating to the legal issues addressed. The research uses secondary data sources, namely legal materials consisting of primary legal materials and secondary legal materials, secondary data in the form of laws and regulations related to the authority to foster inmates and Correctional Guardians collected using document study techniques. The secondary data is supported by primary data, namely data obtained directly from the object collected by interview techniques¹³ especially from informants at the Jepara State Detention Center and Serang State Detention Center.¹⁴

D. Finding And Discussion

1. Prisoner Development Authority

Authority is also defined as an authority, namely the right, and power to do something, formal power given by law, power over a certain field of government, or power as the right to do or not do. The aspects of authority possessed by government officials include attributive authority, which is given directly by legislation, and non-attributive authority, which is given due to the delegation or transfer of authority.¹⁵

The authority to guide inmates is regulated by the following laws and regulations:

a. Law Number 22 the Year 2022 on Corrections ('Law 22/2022')

Development or coaching is defined by Law 22/2022 as an activity organized to improve the quality of personality and independence of inmates and foster children.¹⁶ Development or coaching of inmates is one of the functions of the Correctional Institution apart from service,

¹³ Bachtiar, *Metode Penelitian Hukum*, (Pamulang: Unpam Press, 2019), P.57, 82, 122, 137, 139, 141.

¹⁴ Pengumpulan data sekunder dan primer di Rumah Tahanan Negara Jepara pada tanggal 7 Juli 2022, dan di Rumah Tahanan Negara Serang pada tanggal 5 Oktober 2022.

¹⁵ Yusri Munaf, *Hukum Administrasi Negara*, (Pekanbaru: Marpoyan Tujuh Publishing, 2015), P.52, 54, 56.

¹⁶ Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan (LN No.165 Tahun 2022, TLN No.6811), Pasal 1 angka 10.

guidance, care, security, and observation.¹⁷ Coaching of inmates is organized by the Correctional Institution¹⁸ and operationalized or run by the head of the Correctional Institution¹⁹, where the coaching carried out is in the form of personalized coaching and independence coaching.²⁰ Based on this, coaching is an authority, namely the right, and power to carry out personality and independence coaching to inmates owned by the head of the Correctional Institution as stipulated in Law 22/2022. The authority of coaching includes attributive authority because it comes directly from the law, namely Law 22/2022.

The Head of the Correctional Institution is not alone in exercising the authority of coaching inmates but is assisted by the Correctional Guardians.²¹ Law 22/2022 defines Correctional Guardians as Correctional officers, namely functional law enforcement officials authorized by law to carry out Correctional function tasks²², who assist the head of the Correctional Institution in carrying out development to Inmates and foster children.²³ Thus, the law gives attributive authority to the Correctional Guardians as functional law enforcement officials in the field of Corrections to assist in the running of the development function in the Correctional Institution/State Detention Center.

b. Government Regulation No. 31/1999 on the Development and Guidance of Inmates (PP 31/1999).

PP 31/1999 complements Law 22/2022 by defining development or coaching as an activity to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, and professional, physical, and spiritual health of inmates²⁴, where coaching consists of personality and independence development activities²⁵ which include matters relating to devotion to God Almighty, awareness of nation and state, intellectual, attitude and behavior, physical and spiritual health, legal awareness, healthy reintegration with the community, work skills, and work training and production.²⁶ The authority to implement development in the Correctional Institution in PP 31/1999 has been regulated as an obligation of the head of the Correctional Institution²⁷ and is carried out by Correctional officers called Correctional coaches who are determined by the head of the Correctional Institution to serve as guardians of inmates.²⁸ Guidance activities are directed at the ability of inmates to integrate healthily with the community and are carried out through several stages, namely

¹⁷ Ibid., Pasal 4.

¹⁸ Ibid., Pasal 35 ayat (1).

¹⁹ Ibid., Pasal 40.

²⁰ Ibid., Pasal 38.

²¹ Ibid., Pasal 40.

²² Ibid., Pasal 1 angka 21 jo. Pasal 84.

²³ Ibid., Pasal 1 angka 22.

²⁴ Peraturan Pemerintah Nomor 31 Tahun 1999 tentang Pembinaan Dan Pembimbingan Warga Binaan Pemasyarakatan, (LN No.68 Tahun 1999, TLN No.3842), Pasal 1 angka 1.

²⁵ Ibid., Pasal 2 ayat (1).

²⁶ Ibid., Pasal 3.

²⁷ Ibid., Pasal 6 ayat (1)

²⁸ Ibid., Pasal 1 angka 4 jo. Pasal 4 ayat (1) huruf a jo. Pasal 4 ayat (20).

the initial stage, the advanced stage, and the final stage where the transfer from one stage to another is determined in the Correctional Observation Team session involving the inmate's guardian.²⁹ The guardian of the inmates is the Correctional Guardian.

c. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.01 PK.04.10 the Year 2007 on Correctional Guardians ('Permenkumham Correctional Guardians')

The authority to develop Inmates owned by the head of the Correctional Institution and in its implementation is assisted or carried out by the inmate's Guardian or Correctional Guardians, which is further strengthened by regulations regarding the definition, duties, and roles of Correctional Guardians. The Permenkumham on Correctional Guardians defines Correctional Guardians as Correctional officers who assist inmates while undergoing development or coaching at the Correctional Institution.³⁰ So that the task of the Correctional Guardians is to carry out the task of mentoring while the inmates are undergoing the coaching process, in interacting with fellow residents, officers, family, and community members.³¹ While its role is as a facilitator, communicator, and motivator during the inmates coaching process.³²

The obligations of the Correctional Guardians are a. record the identity, criminal background, and social life background, and explore the potential of the inmates to be developed and aligned with the coaching program; b. pay attention, observe, and record the development of coaching, positive behavioral changes, relationships with family and community, and obedience to the rules of the Correctional Institution or State Detention Center; c. make reports on the development of coaching and behavioral changes for the benefit of the Correctional Observation Team hearing in determining further coaching programs.³³ The authority of Correctional Guardians is: a. propose to the Correctional Observation Team so that inmates can be given a coaching program based on their talents, interests, and needs regarding the coaching program following the stages and processes of the correctional; b. receive complaints and conduct consultations if the inmates experience obstacles, both in interacting with fellow residents and officers and in following the coaching program.³⁴

Correctional Guardians are responsible for the implementation of their duties and obligations to the head of the Correctional Institution or State Detention Center³⁵ due to their appointment and dismissal by the head of the Correctional Institution or State Detention Center.³⁶ Before being appointed, a Correctional Guardian must fulfill the following requirements: a. Civil Servant with a minimum education of Senior High School or equivalent; b. physically and mentally healthy; c. has experience

²⁹ Ibid., Pasal 7.

³⁰ Peraturan Menteri Hukum Dan Hak Asasi Manusia RI Nomor M.01 PK.04.10 Tahun 2007 tentang Wali Pemasyarakatan, Pasal 1

³¹ Ibid., Pasal 2 ayat (1)

³² Ibid., Menimbang huruf b

³³ Ibid., Pasal 2 ayat (2)

³⁴ Ibid., Pasal 2 ayat (3)

³⁵ Ibid., Pasal 3

³⁶ Ibid., Pasal 4 ayat (1)

working in the correctional environment for at least 5 (five) years; and d. not currently undergoing disciplinary punishment.³⁷ A Correctional Guardian must receive education and training on the basics of the Correctional system, the process of inmates development, and general guidelines for guardianship in the context of development. Before receiving education and training, Correctional Guardians receive technical guidance on the duties and obligations of Correctional Guardians from the Directorate General of Corrections.³⁸

d. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 concerning Correctional Revitalization ('Permenkumham Revitalization of Corrections').

The Permenkumham Revitalization of Corrections authorizes Correctional Guardians to observe and record the attitude and behavior of inmates in a daily report on the attitude and behavior of inmates.³⁹ Reporting of the results of the assessment of inmates development from the Correctional Guardians is carried out every month and is carried out in stages. The report on the results of the assessment of inmates development can be used as the basis for decision-making related to the implementation of further development as well as additional data for the preparation of community research.⁴⁰

2. Urgency of Functional Position of Correctional Guardians in Supporting the Authority of Inmates Development

The urgency of the functional position of Correctional Guardians is as follows:

- a. The provisions of laws and regulations in Law 22/2022, Government Regulation 31/1999, Minister of Law and Human Rights Regulation on Correctional Guardians, and Minister of Law and Human Rights Regulation on Correctional Revitalization have given attributive authority to Correctional Guardians to support or assist the authority to develop inmates owned by the head of the Correctional Institution or State Detention Center. Correctional Guardians will explore the potential of inmates to be developed and aligned with the coaching program, assist inmates, and act as facilitators, communicators, and motivators as long as the inmates undergo the coaching process, both in relationships with fellow residents, officers, family, and community members as well as obedience to discipline, which is realized through observation and recording of attitudes and changes in the behavior of inmates in the daily report on the attitude and behavior of inmates.
- b. Correctional functional positions that are currently available and given performance allowances are functional Community Counselors, functional Assistant Community Counselors, functional Correctional Security Supervisors, and functional Correctional Guards. All of these

³⁷ Ibid., Pasal 4 ayat (2)

³⁸ Ibid., Pasal 5

³⁹ Permenkumham Nomor 35 Tahun 2018 tentang Revitalisasi Penyelenggaraan Pemasarakatan, (BN No.1685 Tahun 2018), Pasal 12 ayat (1) jo. Pasal 16 ayat (1) jo. Pasal 20 ayat (1) jo. Pasal 24 ayat (1)

⁴⁰ Keputusan Direktur Jenderal Pemasarakatan Kementerian Hukum Dan Hak Asasi Manusia RI Nomor: PAS-10.OT.02.02 Tahun 2021 tentang Sistem Penilaian Pembinaan Narapidana, P.41 huruf d.Pelaporan angka 1), 3) dan 4)

functional positions are included in the scope of the Correctional function in the form of security and guidance. Therefore, the existence of the functional position of Correctional Guardians as functional law enforcement officials related to the implementation of inmates development is very important because guidance itself is one of the functions of the Corrections which aims to 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 reasonably as good, law-abiding, responsible citizens, and can actively participate in development.

c. The presence of the functional position of Correctional Guardians is expected by Correctional officers who have been serving as Correctional Guardians. Data collection from Jepara State Detention Center⁴¹ (informants 1 dan 2) and Serang State Detention Center⁴² (informants 3 dan 4) showed the following results:

1) Number of Inmates assisted by Correctional Guardians:

Informant 1 assisted more than 20 inmates under his guardianship.

Informant 2 assisted more than 20 inmates under his guardianship

Informant 3 accompanied 15 inmates under his guardianship

Informant 4 accompanied 5 inmates under his guardianship.

2) Correctional Guardians' understanding of their duties, roles, and responsibilities:

All informants know and understand their duties, roles, and responsibilities, namely regarding matters related to fostering and guiding inmates, monitoring their activities and behavioral attitudes, providing direction, recording assessments of inmates' participation in coaching programs, receiving complaints from inmates, and providing reports to the leadership and the Correctional Observation Team hearing.

3) The need for the functional position of Correctional Guardians:

Informant 1 conveyed that the functional position of Correctional Guardians is needed to be more focused on carrying out their duties because currently, the informant has the main task related to registration while the Correctional Guardians' duties are only an additional task because there is a leadership decree.

Informant 2 conveyed that the position of Correctional Guardian is needed as a form of appreciation and enthusiasm for work, currently, the informant has main duties related to services while the duties of the Correctional Guardian are carried out only because of a leadership decree.

Informant 3 conveyed that in the future it is necessary to create a functional position of Correctional Guardian because it is related to the increasing burden of functions and tasks, while the informant currently has the main task related to security while becoming a Correctional Guardian because of a

⁴¹ Pengumpulan data sekunder dan primer di Rumah Tahanan Negara Jepara pada tanggal 7 Juli 2022

⁴² Pengumpulan data sekunder dan primer di Rumah Tahanan Negara Serang pada tanggal 5 Oktober 2022

direct appointment from the leadership.

Informant 4 said that to support the duties and functions of the Corrections in the future, it may be necessary to create the functional position of Correctional Guardian because currently, the informant has the main task related to services while the Correctional Guardian is an assignment from the leadership.

Based on the description above, three of the four Correctional Guardians on average assist 15 to 20 inmates, they become Correctional Guardians because of assignments, appointments, or decisions from the leadership even though their main duties are not related to inmates development including registration, services, or security. They stated that in the future it is necessary to have a functional position as Correctional Guardians so that they can focus more on assisting the implementation of guidance due to the increasing burden of duties as Guardians and to provide an appreciation for the work spirit of officers appointed as Correctional Guardians.

d. The functional position of Correctional Guardians in terms of the concept of position

Positions are provided to be occupied by appointed officeholders and are provided to be represented by them as individuals. It is necessary to have certainty and continuity in a position so that the organization can function properly because the position is carried out by a person as a representative and acts on behalf of the position. A position is also an organization of authority that has interconnected functions, part of the functions or activities of government that are still sustainable. Positions are burdened with obligations and authorized to perform legal acts.⁴³ In the concept of functional positions, especially for state civil apparatus or civil servants, functional positions consist of functional positions of expertise and functional positions of skill.⁴⁴ Career paths with functional paths are developed through functional training aimed at increasing competence in the form of professionalism and skills needed both as functional expertise (mastering certain scientific and practical methods) and functional skills (being able to operate certain methods) whose development is directed to become professional servants. As organizers of public services, functional officials should have professionalism.⁴⁵ Functional position development is an effort to improve and control the professional standards of functional positions to improve competence, namely technical, managerial, and socio-cultural abilities which include knowledge, skills, and behavioral attitudes of a state civil apparatus or civil servant-directed so that tasks or work can be carried out professionally,

⁴³ Tuti Hardiyati, *Tinjauan Yuridis Terhadap Pelaksanaan Pengisian Jabatan Administrasi Secara Terbuka Di Kota Makassar*, (Makassar: Prodi Hukum Administrasi Negara Fakultas Hukum Universitas Hasanuddin Makassar, 2016), P.8, 9.

⁴⁴ Undang-Undang Nomor 5 Tahun 2014 tentang Aparatur Sipil Negara, (LN No.6 Tahun 2014, TLN No.5494), Pasal 18 ayat (1).

⁴⁵ Ambar Teguh Sulistiyani dan Evi Sukmayeti, *Pengembangan Jabatan Fungsional Di Lingkungan Pemerintah Daerah*, *Jurnal Kebijakan dan Manajemen PNS*, Vol.1 No.2, 2007, P.12, 13, 18.

effectively and efficiently in improving public services.⁴⁶

The functional position of Correctional Guardians needs to be provided to provide certainty and continuity so that the Correctional organization can function properly. The functional position of Correctional Guardians has authority, namely obligations and authority following legal provisions. Correctional Guardians can be functional positions of expertise or skills developed through functional education and training to improve competence, and professionalism, so that technical, managerial, and socio-cultural abilities can continue to increase in providing public services in terms of helping to carry out guidance to inmates through mentoring tasks and acting as facilitators, communicators, and motivators as long as iundergo the coaching process, both in interacting with fellow residents, officers, families and community members. These functional officials are of course Correctional officers who are appointed and dismissed by the Minister of Law and Human Rights and have met the requirements, among others, have a technical education background in the field of Corrections, perform special duties within the Correctional technical implementation unit, and meet other requirements for functional positions following applicable laws and regulations.⁴⁷

E. Conclusion

- a. Law Number 22 of 2022 concerning Corrections and the regulations under it have given attributive authority to Correctional Guardians to support or assist Correctional Institutions or State Detention Centers in carrying out inmates development, with the task of accompanying inmates and acting as facilitators, communicators, and motivators while inmates undergo the development process.
- b. Correctional functional positions that are currently available and given performance allowances are functional positions that include the scope of the correctional function in the form of security and guidance. So that it is important to have the functional position of Correctional Guardians as functional law enforcement officials related to the implementation of the Correctional function in the form of inmates development.
- c. The presence of the functional position of Correctional Guardians is expected by Correctional officers who have been serving as Correctional Guardians because they can focus more on assisting the implementation of coaching due to the increasing burden of duties as Guardians and provide an appreciation for the spirit of work for officers appointed as Correctional Guardians.

⁴⁶ Ahmad Sanusi, *Pengembangan Kompetensi Jabatan Fungsional Di Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia*, Jurnal Ilmiah Kebijakan Hukum, Vol.15 No.3, 2021, P.437.

⁴⁷ Andi Wijaya Rivai, *Buku Pintar Pemasaryakatan*, (Jakarta: Lembaga Kajian Pemasaryakatan, 2014), P.40.

- d. In terms of the concept of position, the functional position of Correctional Guardians who have the authority needs to be provided to provide certainty and continuity so that the Correctional organization can function properly because this functional position can be developed through functional education and training to improve competence, professionalism so that technical, managerial and socio-cultural abilities can continue to increase in providing public services.

F. Recommendation

- a. The Ministry of Law and Human Rights through the Directorate General of Corrections can consider the establishment of the functional position of Correctional Guardians.
- b. The Correctional Guardians who are currently serving in all Correctional Institutions and State Detention Centers should continue to be enthusiastic in carrying out the duties of the coaching function as mandated by Law Number 22 of 2022 concerning Corrections and the regulations thereunder.

G. Acknowledgments

The authors would like to thank all those who have assisted with the research, including the informants at the Jeparu State Detention Center and Serang State Detention Center so that this paper can finally be compiled properly.

Referencies / Bibliography:

- Ahmad Sanusi, *Pengembangan Kompetensi Jabatan Fungsional Di Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia*, Jurnal Ilmiah Kebijakan Hukum Vol.15 No.3, 2021.
- Ambar Teguh Sulistyani & Evi Sukmayeti, *Pengembangan Jabatan Fungsional Di Lingkungan Pemerintah Daerah*, Jurnal Kebijakan dan Manajemen PNS Vol.1 No.2, 2007.
- Andi Wijaya Rivai, *Pintar Pemasarakatan*. (Jakarta: Lembaga Kajian Pemasarakatan, 2014).
- Bachtiar, *Metode Penelitian Hukum*, (Pamulang: Unpam Press, 2019).
- “Cerita Wali Pemasarakatan Dalam Mendampingi Napi di Lapas”, <https://www.kukarnews.id/cerita-wali-pemasarakatan-dalam-mendampingi-napi-di-lapas>, 22 Desember 2022.
- “Data Total Penghuni dan Kapasitas”, <https://sada.kemenkumham.go.id/ditjenpas>, 21 Desember 2022.
- Direktorat Jenderal Pemasarakatan, *Laporan Kinerja Direktorat Jenderal Pemasarakatan Tahun 2021*. Potensi Dan Permasalahan Penyelenggaraan Pemasarakatan, (Jakarta: Direktorat

Jenderal Pemasyarakatan, 2021).

“Tahu Tugas Wali Pemasyarakatan Kian Kompleks, LPKA Klas I Kutoarjo bersama PKBI Jateng Fasilitas Pelatihan”, <https://magelangekspres.disway.id/read/648133/tahu-tugas-wali-pemasyarakatan-kian-kompleks-lpka-klas-i-kutoarjo-bersama-pkbi-jateng-fasilitas-pelatihan>, 23 Desember 2022.

Tuti Hardiyati, *Tinjauan Yuridis Terhadap Pelaksanaan Pengisian Jabatan Administrasi Secara Terbuka Di Kota Makassar*, (Makassar: Prodi Hukum Administrasi Negara Fakultas Hukum Universitas Hasanuddin Makassar, 2016).

Yusri Munaf, *Hukum Administrasi Negara*, (Pekanbaru: Marpoyan Tujuh Publishing, 2015).

Undang-Undang Nomor 5 Tahun 2014 tentang Aparatur Sipil Negara, (LN No.6 Tahun 2014, TLN No.5494).

Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan, (LN No.165 Tahun 2022, TLN No.6811).

Peraturan Pemerintah Nomor 31 Tahun 1999 tentang Pembinaan Dan Pembimbingan Warga Binaan Pemasyarakatan, (LN No.68 Tahun 1999, TLN No.3842).

Peraturan Menteri Hukum dan HAM RI Nomor: M.01 PK.04.10 Tahun 2007 Tentang Wali Pemasyarakatan

Permenkumham Nomor 35 Tahun 2018 tentang Revitalisasi Penyelenggaraan Pemasyarakatan, (BN No.1685 Tahun 2018).

Peraturan Menteri Hukum Dan Hak Asasi Manusia RI Nomor 22 Tahun 2022 tentang Perubahan Atas Peraturan Menteri Hukum Dan Hak Asasi Manusia Nomor 10 Tahun 2021 tentang Pelaksanaan Pemberian Tunjangan Kinerja Di Lingkungan Kementerian Hukum Dan Hak Asasi Manusia, Lampiran I Kelas Jabatan Dan Besarn Tunjangan Kinerja Di Lingkungan Kementerian Hukum Dan Hak Asasi Manusia, (BN No.1084 Tahun 2022).

Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia RI Nomor: PAS-10.OT.02.02 Tahun 2021 tentang Sistem Penilaian Pembinaan Narapidana.

Pengumpulan data sekunder dan primer di Rumah Tahanan Negara Jepara pada tanggal 7 Juli 2022, dan di Rumah Tahanan Negara Serang pada tanggal 5 Oktober 2022.