

RESTORATION OF THE CORRECTIONAL LAW SYSTEM IN INDONESIA THROUGH THE CONCEPT OF ECONOMIC REINTEGRATION

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Abstract

Community development has become an integral subsystem of the integrated judicial system organized by the government as part of the law enforcement process in the context of service, guidance, and guidance which will lead to social reintegration. However, at present, there is no consensus on the most effective pattern for assisting social reintegration in reducing recidivist levels. Work and recidivist levels have a cybernetic relationship, this can be seen in some research. Therefore, it is necessary to have the concept of proper correctional law renewal in terms of concepts and goals that were previously only oriented towards social reintegration into social reintegration and economic reintegration. This economic reintegration can be realized through an economical correctional law system, namely in terms of legal substance, namely constructing correctional law provisions based on legal and economic principles, in terms of legal structure, namely adding vocational education programs and internships. In fostering independence and guiding independence, optimizing the role of cooperatives, MSMEs, and correctional care community groups.

Keywords: restoration; correctional; economic reintegration.

I. INTRODUCTION

The work and risk level of ex-convict recidivism having a link between sociologists and criminologists explains that work can play a role in reducing ex-convicts committing criminal acts back after being released from prison, in the sense that work can theoretically reduce economic motivation to commit crimes.⁶ Work is also seen as able to provide stability for former prisoners in the context of social reintegration to prevent criminal activities and recidivism.⁷ This is related to the anomie theory, which explains that people may be motivated to commit crimes if they fail to achieve social normative goals in a way that society considers good.⁸ Work is assumed to be able to provide stability for former prisoners in the context of social reintegration to prevent criminal activities and recidivism

Employment and recidivists rates have a cybernetic relationship, it can be seen in several studies for example in Canada where about 75 percent of prisoners are identified as having job needs.⁹ In the UK there is a meta-analysis of data collected in a social reintegration survey in the Year 2001, found that prisoners who get paid jobs in the transition phase have a lower recidivism probability than those who don't get a job.¹⁰ Results similar to research achieved in the United States in employment programs sponsored by Safer Foundation.¹¹

Obtaining a job is one of the best predictors and a major factor in the successful social reintegration of ex-convicts.¹² Work provides more utility than income, namely structure, routine, and opportunities to socialize and become productive members of society.¹³ In addition, work contributes to improving self-esteem and psychological health.¹⁴ Work is also assumed to provide stability for former prisoners in the context of social reintegration to prevent criminal and recidivist activities.¹⁵

From the recidivist data of the Makassar Class I Penitentiary, it can be seen that there were 399 cases of property crimes from 2016 to 2020. The most property crimes, namely theft, totaled 342 cases. Property crime is a crime derived from the desire of the¹⁶ legal subject to control, take or possess the property of another person unlawfully, several factors and the main factor is the economic factor because the property has an economic value that can be exchanged for something that can satisfy the desire of the legal subject who committed the property crime.¹⁷ There are several factors that influence the level of recidivist risk, namely anti-social attitudes, colleagues or associations, history of anti-social behavior,¹⁸ personality, characteristics, family, education, absence of family support, skills deficit, lack of training, employment.¹⁹

On the other hand, the quality of prisoners' human resources is lacking in quality, and the social stigma that is attached, is especially associated with the high competitiveness of job seekers other than prisoners. This is important because from 2010 to 2035 Indonesia enters a period where the ratio of the number of people of productive age (15-64 years) is greater than that of the non-productive age population (0-14 years and 65 years and above), in 2030 the productive age figure is estimated to reach 200,000,000 people, which is 68 percent of the total population of Indonesia.

In particular, work in the context of social reintegration with good, stable wages and allowing a significant increase in income in preventing recidivists, so shows that it is not only work that is the point of issue but also the quality of work as measured by indicators of income, work commitment, job stability, and income growth. Relatively highly paid work can immediately reduce the economic motivation to commit crimes. In the review of social control, it can be elaborated that work that provides a longer period of service or regular work with full time will provide greater potential to prevent ex-convicts from repeating criminal acts²⁰. Expectations in employment are important because it allows ex-convicts to do their best for their jobs thus causing reduced recidivist risks in work is very beneficial due to income growth that gives ex-prisoners hope that they can achieve normative economic and social goals.

Correctional has 2 (two) essences, namely social rehabilitation, and social reintegration. Social rehabilitation within the scope of correctional services is a series of coaching for prisoners that is carried out through a recovery process within a certain period by providing certain programs that aim to change the mindset and behavior of the prisoner. Meanwhile, social reintegration is the reunification of the convicted person with the community because the perpetrator of the crime is considered to have conflicted with the community so correctional through the final stage of coaching programs aimed at restoring the rift in the relationships that exist in the community caused by the perpetrator of the crime. The successful rehabilitation of prisoners,

and the reintegration of former prisoners into society are the basic goals of the criminal justice system.²¹

Article 2 of the Correctional Law explains that one of the instrumental purposes of the correctional system is to protect the public from the repetition of criminal acts or commonly known as recidivist. An effective and efficient recidivist countermeasure policy must start by overcoming the contributing factors, the absence of material, psychological and social support at the time of the transition process so that prisoners will tend to be difficult to integrate with society. To date, there has been no consensus on²²

The most effective pattern in aiding social reintegration and reducing recidivist levels²³. However, several studies that explain that social reintegration will be achieved if the criminogenic of criminals can be handled holistically and physical and social needs can be supported both in prison and after the release of criminals.²⁴ However, facilitating the social reintegration of criminals is a very complex task and the impact of interventions in the form of specific social integration programs is very difficult to measure, so the indicators of crime prevention from social reintegration programs are measured by the degree of recidivism of the offender.²⁵ Therefore, causalitatively there is no rational criminal policy in preventing crime without effective measures to address the root cause of recidivism.²⁶

While in Indonesia, former prisoners are only accommodated as one member of the Group of Persons with Social Welfare Problems (PMKS) which is regulated in the Explanation of NRI Law No.11 of 2009 concerning Social Welfare (hereinafter referred to as the Social Welfare Law). The government does not construct more dynamic and economical regulations such as tax regulations in stimulating employers in recruiting ex-convicts. Article 7 Paragraph (1) of the Social Welfare Law outlines that social rehabilitation is intended to restore and develop the ability of a person experiencing social dysfunction to be able to carry out his social functions reasonably. Meanwhile, former prisoners contained in the explanation of Article 7 Paragraph (1) of the Social Welfare Law outlines those who experience social dysfunction include people with physical disabilities, physical and mental disabilities, social disabilities, vagrants, beggars, former sufferers of chronic diseases, former drug addicts, psychotropic users of dependency syndrome, people with HIV / AIDS (PLHIV), victims of violence, victims of disasters, victims of trafficking, abandoned children, children with special needs and former prisoners

Employment in the context of social reintegration with appropriate, stable salaries and potential income increases is important in preventing recidivists, it shows that not only work is the point of issue but also talks about the quality of work as measured by indicators of income, work commitment, job stability, and income growth.²⁷ Relatively highly paid work can immediately reduce the economic motivation to commit crimes. Based on social control theory, work that provides a longer period of service or regular full-time work will provide greater potential to prevent ex-convicts from repeating a felony.²⁸ In addition, quality work has utility due to increased income that gives ex-convicts hope that they can achieve normative economic and social goals.²⁹ The expectations in the job are significant, because, it allows the former inmate to do the best for his job and will ultimately reduce the risk of recidivism.

II. IMPLEMENTATION OF THE CORRECTIONAL GUARDIAN POLICY IS INEFFECTIVE

Effectiveness means the effectiveness of the effect of success or efficacy, talking about the effectiveness of the law is certainly inseparable from analyzing the characteristics of two variables related to the characteristics and dimensions of the target object used. Legal effectiveness is the ability of law to create or give birth to circumstances or situations desired by law or expected by law.³⁰

According to Black, the substance of the effectiveness of the law is to examine whether the law applies, it can be seen from comparing the legal reality in theory with the legal reality in practice as a result of which there is a gap between the two. Soerjono Soekanto explained that the effectiveness of the law can be measured based on whether its influence successfully regulates the attitude of a particular act or behavior to suit its purpose or not,³¹ Anthony Allot explained that the effectiveness of the law can be measured by its existence and its implications can be a preventive instrument of actions, which are not expected or desirable.³² Whether or not a law is effective if the legislation, for example, is unclear or vague, the apparatus is inconsistent, and or the public does not support the implementation of the regulations of the law In Indonesia, the Correctional Concept was initiated by Bahroedin Soerdjobroto in 1963 and introduced into regulation by Saharjo as the Minister of Justice of the Republic of Indonesia. The birth of the 1995 Correctional Law, the 1917 Prison Reglemen along with the regulations based on the Prison Reglemen have been repealed with the provisions of Article 53 of the 1995 Correctional Law. Conceptually, Bahroedin Soerdjobroto explained that in terms of thinking, correctional views crimes and lawbreakers are the product of conflicts between criminals and victims and society. Crime is something that damages the social balance therefore, correctional must restore relationships damaged by crime to maintain the order of social life. Abstraction from social life there is a moral code that is a benchmark for maintaining order and will react when there is an evildoer. The reaction of the moral code that exists in a society is called sanctions, which is a result that will be obtained causality from criminal acts³³.

Restoration The law from the concept of prison to correctional in 1964 is based on the Standard Minimum Rules for Treatment of Prisoners initiated by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders on August 30, 1955, which regulates the principles of prisoner development based on human rights in the Basic Principles for the Treatment of Prisoners, namely

1. The purpose of coaching prisoners is to return them to society as law-abiding, hence every prisoner has the right to participate in cultural and educational activities aimed at building a human personality;
2. To attempt to return to society, conditions must also be created that allows convicts to perform remunerated work;
3. The job will pave their way back to the job market, while also making it possible to provide financial support for their families.

Symbolically, the purpose of Indonesian correctional law can be seen in Article 5 of the Correctional Law, namely the principles underlying the correctional system, namely protection, non-discrimination of humanity, mutual aid, independence, proportionality, and loss of independence as the only suffering and professionalism. Meanwhile, the correctional functions in Article 4 of the Correctional Law include services, guidance, community guidance, care, security, and observation.

In measuring the effectiveness of the concept of social reintegration, it can be seen from the policies of prisons and correctional bodies in coaching and guidance. Coaching is an activity to improve the quality of devotion to God, intellectual, attitude, and behavior, professional, physical, and spiritual health of prisoners while mentoring is the provision of guidance to improve the intellectual, attitude, behavioral, professional, physical and spiritual qualities of correctional clients.

The coaching and guidance of correctional-assisted residents include coaching and guidance programs in the form of personality coaching activities and independence coaching activities. Personal coaching has the scope of mental and disposition coaching so correctional residents become fully human, devout, and responsible to themselves, their families, and their communities. Meanwhile, independence coaching talks about fostering talents and skills so that correctional residents can return to the role of free and responsible members of society.

Article 3 of Government Regulation Number 31 of 1999, Guidance and Guidance of Correctional Assisted Citizens explains that the forms of personalized coaching, and guidance activities and independence include matters related to devotion to God, national and state consciousness, intellectual, attitudes and behaviors, physical and spiritual health, legal awareness, healthy reintegration with society, job skills, job training, and production. Models the implementation of the prisoner training program at the Indonesian Penitentiary has 3 (three) stages of coaching, namely early-stage coaching, advanced stage coaching, and final stage coaching.

The initial stage of coaching starts from the time the person concerned has the status of a prisoner up to 1/3 (one-third) of the criminal period, the initial stage of coaching includes a period of introduction and environmental research, planning, implementation and assessment of the implementation of the initial stage coaching program. Advanced stage coaching includes the first advanced stage of coaching, namely from the end of the initial stage of coaching to 1/2 (one-second) of the criminal period, and the second advanced stage of coaching, namely from the end of the first advanced stage to 2/3 (two-thirds) of the criminal period, advanced stage coaching includes planning, implementing, assessing advanced coaching programs and planning and implementing assimilation programs. The final-stage of coaching is carried out at the end of the advanced stage until the end of the criminal period of the prisoner concerned, the final stage of coaching includes planning, implementing, and terminating the final stage of coaching.

Early-stage coaching has the scope of admission and orientation period. The admission period is an entry permit in the sense that the examination of the files of prisoners who have just

entered the Penitentiary. What is carried out by the registration section, including the examination of files in the form of minutes of judgment, passages of judgments, letters of detention, legalized verdicts, able-bodied certificates, medical records, related to the health condition of the prisoner, andma congenital diseases requires the consideration of a doctor for follow-up. After that, the inmate enters a special room for Enviromental Introduction which is an orientation that includes a period of introduction, observation, and research of the environment as the inmate self-adjustment to the prison environment. In the Enviroment Introduction period, the prisoner should also be explained the rights and obligations, and the applicable rules of conduct, the processes of implementing coaching.

Ideally, the mechanism for implementing technical guidance also refers to the Decree of the Director General of Corrections³⁴ on Fixed Procedures for the Performance of Correctional Duties (hereinafter referred to as the Correctional Protap) that when new prisoners enter are directed to the registration section for registration, luggage, and file examination. After that, the prisoner entered the Enviroment Introduction room to participate in orientation activities for 7 (seven) days. After that, the inmate returns to the social guidance section to be given a pocketbook containing the prison order and the inmate's register number in addition, introduced to his correctional guardian so that the newly entered inmate is accompanied the inmate is not confused. The correctional guardian is given a decree of appointment and granted as well as a coaching control book.

Basically, in the Penitentiary Resident (WBP) Development and Guidance Regulation, there is no definitive mention of correctional guardians, but what is mentioned is the guardian of the prisoner and the guardian where the two terminologies are also not described concretely in the general provisions only provide an overview of the terminology. Guardians in the Penitentiary Resident (WBP) Guidance and Guidance Regulation are defined as persons as substitutes for parents who are required to supervise and represent children who are not yet mature or have not yet grown up, who are under 18 years old and unmarried. Meanwhile, the inmate's guardian is described as an extension of the correctional officer who acts as the correctional supervisor. Article 4 paragraph (4) explains that the provisions regarding the duties, obligations, and conditions of the guardian of the prisoner are further regulated by a Ministerial Decree. Meanwhile, in reality, there has not been a single Ministerial Decree that regulates concretely the guardianship of prisoners.

The transfer of coaching from stage one to another is determined through the TPP (Correctional Observer Team) hearing based on data from correctional supervisors, correctional safeguards, community advisors, and inmate guardians. The data in question is the result of observations, assessments, and reports on the implementation of guidance which are further regulated by a Ministerial Decree. Meanwhile, there is no Ministerial Decree that regulates the guidelines for observation, assessment, and reporting, which of course also contains the format of the development report of the assisted residents which is an instrument for correctional guidance and correctional security to measure how far the development of the assisted residents is and how the level of risk of the assisted residents can be the basis for being given the next stage of

the coaching program. In the absence of these instruments, it will affect the non-optimal coaching, both personality coaching, and independence.

In contrast to the data made by the supervisor In contrast to the data made by the community supervisor, there are guidelines regulated in the Decree of the Director General of Corrections of the Ministry of Law and Human Rights No.Pas-36.OT.02.02 of 2018 concerning Quality Standards for the Results of the Work of Guidance for Functional Positions of Community Supervisors and Functional Positions of Assistant Community Supervisors and Decree of the Director General of Corrections of the Ministry of Law and Human Rights No.PAS-219.pk.01.04.03. In 2019 concerning the Quality Standards of Community Research Work and Community Guidance Assistants, however, there are also inconsistencies with those mentioned in Article 7 of the Penitentiary Resident (WBP) Development and Guidance Regulation which is further regulated by a Ministerial Decree.

Correctional guardians are regulated in the Regulation of the Minister of Law and Human Rights ³⁵concerning Correctional Guardians (hereinafter referred to as Regulation of the Minister of Law and Human Rights of Indonesia Correctional Guardian Officers). Based on Article 1 of the Regulation of the Minister of Law and Human Rights of Indonesia Correctional Guardian Service, it is explained that the definition of a correctional guardian is a correctional officer who assists to prisoners, and correctional protégés while undergoing training in a correctional institution. Correctional guardians carry out mentoring duties as long as prisoners and correctional protégés undergo the coaching process, both in interacting with fellow residents, officers, families, and community members, in other words, correctional guardians also act as facilitators, communicators, and motivators during the process of coaching prisoners and correctional protégés. Based on this, the position of the guardian of the correctional officer is the key to the running of coaching in the penitentiary and is one of the effective or non-measures of coaching in the penitentiary.

Article 2 of the Correctional Guardian Regulation explains that the Correctional Guardian carries out the task of mentoring while the prisoner is undergoing the coaching process, but Article 6 it explains that the duty of the correctional guardian can begin from the moment a person is still a prisoner, basically coaching is a form of punishment while a person who is still in the status of a prisoner where there has been no decision of a permanent judge who declares him guilty then cannot participate in a series of coaching activities which are a form of punishment. In the case of a person who is still a prisoner, the thing that can be provided is in the form of services to the prisoner in the form of treatment, so, the correctional guardian in terms of accompanying the prisoner should be within the scope of care not coaching, and should be explicitly stated in the officers, family, and members of the community, in other words, the correctional guardian also acts as a facilitator, communicator, and motivator during the process of coaching the prisoner and correctional protégés. Based on this, the position of the guardian of the correctional officer is the key to the running of coaching in the penitentiary and is one of the effective or non-measures of coaching in the penitentiary. The scope of the correctional guardian's duties is must to assist the prisoner in terms of prisoner care.

Article 5 explains that correctional guardians are required to receive education and training on the basics of the correctional system, the process of coaching prisoners, and general guidelines for guardianship in the context of training prisoners. Before the correctional guardian receives education and training the directorate general of corrections provides technical guidance on the duties, and obligations of the correctional guardian. Article 7 explains the instructions for the implementation of the Regulation of the Minister of Law and Human Rights of Indonesia Correctional Guardian Service further regulated by the Regulation of the Director General of Corrections. However, in reality, there is no Regulation of the Director General of Corrections that regulates the instructions for the implementation of the Correctional Guardian Regulation of the Minister of Law and Human Rights of Indonesia, especially what kind of general guidelines for guardianship and also how the technical guidance mechanism on the duties and obligations of correctional guardians is given by the Directorate General of Corrections.

With the unregulated guidelines for the implementation of the Correctional Guardian Regulation, it is not yet clear how the format of the instrument to measure the development of assisted citizens will eventually have an impact on suboptimal inmate assistance, and this right will be one of the factors of the ineffectiveness of coaching both personal and independent coaching.

The legislator provides the terminology of the temporary prisoner guardian which is understood by the correctional officer, namely the correctional guardian, in this case, the equilibrium composition is not achieved, not to mention that in Paragraph (3) of Article 4 of the Penitentiary Resident (WBP) Development and Guidance Regulation, the provisions of the duties, obligations and conditions of the guardian are further regulated by a Ministerial Decree. There are two rationality gaps to the definition, namely the first, using the word “guardian”, not “The guardian of the prisoner” as contained in paragraph (2) of the Penitentiary Resident (WBP) Guidance and Guidance Directive implication can have different thoughts while the second, the further arrangement of the guardian of the prisoner with a Ministerial Decree while the arrangement on the Correctional Guardian is regulated by a Ministerial Regulation.

Regarding the determination of correctional officers who serve as guardians of prisoners by the Head of the Penitentiary, basically refers to the concept of efficiency, namely obtaining the maximum level of guidance of assisted citizens by using minimal resources, then, regarding correctional officers who can be designated as correctional guardians, namely correctional supervisors and correctional security, in the sense of prison employees. Which is contained in the realm of coaching, the field of work activities, the field of security and order administration, and the field of The Prison Security Unit. Correctional officers who are appointed as correctional guardians are employees who have general functional positions that already have their duties, therefore, the duties of the correctional guardian are not optimal because the duties of the correctional guardian are quite complex while there are no prison employees. Which is focused on performing the duties of a correctional guardian and ultimately the concept of efficiency is not achieved.

In Article 7 of the Penitentiary Resident (WBP) Development and Guidance Regulation, it is explained that there is data that is the result of observations, assessments, and reports on the

implementation of coaching which is further regulated by a Ministerial Decree. In reality, there is no Ministerial Decree that regulates the quality standards of coaching work which is a guideline for correctional guardians to carry out their duties as a result of which gives rise to a rule of interpretation which of course varies from officer to officer in carrying out and justifying unfounded practices.

In Article 1 and Article 2 of the Correctional Guardian Regulation explains the definition, duties and authorities of the correctional guardian, based on the principle of hypothetical bargains the regulation should contain benefits in which case the correctional officer appointed as the correctional guardian has advantage, certain advantages, benefits, acquisitions or improvements. The existence of benefits encourages correctional guardians to carry out their duties because in reality, all correctional guardians already have their responsibilities in a certain field or section in the organizational structure of the Penitentiary. , therefore, views the duties of correctional guardians as additional duties that have no benefit. The ignorance of the correctional guardian to the main duties and functions is the same as the ignorance of the purpose of regulating, with the ignorance of the correctional guardian of how it is possible to assist the assisted citizens in connection with which it is what makes the regulation ineffective.

Article 4 Paragraph (3) of the Regulation of the Minister of Law and Human Rights of Indonesia Correctional Guardian Office explains that correctional guardians can be dismissed if they neglect their duties and obligations and abuse their authority, referring to the principle of correlated productive which emphasizes the level of productivity of legal arrangements through legal awareness of legal sanctions against legal irregularities. However, in reality there is no affirmation for the imposition of sanctions in the context of law enforcement against correctional guardians who neglect their duties and obligations and abuse their authority. This is also influenced by the lack of knowledge of the correctional guardian about Article 4 Paragraph (3) of the Correctional Guardian Regulation.

Article 5 of the Regulation of the Minister of Law and Human Rights of Indonesia Correctional Guardian Service explains that correctional guardians are required to receive education and training on the basics of the correctional system, the process of training prisoners and general guidelines for guardianship. In addition, the correctional guardian also receives technical guidance on the duties and obligations of the correctional guardian from the Director General of Corrections. Referring to the principle of correlated productive a regulation oriented towards building legal awareness which implies of preventing the desire to commit deviations or in this case negligent to its duties and obligations, if education and training become the obligation of the correctional guardian, not a single guardian receives education and training, and technical guidance and this is also one of the factors of Article 5 of the Correctional Guardian Regulation not running Optimal. Based on the principle of extensive ken which emphasizes the scope of knowledge and understanding of the community in this case the correctional guardian, if you can understand the substance of the regulation on correctional guardians, it is necessary to provide education and training, and technical guidance about correctional guardians, with the growth of a good level of intelligence and understanding of the main duties and function of correctional guardians, it will make the guidance of assisted citizens good in terms of

personality and independence that can increase the job creation of prisoners can run more optimally.

Article 7 of the Correctional Guardian Regulation which explains the implementation instructions on correctional guardians is further regulated by the Regulation of the Director General of Corrections. The implementation instructions are a technical legal basis for the correctional guardian to carry out his duties but in reality, there is no Regulation of the Director General of Corrections which regulates the technical implementation instructions of the correctional guardian, therefore, at the level of carrying out the duties of the correctional guardian will give rise to many interpretations because there are no explicit rules. Non-explicit regulation results in confusion over the technical implementation of the development of fostered citizens, and the law has only instrumental value. From a legal and economic point of view, regulation should be intrinsically valuable in justifying and maintaining the consistency of its enforcement as the more it cultivates the practice of legal interpretation, the legal recognition will become something ordinary and commonplace

Based on field observations and the author's interview with the penitentiary, there are several obstacles in the implementation of the Correctional Guardian, namely

- a. The task of security, coaching officers, and correctional guardians are not optimal in carrying out data and information collection activities regarding the interests of talents and potential of assisted residents, because often the leadership directly assigns professionals, namely psychologists, to conduct assessments, this has an impact on the suboptimal self-reliance coaching program of the fostered residents due to the lack of data or information useful for the process of preparing a program plan. Rapid and actual self-reliance coaching. Therefore, an optimal role of the Correctional Guardian is needed in terms of assisting assisted residents to be able to collect data or information quickly and actually.
- b. the character of the fostered residents is very diverse and has different family and educational backgrounds, therefore, it is difficult for correctional guardians to determine the pattern of assistance that is used, newly entered fostered residents also often do not recognize their correctional guardians because they are lazy to find out the consequences of the fostered residents sometimes when there is a problem, or thing to know ask other fostered residents or solve the problem Residents, however, also misperceptions that what is considered to be a correctional guardian is a security officer on duty in residential blocks who are tasked with monitoring the security and order of residential blocks.

III. INEFFECTIVE FOSTERING OF ECONOMIC INDEPENDENCE OF PRISONERS

The development of prisoner's economic independence is regulated in Article 38 to Article 41 of Law No.22 of 2022 concerning Correctional Services (hereinafter referred to as the Correctional Law) which explain that based on the results of community research, prisoners are given personality coaching and independence coaching which in carrying out the guidance, the Head of the Penitentiary. May be assisted by a Correctional Guardian. Independence

coaching is a coaching program that includes fostering talent and skill interests, however, the implementation of coaching, especially the independence of prisoners, is still not optimal because the coaching model that is regulated more concretely does not exist so there is no standard for the independence coaching model. This is important considering how the development of prisoners' independence in increasing job creation can run effectively and efficiently

Regarding the correlation between the development of prisoners' economic independence, it can be said that it is not optimal based on the description above. There are no prisoners who have participated in training and production activities in the garment industry to date and former prisoners who create jobs according to the businesses trained due to constraints on business capital. Independence Development is only responsible to prisoners in improving their job creation by providing job training, work programs, and industrial activities. Currently, it is more oriented towards granting certificates to prisoners after job training, more than that it is not the scope of the Correctional Service because administratively after the prisoners are free there is no longer any connection with the Penitentiary. And Correctional Bodies in Indonesia

No less important aspect related to the quality and quantity of human resources in this case employees who serve in the field of work activities which on average in each prison only number less than 10 people and the qualifications of employees cannot be said to be appropriate to increase independence coaching activities because employees have never attended a training where prison employees in this case employees in the field of work activities should mastering certain abilities or competencies to be able to educate the assisted residents so that the prison itself does not rely on third parties to become instructors or teachers in job training activities and the most important training is also related to training in managing work results that are not given, not to mention when looking at the educational background. employees in the field of work activities that are not suitable for carrying out independence coaching which should be an educational background that is charged with practitioners, namely graduates of the institute, for example, especially when looking at the initial process of recruiting employees where the qualifications received are prisoner guards who have a background in Upper Secondary education.

The biggest constraints of work activities are in the policies of the leadership in this case the Head of Work Activities where strategic steps, breakthroughs, and consistency are needed. For example, in terms of marketing and cooperation of wider agencies and management of employees who occupy the field of work activities by their competencies and are given training Strategic steps in terms of marketing or processing work results are very important because this is downstream of the independence coaching program. When the assisted residents have been given training and after that, the prison produces the product, it is often confused about who wants to buy the product, and in the end production activities will decrease and reduce the motivation of the fostered residents in producing because they do not get the optimal premium, and it has an impact on other fostered residents not to be motivated to participate in the self-reliance coaching program. In addition, there are no means or devices provided in the form of report cards to monitor the development of assisted residents, only a final report is made in the

form of a report on the development of assisted residents which is made solely to complete the administrative requirements for the management of integration rights of assisted residents. The fundamental obstacle is the absence of officers who focus on serving as correctional guardians, this happens because every correctional guardian who is appointed and appointed is an employee who already has a basic task thus, the duty of a correctional guardian is perceived as an added task because it is not contained in the employee performance unit. In addition, many employees who are appointed and appointed as correctional guardians are employees who are not involved much in activities in the residential blocks of the assisted residents, in the end, assistance to the assisted residents is not optimal.

IV. RESTORATION OF THE SUBSTANCE OF INDONESIAN CORRECTIONAL LAW

The scope of the elements of legal substance in the legal system includes legal principles, legal norms, and the rule of law, both written and unwritten including court decisions. When correlated with the substance of the law with the concept of correctional law renewal, the concept of correctional law has a position as the general basis of a correctional legal order introduced in the provisions of the regulation.

The framework of economic reintegration as a concept of updating the law should contain provisions oriented towards increasing the job creation of prisoners and a law that regulates integratively regarding job creation and improving the welfare of prisoners' economy is needed. The law was created as an effort to create jobs through the ease, protection, and empowerment of cooperatives and micro, small and medium enterprises, improvement of the investment ecosystem, and ease of doing business and investment that does not discriminate against ex-convicts. The law was formed with the basic objective of creating and improving employment by providing convenience, protection, and empowerment of cooperatives and micro, small and medium enterprises and ensuring that every ex-convict gets a job and gets fair and proper remuneration and treatment in employment relations;

The framework for achieving this goal can be realized through 2 (two) strategic policies that have relevance in terms of increasing the job creation of prisoners, namely labor policies and policies for ease of protection, and empowerment of cooperatives and MSMEs. These 2 (two) policies, which are non-penal policies, should be integrated with the provisions of correctional law as a penal policy to synthesize integrative criminal policies.

The projected achievement of the criminal policy is to accommodate former prisoners, of course, who are competent to compete fairly in the labor market like society in general. In addition, with the spirit of supporting MSMEs and cooperatives, former prisoners should be canalized using MSME and cooperative instruments so that they can independently open jobs. This is relevant to the Basic Principles for Treatment of Prisoners, namely that to reintegrate the social reintegration of ex-prisoners, conditions should be created that allows doing work that is a way to return to the job market while providing financial support for their families.

Dylan Minor explained in his research on job performance with workers who have a criminal record, that individuals with criminal records have a longer working life and are less likely to quit their jobs voluntarily compared to individuals without criminal records. Individuals with criminal records are more motivated to perform better. This is an influence of the phenomenon that job applicants with criminal records are less likely than others to get a legitimate job. Relevant research from Lundquist explains that soldier applicants who have a criminal record are 33% more likely to be promoted to sergeant in the U.S. military than those without a criminal record.³⁶³⁷

Richard Bronson as Founder and CEO of 70 Million Jobs explained how difficult it is to process ex-prisoners returning to society in starting a job. Richard departed from his personal experience as an inmate. Based on this experience, there was an inspiration to build a company that helps ex-convicts in the job search process by providing consulting and training services and connecting ex-convicts to employers of employers.³⁸

Based on the description above when viewed from a legal and economic point of view, the regulator should construct a regulation to provide quotas for job guarantees to ex-convicts in the work of government projects. Former prisoners who can be given are qualified as actively participating in independent, competent, and quality coaching and mentoring programs. The regulation serves as a stimulation for prisoners to actively participate in self-reliance coaching and mentoring programs, job training, and production activities in prisons. . With the existence of a job guarantee quota for ex-convicts, this can be a benefit for prisoners and will be motivated to maximization amid the scarcity of existing jobs. It is also relevant to the principle of hypothetical bargains which emphasizes the usefulness of legal provisions that are a means of support by their substance.

Some of the legal provisions governing the job creation of prisoners only explain in the implementation of correctional services in this case the guidance and guidance of independence, job training, and production activities can cooperate with other agencies or partners, but based on the conception of criminal policy that criminal policy and social policy are needed, in connection with the context of prisoners' job creation power which is a problem that cannot but If only the correctional element is involved.

According to the author, the regulator should construct a legal provision that contains proposals, namely in the context of carrying out correctional duties ministers/heads of institutions are required to cooperate with ministries, local governments, institutions, and individuals whose activities are by the implementation of the correctional system. The mandatory clause in this provision is a stimulus for stakeholders in correctional agencies to maximize correctional duties, especially related to coaching and guiding independence, job training, and production activities. This is relevant to the principle of Gap-Filling which emphasizes that efficient legal provisions must contain provisions that are explicit, easy to understand, accessible, and concrete and do not become the rule of interpretation, which is built on interpretations. The implications of the mandatory minister/head of the institution in cooperation in the implementation of correctional services in this case the guidance and guidance of independence, job training, and production activities will result in many systematic

and sustainable program synergies. It will also futuristically present many internship programs in private companies in the phase of social reintegration of prisoners, which in the end, will induce partners in this case private companies to recruit employees who come from former prisoners, of course, with good capabilities.

Regarding business actors as employers for prisoners who are job seekers, regulators should construct legal provisions on taxation that provide tax incentives for business actors who hire former prisoners. As a result, it stimulates the rational choice of business actors to hire former prisoners, of course, with quality competence and skills. Based on this, it will further increase the value of ex-convicts, so that these legal provisions can be used as a support tool to increase the job creation power of prisoners, by providing benefits for business actors to hire former prisoners, it will make these legal provisions more dynamic. Relevant to the principle of Hypothetical Bargains which illustrates that legal provisions are analogous to merchandise that will sell well in the market when it can provide benefits to buyers and vice versa merchants get the same benefits as selling that merchandise. The word benefit in question has flexibility in meanings such as profit, benefit, excess, acquisition, and improvement.

For example, the Internal Revenue Service (IRS) is a United States Federal Government Agency that collects taxes and establishes domestic revenue laws. The IRS is an institution within the scope of the United States Department of Finance that has the authority to interpret and apply tax law. The IRS conducts a fairly progressive interpretation in stimulating business actors to accommodate marginalized populations such as persons with disabilities, disabilities, veterans, recipients of TANF (Temporary Assistance for Needy Families), namely temporary assistance programs for families in need, recipients of SNAP (Supplemental Nutritious Assistant Program), namely nutritious supplementary food allowance programs, people living in empowerment zones, vocational rehabilitation referral communities and former inmate. One type of tax that correlates with increasing the job creation of prisoners is WOTC (Work Opportunity Tax Credit), which is a job opportunity tax credit program that is an initiative of the federal government to increase job opportunities for marginalized communities. Employers can claim approximately \$9,600 per employee in tax credits per year under the WOT program and no limit is set for the number of individuals an employer can hire to claim the tax credit.

V. RESTORATION OF INDONESIA'S CORRECTIONAL LAW STRUCTURE

The legal structure is a pattern that shows how the law is carried out according to its formal provisions by legal institutions or law enforcement officials. The essence of the legal structure is the institutionalization of legal entities.

In order to increase the job creation of prisoners, the legal structure that plays a role, in general is the Penitentiary and Correctional Center which carries out the function of coaching and mentoring, especially in the scope of prisoners' independence. However, as outlined in the formulation of the first problem by relying only on 2 (two) legal structures, it can be judged that it is not yet effective and efficient. Therefore, the need for the concept of updating the correctional legal structure in increasing the job creation power of prisoners within the scope of work programs, divisions, organizations, or institutions. In essence, work is a source of

stability and a potential opportunity for ex-convicts trying to improve their lives after engaging with the criminal justice system. However, access to bargaining positions in the labor market is rather difficult for the ex-convict population and has different challenges depending on age.³⁹

One of the concepts of updating the legal structure in the form of programs can be reflected in the existing employment opportunity grant program at the United States Department of Labor. The employment opportunity grant program is a program of the United States Department of Labor that aims to shape labor readiness, improve the quality of employment outcomes, and legal services and support the connection of former prisoners to employment through various forms of activities such as internships, work-based learning, and career paths. The implementation of the prisoner employment opportunity grant program, it is divided into 2 (two) categories, namely young adults (aged 18 to 24) and adults (aged over 24). Schuchat explained that young adults are more often disconnected from education or work than adults because young adults who have contact with the justice system face greater barriers to connecting to school and work. While Uggen and Wakefield added that when young adults leave prison they have spent critical developmental time in prison which has the potential to hinder the natural and productive transition to adulthood, in addition, it also reduces the probability of getting a high school diploma, getting a job and getting married.^{40 41}

Related to the form of activities for young adults in the employment opportunity grant program is more about vocational education and career paths. Vocational education talks about education that allows participants to practice certain jobs and can include the granting of certifications or credentials while career paths are sequential work patterns that shape careers and with the guidance of career paths, prisoners can be more directed and focused on specific jobs. Both forms of activity increase the value of young adult prisoners in being competitive in the labor market. The form of activity in the employment opportunity grant program for adults is more of a job-registered internship, which is an activity in the form of transitional work at a company that has collaborated with the employment opportunity grant program. Rotz and Maxwell explained that research shows that the findings are quite consistent, namely that in the short term, internships can increase employment, income, and welfare and reduce recidivism.⁴²

Correctional Institutions can form business entities that recruit or provide temporary jobs for prisoners to form a work mentality readiness, quality of work outcomes, income, and welfare as well as being a measuring tool for evaluating how effective self-reliance coaching is. In the correctional volunteer model, it is explained that people who participate directly in activities for prisoners, in the context of cooperatives, cooperatives can cooperate with communities or corporations in forming business unit entities based on funds which are cooperative cooperation with the community which can ultimately become a forum to empower former prisoners. This is relevant to the principle of efficiency, especially Kaldor-Hicks Efficiency, efficiency concept is a situation in which all possible wealth maximizing, in the sense that a situation in which each party allows to maximize welfare, and benefit from the exchange of benefits and not by exploiting or harming one of the parties.

In fostering and guiding the independence of prisoners, it should be more integrated through correctional agencies in collaboration with various corporations to offer internship programs, namely providing temporary employment opportunities in a company in an integrative context after the stage of social reintegration. The Correctional Care Community Group is a collection of correctional cooperation partners who have high concern and willingness to participate in The implementation of correctional services including meeting job needs to be described such as access to information related to job vacancies, distribution of labor, access assistance and facilities for obtaining jobs, workshop training, business capital assistance, skills training instructors and production activity infrastructure. However, based on the legal and economic perspective, community care groups can be said to be less efficient if they are associated with the Hypothetical Bargains principle, namely that the regulation does not provide benefits to members of the correctional care community group, the impact is great potential that the legal provisions will become static, besides, implementation instructions and technical instructions do not yet exist.

VI. RESTORATION IN INDONESIAN CORRECTIONAL LAW CULTURE

Lawrence M. Friedman describes legal culture as attitudes, values, habits, ways of acting, ways of thinking, and opinions that society understands about laws, legal systems, and other legal devices. Based on this, through legal culture, it can be determined when, why, and where the community uses the law, legal institutions, and legal processes, or does not use it. The term legal culture is also attached, to social forces in the sense that these social forces are an abstraction of every event that exists in society that continuously works against the law, in the form of renewing, strengthening weakening, choosing parts of the law that are willing or not to operate, which are replaceable, open or confidential and so on.⁴³

Elements of legal culture are also related to attitudes and values that contribute both good and bad to behavior related to the law. One of the legal cultures in the correctional world that is quite large in influencing the reconstruction paradigm is prisonization. Donald Clemmer explained that when a new inmate enters the prison, he will get to know a social system that has never been felt before, namely the social system of the prisoner community, the adaptation process is called prisonization.⁴⁴

Many prisoners have challenges such as skill deficits that make it difficult for them to compete and succeed in society, poor social skills, low levels of formal education, illiteracy or numbers, poor cognitive or emotional functioning, and a lack of planning and financial management skills. Prisoners may have lost their jobs, personal belongings, the ability to maintain a household, damaged social networks, experienced mental health problems or acquired anti-social habits and attitudes⁴⁵. From a legal and economic perspective, the social reintegration of failed ex-convicts into society involves some significant costs to society, both financial (monetary) and in terms of public safety (non-monetary). The cost of programs to support social reintegration should be assessed as utilities to avoid⁴⁶loss and social costs in the future.

Social force in the form of social and economic and personal challenges of prisoners tends to be an obstacle to the resocialization process⁴⁷. Some of those challenges are extractions from

the prisoner's past experiences, also directly related to the consequences of detention and the difficult transition process of returning to society.⁴⁸

Apart from the public labeling of ex-convicts, the government also labels ex-convicts. The labeling of former prisoners by the government can be seen through a criminal record certificate or commonly abbreviated as SKCK. SKCK contains records related to a person's criminal history that serves as one of the requirements for registration of Civil Service Candidates and is often also used in the registration of private employees in some private companies. The legal impact of implementing the SKCK as one of the requirements for the recruitment of public and private employees makes scarcity for ex-convicts' job opportunities and constructs rational choices to increase their prosperity to be limited. In addition, former prisoners tend to also be incapable of returning to society and becoming good citizens according to the purpose of the correctional service

Conceptually social reintegration is often understood as the support given to ex-convicts upon re-entry into society after imprisonment. The value of social reintegration includes several government interventions made after arrest to divert lawbreakers from the criminal justice system to alternative measures, including restorative justice processes or appropriate treatment. In addition, it also includes imposing community-based sanctions rather than imprisonment to facilitate social reintegration, rather than exposing them to prisonization. In the last decade, the terms social integration have been referred to as⁴⁹ aftercare, transitional care, reentry or reentry support, reintegration, and resettlement, all of which refer to the implementation of correctional services in the form of interventions, programs, and services designed to help prisoners live law-abiding lives in society after release.

On the other hand, contextually there is a social force in social reintegration in the form of Indonesia's demographic bonus in 2030 which is estimated to reach 200,000,000 million people representing 65 percent of the total Indonesian population. Based on several studies and world rankings such as G and P Global Rating, Fitch Rating, and Moody's comparing Indonesia's ease of doing business and competitiveness with other countries in the world, it shows that Indonesia is still relatively lagging compared to several neighboring countries such as Singapore, Malaysia, and Thailand. The low quality of ex-convict labor against competitiveness with other job seekers and not to mention the threat of foreign workers, of course, has become a social demand for Indonesian correctional services.⁵⁰

The value of correctional services is an integral part of the integrated criminal justice system that is implemented by the government as part of the law enforcement process in the context of services and guidance for social reintegration. Therefore, one of the goals of the correctional system is to protect the community from the repetition of criminal acts. However, with the implementation of the guidance and guidance of the Indonesian correctional law culture, in reality, it still puts correctional services as mere detention, in addition, by looking at the recidivism rate of property crimes that increases constantly, it indicates inefficiency in its implementation and has less than optimal utility power.

The derivation of the components of legal culture is the element of leadership and the element of professionalism. The leadership element talks about the abilities and skills of the person from stakeholders who play a role in the Ministry of Law and Human Rights, especially those related to correctional services while the element of professionalism talks about the element of ability and skill in person from correctional officers who play a role in fostering and guiding the independence of prisoners in increasing job creation. The element of leadership significance in determining the rational choice of the problem of social reintegration of prisoners, in the context of limited human resources and facilities and infrastructure, law enforcement skills are needed, namely accuracy in making decisions in places and situations to achieve ⁵¹value from correctional services by communicating, coordinating, synchronizing and cooperating programs with ministries, local governments, institutions and individuals as well as related parties such as the police, prosecutors, advocates, justice, academics, and community leaders.

An element of professionalism that is no less important in understanding, planning and implementing the rehabilitation and social reintegration of prisoners should have clear provisions of implementation instructions and technical instructions as well as standardization and be supported by professional quality human resources. In addition, to increase competence, certain training or educational activities are needed for officers of prisons and correctional centers. There are 3 (three) types of competencies that correctional officers must have, namely as follows: ⁵²

- a. Professional competence, namely mastering coaching materials, both in the fields of religion, science, and technology as well as art according to their respective capacities.
- b. Andragogy competence, that is, having the knowledge and skills to apply methods in coaching, and
- c. Integrity competence that is, providing concrete examples through real behavioral attitudes.

This is relevant to the statement from Svetozar Pejovich, that efficiency is a maximum level of success in economic activity (production and allocation of goods) in a competitive state. A product can be said to be efficient and has an efficient production process if it has the quality capacity, production power, and the ability to produce the desired one regularly, has usability, and is on target.

VII. CONCLUSION

The implementation of the correctional law policy model in terms of coaching and coaching has not been effective, especially in the role of correctional guardians, and the development of independence will play an important role in increasing the economic reintegration of prisoners and preventing prisoners from becoming recidivists who commit criminal acts again on the grounds of economic factors. The concept of proper restoration of the law of society is the legal restoration of the concept of social reintegration into socioeconomic reintegration. This socio-economic reintegration can be achieved through the existing legal system and legal policies in the Penitentiary in carrying out the Task of Prisoner Development and the Correctional Center

that carries out the Task of Mentoring Prisoners. especially in terms of legal substance, namely the development of correctional laws and regulations based on legal and economic principles to encourage correctional officers, prisoners and the community to work together to foster job creation and economic independence of prisoners. Correctional Institution law, particularly career supplemental education and work-based learning as programs that promote economic independence, the establishment of specialized business entities in each Penitentiary and the optimization of the role of Micro, Small and Medium Enterprises Groups, and community groups involved in correctional activities in the effectiveness of correctional practices.

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