

# Supervision in Integrated Justice: Legal Reform and Constructive Enforcement in the Criminal Justice System

Anis Widyawati <sup>a</sup> , Ridwan Arifin <sup>a</sup> , Rohadhotul Aisy <sup>a</sup> ,  
Shofriya Qonitatin Abidah <sup>a</sup> , Heru Setyanto <sup>b</sup>

<sup>a</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia

<sup>b</sup> Faculty of Mathematics and Natural Sciences, Universitas Negeri Semarang,  
Indonesia

✉ corresponding email: [anis@mail.unnes.ac.id](mailto:anis@mail.unnes.ac.id)

---

## Abstract

The contemporary criminal justice system faces multifaceted challenges, particularly concerning the efficacy of supervision mechanisms. This study delves into the pivotal role of supervision within the framework of integrated justice, advocating for legal reform and constructive enforcement strategies. The primary objective is to elucidate the necessity of reforming criminal execution practices to enhance the overall effectiveness and fairness of the criminal justice system. Methodologically, this study adopts a socio-legal approach, Research data were obtained from interviews, observations, interpretation of documents and materials as well as persona experience. In accordance with the constructivism paradigm and then in making observations researchers take a position as facilitators using participatory principles.

Results underscore the critical need for recalibrating supervision approaches, emphasizing proactive intervention, rehabilitation, and community engagement. By synthesizing theoretical insights with practical considerations, this paper offers actionable recommendations for policymakers, law enforcement agencies, and judicial authorities to optimize supervision practices in the pursuit of justice reform.

## Keywords

*Construction, Integrated, Legal Reform, Supervision*

## Introduction

In modern societies, the effectiveness of legal systems isn't just about punishment but also about transforming and helping offenders improve.<sup>1</sup> A crucial aspect of achieving this goal is how supervision is structured within a comprehensive legal framework. This piece explores the complex workings of such supervision methods and how they play a crucial role in reshaping law enforcement approaches. In the complex realm of criminal justice, the effectiveness of enforcement methods is crucial for maintaining lawfulness and promoting social harmony.<sup>2</sup> An essential component of this enforcement framework is the development of specific oversight structures designed to monitor the application of legal sanctions. Embedded within a cohesive criminal justice system, this oversight mechanism acts as a cornerstone for improving enforcement strategies and progressing towards a fairer and more balanced society.<sup>3</sup>

---

<sup>1</sup> Illan Barriola, Bruno Deffains, and Olivier Musy, "Law and Inequality: A Comparative Approach to the Distributive Implications of Legal Systems," *International Review of Law and Economics* 75, no. August 2022 (2023): 2, <https://doi.org/10.1016/j.irl.2023.106139>.

<sup>2</sup> Stephanie Schweitzer Dixon, "Law Enforcement Suicide: The Depth of the Problem and Best Practices for Suicide Prevention Strategies," *Aggression and Violent Behavior* 61, no. August (2021): 2, <https://doi.org/10.1016/j.avb.2021.101649>.

<sup>3</sup> Michael Niño et al., "The Racial/Ethnic Health Consequences of the U.S. Criminal Justice System: How Consequential Is Probation and Other Justice System Contact for Self-Rated and Chronic Conditions?," *Journal of Criminal Justice* 87, no. March (2023): 3, <https://doi.org/10.1016/j.jcrimjus.2023.102073>.

Ensuring that criminal laws are enforced effectively is crucial for preserving social order and guaranteeing justice for everyone. Oversight of criminal enforcement is central within the criminal justice system, as it oversees the application of penalties and maintains legal integrity.<sup>4</sup> In recent times, there's been increasing acknowledgment of the necessity for substantial reforms in overseeing criminal enforcement, especially within interconnected criminal justice frameworks. This piece explores the essential matter of constructing oversight mechanisms for criminal enforcement within such integrated systems, emphasizing the urgency of reforming current methodologies. Upon delving into the context of this matter, it becomes clear that conventional methods of overseeing within the realm of criminal justice have faced notable hurdles. These obstacles span from difficulties in ensuring adherence to penalties to disparities in enforcement methods among various regions.<sup>5</sup> Additionally, the rise of recent technological innovations and shifting societal standards has highlighted the need for flexible and resilient oversight systems capable of adequately tackling present-day intricacies.

A quick review of existing literature indicates that past research has delved into different facets of overseeing criminal enforcement, shedding light on diverse models and tactics utilized across jurisdictions. While certain studies underscore the value of utilizing technology to improve monitoring capabilities, others stress the significance of collaborative efforts between agencies and sharing of data to streamline supervision procedures.<sup>6</sup> Nevertheless, despite these progressions, current solutions frequently lack the depth and longevity required for constructing comprehensive and enduring supervision frameworks within cohesive criminal justice systems. Previous research has been hindered by its

---

<sup>4</sup> Karen B. Friend et al., "Sentinel Event Reviews in the Criminal Justice System: A Review of the Literature," *Criminal Justice Studies* 33, no. 4 (2020): 343, <https://doi.org/10.1080/1478601X.2020.1741227>.

<sup>5</sup> Caitlin M Brady, Gabrielle Dieterich, and Amanda Graham, "Ambiguous Calls : Public Preferences for Law Enforcement Responses to People in Crisis," *Journal of Criminal Justice* 92, no. March (2024): 8, <https://doi.org/10.1016/j.jcrimjus.2024.102172>.

<sup>6</sup> Randikha Prabu Raharja Sasmita, Sigid Suseno, and Patris Yusrian Jaya, "The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia," *Heliyon* 9, no. 11 (2023): 4, <https://doi.org/10.1016/j.heliyon.2023.e21602>.

piecemeal supervision methods, which tend to concentrate on narrow elements or regions without accounting for the wider systemic effects. This has resulted in a lack of comprehensive guidance for constructing supervision systems capable of adequately tackling the complex challenges within integrated criminal justice systems. This paper seeks to fill this void by advocating for a comprehensive approach to supervision construction that incorporates technological advancements, collaboration between agencies, and evidence-backed strategies.

A deep dive into the context uncovers the complex hurdles intertwined with implementing criminal penalties.<sup>7</sup> Over time, conventional methods of supervision have grappled with inherent drawbacks such as inefficiency, inconsistency, and shortcomings in keeping up with the changing landscape of criminal activities and societal demands. These limitations highlight a critical necessity for fresh, inventive approaches aimed at bolstering the efficiency and justice of enforcement protocols.<sup>8</sup> The primary drawback observed in earlier research stems from its piecemeal method in building supervision, frequently concentrating on individual elements of enforcement or particular phases within the criminal justice system. As a result, there's a deficiency in unified strategies that effectively blend supervision methods throughout all enforcement activities. Overcoming this obstacle demands a fundamental change towards a holistic and harmonized approach to constructing supervision systems. Prior research has explored different tactics and systems to enhance oversight in criminal enforcement settings. While certain efforts have demonstrated potential in tackling particular supervision challenges, there's still a significant shortfall in adopting a complete and unified method that fully tackles the intricacies of enforcement across the entire criminal justice spectrum.<sup>9</sup> This underscores the importance of carefully scrutinizing current

---

<sup>7</sup> Anis Widyawati, "Regulations of Penitentiary Law in Indonesia," *International Journal of Business, Economics and Law* 18, no. 4 (2019): 54.

<sup>8</sup> Anggita Anggraeni, "Penal Mediation as Alternative Dispute Resolution: A Criminal Law Reform in Indonesia," *Journal of Law and Legal Reform* 1, no. 2 (2020): 372, <https://doi.org/10.15294/jllr.v1i2.35409>.

<sup>9</sup> Leandro Mancano, "A Theory of Justice? Securing the Normative Foundations of EU Criminal Law through an Integrated Approach to Independence," *European Law Journal* 27, no. 4 (2021): 477–501, <https://doi.org/10.1111/eulj.12442>.

solutions to pinpoint their strengths, weaknesses, and opportunities for improvement.

Given the flow difficulties and limitations, this paper expects to address the current hole in scholarly exploration by introducing an exhaustive arrangement for founding oversight inside a bound-together law enforcement framework. Our review not only recognizes effective philosophies distinguished in past examinations but additionally acquaints creative systems with beat the inborn weaknesses of current methodologies.<sup>10</sup> Through this drive, we want to push the limits of information in this area and give functional experiences to policymakers, professionals, and researchers. The resulting conversation will investigate the complexities encompassing the foundation of administrative structures for policing a firm law enforcement framework. By completely analysing existing techniques, recognizing their constraints, and proposing new methodologies, this composition means to improve how we might interpret compelling authorization systems and work with critical advancement in the field of law enforcement. This try is grounded in a pledge to advancing straightforwardness, responsibility, and reasonableness inside the law enforcement framework, subsequently guaranteeing the unprejudiced organization of equity and maintaining the privileges of all people included.<sup>11</sup> By amalgamating bits of knowledge from hypothetical structures and genuine encounters, we seek to impel positive change and drive the field of law enforcement toward more prominent proficiency and responsiveness to cultural requests and assumptions.

The methodology adopted in this study, utilizing the socio-legal approach in legal research entails adhering to overarching principles, notably the values encapsulated in Pancasila, and comprehending how

---

<sup>10</sup> Jian Zhang, Ke Li, and Yang Feng, “Criminal Sanctions on Identity Theft in Shanghai: An Empirical Case Law Analysis,” *International Journal of Law, Crime and Justice* 71, no. 51 (2022): 7, <https://doi.org/10.1016/j.ijlcj.2022.100562>.

<sup>11</sup> Ni Nengah Adiyaryani and Kadek Agus Sudiarawan, “Surveillance Function in Law Enforcement in Indonesia: Integrated Criminal Justice System Perspective,” *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 10, no. 3 (2021): 471, <https://doi.org/10.24843/jmhu.2021.v10.i03.p04>.

these principles manifest in law enforcement.<sup>12</sup> This investigation focus on scrutinizing the oversight mechanisms in implementing criminal penalties in Indonesia. Adopting a hermeneutic methodology in qualitative socio-legal inquiry, this study delves into the foundational principles of law to inform policy formulation by tracing the evolutionary trajectory of legal frameworks<sup>13</sup>. Hermeneutically, it involves dissecting both the substance and context of policy materials. Qualitatively, it seeks to elucidate the implications of policy provisions, striving for sociological, philosophical, and juridical precision.<sup>14</sup> Research data are sourced from interviews, observations, document analyses, materials, and personal insights. Embracing a constructivist paradigm, the researcher is a facilitator during observations, employing participatory principles. In-depth interviews are conducted, primarily with open-ended inquiries, though closed-ended questions may also be employed, particularly with informants possessing extensive knowledge—data interpretation endeavours to extract significance from the gathered and analysed field data.<sup>15</sup> Criteria for assessing study quality include logical coherence, trustworthiness, relevance, and significance. The validity of collected data is verified through triangulation techniques within the hermeneutic framework, cross-referencing multiple sources to ascertain the reliability of information, and comparing interview data with pertinent documents.<sup>16</sup>

## Supervision in Indonesian Criminal Justice Reform

The Execution Rules for Legal Oversight, gave by the Supreme Court of the Republic of Indonesia in 2006, give a careful investigate the procedures and viewpoints concerning management inside the legal

---

<sup>12</sup> Irwansyah Irwansyah, *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021), 20.

<sup>13</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 133.

<sup>14</sup> Lexy Moleong, *Metode Penelitian Kualitatif Edisi Revisi* (Jakarta: Remaja Rosda Karya, 2014), 27.

<sup>15</sup> Nurul Qamar and Farah Syah Rezah, *Metode Penelitian Hukum Doktrinal Dan Non- Doktrinal*, Cetakan Pertama (Makassar: CV. Social Politic Genius (SIGn), 2020), 47.

<sup>16</sup> Encarnación la Spina, "Tools, Gaps and False Myths in Comparative Legal Research on Human Rights," *The Age of Human Rights Journal* 13, no. 13 (2019): 24, <https://doi.org/10.17561/TAHRJ.N13.2>.

framework.<sup>17</sup> These rules cover a wide range of administrative techniques and perspectives, each conveying its own importance and suggestions inside the more extensive extent of legal oversight. Going from conventional oversight models established in freedom and objectivity to additional contemporary methodologies underlining proficiency and combination, the rules offer a thorough assessment of different parts of management. Besides, they stress the significance of getting a handle on oversight in a nuanced way, perceiving its dynamic nature and developing job in guaranteeing the viability and trustworthiness of the legal cycle.<sup>18</sup> Through cautious assessment of these rules, partners in the legal field are given areas of strength for a for exploring the complexities of oversight, subsequently advancing responsibility, straightforwardness, and decency in the regulation of justice

1. Internal supervision is supervision from within the judicial environment itself which includes two types of supervision, namely inherent supervision and functional supervision.
2. Intrinsic supervision involves a grouping of progressing control estimates directed by prompt bosses over their subordinates, focused on both counteraction and revision, guaranteeing the productive and powerful execution of obligations.
3. Functional supervision is an oversight carried out by a special surveillance apparatus designated to perform that task in a separate work unit allocated.
4. Routine supervision is supervision carried out by the Supreme Court Supervision Board, appellate courts, and courts of first instance on a regular basis on the administration of justice.
5. Financial supervision is an examination of the implementation of the State Budget and ongoing third party funds / assistance

---

<sup>17</sup> Karmal Maksudi, Selamat Suhartono, and Hufron, "Imposition of Administrative Sanctions on Government Officials Who Do Not Implement Decision of the State Administrative Court," *International Journal of Social Science Research and Review* 5, no. 1 (2023): 159–65, <https://doi.org/http://dx.doi.org/10.47814/ijssrr.v6i9.1561>.

<sup>18</sup> Cecep Mustafa, "The Perceptions of Indonesian Judges in Sentencing Minor Drug Offenders: Challenges and Opportunities," *Jurnal Hukum Dan Peradilan* 9, no. 1 (2020): 5, <https://doi.org/10.25216/jhp.9.1.2020.1-26>.

(Current Audit), and / or that has been realized along with the balance sheet (Post Audit).

The purpose of supervision is to find out the existing reality as input and consideration for the leadership of the Supreme Court, and / or the head of the court to determine the policies and actions needed regarding the implementation of court duties, the behaviours of court officials, and the performance of court public services (Guidelines for the Implementation of Supervision within the Judiciary (Supreme Court of the Republic of Indonesia, 2006).

### **A. Elements and Principles of Surveillance**

The proposed observation system incorporates an extensive exhibit of components traversing hierarchical exercises and jobs basic for viable administration and organization.<sup>19</sup> At its center, laying out a strong foundation establishes the groundwork for coordinating the association to meet developing formative necessities and administrative obligations, in this way encouraging consistency and expanding functional viability. All the while, emphasis on staff advancement highlights the constant improvement of HR inside administrative bodies. This guarantees that workers are outfitted with the imperative expert capabilities and moral sharpness to satisfy their obligations successfully, spreading over from enrolment to retirement.<sup>20</sup> In addition, strategies act as core values, depicting the boundaries within which authoritative targets are sought after. By giving clarity and course to tasks, these strategies work with smooth-out dynamic cycles and upgrade by large functional proficiency. Through the joining of these multi-layered components, the observation system tries to encourage a culture of greatness and responsibility inside

---

<sup>19</sup> M. Dylan Spencer and Cory Schnell, "Reinvestigating the Relationship between Cities and the Spatial Distribution of Robbery: A Tale of Eight Cities," *Journal of Criminal Justice* 82, no. October (2022): 5, <https://doi.org/10.1016/j.jcrimjus.2022.102003>.

<sup>20</sup> Ian T. Adams, Scott M. Mourtgos, and Justin Nix, "Turnover in Large US Policing Agencies Following the George Floyd Protests," *Journal of Criminal Justice* 88, no. June (2023): 5, <https://doi.org/10.1016/j.jcrimjus.2023.102105>.



the administration structure, thereby advancing economic development and improvement.<sup>21</sup>

In the Handbook for the Implementation of Oversight in the Judiciary Environment (Supreme Court of the Republic of Indonesia, 2006), oversight is conducted based on the following principles: Independence implies that oversight is carried out solely for the benefit of the judiciary institution, without being influenced by other interests. Objectivity means that oversight is conducted using predetermined criteria. Competence signifies that oversight is performed by appointed officials/personnel with clear job descriptions. Formalism entails that oversight is conducted according to established rules and mechanisms. Coordination denotes that oversight is carried out with the knowledge of relevant parties to prevent overlapping. Integration and synchronization imply that oversight is conducted with related parties to avoid duplication.<sup>22</sup> Efficiency, effectiveness, and economy indicate that oversight is executed swiftly, with minimal costs, and yielding maximal beneficial outcomes. Effective Oversight Characteristics states that effective oversight characteristics are as follows: Accuracy, where information regarding activity implementation must be precise. Timeliness, where information must be collected, conveyed, and evaluated promptly if corrective actions need immediate attention. Objectivity and comprehensiveness, where information must be easily understood, objective, and complete. Centred on strategic oversight points, where oversight systems must focus on areas deviating from standards or posing potentially fatal risks. Economically realistic, where costs should be lower or at least equivalent to the benefits obtained from the system. Organizationally realistic, where oversight systems must align with organizational realities. Information can be coordinated with organizational workflows. Flexibility, allowing for responses to threats or opportunities from the environment. Directive and operational, where

---

<sup>21</sup> Robiatul Adawiyah and Umi Rozah, "Indonesia's Criminal Justice System with Pancasila Perspective as an Open Justice System," *Law Reform: Jurnal Pembaharuan Hukum* 16, no. 2 (2020): 149–162, <https://doi.org/10.14710/lr.v16i2.33783>.

<sup>22</sup> Muhammad Fatahillah Akbar, "The Urgency of Law Reforms on Economic Crimes in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 10, <https://doi.org/10.1080/23311886.2023.2175487>.

effective oversight systems should indicate both standard deviations detection and corrective actions to be taken. Acceptance by organizational members, capable of directing the work execution of organizational members and fostering autonomy, responsibility, and achievement.

## **B. Supervision of the Criminal Implementation of the New Criminal Code (KUHP)**

In the domain of legitimate change, the order of Regulation No. 1 of 2023 stands as an urgent second, denoting a critical take-off from the obsolete arrangements of Regulation No. 1 of 1946 concerning the Lawbreaker Code.<sup>23</sup> This regulative update flags a coordinated work to modernize and smooth out the legitimate structure overseeing criminal offenses, aligning it with contemporary cultural standards, values, and difficulties.<sup>24</sup> Articles 64 through 67 of this historic regulation carefully frame the classes of head, valuable, and unique wrongdoings, shaping fundamental points of support in the design of justice. These arrangements not only proposition a thorough characterization of criminal ways of behaving but additionally lay out a nitty gritty system for settlement and discipline. By sorting offenses into unmistakable kinds, the law gives lucidity and accuracy to policing, legal bodies, and legitimate professionals exploring the intricate scene of law enforcement. Moreover, the consideration of strengthening and exceptional violations mirrors a comprehensive way to deal with tending to the complex components of the criminal way of behaving, perceiving the different conditions and settings wherein such offenses might emerge. This nuanced understanding is vital for encouraging a more attractive and more compelling general set of laws, one that is receptive to the real factors of contemporary society. Besides, the authorization of Regulation No. 1 of 2023 highlights the public authority's obligation to maintain

---

<sup>23</sup> Ridwan Arifin et al., "Pancasila Values in the New Indonesian Criminal Code: Does the Code More Humanist?," *Journal of Law and Legal Reform* 4, no. 4 (2023): 601, <https://doi.org/https://doi.org/10.15294/jllr.v4i4.74120>.

<sup>24</sup> Anis Widyawati et al., "Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions," *Lex Scientia Law Review* 6, no. 2 (2022): 339, <https://doi.org/10.15294/lesrev.v6i2.58131>.

law and order and safeguard the privileges and opportunities of its residents. By installing standards of decency, responsibility, and proportionality inside its arrangements, the law fills in as a protection against the erratic activity of state power and guarantees that justice is controlled with honesty and unprejudiced nature. In any case, while the entry of this regulation addresses a huge progression in Indonesia's lawful scene, its fruitful execution relies on strong institutional limits, viable requirement components, and continuous discourse among partners. It is basic, hence, for policymakers, legitimate specialists, common society associations, and other pertinent entertainers to team up to address any difficulties and holes in the lawful structure, accordingly understanding the goals of Regulation No. 1 of 2023 by and by. Through such coordinated endeavours, Indonesia can reaffirm its commitment to the standards of justice, responsibility, and law and order, laying the foundation for a more prosperous and fair future for every one of its residents, as follows:<sup>25</sup>

1. The main crimes include, imprisonment, cover-up, supervision, fines, and social work.
2. Additional crimes include, additional crimes of deprivation of certain rights, additional crimes of confiscation of certain goods and/or bills, additional crimes of announcing judges' decisions, additional crimes of payment of compensation, additional crimes of revocation of certain permits, and additional crimes of fulfilling local customary obligations.
3. Crimes that are specific to certain crimes specified in the law, namely the death penalty. This crime in Law No. 1 of 2023 is placed in a separate article to show that the death penalty is the last resort that will be taken with the aim of protecting the community.

Imprisonment and confinement whose implementation in prisons according to Law No. 1 of 2023 only consists of imprisonment which in its implementation has been legally regulated in Articles 68 to 75. When talking about the supervision of the implementation of prison crimes, currently when viewed from the legal rules, the supervision of the

---

<sup>25</sup> Fatria Khairo and Firman Freaddy Busroh, "Implementation of Defiance of a Court Order for the Optimization of Execution Implementation in the Indonesian State Administration Jurisdiction," *International Journal of Criminal Justice Sciences* 18, no. 2 (2023): 102–14, <https://doi.org/10.5281/zenodo.4756308>.

implementation of imprisonment and confinement still refers to the Code of Criminal Procedure, and SEMA No. 7 of 1985 concerning Guidelines for the Implementation of the Duties of Supervisory and Observer Judges. This is because regarding the supervision of the implementation of imprisonment and confinement as stated in Law No. 1 of 2023, there are no other regulations governing this matter.<sup>26</sup>

The existence of provisions governing the supervision and observation of the implementation of imprisonment and confinement will bring the court closer in this case to the judge, not only with the prosecutor's office but also the prison and shows a change that leads to positive things, namely the purpose of punishment in Indonesian criminal law no longer only pivots on giving compensation or retribution.<sup>27</sup> The purpose of supervising criminal implementation as stated in the Criminal Procedure Code is one of the signs that there has been a partial change in the penal system in Indonesia. In this case, supervision of the implementation of imprisonment and confinement places corrections in the series of criminal justice processes and assigns the task to judges not to end when the court decision is handed down. With the participation of the judge in the supervision process, in addition to the judge can find out to what extent the court decision appears to be good or bad results in the convict concerned, but also to find out the accuracy that is useful for punishment in general. In addition, through supervision the law enforcement process can run effectively, cleanly and humanely because basically supervision is one of the tools to enforce the law. The better and more orderly the supervision mechanism in the work unit, the higher the success rate of law enforcement.<sup>28</sup>

---

<sup>26</sup> Piong Khoifung and Asmariah, "The Implementation of The Death Penalty In Cases of Corruption According to Law No . 31 of 1999 , as Amended by Law No . 20 of 2001 and Law No . 1 of 2023 , From The Perspective of Legal Certainty Is as Follows," *International Journal of Sociology, Policy and Law* 4, no. 2 (2023): 20–28, <http://www.ijospl.org>.

<sup>27</sup> Asep Adi Saputra, "Study of Policies of the Indonesian National Police in the Settlement of Crimes against the Background of Social Conflict," *International Journal of Research in Social Science and Humanities* 03, no. 08 (2022): 76–90, <https://doi.org/10.47505/ijrss.2022.v3.8.10>.

<sup>28</sup> Straton Papagianneas, "Automating Intervention in Chinese Justice: Smart Courts and Supervision Reform," *Asian Journal of Law and Society* 10 (2023): 463–89, <https://doi.org/10.1017/als.2023.5>.

Initially, the penal system in Indonesia used the principle that criminal law was solely implemented to avenge the actions of criminal offenders against victims of criminal acts, but now the penal system applied focuses on the purpose of the existence of crimes. Law No. 1 of 2023 comes as a manifestation of changes in the penal system that pay attention to various interests that must be protected by criminal law, namely victims of criminal acts, state interests, public interests, individual interests, and the interests of criminal offenders. Law No. 1 of 1946 can be said to forget the efficiency of criminal sanctions because it relies too much on criminal sanctions which are only used to force the threat of punishment to perpetrators of criminal acts. The use of humane and impartial criminal sanctions is a manifestation of guarantees of protection of interests, both for the state, perpetrators, and victims. Today, the role of the penitentiary is no longer seen as a prison system by building high walls for convicts where it will take away their rights as human beings but as a social system where sausage relationships are controlled by norms that are different from the norms that usually develop in conventional society. The purpose of the crime imposed is not *quia peccatum est* (because people make crimes), but *ne peccetur* (so that people do not commit crimes).<sup>29</sup> With this theory, the nuances of the substance of the prison become a form of clinic to cure community diseases in the form of criminal acts suffered by convicts through various correctional activities, namely fostering independence and personality so that they can return to society when they have finished serving their criminal period within the walls of the penitentiary.

### C. Obstacles in Conducting Criminal Supervision

The acknowledgment of successful criminal oversight in Semarang City is defied with complex difficulties, delivering its execution nowhere near direct. These deterrents, originating from various sources, cause plenty of mind-boggling issues that pervade the texture of the criminal execution management structure.<sup>30</sup> At the centre of these difficulties lies

<sup>29</sup> Muladi, *Kapita Selektta Sistem Peradilan Pidana* (Semarang: Badan Penerbit Universitas Diponegoro, 1995), 57.

<sup>30</sup> Pamela Ugwudike and Jake Phillips, "Compliance during Community-Based Penal Supervision," *The Routledge Companion to Rehabilitative Work in Criminal Justice* 3, no. 1 (2019): 870–80, <https://doi.org/10.4324/9781315102832-78>.

a juncture of variables, going from calculated imperatives to foundational shortcomings, which by and large block the smooth execution of oversight drives. One of the essential hindrances relates to asset limits, including lacking labour, insufficient financing, and obsolete framework, all of which hamper the limit of administrative bodies to successfully play out their obligations. Also, administrative formality and between-organization coordination obstacles worsen the intricacy of the oversight cycle, prompting postponements, miscommunication, and disconnected endeavours. Moreover, socio-social factors like shame, doubt, and cultural standards encompassing policing entangle the scene of criminal management, obstructing local area commitment and participation. Besides, the unique idea of crimes and advancing methods of execution present nonstop difficulties to conventional oversight techniques, requiring inventive methodologies and versatile systems. These difficulties highlight the basic for thorough changes and cooperative undertakings pointed toward conquering the boundaries to compel criminal management in Semarang City. By tending to these hindrances comprehensively and encouraging a favourable climate for joint effort, development, and asset designation, partners can pursue improving the viability and trustworthiness of the criminal management structure, consequently cultivating more secure networks and maintaining the standards of justice and responsibility. The obstacles in question will be described below:

***a) Budget Constraints***

SEMA Mandate No. 7 of 1985 concerning Guidelines for the Implementation of the Duties of Supervising and Observing Judges is the implementation of checking on the spot at least once every 3 (three) months in order to supervise the implementation of imprisonment and criminal confinement carried out by supervisory and observer judges. However, the budget that is not possible causes the implementation of checking on the spot to only run 2 (two) times a year. In line with what was conveyed by judge Agus Nazarudinsyah, S.H.:

*“Supervision of the implementation of imprisonment and confinement carried out by supervisory judges and observers of the Semarang Special Class IA District Court can only be*

*carried out 2 (two) times in 1 (one) year. The budget given can only fulfill the implementation of supervision 2 (two) times in 1 (one) year.”*

The spending plan, frequently viewed as a monetary diagram, fills in as an exhaustive arrangement depicting an association's expected activities and consumptions throughout a predefined time span. As expressed by Nafarin, its importance stretches beyond simple monetary designation, enveloping a crucial administrative capability inside hierarchical administration. Going about as a control system, the financial plan expects the job of a watchful regulator, ceaselessly assessing the execution of hierarchical targets. Through a methodical correlation between genuine results and projected focuses, the financial plan offers a basic focal point through which deviations and disparities can be recognized and tended to. This evaluative cycle works with the checking of progress as well as fills in as an impetus for key refinement, empowering proactive adjustments to be made in light of arising difficulties or unanticipated possibilities. Basically, the financial plan works as a powerful device of examination and streamlining, encouraging a culture of responsibility and consistent improvement inside the hierarchical system. By utilizing the bits of knowledge gathered from monetary appraisals, chiefs can control tasks towards more noteworthy productivity and viability, guaranteeing arrangements with all-encompassing objectives and targets. Moreover, the administrative job of the spending plan highlights its intrinsic worth as a foundation of sound monetary administration, imparting discipline and prescience in asset portion rehearsals. As associations explore the intricacies of contemporary business conditions, the financial plan arises as a crucial compass, directing vital navigation and bracing flexibility against problematic powers. Accordingly, by embracing the administrative capability of the financial plan, associations can explore vulnerabilities with certainty, tackling its scientific ability to explore feasible development and thrive.<sup>31</sup>

---

<sup>31</sup> Eny Kusdarini et al., “Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia,” *Heliyon* 8, no. 12 (2022): 3–9, <https://doi.org/10.1016/j.heliyon.2022.e11932>.

Since long ago, budget problems have been one of the thorny problems for law enforcement, both in terms of financial planning and activities, unreasonable and effective budget allocations so that they do not support the smooth implementation of activities.<sup>32</sup> The lack of budget creates serious problems that interfere with the performance of supervisory judges and observers in carrying out their duties to carry out supervision and observation of imprisonment and confinement in prisons in Semarang City. In addition, the issue of financial resources is one of the factors that most complicates the possibility of achieving results according to plan, in this case not only focused on the implementation of supervision by supervisory judges and observers, facilities and infrastructure, but also on the rights of convicts whose rights must be guaranteed by the prison.<sup>33</sup>

The operational budget provided to support the implementation of supervision of the implementation of imprisonment and confinement must be effective and efficient by prioritizing the fulfilment of needs in all matters, be it the facilities and infrastructure used in conducting supervision or matters that support the implementation of supervision. This is motivated by the reason that the process of supervising the implementation of imprisonment and confinement must be able to ensure that the implementation of crimes carried out in prisons runs smoothly, both during and after serving their criminal period. Based on what was conveyed by Mr. Agus Nazarudinsyah as the Supervising and Observer Judge at the Semarang District Court Special Class IA in an interview stated,

*“The budget given from the court to carry out direct supervision and observation of prisons is limited to transportation money, without gasoline money, consumption. Meanwhile, in its implementation, the parties involved in the process of direct*

---

<sup>32</sup> Indah Sri Utari and Ridwan Arifin, “Law Enforcement and Legal Reform in Indonesia and Global Context: How the Law Responds to Community Development?,” *Journal of Law and Legal Reform* 1, no. 1 (2020): 2, <https://doi.org/https://doi.org/10.15294/jllr.v1i1.35772>.

<sup>33</sup> Eva Achjani Zulfa, “Implementation of Restorative Justice Principles in Indonesia: A Review,” *International Journal of Science and Society* 2, no. 2 (2020): 320, <https://doi.org/10.54783/ijssoc.v2i2.161>.



*supervision and observation are not only judges, but there are young clerks, and others.”*

***b) Quantity Inequality between Correctional Assisted Citizens (WBP) and Supervisory and Observer Judges (Wasmat)***

The most influencing problem in hampering the supervision of the implementation of imprisonment and confinement in Semarang City is the disparity in the number of Correctional Assisted Citizens with the number of supervisory judges and observers. Based on the Semarang Class I Prison WBP Daily Data Report as of March 18, 2023, the number of residents in the prison reached 1,717 people with a capacity of only 663 people in prison, while currently the number of supervisory judges and observers in the Semarang District Court Special Class IA is only 2 people.

Actually, SEMA No. 7 of 1985 concerning Guidelines for the Implementation of the Duties of Supervising and Observer Judges does not mention how many supervisory and observer judges must be appointed, but only mentions that supervisory and observer judges can number more than one person in one District Court based on the size of the number of convicts within the scope of their duties.<sup>34</sup> If based on these regulations, the actual number of supervisory and observer judges in Semarang City is very inadequate, resulting in less maximizing the performance of supervisory judges and observers to supervise the implementation of prison and confinement in prisons. The limited amount of resources combined with the sheer number of needs of people under surveillance often creates significant service gaps. As a result, many people under surveillance do not get the social services they need during the surveillance period.

As explained earlier, the factor of facilities and facilities is one of the factors that affect the effectiveness of law enforcement itself. Without facilities it is impossible for law enforcement to take place optimally. The facilities in this law enforcement effectiveness theory include the quantity and quality of skilled and educated human resources, good

---

<sup>34</sup> Ida Kurniasih and Rio Andy Setiawan, “Enforcement of Supreme Court Regulations of The Republic Of Indonesia in The Administration of Justice,” *Baltic Journal of Law & Politics* 16, no. 3 (2023): 3214, <https://doi.org/10.2478/bjlp-2023-00000239>.

organizational order, and adequate finance. Budget constraints and inequality in the number of law enforcement officers in charge of supervising and supervised parties as described in letters a and b above are included in the classification of factors that interfere with law enforcement. Therefore, it can be said that what needs to be taken into account to solve these problems is not only to increase the number of law enforcement officers responsible for supervising criminal implementation, but also to consider the maximum use of the budget in order to implement the plan of supervision activities for the implementation of imprisonment and confinement.<sup>35</sup>

*c) Juridical constraints*

In Indonesia's mind-boggling lawful system, guaranteeing compelling oversight of criminal execution represents a huge test because of the absence of facilitated guidelines under a solitary power. The shortfall of a unified body regulating criminal execution brings about a divided framework powerless against irregularities. This intricacy is additionally compounded by circumstances where guidelines exist without going with carrying out rules, making requirement processes more tangled. Such complication sabotages oversight components as well as presents vulnerability and hampers the smooth conveyance of justice.<sup>36</sup> Therefore, partners battle to explore through a labyrinth of legitimate arrangements, frequently bringing about requirement holes and inconsistent results. Resolving this diverse issue requires a complete methodology that includes fitting existing guidelines and laying out strong instruments for their implementation. Just through such cooperative endeavours might the legitimate scene at any point be smoothed out to guarantee soundness, straightforwardness, and fair organization of justice. The dissemination of various laws and regulations regarding the supervision of criminal implementation, including the

---

<sup>35</sup> I Anwary, "Exploring the Interconnectedness Between Public Administration, Legislative Systems, and Criminal Justice: A Comparative Analysis of Malaysia and Indonesia," *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 172–82, <https://doi.org/10.5281/zenodo.4756211>.

<sup>36</sup> Simon Butt and Fritz Siregar, "Multilayered Oversight: Electoral Administration in Indonesia," *Asian Journal of Comparative Law* 16, no. S1 (2021): 121–35, <https://doi.org/10.1017/asjcl.2021.32>.

Criminal Procedure Code, Law No. 48 of 2009 concerning Judicial Power, Supreme Court Circular No. 7 of 1985 concerning Guidelines for the Implementation of the Duties of Supervisory and Observer Judges. The problem is that the three rules are felt to have not been able to maximize the role of supervisory judges and observers in prisons, for example, such as the lack of regulation on the maximum number of referees needed to ensure the supervision of the implementation of prison and confinement can run effectively.

Juridical constraints if attributed to factors affecting the effectiveness of law enforcement will meet the criteria of the factors of the law itself. Satjipto Rahardjo has explained that interference with law enforcement stemming from the law is caused by 3 (three) things, including:

- 1) Not followed by the basics of the occurrence of the law;
- 2) There are no required implementing regulations;
- 3) Ambiguity of the meaning of words arising in the formulation of certain articles that results in confusion in their interpretation and application.<sup>37</sup>

In this case, one of the conditions that meets the criteria as described by Soerjono Soekanto is the absence of the required implementing regulations which is one of the disturbances that cause the effectiveness of law enforcement to be hampered. To achieve effective law enforcement in this case is the supervision of the criminal implementation of deprivation of independence, a fundamental thing is needed that provides legal certainty guarantees for those who carry it out, namely written rules or in other words is a legal entity. Clear, firm, and complete written rules will serve as guidelines and instructions for supervisory judges and observers to supervise the implementation of imprisonment and confinement as mandated by the Criminal Procedure Code and Law No. 48 of 2009 concerning Judicial Power, not only in Semarang City, but in Indonesia.

## Conclusion

Oversight of criminal enforcement remains fragmented or compartmentalized in Indonesia due to the absence of a dedicated

---

<sup>37</sup> Satjipto Rahardjo, *Ilmu Hukum* (Bandung: PT Citra Aditya Bakti, 2000), 54.

institution for criminal enforcement. For instance, oversight of prison and detention enforcement, as regulated by Law No. 1 of 1946 on the Criminal Code (KUHP), has not been optimally implemented. The existence of oversight of criminal enforcement and the enactment of Law No. 1 of 2023 on the Criminal Code signify a tangible manifestation of the change in Indonesia's penal system, prioritizing the balance of various interests and achieving penal objectives. Constraints hindering the oversight of prison and detention enforcement by supervising judges and observers in Semarang City include inadequate operational budgets and a disparity between the number of supervisors and those being supervised. Consequently, law enforcement in terms of overseeing prison and detention enforcement has not been functioning effectively.

Recommendations for relevant stakeholders include the immediate establishment of comprehensive regulations for criminal enforcement and institutions, enabling effective oversight of prison and detention enforcement by supervising judges and observers. Considering that the criminal justice process does not conclude solely upon an individual serving their sentence but also when they reintegrate into society post-sentence, integral oversight is crucial. Additionally, the government, through the Supreme Court, can provide guidance by focusing on financial management capacity-building and program implementation planning to ensure alignment with planned objectives.

## References

- Adams, Ian T., Scott M. Mourtgos, and Justin Nix. "Turnover in Large US Policing Agencies Following the George Floyd Protests." *Journal of Criminal Justice* 88, no. June (2023): 5. <https://doi.org/10.1016/j.jcrimjus.2023.102105>.
- Adawiyah, Robiatul, and Umi Rozah. "Indonesia's Criminal Justice System with Pancasila Perspective as an Open Justice System." *Law Reform: Jurnal Pembaharuan Hukum* 16, no. 2 (2020): 149–62. <https://doi.org/10.14710/lr.v16i2.33783>.
- Adiyaryani, Ni Nengah, and Kadek Agus Sudiawan. "Surveillance Function in Law Enforcement in Indonesia: Integrated Criminal Justice System Perspective." *Jurnal Magister Hukum Udayana*

- (*Udayana Master Law Journal*) 10, no. 3 (2021): 471. <https://doi.org/10.24843/jmhu.2021.v10.i03.p04>.
- Akbar, Muhammad Fatahillah. “The Urgency of Law Reforms on Economic Crimes in Indonesia.” *Cogent Social Sciences* 9, no. 1 (2023): 10. <https://doi.org/10.1080/23311886.2023.2175487>.
- Anggraeni, Anggita. “Penal Mediation as Alternative Dispute Resolution: A Criminal Law Reform in Indonesia.” *Journal of Law and Legal Reform* 1, no. 2 (2020): 372. <https://doi.org/10.15294/jllr.v1i2.35409>.
- Anwary, I. “Exploring the Interconnectedness Between Public Administration, Legislative Systems, and Criminal Justice: A Comparative Analysis of Malaysia and Indonesia.” *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 172–82. <https://doi.org/10.5281/zenodo.4756211>.
- Arifin, Ridwan, Nadiyah Meyliana Putri, Mutia Azizah Aksan, Radhitya Pratama, and Angel Maris Linda. “Pancasila Values in the New Indonesian Criminal Code: Does the Code More Humanist?” *Journal of Law and Legal Reform* 4, no. 4 (2023): 601. <https://doi.org/https://doi.org/10.15294/jllr.v4i4.74120>.
- Barriola, Illan, Bruno Deffains, and Olivier Musy. “Law and Inequality: A Comparative Approach to the Distributive Implications of Legal Systems.” *International Review of Law and Economics* 75, no. August 2022 (2023): 2. <https://doi.org/10.1016/j.irl.2023.106139>.
- Brady, Caitlin M, Gabrielle Dieterich, and Amanda Graham. “Ambiguous Calls: Public Preferences for Law Enforcement Responses to People in Crisis.” *Journal of Criminal Justice* 92, no. March (2024): 8. <https://doi.org/10.1016/j.jcrimjus.2024.102172>.
- Butt, Simon, and Fritz Siregar. “Multilayered Oversight: Electoral Administration in Indonesia.” *Asian Journal of Comparative Law* 16, no. S1 (2021): 121–35. <https://doi.org/10.1017/asjcl.2021.32>.
- Friend, Karen B., Mary Gordon, Bill Scarbrough, David Collins, Kyra Fritz, Sean Smoot, James Cople, Colleen Cople, and Nola Joyce. “Sentinel Event Reviews in the Criminal Justice System: A Review of the Literature.” *Criminal Justice Studies* 33, no. 4 (2020): 343. <https://doi.org/10.1080/1478601X.2020.1741227>.
- Irwansyah, Irwansyah. *Penelitian Hukum, Pilihan Metode & Praktik*

- Penulisan Artikel*. Yogyakarta: Mirra Buana Media, 2021.
- Khairo, Fatria, and Firman Freaddy Busroh. "Implementation of Defiance of a Court Order for the Optimization of Execution Implementation in the Indonesian State Administration Jurisdiction." *International Journal of Criminal Justice Sciences* 18, no. 2 (2023): 102–14. <https://doi.org/10.5281/zenodo.4756308>.
- Khoyfung, Piong, and Asmariah. "The Implementation of The Death Penalty In Cases of Corruption According to Law No . 31 of 1999 , as Amended by Law No . 20 of 2001 and Law No . 1 of 2023 , From The Perspective of Legal Certainty Is as Follows." *International Journal of Sociology, Policy and Law* 4, no. 2 (2023): 20–28. <http://www.ijospl.org>.
- Kurniasih, Ida, and Rio Andy Setiawan. "Enforcement of Supreme Court Regulations of The Republic Of Indonesia in The Administration of Justice." *Baltic Journal of Law & Politics* 16, no. 3 (2023): 3214. <https://doi.org/10.2478/bjlp-2023-00000239>.
- Kusdarini, Eny, Anang Priyanto, Sri Hartini, and Suripno Suripno. "Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia." *Heliyon* 8, no. 12 (2022): 3–9. <https://doi.org/10.1016/j.heliyon.2022.e11932>.
- Maksudi, Karmal, Selamat Suhartono, and Hufron. "Imposition of Administrative Sanctions on Government Officials Who Do Not Implement Decision of the State Administrative Court." *International Journal of Social Science Research and Review* 5, no. 1 (2023): 159–65. <https://doi.org/http://dx.doi.org/10.47814/ijssrr.v6i9.1561>.
- Mancano, Leandro. "A Theory of Justice? Securing the Normative Foundations of EU Criminal Law through an Integrated Approach to Independence." *European Law Journal* 27, no. 4 (2021): 477–501. <https://doi.org/10.1111/eulj.12442>.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2005.
- Moleong, Lexy. *Metode Penelitian Kualitatif Edisi Revisi*. Jakarta: Remaja Rosda Karya, 2014.
- Muladi. *Kapita Selekta Sistem Peradilan Pidana*. Semarang: Badan Penerbit Universitas Diponegoro, 1995.
- Mustafa, Cecep. "The Perceptions of Indonesian Judges in Sentencing Minor Drug Offenders: Challenges and Opportunities." *Jurnal*

- Hukum Dan Peradilan* 9, no. 1 (2020): 5.  
<https://doi.org/10.25216/jhp.9.1.2020.1-26>.
- Niño, Michael, Casey T. Harris, Alexia Angton, and Meredith Zhang. “The Racial/Ethnic Health Consequences of the U.S. Criminal Justice System: How Consequential Is Probation and Other Justice System Contact for Self-Rated and Chronic Conditions?” *Journal of Criminal Justice* 87, no. March (2023): 3.  
<https://doi.org/10.1016/j.jcrimjus.2023.102073>.
- Papagiannas, Straton. “Automating Intervention in Chinese Justice: Smart Courts and Supervision Reform.” *Asian Journal of Law and Society* 10 (2023): 463–89. <https://doi.org/10.1017/als.2023.5>.
- Qamar, Nurul, and Farah Syah Rezah. *Metode Penelitian Hukum Doktrinal Dan Non-Doktrinal*. Makassar: CV. Social Politic Genius (SIGn), 2020.
- Rahardjo, Satjipto. *Ilmu Hukum*. Bandung: PT Citra Aditya Bakti, 2000.
- Saputra, Asep Adi. “Study of Policies of the Indonesian National Police in the Settlement of Crimes against the Background of Social Conflict.” *International Journal of Research in Social Science and Humanities* 03, no. 08 (2022): 76–90.  
<https://doi.org/10.47505/ijrss.2022.v3.8.10>.
- Sasmita, Randikha Prabu Raharja, Sigid Suseno, and Patris Yusrian Jaya. “The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia.” *Heliyon* 9, no. 11 (2023): 4.  
<https://doi.org/10.1016/j.heliyon.2023.e21602>.
- Schweitzer Dixon, Stephanie. “Law Enforcement Suicide: The Depth of the Problem and Best Practices for Suicide Prevention Strategies.” *Aggression and Violent Behavior* 61, no. August (2021): 2.  
<https://doi.org/10.1016/j.avb.2021.101649>.
- Spencer, M. Dylan, and Cory Schnell. “Reinvestigating the Relationship between Cities and the Spatial Distribution of Robbery: A Tale of Eight Cities.” *Journal of Criminal Justice* 82, no. October (2022): 5.  
<https://doi.org/10.1016/j.jcrimjus.2022.102003>.
- Spina, Encarnación la. “Tools, Gaps and False Myths in Comparative Legal Research on Human Rights.” *The Age of Human Rights Journal* 13, no. 13 (2019): 24.  
<https://doi.org/10.17561/TAHRJ.N13.2>.

- Ugwudike, Pamela, and Jake Phillips. "Compliance during Community-Based Penal Supervision." *The Routledge Companion to Rehabilitative Work in Criminal Justice* 3, no. 1 (2019): 870–80. <https://doi.org/10.4324/9781315102832-78>.
- Utari, Indah Sri, and Ridwan Arifin. "Law Enforcement and Legal Reform in Indonesia and Global Context: How the Law Responds to Community Development?" *Journal of Law and Legal Reform* 1, no. 1 (2020): 2. <https://doi.org/https://doi.org/10.15294/jllr.v1i1.35772>.
- Widyawati, Anis. "Regulations of Penitentiary Law in Indonesia." *International Journal of Business, Economics and Law* 18, no. 4 (2019): 54.
- Widyawati, Anis, Pujiyono Pujiyono, Nur Rochaeti, Genjie Ompoy, and Nurul Natasha Binti Muhammad Zaki. "Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions." *Lex Scientia Law Review* 6, no. 2 (2022): 339. <https://doi.org/10.15294/lesrev.v6i2.58131>.
- Zhang, Jian, Ke Li, and Yang Feng. "Criminal Sanctions on Identity Theft in Shanghai: An Empirical Case Law Analysis." *International Journal of Law, Crime and Justice* 71, no. 51 (2022): 7. <https://doi.org/10.1016/j.ijlcj.2022.100562>.
- Zulfa, Eva Achjani. "Implementation of Restorative Justice Principles in Indonesia: A Review." *International Journal of Science and Society* 2, no. 2 (2020): 320. <https://doi.org/10.54783/ijssoc.v2i2.161>.



There can be no deep  
disappointment where  
there is not deep love

**Martin Luther King Jr.**

### **Acknowledgment**

The authors extend their gratitude to the Research and Community Service Institute (LP2M) Universitas Negeri Semarang (UNNES).

### **Funding Information**

The authors would like to express their gratitude to LP2M Universitas Negeri Semarang (UNNES) for their generous funding assistance towards this research project.

### **Conflicting Interest Statement**

The authors state that there is no conflict of interest in the research and publication of this article

### **Publishing Ethical and Originality Statement**

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.