

The Role Of Community Mentoring In The Implementation Of Guidance To Corruption Criminal Clients Who Are Undergoing The Conditional Release Program (Study At Medan Class I Correctional Center)

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ABSTRACT. *The crime of corruption is one part of a special crime in addition to having certain specifications that are different from general crimes. White Collar Crime is a term applied to people who wear ties who have high intelligence and commit criminal acts of corruption. As we all know, corruption is an extraordinary crime. Not only because it costs the state money, but it has an impact on all development programs, the low quality and quality of education, the low quality of facilities, equipment and infrastructure, as well as the problem of poverty that has not been addressed. Corruptors have taken away people's rights, human rights, and are against humanity. The principles of democracy which uphold transparency, accountability and integrity, as well as the security and stability of the Indonesian nation are threatened due to corruption crimes. Many corruptors who have been found guilty by the court and undergoing training in correctional institutions can quickly return to society because they have obtained their rights as correctional inmates, one of which is obtaining the conditional release program. The role of the Medan Class I Correctional Center is needed to realize the effectiveness of mentoring clients for criminal acts of corruption who are undergoing conditional release so that they can be accepted in society. Guidance provided to clients who have committed criminal acts of corruption must be carried out under supervision to determine the effectiveness of each guidance program provided until the guidance is finally terminated.*

Keywords : *Community Counselor, Parole, Corruption Crime Clients*

INTRODUCTION

Corruption is a word that has become a popular term in Indonesia as an action that is detrimental to the government by taking state money that should be for the benefit of the people. Corruption has become a crime that is considered to destroy the foundations of social and state life. State losses resulting from criminal acts of corruption are included in the dangerous category. Corruption in Indonesia is an emergency national problem that Indonesia has faced from time to time over a long period of time.

Article 3 of Republic of Indonesia Law Number 20 of 2001 defines corruption as any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunities or facilities available to him because of his position or position which can harm state finances or the state economy. Eradicating corruption must be prioritized, but in reality corruption is a type of case that is difficult to overcome and eradicate, especially in the process of proving it. Corruption is an *extraordinary crime*, so eradicating it requires *extraordinary measures*. Eradicating corruption requires very high government *political will*. This means that the government must invest funds in the corruption eradication program and

have a high commitment to making the corruption eradication program the main priority of government policy.

Corruption crimes always receive more attention than other crimes. This phenomenon is understandable considering the negative impact caused by this criminal act. The impact can touch various areas of life. Corruption is a serious problem. This criminal act can endanger the stability and security of society, endanger the stability and security of society, endanger social, economic and political development, and can damage democratic values and morality because gradually this act seems to become a culture. Corruption is a threat to the ideals of a just and prosperous society.

According to Rama (2012), corruption occurs due to political practices where the government or authority interacts behind closed doors between the public and the private sector. Politics and economic transactions occur only for the sake of a few interest groups involved in them. The existence of a conspiracy is a great opportunity for the authorities so that the law seems to have been held by the powers that be. Another factor that causes corruption in Indonesia is an ineffective system. A system is a set of methods, procedures and routines created to carry out activities that contain interrelated and interdependent elements.

The Correctional System provides treatment for inmates based on the principle of Protection, which is based on Pancasila and the 1945 Constitution. Based on state philosophy, the implementation of the Correctional System is in line with the values contained in all the Pancasila principles, so that the goals to be achieved can be achieved. There are four important elements in this Correctional System. The first element of the correctional system is the development of inmates based on Pancasila. The second element, the method of implementation is in an integrated manner involving supervisors, inmates and the community. The third element, the expected result is self-awareness and deterrence for the inmates. The fourth element is the successful achievement of the correctional system, namely the acceptance of inmates back by the community. Thus, in the Correctional System there is protection and guidance for prisoners.

According to HR Soegondo, the implementation of the Correctional System has 4 stages, namely:

1. Maxima security stage,

Prisoners at this stage receive strict supervision. This stage begins with the admission and orientation stage, namely from the moment you enter, you are registered, the conditions of the sentence are examined, the length of the sentence, the time of release is calculated, etc., and research is carried out to find out everything about him.

2. Medium security stage, stage has looser supervision of prisoners compared to the first stage. This stage is up to 1/2 of the actual criminal period.

3. Minimum security level:

This stage starts from 1/2 to 2/3 of the actual criminal period. At this stage, they can be assimilated out of the correctional institution.

4. Integration stage.

At this stage, if you have served 2/3 of your sentence. The theory regarding the stages of the Penitentiary System, at the fourth stage or integration stage, prisoners and correctional students can apply for their rights, namely: Conditional Release, Leave Before Release, or Conditional Leave. Integration is the process of guiding correctional inmates who have fulfilled certain requirements to live and return to society with guidance and supervision. Guidance and supervision is carried out on correctional clients by community counselors at the correctional center. (Father).

The Correctional Center, hereinafter referred to as BAPAS, is a correctional technical implementation unit which carries out the duties and functions of social research, guidance, supervision and mentoring. According to Article 1 (20) of Law No. 22 of 2022 concerning Corrections, it is understood that, "Correctional Center, hereinafter referred to as BAPAS, is an institution or place that carries out the function of Community Guidance for clients. The Correctional Center has the task of providing community guidance in accordance with applicable laws and regulations. Based on Article 65 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, one of the community officers is a Community Counselor.

Since Law No. 22 of 2022 came into force, this Law emphasizes the function of Community Counselors, not only placing their function at the final stage after the operation of the criminal justice system but has become part of the criminal justice system which carries out law enforcement in the field of treatment of prisoners, children and inmates starting from the pre-adjudication, adjudication and post-adjudication stages.

One of the duties of a Community Counselor is to carry out guidance for Correctional Clients. To carry out this guidance, it is based on Government Regulation No. 31 of 1999 concerning the Guidance and Guidance of Correctional Inmates. In Article 33 PP No.31 of 1999, it is stated that the implementation of mentoring consists of 3 (three) stages, namely: initial stage, advanced stage and final stage. At each stage, a Correctional Observer Team (TPP) meeting is held to determine the guidance program and to evaluate the next stage of

guidance. The form of guidance provided is in the form of personality guidance and work skills.

Corruption has become a virus that has undermined the government. North Sumatra is one of the provinces that contributes to corruption. During several periods of government, the highest leaders of this province have been arrested by the Corruption Eradication Commission (KPK). Not only were the top leaders arrested for criminal acts of corruption, several other government officials were also arrested on the same suspicions. Based on data obtained from the Medan Class I Fathers, there is a tendency to increase the guidance of clients who commit criminal acts of corruption. Clients who commit criminal acts of corruption are convicts of criminal acts of corruption who have fulfilled the conditions that have been determined to receive the Reintegration program proposed by the prison or detention center.

Table 1. Number of Corruption Crime Clients in 2024 at Bapas Class I Medan

No	Month	Number of clients of Bapas Class I Medan
1	January	7 People
2	February	7 People
3	March	7 People
4	April	2 persons
5	May	3 people
6	June	10 People

Source : Data processed from the Medan Class I Bapas Adult Registration database

Based on the table above, the number of clients for corruption crimes submitted to the Medan Class I Correctional Center is uncertain every month, depending on the proposed request for Community Research (Litmas) regarding proposals for Conditional Release from Prisons/Detention Centers under the supervision of the Medan Class I Correctional Center. In accordance with PAS Operational Guidelines Number PAS-20.OT.02.02 of 2022 concerning Guidelines for Implementing the Fulfillment of Conditional Rights for Prisoners in Accordance with Law No. 22 of 2022 concerning Corrections, prisoners in corruption cases receive facilities including:

1. In terms of granting remission, convicts of criminal acts of corruption are not required to pay in full the fine and/or replacement money because it is contrary to Article 10 of Law No. 22 of 2022;
2. In terms of obtaining assimilation in accordance with Article 10 of Law No. 22 of 2022, clients of criminal acts of corruption have the right to obtain assimilation and are not required to pay in full fines and/or replacement money in accordance with Article 45 paragraph (3), Article 46 paragraph (1) letter b, Article 46 paragraph (3) of Minister of

Law and Human Rights Regulation Number 7 of 2022, and Article 47 of Minister of Law and Human Rights Regulation Number 3 of 2018 because it contradicts Article 10 of Law Number 22 of 2022, so that all prisoners are still given assimilation without having to attach a certificate of full payment of fines and/or replacement money in accordance with the court decision;

3. In terms of obtaining conditional release, convicts of criminal acts of corruption are not required to pay in full the fine and/or replacement money as stated in Article 88 paragraph (2) of Minister of Law and Human Rights Regulation Number 3 of 2018 because it is contrary to Article 10 of Law Number 22 of 2022;

With the enactment of Law No. 22 of 2022 concerning Corrections mandates fundamental improvements in the implementation of Correctional functions which include Service, Development, Community Guidance, Care, Security and Observation by upholding respect, protection and fulfillment of human rights so as to provide ease of requirements for obtain prisoners' rights, one of which is the right to obtain conditional release. With clients with corruption crimes being handed over to the Medan Class I Correctional Center every month in 2024, it will be the job of the Community Counselor to provide guidance to these clients so that they can be accepted into their families and among the community in their home environment. Based on the description above, research was conducted in the form of a journal with the title " **The Role of Community Counselors in Implementing Guidance for Corruption Crime Clients Undergoing the Parole Program (Sudi at the Medan Class I Correctional Center . "**

RESEARCH METHODS

Research methods are needed so that research objectives can be more focused and scientifically accountable. In writing this thesis, the research method used is as follows:

A. Types of research

This type of journal research uses quantitative research.

B. Research Type

This type of research is empirical legal research, namely a research method carried out to obtain primary data.

C. Data collection technique

- 1) Primary data
- 2) Data obtained from direct interviews with sources.

- 3) Secondary Data
- 4) Secondary data is data obtained by researchers from literature and documents which are the results of research and management of other people which are already available in the form of books or documents provided in libraries or in their own possession. Secondary data consists of:
 - a) Primary Legal Materials: Primary legal materials are binding legal materials. Primary legal materials are obtained from statutory regulations such as: Law No. 20 of 2001 concerning the Eradication of Corruption Crimes, Law No. 22 of 2022 concerning Corrections, Permenkumham No. .16 of 2023 concerning Procedures for Granting Remission, Assimilation, Conditional Release, Leave to Visit Family and Conditional Leave, and PP No. 31 of 1999 concerning the Development and Guidance of Correctional Inmates.
 - b) Secondary legal materials were obtained from books and internet literature related to the research object.
- 5) Method of collecting data
Data collection methods consist of:
 - 1) Library research methods (*Library Research*)
The library method is used to find answers to problem formulations from book and internet literature.
 - 2) Field Research Methods (*Field Research*)
The field method was used by visiting the research location at the Medan Class I Correctional Center and conducting direct interviews with employees including JFT Madya Bapas Class I Medan and employees in the Adult Registration Sub-Section of the Medan Class I Correctional Center.

DISCUSSION

A. Legal Regulations regarding Guidance of Clients for Corruption Crimes

Mentoring Which done by The Correctional Center is part from System correctional held in frame form Correctional Inmates must become fully human, aware mistakes, improve oneself, and not repeat criminal acts so can accepted return by environment public, can active role in development, and can live normally as good citizens And responsible answer.

Mentoring Which done is guidance for every Correctional Inmate obtain Parole and then referred to as a Correctional Client . Article 2 of Permenkumham No. 7 of 2022 states

that every prisoner and child has the right to receive Remission, Assimilation, Leave to Visit Family, Conditional Release and Conditional Leave. This right is also strengthened by the enactment of Law No. 22 of 2022 concerning Corrections, namely, every prisoner has the right to:

- a. Carrying out worship in accordance with one's religion or beliefs;
- b. Get care both physically and spiritually;
- c. Obtain education, teaching and recreational activities as well as opportunities to develop potential;
- d. Obtain adequate health services and food in accordance with nutritional needs;
- e. Obtain information services;
- f. Obtain legal advice and legal assistance;
- g. Submit complaints and/or grievances;
- h. Obtain reading materials and follow mass media broadcasts that are not prohibited;
- i. Receive humane treatment and be protected from acts of torture, exploitation, neglect, violence, and all actions that are physically and mentally harmful,
- j. Get work safety guarantees, wages or work premiums;
- k. Get social services, and
- l. Accept or reject visits from family, advocates, companions and the community.

In addition, every prisoner who has met certain requirements **without exception** is also entitled to:

- a. Remission
- b. Assimilation
- c. Parole
- d. Conditional Leave
- e. Leave Before Free
- f. Leave to visit or visit family, and
- g. Other rights in accordance with applicable regulations.

The specific requirements referred to include:

- a. Be well-behaved;
- b. Actively participating in coaching programs;
- c. Has shown a reduction in risk levels

- d. Especially for prisoners who will be given conditional release and leave to be released, they must serve a sentence of at least 2/3 of the sentence, provided that 1/3 of the sentence is at least 9 (nine) months.

With the existence of this law, every convict, especially for the crime of corruption, is given convenience in obtaining his rights, one of which is participating in the Conditional Release Program. After the conditional release proposal is successful, the prisoner will be handed over to the Correctional Center and after that he will become a correctional client who will receive guidance from the Community Counselor. This is intended to take into account the interests of development, security, public order and the community's sense of justice. Article 1 (15) Permenkumham No.7 of 2022 states that guidance is providing demands to improve the quality of devotion to God Almighty, the client's intellectual, professional attitudes and behavior, the client's physical and spiritual health.

In Law No. 22 of 2022 concerning Corrections, forms of client guidance include:

1. Community guidance for clients is provided by the Correctional Center;
2. Guidance implementation includes: mentoring, mentoring and supervision;
3. Guidance is carried out through stages: client acceptance, program delivery and termination;
4. Forms of guidance include: personality guidance, namely: providing provisions to improve mental, spiritual and intellectual quality and guidance on independence for clients.
5. Guidance ends because the guidance period has been completed based on a court decision or Minister's decision, the person dies or the guidance is revoked due to violating the law again.

Article 40 Regulations Government Number 31 year 1999 about Guidance and Guidance of Correctional Inmates explained process implementation of guidance as follows:

1. Mentoring early stage includes:
 - a. reception And registration Client;
 - b. making study society For material mentoring;
 - c. preparation program mentoring;
 - d. implementation program mentoring; And
 - e. control implementation program guidance stage beginning.

2. Mentoring stage advanced includes:
 - a. preparation program guidance stage advanced;
 - b. implementation program mentoring; And
 - c. control implementation program coaching stage advanced.
3. Mentoring final stage includes:
 - a. preparation program guidance stage end;
 - b. implementation program guidance stage end;
 - c. control implementation program guidance stage advanced;
4. Mentoring final stage includes:
 - a. preparation program guidance stage end;
 - b. implementation program guidance stage end;
 - c. control implementation program guidance.
 - d. setup Client For face stage end guidance with consider giving service guidance addition; And
 - e. ending the Client mentoring stage by providing a letter information end guidance by Head FATHER.

Furthermore, **Government Regulation Number: 31 of 1999 concerning Coaching And Mentoring Inhabitant Built Correctional** explained some things include:

Chapter 31

- (1) Head FATHER must carry out guidance Client.
- (2) In carry out guidance as intended in paragraph (1), the Head of BAPAS is obliged to carry out implementation planning, And control on activities mentoring program.
- (3) Activity guidance as intended in paragraph (2) directed on ability Client For integrate in a way Healthy with public.

Chapter 32

- (1) Mentoring Client held by Mentor Sociability. Mentoring Client as intended in paragraph (1) emphasized to reintegration healthy with public.

Chapter 33

- (1) Mentoring Client held through 3 (three) stage guidance, that is: a. stage beginning; b. stage advanced; And c. stage end.

- (2) Maintenance guidance from One stage to stage other determined through a session of the Correctional Observer Team based on data from the Supervisor Sociability.
- (3) Data as intended in paragraph (2) is results observation, evaluation, And reporting stage implementation guidance.
- (4) Provision about observation, evaluation, And reporting as intended in paragraph (3) arranged more carry on with Decision Minister.

Chapter 34

- (1) In carry out guidance to Client in FATHER provided means and infrastructure Which needed.
- (2) BAPAS as intended in paragraph (1) is divided into several classification;
- (3) Provision about classification FATHER as intended in paragraph (2) arranged more carry on with Decision Minister.

Chapter 39

- (1) Mentoring stage beginning as intended in Chapter 33 paragraph (1) letter a for Clients, starting from the time the person concerned has status as Client as with 1/4 (One per four) period guidance.
- (2) Advanced stage guidance as intended in Article 33 paragraph (1) letter b for Client, held since endinitial stage guidance up to 3/4 (three quarters) of the term guidance.
- (3) Mentoring stage end as intended in Chapter 33 paragraph (1) letter c for Client, held since the end stageguidance advanced until with the end period guidance.
- (4) Phasing in process guidance Client Correctional set through hearing Team Observer Correctional FATHER.

Chapter 41

Clients sentenced to parole, parole or on leave to be released Which revoked the status as Client must undergo criminal Which suspended and or remainder criminal if:

- a. repeat do follow criminal;
- b. give rise to anxiety in public;
- c. No obey provision agreement or terms, Good condition special as well as

- conditions general; for convicts conditional;
- d. Not following or complying with the mentoring program set by BAPAS, or
- e. change address or residence without report to FATHER Whichguide.

Relating to Conditional Release granted to clients correctional services, in a newer regulation, namely **the Ministerial Regulation Law and Human Rights Number: 22 of 2022** regulates **revocation** Liberation Conditional:

Chapter 139

(1) Revocation of Conditional Release, Leave Before Release, and Conditional Leave is carried out based on:

- a. General conditions, commit a violation of the law and be declared a suspect/defendant followed by detention in a state detention center or convict;
- b. Special conditions, which consist of:
 - 1. Causing unrest in society;
 - 2. Failure to carry out mandatory reporting to the supervising Father a maximum of 3 (three) times in a row;
 - 3. Not reporting changes in address or residence to the supervising Father, and/or;
 - 4. Not following or complying with the mentoring program established by Bapas.

Every client FATHER Which currently operate period guidance must obey regulation in on so that process guidance walk with smoothly, and the client receives a Certificate of Termination of Guidance if period client guidance become a client BAPAS has ended and has been signed by the Head of the Correctional Center. This is reinforced in Article 58 of Law No. 22 of 2022, namely: Client guidance ends because:

- a. Have completed a period of community guidance based on a court decision or ministerial/institutional head's decision;
- b. Died; or
- c. His community guidance was revoked because he violated the requirements for community guidance

B. The role of Community Counselors in carrying out guidance for clients with criminal acts of corruption who obtain Conditional Release at the Medan Class I Correctional Center

Every Correctional Inmate (WBP), especially in cases of criminal acts of corruption, who proposes Conditional Release and the proposal is successful, will receive a Conditional Release Decree, the prisoner must be handed over to the Correctional Center and will become a correctional client under the guidance of the Correctional Center, then the Community Counselor has started his role in providing guidance to tipikor clients. From the results of an interview with JFT Intermediate Expert Community Counselor, Tambok Sinaga, S.Sos at the Medan Class I Correctional Center, the role of Community Counselors in providing guidance for clients with criminal acts of corruption who obtain Conditional Release includes:

1. Providing direction to corruption clients who are handed over to the Correctional Center

Every correctional inmate from prison/detention center who is handed over to the Correctional Center will have their data collected again to be entered into the Correctional Database System (SDP) of the Medan Class I Correctional Center, after which the SDP officer notifies the Community Guidance officer that the client has been handed over. Community Counselors give directions to their clients to remind them of their obligations when carrying out Community Research, such as one of them being the obligation to report once a month at the Medan Class I Correctional Center until the guidance period ends. Apart from that, Community Counselors also remind clients not to go out of town for long periods of time and to obey every rule that has been given by officers, especially not to repeat the crime again.

2. Make progress reports for clients who are required to report

Every Corruption Crime client who comes for guidance on mandatory reporting will be directed to the mandatory reporting room and meet with their Community Counselor. Here the officer makes a client progress report every month and provides direction so that the client continues to carry out his obligations until the guidance is complete. After that, the Community Counselor directs the tipikor client to the SDP room of the Medan Class I Correctional Center for recording attendance, which is mandatory for regular reporting.

3. Conduct home visits and prepare guidance reports

Community Counselors conduct home visits to obtain information from the client's family regarding conditions and changes that occur while the client is on parole. Apart

from that, Community Counselors visit the local government to confirm regarding clients and their families. After that, the Community Counselor made a report on the implementation of home visit guidance which was known to the Head of the Medan Class I Correctional Center.

4. Involving anti-corruption clients in guidance activities at the Correctional Center

According to Tambok Sinaga, S.Sos, as an Intermediate Expert Community Supervisor at the Medan Class I Correctional Center, there are 2 forms of guidance carried out at the Medan Class I Bapas, namely:

1. Personality Guidance

Personality guidance functions to increase religious devotion to God Almighty, form social and moral attitudes, instill legal awareness, increase national and state awareness. This personality guidance can be carried out personally between the Community Counselor and the client or create group guidance with the Community Care Community Group (POKMAS LIPAS) as a third party co-worker with Bapas Class I Medan. The forms of personality guidance carried out at the Medan Class I Community Center are:

- a. Involving anti-corruption clients in spiritual activities held in the Medan Class I Correctional Hall.

This activity is carried out so that clients get motivation and lectures from the moderator to increase their devotion to God Almighty.

- b. Involving clients in following legal counseling guidance in collaboration with Isaiah 56

This activity is intended so that clients, especially criminal acts of corruption, gain knowledge about the law and are expected to not repeat the crime again.

2. Independence Guidance

Independence guidance is provided to all clients without exception so that they receive job guidance training. It is hoped that each client will have the skills to improve the economy after leaving prison/detention center. The types of job training provided at the Medan Class I Correctional Center are:

1. Providing job training at Griya Abhipraya "Kedan Kita" in the form of training on motorbike doorsmear and ornamental plant care.
2. Carry out job guidance activities at Bapas Class I Medan such as making paving blocks, servicing AC, and welding to make canopies.

5. Create guidance termination reports

Every corruption client who has completed their obligation to report until the trial period is over, the Community Counselor makes a report ending the guidance for that client. This report will be addressed to the Director General. Corrections, North Sumatra Ministry of Law and Human Rights Regional Office, government according to the address of the guarantor and the person concerned.

6. Prepare Minutes of Revocation of Conditional Release Decree

Each client must carry out his guidance until completion and if the client committing a criminal act of corruption commits a criminal act in the middle of the conditional release guidance period and is re-arrested by the police or other legal apparatus, then the Community Counselor makes a Minutes of Examination of the child client and after It makes a report on the revocation of the Conditional Release Decree which will be forwarded to the Director General. Correctional.

CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSION

1. The Correctional Center creates guidance activities intended for clients of the Medan Class I Correctional Center. Community Counselors are obliged to invite clients to take part in these activities. The forms of guidance carried out at the Medan Class I Community Counseling Center are personality guidance and work guidance which aims to increase religious devotion to God Almighty, form social and moral attitudes, instill legal awareness in clients in particular. criminal acts of corruption and providing job training that clients can develop if they don't get a job.
2. Community Counselors play a very important role in supervising clients, especially corruption crimes at the Correctional Center, starting from the stage when the client is handed over to the Class I Medan Correctional Center and carrying out mandatory reporting guidance until they have completed their guidance and the Community Counselor makes a letter terminating guidance for child clients who are known to the Head of the Center. Corrections and forwarded to child clients, the local government, the Regional Office of the Ministry of Law and Human Rights of North Suatra and the Director General of Corrections.

B. SUGGESTION

1. Guidance carried out at the Medan Class I Correctional Center should be given to each client according to their criminal group, interests and talents. The purpose of separating the forms of guidance is intended to attract clients' interest in taking part in guidance activities at the Medan Class I Correctional Center and the guidance is right on target according to the needs of each client.
2. The role of Community Counselors in carrying out guidance to clients, especially for criminal acts of corruption that receive Conditional Release, must be more strictly supervised. Guidance will not run well if there is no support. There is a need for support from the guarantor/family and local government to supervise the client so that the client undergoes guidance well and the client can also be accepted by the family and community around where he lives.

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