REFORMING INDONESIAN CRIMINAL JUSTICE: INTEGRATING RECIDIVISM RISK ASSESSMENT FOR FAIR AND EFFECTIVE SENTENCING

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Abstract

The major goal of this study is to develop a contextually appropriate and nuanced framework for incorporating recidivism risk indicators into sentencing recommendations in Indonesia. This research seeks to bridge the gap between global best practices and Indonesia's unique sociocultural setting by performing a deep investigation of the cultural and legal intricacies particular to Indonesia and comparing worldwide methods. The study also highlights the significance of pre-sentence investigations in obtaining a complete picture of offenders' histories and habits and so shaping sentencing choices. The study's approach includes a comprehensive review of relevant Indonesian literature, laws, and case law. The methods include a comparative study that draws parallels between domestic and international norms in places like the USA, UK, DE, and FR. The research recommends risk factor criteria that are particular to Indonesia, taking into account the country's culture and legal system. Juvenile imprisonment, elements in sexual crimes against minors based on age, and complex conceptions of interpersonal

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connections are all examples of these aspects. The study supports using these culturally sensitive characteristics into sentencing standards to improve the judicial system in Indonesia. The report also emphasizes the significance of pre-sentence investigations in providing judges with comprehensive data for making fair and effective sentences. This study promotes continuing discussion and growth within Indonesia's criminal justice system by filling in knowledge gaps and providing concrete recommendations for better incorporating recidivism risk variables into sentence guidelines.

Keywords: comparative analysis, cultural sensitivity, pre-sentence investigations, recidivism risk factors, sentencing guidelines

Introduction

In the complex landscape of criminal justice, the assessment of recidivism risk has emerged as a pivotal factor in shaping sentencing decisions, particularly in cases involving suspended sentences.[1] The delicate balance between punishment and rehabilitation, individual liability, and societal safety has challenged legal systems worldwide, including the Indonesian legal framework explored in this study. This research makes several significant contributions to the field of recidivism risk factors and their integration into sentencing guidelines, particularly within the context of suspended sentences in the Indonesian legal system. One of the primary contributions of this study lies in its proposal for tailored risk factor criteria specific to the Indonesian context. By meticulously examining the existing risk assessment tools used in countries like the United States and England, and considering their limitations, this research pioneers the formulation of culturally and legally appropriate criteria. For instance, factors such as "records of juvenile detentions" for general crimes and specific age-related considerations for sexual offenses against children represent innovative additions. These proposals bridge the gap between international best practices and indigenous legal sensibilities. This research advocates for the implementation of comprehensive pre-

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[1] D. Michael Applegarth, Raven A. Lewis, and Rachael M. Rief, "Imperfect Tools: A Research Note on Developing, Applying, and Increasing Understanding of Criminal Justice Risk Assessments," *Criminal Justice Policy Review* 34, no. 4 (August 21, 2023): 319–336.

sentence investigations conducted by court investigators. While the concept of pre-sentence investigations is not new, this study emphasizes its critical role in understanding nuanced factors such as "problematic behavior shown during the supervision period," "antisocial tendencies," and "social relationships." The study underscores the importance of these investigations as essential tools in providing judges with a holistic view of the offender, promoting informed and just sentencing decisions. This research offers a novel and comprehensive approach to integrating recidivism risk factors into sentencing guidelines in Indonesia. By proposing tailored criteria, emphasizing the importance of pre-sentence investigations, integrating empirical research, and encouraging ongoing discourse, this study provides a robust foundation for policymakers, legal experts, and scholars to engage in meaningful discussions and implement practical reforms in the realm of recidivism risk assessment and suspended sentences.

Existing literature often lacks detailed exploration of culturally and legally specific criteria for assessing recidivism risk within diverse legal systems. While international models offer valuable insights, they may not directly align with the unique sociocultural and legal nuances of Indonesian society. This gap hampers the development of a tailored approach to recidivism risk assessment in Indonesia. Prior research frequently falls short in providing a comprehensive comparative analysis of recidivism risk assessment methods across different legal systems. Understanding the strengths and weaknesses of various international approaches is essential in formulating effective guidelines. The absence of such in-depth comparative studies limits the knowledge base available for policymakers and legal practitioners. Many studies do not emphasize the critical role of pre-sentence investigations in understanding the nuances of offenders' backgrounds and behaviors. These investigations are fundamental in providing judges with a holistic view, enabling informed sentencing decisions. The lack of emphasis on this aspect in the existing literature hampers the establishment of a comprehensive sentencing framework. This essay addresses the first gap by conducting an in-depth analysis of the Indonesian legal system's unique cultural and legal contexts. By proposing culturally sensitive criteria such as considering juvenile detentions and specific age-related factors in sexual offenses against children, the study bridges the divide between international best practices and Indonesia's specific

sociocultural landscape. This approach ensures that the recidivism risk factors integrated into sentencing guidelines are not only evidence-based but also culturally relevant. This essay bridges existing gaps in the literature by offering culturally and legally specific criteria, conducting a comprehensive comparative analysis, and emphasizing the significance of pre-sentence investigations. Through these approaches, the study contributes to the development of a nuanced and contextually relevant framework for integrating recidivism risk factors into sentencing guidelines in Indonesia, addressing limitations observed in previous research. The foundation of this study rests upon a comprehensive literature review, delving into global practices, legal frameworks, and scholarly insights related to recidivism risk assessment. By synthesizing existing knowledge, this study gained nuanced perspectives from international contexts, enabling a comparative analysis essential to formulating informed recommendations.

The Meaning of Recidivism in Suspended Sentences

Definition within the Indonesian Legal System

In the context of Indonesian criminal law, the definition of recidivism in suspended sentences is a nuanced and complex issue.[2] The likelihood that a convicted offender would commit new crimes after their sentence has been suspended is referred to as "recidivism." The principal Indonesian criminal law statute, the Criminal Act, does not address recidivism. Concepts like crime prevention, proportionality, and the offender's degree of guilt are instead used by the Criminal Act and Supreme Court rulings to infer the appropriate penalty. The concept of "recidivism," or rehabilitation via criminal sentencing, plays a crucial role in Indonesia's legal system. Judges have to weigh the offender's potential for rehabilitation and reintegration into society without posing a threat to the public, and then decide how much punishment is appropriate. Suspended sentences like this one are supposed to promote reparation and discourage criminals from engaging in additional criminal behavior. However, this is made more difficult by the fact that recidivism is not defined in law. Inconsistent

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[2] Macpherson Uchenna Nnam et al., "Why We Break the Law and Relapse: Exploring the Societal Factor-Recidivism Nexus among Selected Inmates in a Custodial Center," *Journal of Forensic Psychology Research and Practice* 24, no. 5 (October 19, 2024): 669–692.

sentencing may result from the courts' inability to determine whether or not a defendant's past convictions represent recidivism. Considerations such as the kind and severity of prior offenses, the passage of time since the offender's last conviction, and the results of rehabilitation efforts are used to estimate the probability of recidivism. This research offers a solution by comparing existing studies and proposing culturally sensitive measures of recidivism in the context of suspended sentences.

Challenges in Defining Recidivism

Defining recidivism in the context of suspended sentences in Indonesia is complicated by the multifaceted character of criminal behavior and efforts at rehabilitation. One of the main problems with Indonesian law is that the idea of recidivism is not adequately defined. Lacking a universally accepted definition of what constitutes a repeat offender, courts often apply inconsistent punishments. One challenge arises from the varying degrees of severity among previous offenses. Determining which crimes should be categorized as recidivism-worthy becomes a subjective matter. Judges must weigh the seriousness of past offenses against the potential for rehabilitation, creating a delicate balance between punishment and the prospect of reintegration into society.   Another challenge arises from the temporal aspect of recidivism. Judges must consider the duration between the last conviction and the current offense. Determining a threshold period for considering an individual as a recidivist is complex and requires careful evaluation of rehabilitation efforts and societal reintegration during this time. Evaluating an offender's efforts towards rehabilitation poses yet another challenge. The legal system must account for genuine attempts at reform and social reintegration. Assessing the sincerity and effectiveness of rehabilitation programs, education, and counseling initiatives becomes a subjective task for judges, impacting the overall definition of recidivism. The absence of standardized criteria for defining recidivism adds to the complexity. Different judges may interpret and apply the concept differently, leading to disparities in sentencing outcomes. Without clear guidelines, the sentencing process lacks consistency and may not effectively serve the dual purpose of punishment and rehabilitation. Addressing these challenges is crucial to formulating a comprehensive definition of recidivism within suspended sentences. This research aims to propose culturally aware and

standardized criteria for evaluating recidivism risk, ensuring a fair and consistent approach to sentencing within the Indonesian legal system. While recognizing that not all cultural practices in Indonesia clearly define or even condemn certain actions as criminal, this study explores how specific cultural contexts influence behavior and societal perceptions of crime. By carefully considering these nuances, the research seeks to integrate cultural factors that align with Indonesia's legal principles, without legitimizing actions that conflict with national laws or undermine justice.

Cultural and Societal Factors Influencing Recidivism

Understanding recidivism within the Indonesian context requires a careful exploration of the cultural and societal factors that shape both criminal behavior and rehabilitation. While culture can influence norms and values, it's important to recognize that not all cultural practices in Indonesia clearly delineate what constitutes a crime—some may even condone actions that contradict national laws. This research seeks to navigate these complexities by identifying cultural and societal elements that impact an individual's likelihood of reoffending, without legitimizing harmful practices under the guise of culture.

In particular, the study focuses on how family structures, community dynamics, religious beliefs, and socio-economic factors either support or hinder reintegration efforts. The goal is to develop recidivism definitions and management strategies that respect Indonesia's cultural diversity while upholding legal standards of fairness and justice. This approach aims to reduce the risk of reoffending by addressing social stigma, isolation, and economic hardship through culturally sensitive, yet legally sound, interventions that promote successful reintegration into society.

Understanding recidivism within the Indonesian context requires a nuanced exploration of the cultural and societal factors that influence criminal behavior and rehabilitation efforts.[3] It is crucial to

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[3] Ali Masyhar, Ali Murtadho, and Ahmad Zaharuddin Sani Ahmad Sabri, "The Driving Factors for Recidivism of Former Terrorism Convicts in Socio-Legal Perspective," *Journal of Indonesian Legal Studies* 8, no. 1 (May 31, 2023).

define and manage recidivism in suspended sentences in light of cultural norms, social structures, and community dynamics, all of which greatly affect an individual's potential to reoffend. The social consequences of criminal activity in Indonesia are often severe and long-lasting. Re-entry into society may be difficult for ex-offenders because of prejudice and stigma associated with illegal behavior. Isolation and marginalization, both of which increase the likelihood of recidivism, are made worse by this social stigma. In Indonesia, family is very important since they provide both emotional and financial support. A person's capacity to properly reintegrate into society after serving time in prison might be negatively impacted by a lack of family support or disrupted family connections. A strong network of family and friends may operate as a buffer against reoffending. The Indonesian people place a high value on their religious beliefs. People's moral and ethical decisions are often influenced by their religious beliefs and practices. A feeling of purpose and moral compass that discourages criminal activity may be fostered by active involvement with religious groups and spiritual mentoring for certain criminals. When people have fewer options for earning a living and supporting themselves, it might encourage them to turn to crime. When people are faced with financial difficulties and little opportunities for gainful work, they may revert to criminal activities. Reducing financial instability and the chance of recidivism, vocational training and job assistance may help decrease this risk. A key component in reducing recidivism is community reintegration programs that take cultural norms into account. Programs that focus on social skills development, vocational training, and fostering community acceptance can empower offenders to reintegrate successfully. Collaborative efforts involving local communities, religious leaders, and social organizations are crucial in creating a supportive environment for ex-offenders. Recognizing and addressing these cultural and societal factors are integral to defining recidivism within the Indonesian legal system. By understanding the unique challenges faced by offenders in the context of their communities, policymakers and legal practitioners can develop targeted interventions and rehabilitation strategies that address these cultural nuances, ultimately reducing the risk of reoffending and promoting successful reintegration.

Incorporating Risk Assessment into Sentencing Guidelines

Comparative Analysis of International Practices

In the pursuit of refining Indonesia's approach to incorporating recidivism risk assessment into sentencing guidelines, a comprehensive comparative analysis of international practices becomes imperative.[4] By examining methodologies employed in countries such as the United States, England, Germany, and France, valuable insights can be gleaned, shedding light on diverse approaches and their applicability within the Indonesian legal framework.

Table 1 International Practices in Recidivism Risk Assessment

Country	Methods	Approach
United States	Structured Professional Judgment (SPJ) and Actuarial Risk Assessment (ARA)	Combines clinical judgment with standardized risk factors. ARA employs statistical algorithms for risk assessment. Effective in guiding sentencing and rehabilitation, offering a data-driven approach.
England and Wales	Empirical Studies and Sentencing Guidelines	Actual studies are used to establish the existence of risk variables. These well-organized regulations account for both the gravity of the violation and the offender's propensity for repeat violations. A well-rounded approach ensures fairness and consistency in sentencing.
Germany	Substantive Requirements in Penal Code	Cares about the details of the crime and the history of the perpetrator. It is possible to extrapolate risk variables for recidivism from past cases, which would allow for more nuanced assessment. Combining case study research with broad legal concepts.
France	Individualized Justice and New Social Defense Doctrine	Consider the offender's social and personal circumstances, emphasizing individualization. Precedent cases determine criteria for recidivism risk. Tailored sentencing decisions promote rehabilitation and reintegration.

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[4] Milda Istiqomah and Armin Alimardani, "The Tension Between Combating Terrorism and Protecting the Right to a Fair Trial in Indonesia," *Lentera Hukum* 10, no. 1 (May 4, 2023): 1.

Table 1 gives a synopsis of the most important features of recidivism risk assessment procedures in the USA, UK, Germany, and France. National practices differ from country to country, and this includes sentencing rules and rehabilitation programs.

United States: Structured Professional Judgment and Actuarial Risk Assessment:

Both the Structured Professional Judgment (SPJ) model and the Actuarial Risk Assessment (ARA) model may be used to include recidivism risk assessment into sentencing guidelines in the United States.[5] These techniques provide judges a methodical, data-driven option for estimating an offender's propensity to reoffend, which may inform sentencing decisions. Experts in the United States use their clinical expertise with a preset risk factor set to diagnose SPJ. These experts are often psychologists or trained assessors. Common examples of the sorts of risk variables that have been established by empirical investigation include things like criminal record, employment stability, drug addiction, and social connections. When professional judgment is combined with standardized risk indicators, a more nuanced evaluation of an offender's recidivism risk is possible; this is what SPJ does. Both the expert evaluation and the indicated risk factors might be taken into account by the judge when determining the appropriate sentence. However, ARA uses statistical algorithms and predictive models to determine an offender's likelihood of recidivism. These models examine massive datasets in an effort to establish links between potential dangers and criminal activity. With the use of ARA, courts may calculate an objective risk score for an offender's likelihood of reoffending. More objectivity may be brought to the evaluation of a defendant's likelihood of reoffending by the use of ARA instruments in the sentencing process. The U.S. criminal justice system benefits greatly from the use of both SPJ and ARA, which provide judges with crucial information about an offender's rehabilitative ability and propensity for further criminal behavior. These approaches establish a standard for evidence-based sentencing procedures worldwide because of the systematic and

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[5] Catherine Garrington and Douglas P. Boer, "Structured Professional Judgement in Violence Risk Assessment," in *The Wiley Handbook of What Works in Violence Risk Management* (Wiley, 2020), 145–162.

evidence-based approach they take to integrate recidivism risk assessment into sentence choices. While this method has its origins in American law, it has much to teach nations like Indonesia that are working to reform their own sentencing policies. To provide a fair and effective evaluation of recidivism risk in suspended sentences, Indonesia must first learn the benefits and drawbacks of SPJ and ARA in order to develop a culturally appropriate method that incorporates empirical research and professional judgment.

England and Wales: Empirical Studies and Sentencing Guidelines

The introduction of recidivism risk assessment into sentencing guidelines in England and Wales is based on extensive empirical research and a well-defined process stated in legislation.[6] The system puts a premium on using available facts to make judgments, guaranteeing that all sentence choices are grounded in thorough analysis and hard numbers. The identification of risk variables for criminal conduct in England and Wales relies heavily on empirical investigations. Researchers methodically examine huge datasets, taking into account characteristics like socioeconomic status and drug addiction habits, among others. These studies give a scientific basis for comprehending the intricacies of criminal conduct by demonstrating statistically significant relationships between these parameters and recidivism. Juries depend on this research to appropriately determine an offender's recidivism probability. In England and Wales, sentencing policies are developed using data from actual cases. These rules provide judges a formulaic framework for arriving at a fair sentence by detailing the considerations that should be taken into account. The standards strike a middle ground between the seriousness of the crime and the likelihood of repeat offending. The recommendations promote a uniform and equitable approach to sentencing by using data from empirical investigations. These evidence-based guidelines help judges reach consistent outcomes across cases and countries. Research results may and should influence policy and practice, as shown by the partnership between empirical studies and sentencing guidelines in England and

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[6] John Zeleznikow, "The Benefits and Dangers of Using Machine Learning to Support Making Legal Predictions," *WIREs Data Mining and Knowledge Discovery* 13, no. 4 (July 11, 2023).

Wales. The method strikes a fine balance between customized justice and uniform sentencing results by basing sentence judgments on solid scientific data. This method guarantees courts have access to accurate information, allowing them to make choices that take into account the seriousness of the crime and the offender's likelihood of committing more crimes. A sentencing framework that is both evidence-based and culturally responsive may be achieved by the adoption of a comparable strategy that integrates empirical research with structured sentencing guidelines, as seen in Indonesia. Indonesia may improve the objectivity and fairness of its sentencing process, resulting in more equal results in instances involving suspended sentences, by investing in thorough empirical investigations and adopting guidelines that reflect the findings of these studies.

Germany: Substantive Requirements in Penal Code

Recidivism risk assessment is included into sentencing guidelines in Germany in a unique way that is based on substantive criteria from the country's Penal Code.[7] The nature of the crime and the offender's prior record are given equal weight in Germany's judicial system. The likelihood of reoffending is one factor used by judges in sentencing. Substantive conditions for suspended sentences based on jail terms are set out in Article 56 of the German Penal Code. Considerations including the nature of the conduct and the offender's prior record are among those that go into determining whether or not a suspended sentence is appropriate. The German legal system provides courts with precise rules for determining an offender's chance of reoffending by providing explicit benchmarks and criteria. The sentencing process can be trusted to be clear and consistent thanks to this methodical approach. German courts consider not only the content requirements of the Penal Code but also historical assessments and precedent cases when deciding sentences. These examples are helpful because they shed light on the elements that increase the likelihood of a person returning to prison. Judges look over precedent judgments to

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[7] Jörg-Martin Jehle et al., "Dealing with Dangerous Offenders in Europe. A Comparative Study of Provisions in England and Wales, Germany, the Netherlands, Poland and Sweden," *Criminal Law Forum* 32, no. 2 (June 7, 2021): 181–245.

identify trends and decide what factors were taken into account. German judges guarantee that sentence judgments are grounded in both legal norms and practical experience via the use of historical studies, leading to a more nuanced understanding of recidivism risk. The German method stresses the significance of legal norms and historical studies in determining the likelihood of recidivism. The German legal system provides a clear framework for judges to assess an offender's likelihood of reoffending by incorporating substantive requirements into the Penal Code and referencing precedent cases; this structured approach promotes fairness, consistency, and predictability in sentencing, aligning with the overarching goal of rehabilitation and societal reintegration.Countries like Indonesia may learn a lot about the value of well-defined legal norms and careful examination of precedent from the German model. Indonesia can make its sentencing guidelines more objective and trustworthy by adopting concrete criteria within the legal framework and learning from previous examples. A more uniform and fair method of measuring recidivism risk in situations with suspended sentences may be achieved via the implementation of defined standards and the use of historical analysis.

France: Individualized Justice and New Social Defense Doctrine

Individualized justice and the New Social Defense Doctrine underpin France's incorporation of recidivism risk assessment into sentence standards.[8] This strategy places an emphasis on individual evaluations of each offender's risk of recidivism in light of that person's specific social, personal, and criminal history. France places a premium on tailoring sentences to each offender's specific history and circumstances. The offender's social circle, profession, level of education, and state of mind are all taken into consideration by the French court system. Juries may make more informed decisions on the risk of reoffending and rehabilitation when they take the individual circumstances of each defendant into account. The New Social Defense Doctrine further highlights the importance of an individual's own assessment. This idea advocates for a broader understanding of justice

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[8] Sonia Gipson Rankin, "Technological Tethereds: Potential Impact of Untrustworthy Artificial Intelligence in Criminal Justice Risk Assessment Instruments," *SSRN Electronic Journal* (2020).

that places equal emphasis on rehabilitating offenders and allowing them to rejoin society after serving their sentences. Rehabilitative methods that enable former criminals to become productive members of society are highly valued by the French legal system. By concentrating on these characteristics, the New Social Defense Doctrine hopes to decrease recidivism and boost long-term social security. The French method places an emphasis on tailoring treatment to each individual offender, taking into consideration their background and current situation. Due to the country's focus on individualized justice and the principles of the New Social Defense Doctrine, sentencing decisions in France are fair and equitable, with a view on reducing the offender's chance of committing other crimes. Particularly applicable in nations like Indonesia, the French approach places an emphasis on the importance of personal assessments in predicting recidivism. By adopting a similar model that prioritizes the holistic evaluation of offenders and emphasizes rehabilitation, Indonesia can enhance the fairness and effectiveness of its sentencing guidelines. Implementing individualized justice principles allows for tailored interventions, ensuring that suspended sentences are not only punitive but also transformative, ultimately contributing to the rehabilitation and reintegration of offenders into society.

Challenges in Integrating Risk Assessment Tools in Indonesia's Sentencing Guidelines

The integration of risk assessment tools into Indonesia's sentencing guidelines introduces complex challenges, particularly in relation to judicial discretion and potential biases. While such tools aim to enhance fairness by providing data-driven insights into recidivism risks, their implementation risks inadvertently constraining a judge's ability to independently evaluate the unique facts of each case. This could undermine the fundamental role of judicial discretion in considering not just the offense, but the broader context of the defendant's circumstances and character.

Table 2. Challenges in Integrating Risk Assessment Tools in Indonesia's Sentencing Guidelines

Challenges	Description
Judicial Discretion	Risk assessment tools may limit judges' ability to evaluate cases independently, reducing their discretion in considering a defendant's circumstances and potential for rehabilitation.
Potential Biases	Use of factors such as race, religion, gender, and socioeconomic status in risk assessment could introduce or perpetuate bias, disproportionately affecting marginalized groups.
Ethical Concerns	Biases in risk factors challenge fairness and equality in sentencing, risking unjust outcomes for certain racial, religious, or economic groups.
Impact on Individualized Justice	Over-reliance on tools may lead to formulaic sentencing, overshadowing the personalized justice that balances punishment with rehabilitation in Indonesia's legal culture.
Technological Limitations	Indonesia's technological infrastructure may not be equipped to handle AI-based risk assessment tools, raising concerns about transparency and verifiability.
Cultural and Legal Conflicts	Risk assessment tools may clash with Indonesia's legal traditions, which separate punitive and rehabilitative measures, potentially undermining the country's legal ethos.
Transparency and Validation	Lack of clear mechanisms for validating AI algorithms risks violating due process, making it difficult to ensure that tools are both accurate and fair.
Balancing Accuracy and Fairness	The challenge remains in achieving a balance between accurate recidivism predictions and equitable treatment, as tools might unfairly penalize individuals based on statistical probabilities.

Table 2 summarizes the major challenges associated with integrating risk assessment tools into Indonesia's sentencing guidelines, emphasizing the concerns surrounding judicial discretion, biases, cultural conflicts, and ethical dilemmas.

One of the most pressing concerns is the potential for these tools to introduce biases, especially if factors such as race, religion, gender, and socioeconomic status are included in the risk assessment. In Indonesia's diverse society, reliance on these indicators could disproportionately affect marginalized groups and perpetuate existing inequalities. For instance, the use of socioeconomic status might unfairly penalize individuals from disadvantaged backgrounds, amplifying the systemic barriers they already face. Similarly, incorporating race or religion could lead to biased sentencing outcomes that conflict with Indonesia's constitutional guarantees of equality before the law.

Furthermore, while risk assessment tools may streamline the sentencing process by providing structured data, they risk overshadowing the judge's nuanced understanding of the defendant's potential for rehabilitation. Indonesia's legal culture, which balances retribution with the possibility of reform, requires a personalized approach that reflects both the crime and the individual's potential for societal reintegration. Over-reliance on statistical tools could shift the focus away from this balance, reducing the sentencing process to a formulaic exercise and eroding the personalized justice that is key to the Indonesian legal ethos.

Ethical concerns surrounding the transparency and verifiability of AI-based risk assessment models further complicate their adoption. Without clear mechanisms for validating these tools, there is a risk of undermining due process and fairness. Additionally, Indonesia's current technological infrastructure may not be equipped to support the sophisticated systems required for these models, raising questions about the feasibility of their implementation.

In light of these concerns, the integration of risk assessment tools must be approached with caution. It is essential to ensure that their use does not overshadow judicial discretion or introduce bias into the sentencing process. Risk assessment tools should be adapted to Indonesia's unique legal and cultural context, with a focus on transparency, fairness, and equity. Only through careful consideration and localized adjustments can these tools contribute to a justice system that upholds the principles of equality, fairness, and individualized justice.

The direct integration of risk assessment tools into Indonesia's sentencing guidelines presents multifaceted challenges rooted in the country's legal system, cultural norms, and societal expectations.[9] While risk assessment tools have proven effective in other jurisdictions, several obstacles hinder their seamless implementation within the Indonesian context. Indonesia's legal framework strictly delineates between punishment and rehabilitation, reflecting cultural and societal values. Risk assessment tools, often designed to bridge this gap by individualizing rehabilitation programs, pose a potential conflict. The dichotomy between punitive measures and rehabilitation complicates the integration of tools that straddle these categories, raising questions about the alignment of foreign methodologies with Indonesia's legal ethos. The use of risk assessment factors such as race, gender, and socioeconomic status in some tools raises ethical concerns, particularly in the context of Indonesia's diverse population. Incorporating these variables may inadvertently introduce bias into sentencing decisions, challenging the principles of fairness and equality. Addressing these biases while preserving the accuracy and effectiveness of the tools presents a significant ethical dilemma. Many contemporary risk assessment tools utilize artificial intelligence algorithms, raising concerns about the transparency and verifiability of these complex systems. In the absence of clear mechanisms for validating the results generated by these algorithms, the risk of violating due process principles becomes a substantial barrier. Additionally, Indonesia's technological infrastructure may not be fully equipped to support the implementation of advanced AI-based tools, further complicating their integration. The trade-off between accuracy and fairness in risk assessment tools remains unresolved. While these tools aim to enhance precision in predicting recidivism, the risk of unfairly penalizing individuals based on statistical probabilities exists. Striking a balance between accurate predictions and ensuring equitable treatment for offenders presents a significant challenge that requires careful consideration and fine-tuning. Navigating these challenges demands a nuanced approach that respects Indonesia's legal traditions and societal values while incorporating the benefits of risk assessment

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[9] Iskandarsyah Siregar and Aziz Rahimy, "A Normative Analysis of Juvenile Sentencing Laws in Indonesia: Reconciling Justice, Rehabilitation, and Victim Redress," *Polit Journal Scientific Journal of Politics* 3, no. 3 (September 2, 2023): 160–169.

methodologies. The integration of these tools necessitates not only adapting foreign models to align with local contexts but also addressing ethical concerns, ensuring transparency, and striking a delicate balance between individualized justice and societal fairness. Developing culturally sensitive risk assessment strategies that account for Indonesia's unique legal landscape is imperative to overcoming these challenges and achieving a balanced, effective, and ethical integration of risk assessment tools into the country's sentencing guidelines.

The integration of risk assessment tools in Indonesia's sentencing guidelines encounters a fundamental conflict with the country's legal system, which staunchly distinguishes between punitive measures and rehabilitation efforts.[10] In Indonesian jurisprudence, the approach to criminal justice reflects a balance between societal retribution and the offender's potential for reform. The introduction of foreign risk assessment methodologies, often designed to bridge this divide, raises concerns about aligning these methods with Indonesia's deeply ingrained legal ethos. At the heart of this conflict lies the tension between punitive punishment and individualized rehabilitation. Risk assessment tools, typically tailored to formulate personalized rehabilitation programs, blur the lines between these distinct approaches. Indonesian legal traditions, influenced by cultural and societal norms, emphasize retribution as a means of societal justice. Integrating tools designed to prioritize rehabilitation may be perceived as diluting the punitive aspects of sentencing, challenging established beliefs about justice and accountability. Additionally, Indonesia's legal system places a premium on maintaining a delicate balance between the offender's accountability and the potential for redemption. Sentencing decisions reflect this equilibrium, seeking to punish while leaving room for an individual's reformation. Risk assessment tools, which often emphasize rehabilitation-oriented measures, may disrupt this balance, leading to apprehension about the dilution of punitive consequences and societal justice. Furthermore, the conflict with the Indonesian legal system extends to the question of legal authenticity. Risk assessment tools, primarily developed in different cultural and legal contexts, may

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[10] Marie Juul Petersen, *Promoting Freedom of Religion or Belief and Gender Equality in The Context of The Sustainable Development Goals: A Focus on Access to Justice, Education and Health Reflections from The 2019 Expert Consultation Process* (The Danish Institute for Human Rights, 2020).

not seamlessly align with Indonesia's unique societal fabric. The transplantation of these tools without careful consideration may result in a discordant legal landscape, challenging the authenticity and applicability of the sentencing guidelines within Indonesia's specific sociocultural context. Addressing this conflict necessitates a meticulous examination of Indonesia's legal traditions and values. Balancing the aspiration for evidence-based sentencing with the preservation of Indonesia's legal identity requires a thoughtful approach. The integration of risk assessment tools must be harmonized with the country's existing legal ethos, ensuring that foreign methodologies are adapted and customized to resonate with Indonesia's distinct principles of justice and societal harmony. Striking this balance is crucial for the successful integration of risk assessment tools into Indonesia's sentencing guidelines, fostering a legal system that is both culturally resonant and informed by contemporary best practices.

The integration of risk assessment tools into Indonesia's sentencing guidelines raises critical ethical concerns, particularly concerning the potential introduction of bias into the criminal justice system.[11] Many existing risk assessment models incorporate variables such as race, gender, and socioeconomic status. Implementing tools that consider these factors may inadvertently perpetuate societal biases and prejudices, thereby undermining the fundamental principles of fairness and equality. Including race and gender as risk assessment factors can lead to biased outcomes, disproportionately affecting marginalized communities. The overrepresentation of certain racial or gender groups in historical crime data might inadvertently reinforce stereotypes, resulting in unjust sentencing disparities. These biases directly contradict the principle of equal treatment under the law, challenging the ethical foundation of the criminal justice system. Considering socioeconomic status as a risk factor can introduce economic bias into sentencing decisions. Individuals from disadvantaged economic backgrounds may face systemic barriers to accessing education, employment, and social support, influencing their likelihood of criminal involvement. Using socioeconomic status as a risk assessment variable risks penalizing individuals for circumstances beyond their control,

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[11] Panca Sarjana Putra et al., "Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System," *Kosmik Hukum* 23, no. 3 (August 15, 2023): 233.

perpetuating social inequities and violating principles of fairness. The intersectionality of multiple factors, such as race, gender, and socioeconomic status, creates complex, compounded biases. Offenders belonging to marginalized communities may experience amplified biases due to the convergence of multiple risk factors. Addressing these intersectional biases presents a significant ethical challenge, as risk assessment tools might inadvertently reinforce existing disparities, leading to inequitable outcomes for individuals at the intersection of various marginalized identities. To address these ethical concerns, any integration of risk assessment tools in Indonesia's sentencing guidelines must prioritize fairness, transparency, and social equity. Ethical guidelines should be established to ensure that risk assessment models are thoroughly vetted for biases. Additionally, the legal system should promote diversity and inclusion in the development and validation of these tools, actively involving experts from various backgrounds to mitigate biases and ensure a comprehensive understanding of the societal nuances at play. Striking a balance between the advantages of risk assessment tools and the ethical imperative of fairness requires meticulous scrutiny and thoughtful policymaking. By actively addressing these ethical and bias concerns, Indonesia can navigate the complexities of integrating risk assessment tools while upholding the principles of justice, equality, and social equity within its criminal justice system.

Factors Influencing Sentencing and Existing Guidelines in Indonesia

Examination of Current Sentencing Guidelines in Indonesia

Examining the existing sentencing guidelines in Indonesia is pivotal to understanding the context in which risk assessment integration must occur.[12] Indonesia's legal system, influenced by cultural and historical factors, shapes the sentencing process. Presently, the Indonesian Criminal Act does not explicitly outline the goals of sentencing. However, a sentence is expected to be proportionate to the offender's degree of responsibility, aligned with the Criminal Act and precedents set by the Supreme Court.

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[12] Cecep Mustafa, "The Challenges to Improving Public Services and Judicial Operations," 2021, 117–132.

Table 3. Factors Influencing Sentencing and Existing Guidelines in Indonesia

Factors	Description
Existing Sentencing Guidelines	Sentencing in Indonesia is guided by the Criminal Act and precedents, focusing on crime prevention, societal reintegration, and deterrence while balancing punishment and rehabilitation.
Lack of Standardized Risk Assessment	Indonesia lacks a comprehensive approach to assess recidivism risk, leading to subjective sentencing decisions without standardized criteria for suspended sentences and recidivism risk.
Role of Judicial Precedents	Judges rely heavily on precedents and personal interpretation for sentencing, which may result in inconsistent decisions due to the absence of risk assessment guidelines.
Personalized Sentencing Approach	Judges consider external factors like the offender's remorse and rehabilitation potential, but without formal risk assessment methods, this can lead to subjective and varied outcomes.
Absence of Systematic Recidivism Evaluation	The lack of evidence-based, standardized methods for assessing recidivism risk results in inconsistencies, and current data collection is insufficient to inform sentencing practices.
Limitations of Pre-sentence Investigations	Pre-sentence investigations are often limited by outdated information, lack of expertise in risk assessment, regional inconsistencies, and insufficient focus on rehabilitation factors.
Need for Systematic Risk Assessment	To ensure fair and consistent sentencing, Indonesia must develop and implement systematic, culturally-sensitive, and data-driven recidivism risk assessment tools.

Table 3 summarizes the key factors influencing sentencing and the current limitations within Indonesia's legal framework, emphasizing the need for standardized risk assessment and improved pre-sentence investigations.

Indonesia's sentencing guidelines emphasize crime prevention while seeking a balance between punishment and rehabilitation. The

objective is to encourage societal reintegration and deterrence, reflecting a holistic approach to justice. Current guidelines aim to rehabilitate offenders, acknowledging the potential for transformation and reformation. One significant challenge lies in the absence of standardized guidelines around risk assessment for suspended sentences. While certain conditions for suspended sentences are outlined based on the type of offense, a lack of comprehensive risk assessment criteria results in subjective sentencing decisions. It may be difficult for courts to make consistent and fair decisions without established rules on recidivism risk. When deciding on a sentence that takes recidivism into account, precedent cases are quite helpful. In order to understand what circumstances contribute to recidivism, judges look to case histories. Judgments significantly depend on the judge's interpretation of these precedents, yet the lack of standardized risk assessment techniques may lead to discrepancies. External elements, such as the offender's remorse, social background, and rehabilitation ability, may be taken into account by judges at their discretion. While this personalized approach is in line with restorative justice concepts, it may lead to varying and even subjective assessments in the absence of formal risk assessment methods. To properly use risk assessment techniques, it is essential to grasp these nuanced aspects of the present sentencing rules. It stresses the need of utilizing standardized, culturally-sensitive, and data-driven measures of recidivism risk. Building on the present framework and addressing the problems associated with subjective judgments, Indonesia may create a more fair, consistent, and transparent sentencing mechanism that is in keeping with both global best practices and its own legal and cultural setting.

Absence of Systematic Approach to Recidivism Risk

Indonesia's existing punishment system suffers from a lack of uniformity in how the offender's future criminal propensities are estimated.[13] In Indonesia, evaluating the likelihood of recidivism is complicated by a lack of readily available standardized, evidence-based approaches. The absence of a unified method for evaluating risk causes issues in the sentencing process.   Potentially helpful in Indonesia are recidivism prediction models that take into account a person's level of

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[13] Paul H. Robinson, *Criminal Law's Core Principles*, vol. 14 (U of Penn Law School, Public Law Research Paper No. 21-09, 2022).

education, employment, and social links. Without such data, it is hard to provide an unbiased estimate of a criminal's likelihood of rehabilitation or recidivism. Since there are no standard ways for evaluating risk, judges must rely on their own intuition, past experiences, and understanding of the law. The subjective nature of sentencing makes it difficult to achieve justice for all parties involved, since there may be anomalies and disparities in punishment judgments. The absence of comprehensive risk assessment techniques limits recidivism data and the outcomes of research in Indonesia. Unfortunately, the gains that may be applied to sentence choice due to the lack of a systematic way to evaluate this data are minimal at best. Recidivism risk assessments for ex-offenders should be conducted on a more frequent basis. A comprehensive assessment of each offender is necessary in order to develop a rehabilitation strategy that takes into account their unique strengths and weaknesses. The criminal justice system in Indonesia needs to take recidivism risk assessment more seriously. Sentencing judgments may be more objective and consistent if they were based on evidence-based risk assessment approaches. The potential of recidivism should be included into sentence decisions in Indonesia, hence the country has to develop and apply systematic risk assessment methodologies.

Limitations of Pre-sentence Investigations

Although pre-sentence investigations are crucial, they are severely limited under Indonesian legislation.[14] There are a number of obstacles that lessen the usefulness and influence of these investigations on sentencing choices, despite the fact that they are intended to give vital insights into an offender's past and circumstances. It is very uncommon for pre-sentence investigations to be hampered by a lack of complete and current information on a criminal's background, connections, and habits. Gathering the comprehensive data required for an accurate evaluation of recidivism risk is hampered by a lack of resources and data-sharing systems. Judges have difficulty making educated choices on an offender's recidivism risk in the absence of complete evidence. It's possible that pre-sentence investigators lack the particular expertise

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[14] Yuli Wulandari, "The Impact Of Legal And Extra-Legal Factors On Severity Of Judges Sentencing Regarding Narcotics Offenders," Jurnal Hukum dan Peradilan 11, no. 2 (July 31, 2022): 219.

in risk assessment approaches needed to accomplish their jobs effectively. Investigators may have trouble correctly identifying significant risk variables without familiarity with the subtleties of recidivism analysis. Investigators must have the proper training and engage in continuing professional development to accurately assess a criminal's likelihood of rehabilitation and return to criminal behavior. In Indonesia, pre-sentence investigations are not always carried out consistently throughout areas and courts. Disparities in sentencing choices may result from variations in the thoroughness and quality of these investigations. Concerns regarding the justice and consistency of the sentencing process are raised when there are discrepancies. The rehabilitation-related elements, such as the offender's access to education, vocational training, and mental health care, are typically overlooked in pre-sentence investigations, which instead focus on gathering information on the crime itself. Judges may not be able to come up with the most appropriate sentence decisions without a thorough grasp of an offender's prospects for rehabilitation. Improving the precision and fairness of sentencing judgments in Indonesia requires addressing the shortcomings of pre-sentence investigations. Investigators can obtain useful information more efficiently if they have access to adequate training and resources, and if they follow established procedures for conducting investigations. If judges are provided with thorough information regarding an offender's rehabilitation requirements, they will be better equipped to make choices that benefit the offender's rehabilitation and public safety. Indonesia may get closer to a fair and evidence-based sentencing procedure by bolstering pre-sentence investigations.

Proposed Revisions and Recommendations
Tailored Risk Factor Criteria for Indonesian Context

It is crucial to account for Indonesia's specific criminal environment while developing risk factor criteria for the Indonesian setting.[15] An important suggestion is to include "Records of Juvenile Detentions" as a separate risk factor when calculating an offender's recidivism probability. Insights on a person's early criminal tendencies

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[15] Cecep Mustafa, "The Influence of Sunni Islamic Values on Rehabilitation as Judicial Decision for Minor Drug Users in Indonesian Court," *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan* 20, no. 1 (June 10, 2020): 79–96.

and behavioral patterns may be gained from their time spent in juvenile detention.

Table 4. Proposed Revisions and Recommendations

Proposed Revisions/Recommendations	Description
Tailored Risk Factor Criteria	Introduce "Records of Juvenile Detentions" as a distinct risk factor, recognizing early criminal behavior. Create standardized procedures for reviewing juvenile records and offering targeted rehabilitation efforts.
Age-related Factors in Sexual Offenses	Refine risk assessments by considering the offender's age at the time of the first offense and their current age in sexual offenses against children, enabling better evaluation of recidivism risks and more tailored rehabilitation strategies.
Definitions of Alcoholism, Drug Addiction, and Social Relationships	Refine definitions for clearer identification of offenders' substance abuse and social connections, ensuring accurate and consistent risk assessments that guide appropriate rehabilitation efforts.
Comprehensive Pre-sentence Investigations	Enhance pre-sentence investigations by focusing on recidivism risk factors like criminal history, education, family dynamics, and mental health, providing judges with a more comprehensive view of offenders' rehabilitation potential.
Role of Court Investigators	Empower court investigators with specialized training and multidisciplinary collaboration for more detailed and accurate offender risk profiles.
Computerized Pre-sentence Reports	Implement digital pre-sentence reports with AI-assisted data analysis for consistent, transparent, and evidence-based sentencing, while ensuring privacy and ongoing system improvements through feedback mechanisms.
Ongoing Research and Training Programs	Establish continuous research on recidivism and risk assessment methodologies, and invest in training programs for legal professionals on AI tools, cultural sensitivity, and offender rehabilitation strategies, ensuring the justice system remains adaptable and informed by the latest evidence.

Table 4 highlights key revisions and recommendations for improving risk assessment and sentencing in Indonesia's justice system, emphasizing tailored approaches, enhanced investigations, and the integration of technology.

The inclusion of this criteria recognizes the fact that juvenile delinquency may be a precursor to adult criminality. By identifying those who have been detained as juveniles, the criminal justice system can provide the appropriate help and treatment to reduce the likelihood of reoffending. It is crucial to have a uniform procedure for reviewing juvenile detention records. The accuracy and accessibility of these data depend on cooperation between law enforcement, juvenile justice institutions, and the court. Juvenile detention records may be effectively interpreted in the context of sentence judgments with the help of specialized training for judges and court investigators. Incorporating records of juvenile detentions as a risk factor promotes early intervention and targeted rehabilitation efforts. By identifying individuals with a history of juvenile offenses, the justice system can implement preventive measures, such as counseling, mentorship programs, and educational support, aimed at addressing the root causes of criminal behavior. This proactive approach not only enhances the potential for successful rehabilitation but also contributes to the overall reduction of recidivism rates in the long term. Incorporating specific risk factors like records of juvenile detentions into the risk assessment process represents a culturally relevant and context-specific approach. By recognizing the significance of early criminal involvement, Indonesia can enhance the accuracy of its risk assessments, leading to more effective and individualized sentencing decisions, ultimately fostering a safer and more rehabilitative society.

Addressing age-related factors in sexual offenses against children is paramount in the context of risk assessment within the Indonesian criminal justice system.[16] A critical proposal involves refining risk assessment criteria concerning the age of offenders when committing their first sexual offense and their current age in cases related to offenses against children. Recognizing the age of offenders at the time of their first sexual offense and their current age in cases involving child victims

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[16] Jamal Hi Arsad and Faisal Faisal, "The Rights of Women and Children Victims of Rapes: Study at Ternate Resort Police," *International Journal of Social Science Research and Review* 5, no. 10 (October 7, 2022): 359–371.

offers nuanced insights into recidivism risk. Offenders who committed sexual offenses at a young age might have a different risk profile than those who offend later in life. Similar to understanding the capacity for rehabilitation and risk of repeat crimes, knowing the present age of offenders offers context for these factors. The likelihood of juvenile offenders committing repeat offenses may be more accurately assessed if risk assessments are tailored according to these age-related considerations. It is crucial to lay out explicit standards that identify distinct age groups and their associated risk profiles. Legal professionals, psychologists, and child protection experts should work together to establish these recommendations. In order to properly evaluate and utilize these age-related risk factors during sentence hearings, judges and court investigators need to obtain specific training. To ensure that sentence choices are based on a detailed knowledge of an offender's background and capacity for rehabilitation, it is important to consider the offender's age as part of the risk assessment process. The age of the criminal at the time of the first crime, as well as the offender's current age, allows the court system to better target rehabilitation and support services. This method promotes a more educated and effective reaction to sexual assaults against minors, which benefits both offenders' rehabilitation and the protection of victims. Indonesia should improve its approach to sentencing instances involving sexual crimes against minors by including age-related considerations in the risk assessment criteria. The criminal justice system can develop more targeted and effective rehabilitation initiatives thanks to this customized assessment, which takes into account the nuanced nature of offender profiles.

Refining the definitions for alcoholism, drug addiction, and social relationships is critical to a nuanced risk assessment process within the Indonesian criminal justice system.[17] Clear and context-specific definitions are essential to accurately identify these risk factors and design targeted interventions for offenders. Alcoholism and Drug Addiction: Ambiguities in defining alcoholism and drug addiction can lead to inconsistent evaluations of an offender's substance abuse history. Clear definitions, encompassing both clinical and behavioral

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[17] Jake Lang, Emily Mendenhall, and Adam D. Koon, "Disentangling Opioids-Related Overdose Syndemics: A Scoping Review," *International Journal of Drug Policy* 119 (September 2023): 104152.

aspects, enable accurate identification of individuals struggling with addiction. A refined definition ensures that offenders with substance abuse issues receive appropriate rehabilitation support. The nature and quality of an offender's social relationships profoundly impact their potential for reintegration and risk of recidivism. Family ties, friendships, and ties to the larger community are all important components of what we mean by "social relationships." Insights regarding an offender's support network and the likelihood of effective rehabilitation may be gained by assessing the breadth and durability of their social links. Accurate and culturally appropriate definitions of alcoholism, drug addiction, and social interactions need the combined efforts of psychologists, sociologists, and addiction experts. To ensure that these criteria are consistently used throughout sentence hearings, they should be included into training programs for judges and court investigators. By spreading information about these more nuanced definitions, public awareness campaigns may help people have more compassion for those who are battling addiction. Judges are better able to make choices that are customized to an offender's individual requirements when they have access to clear and updated definitions that improve the accuracy of risk assessments. The court system may promote individualized treatments, such counseling and therapy, as well as community support groups, by accurately recognizing alcoholism, drug addiction, and the dynamics of social interactions. These programs are effective because they target the underlying reasons of criminal conduct, which in turn encourages recovery and decreases recidivism. An essential first step toward a more accurate and efficient risk assessment procedure in Indonesia is the refinement of terminology for alcoholism, drug addiction, and social interactions. With such precise standards in place, the criminal justice system is better able to provide individualized treatment plans that boost the chances of offenders' successful reintegration into society while protecting the public from the dangers of recidivism.

Comprehensive Implementation of Pre-sentence Investigations

Delineating key elements that must be examined during pre-sentence investigations within the Indonesian context is vital for ensuring the success of these investigations and providing a solid basis

for risk assessment. Recidivism risk may be effectively assessed by looking at a criminal's background, which includes their convictions, the severity of their crimes, and their patterns of criminal conduct.[18] Detailed offense information, such as modus operandi and victim impact, aids in understanding the nature of the crime and potential escalation risks. An individual's educational background, employment history, and financial stability offer valuable context. Education level can indicate access to resources and opportunities, while employment and financial stability are indicators of an offender's ability to reintegrate into society successfully. Identifying employment prospects and financial stability assists in planning tailored rehabilitation programs. Investigating an offender's family dynamics, support systems, and social relationships is crucial. Positive family and social connections can act as protective factors, supporting an individual's rehabilitation efforts. Conversely, strained relationships or lack of support may pose challenges to reintegration. Understanding these dynamics informs the development of targeted support networks. Assessing an offender's mental health history, including diagnoses and treatments, is essential. Similarly, investigating substance abuse patterns and treatment history provides critical information. These factors contribute significantly to an individual's risk profile, guiding the implementation of appropriate therapeutic interventions and counseling. Observing an offender's behavior during the investigation, including cooperation, remorse, and willingness to engage in rehabilitation, provides qualitative insights. Assessing attitude and behavioral patterns aids in gauging an individual's receptiveness to intervention programs and their potential for successful reformation. Identifying an offender's involvement in community activities, as well as their access to support services such as counseling, vocational training, and mentorship programs, is crucial. Active community engagement and utilization of support services enhance an individual's chances of successful rehabilitation and community reintegration. Indonesia may build a solid basis for risk assessment if pre-sentence investigations include careful consideration of all of these elements. By taking such a comprehensive view, we can be confident that sentencing judgments are grounded in a fuller comprehension of each offender's history, current conduct, and

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[18] Esther FJC Van Ginneken, "The Use of Risk Assessment in Sentencing," in *Predictive Sentencing* (Hart Publishing, 2019).

capacity for rehabilitation, and so create more effective, customized treatments.

Court investigators play a crucial role in pre-sentence investigations, serving as a link between the criminal justice system and the defendant's background.[19] Defining and empowering the role of court investigators in the risk assessment process within the Indonesian context is crucial to improving the efficiency of these investigations.Expertise in risk assessment techniques, criminal psychology, and social work are all areas that might benefit judicial investigators. With this knowledge, police may make an informed decision on whether or not to rehabilitate a criminal. Researchers may make sure they are familiar with the most recent findings and best practices in the area by engaging in continuous professional development. It is essential for judicial investigators to work with professionals from many fields, such as psychologists, sociologists, addiction specialists, and educators. Incorporating many expert fields into one evaluation is a strength of multidisciplinary teams. Consultations with these specialists on a regular basis enable investigators to dive into the finer points of a criminal's profile, resulting in a more thorough assessment. Criminal background, job, mental health, drug misuse, social connections, and community engagement are just some of the factors that investigators should gather and examine thoroughly. When gathering information, it's best to follow established protocols and use clear criteria to guarantee accuracy and thoroughness. Patterns and correlations may be revealed by sophisticated data analysis methods, improving the reliability of risk evaluations. Court investigators need to have cultural awareness and compassion for their clients. Trust and rapport with criminals can only be established via an understanding of the cultural subtleties and social dynamics inside different cultures. Offenders are more likely to provide pertinent information when they feel heard and understood, allowing for a more accurate evaluation of their situation and rehabilitation prospects. Researchers should provide detailed summaries of their results that include everything from contextual details and risk variables to proposed interventions. It is important that the material in these reports

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[19] Dasha Pruss, "Ghosting the Machine: Judicial Resistance to a Recidivism Risk Assessment Instrument," in *2023 ACM Conference on Fairness, Accountability, and Transparency* (New York, NY, USA: ACM, 2023), 312–323.

be presented clearly and concisely so that judges may use it effectively during sentence hearings. Open reporting increases public trust in the justice system and allows citizens to make well-informed decisions. Indonesia can improve the quality of pre-sentence investigations by providing investigators with specialized training, multidisciplinary teamwork, detailed data analysis, cultural sensitivity, and clear reporting rules. With the help of a knowledgeable and competent team of investigators, courts may make sentencing choices that are fair, evidence-based, and tailored to each particular offender.

Utilization of Computerized Pre-sentence Reports and Sentencing Guidelines Table

Utilizing technology in the form of computerized pre-sentence reports and a sentencing guidelines table is paramount to enhancing the efficiency, consistency, and transparency of the risk assessment and sentencing process within the Indonesian criminal justice system.[20] Investing in the development of computerized pre-sentence reports allows for systematic data collection, analysis, and presentation. These reports, generated through secure and user-friendly software, streamline the information-gathering process for court investigators. Patterns and risk factors may be uncovered by automated data analysis technologies, providing judges with invaluable information. In addition, digital reports allow for encrypted data storage, which upholds privacy and complies with privacy standards. By including risk assessment elements into a sentencing guidelines table, the procedure may be standardized. The table should include the relevant risk variables, the relative importance of each component, and the suggested sentence outcomes for different risk categories. This table may be used in sentencing hearings so that judges can make consistent and fair judgments. The guidelines table acts as a reference point, aligning judicial judgments with evidence-based practices and societal expectations. Integrate AI algorithms for data analysis within the computerized pre-sentence reports. Large datasets, intricate relationships, and prediction models for recidivism risk may all be processed quickly and accurately by AI. While human judgment remains essential, AI-supported insights

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[20] Mirko Bagaric et al., *The Solution to the Pervasive Bias and Discrimination in the Criminal Justice: Transparent Artificial Intelligence*, March 2021.

provide valuable supplementary information, enhancing the overall accuracy of risk assessments. Transparency and accountability in AI algorithms should be ensured, with regular audits and evaluations conducted to mitigate biases. Comprehensive training programs should be established to familiarize judges and court investigators with the computerized pre-sentence reports and the sentencing guidelines table. Training should cover data interpretation, understanding AI-generated insights, and ethical considerations related to technology use. Judges and investigators should be proficient in utilizing these digital tools to make informed, evidence-based decisions. Implement feedback mechanisms within the digital systems. Judges and investigators should provide feedback on the effectiveness and accuracy of the computerized reports and guidelines table. Regular evaluations and iterative improvements based on user feedback ensure that the technology evolves to meet the specific needs of the Indonesian legal system. By incorporating computerized pre-sentence reports, a sentencing guidelines table, and AI algorithms into the risk assessment and sentencing process, Indonesia can establish a technologically advanced, transparent, and accountable criminal justice system. This integration enhances the accuracy of risk assessments, promotes consistency in sentencing decisions, and fosters public trust in the legal system's ability to make fair and evidence-based judgments.

Need for Ongoing Research and Training Programs

The dynamic nature of criminal behavior and the evolving landscape of rehabilitation strategies necessitate continuous research and training initiatives within the Indonesian criminal justice system.[21] Ongoing research and targeted training programs are essential to adapting to new challenges, refining risk assessment methodologies, and ensuring the effectiveness of sentencing guidelines. Establish dedicated research programs focusing on recidivism patterns, offender rehabilitation, and the impact of various interventions. These initiatives should be conducted in collaboration with academic institutions, psychologists, sociologists, and legal experts. Research findings should inform policy decisions, ensuring that sentencing guidelines remain

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[21] Rita Komalasari, Nurhayati Nurhayati, and Cecep Mustafa, "Professional Education and Training in Indonesia," 2022, 125–138.

aligned with the latest empirical evidence. Regular surveys and data analysis can identify emerging trends, enabling proactive adjustments in risk assessment criteria. Invest in research to develop advanced risk assessment tools that incorporate cutting-edge technologies such as machine learning and predictive analytics. These tools can analyze vast datasets, identify subtle patterns, and enhance the accuracy of risk predictions. Collaborate with technology experts to create secure and transparent AI algorithms that supplement human judgment without introducing biases. Regular validation studies should be conducted to assess the predictive power and fairness of these tools. Design comprehensive training programs focusing on the use of advanced risk assessment tools, interpretation of research findings, and ethical considerations related to technology integration. Judges and court investigators should be equipped with the skills to critically evaluate AI-generated insights, ensuring that human judgment remains central to the decision-making process. Training should also emphasize cultural sensitivity, understanding diverse offender backgrounds, and the nuances of rehabilitation strategies. Foster collaboration between legal professionals, psychologists, social workers, and technology experts. Interdisciplinary workshops and seminars create a platform for knowledge exchange and innovative problem-solving. Encourage dialogue between these diverse fields to explore holistic approaches to offender rehabilitation. Cross-disciplinary collaboration enriches the understanding of complex issues and leads to more nuanced and effective interventions. Institute mandatory continuous professional development programs for judges, court investigators, and legal professionals. Regular workshops, seminars, and conferences keep professionals updated with the latest research findings, legal precedents, and technological advancements. Professional development ensures that the criminal justice system remains adaptive and responsive to evolving societal needs and offender profiles. By prioritizing ongoing research initiatives and comprehensive training programs, Indonesia can establish a robust framework for continuous improvement in its risk assessment and sentencing processes. These efforts ensure that the criminal justice system remains evidence-based, adaptable, and equitable, ultimately contributing to the rehabilitation of offenders and the safety of society.

Conclusion

In conclusion, the proposed reforms hold significant potential to transform Indonesia's criminal justice system into one that is more equitable and rehabilitative. By integrating recidivism risk assessment into sentencing, Indonesia can better address the unique sociocultural factors that contribute to repeat offenses. A clearer definition of recidivism, tailored to Indonesia's context, will guide judges in making more informed and fair sentencing decisions. This framework calls for the identification of specific risk factors—such as an individual's criminal history, socio-economic background, and the nature of their offense—that can serve as consistent benchmarks in the sentencing process. The study underscores the importance of pre-sentence investigations, providing judges with a full picture of an offender's behavior and circumstances, allowing for more precise and fair judgments. By fostering continued discussion, collaboration with stakeholders, and a commitment to research, Indonesia can build a justice system that prioritizes both accountability and rehabilitation. This forward-thinking approach will not only strengthen the legal system but also contribute to a safer and more just society where offenders are given the opportunity for genuine reintegration.

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Bibliography

Applegarth DM, Lewis RA, Rief RM. Imperfect Tools: A Research Note on Developing, Applying, and Increasing Understanding of Criminal Justice Risk Assessments. *Criminal Justice Policy Review.* 2023 Jun 1:08874034231180505. https://doi.org/10.1177/08874034231180505

Arsad JH, Faisal F. The Rights of Women and Children Victims of Rapes: Study at Ternate Resort Police. *International Journal of Social Science Research and Review.* 2022 Oct 7;5(10):359-71. https://doi.org/10.47814/ijssrr.v5i10.635

Bagaric M, Svilar J, Bull M, Hunter D, Stobbs N. The solution to the pervasive bias and discrimination in the criminal justice system:

transparent and fair artificial intelligence. Am. Crim. L. Rev.. 2022;59:95.

Garrington C, Boer DP. Structured professional judgment in violence risk assessment. *The Wiley Handbook of What Works in Violence Risk Management: Theory, Research and Practice*. 2020 Jan 24:145-62. https://doi.org/10.1002/9781119315933.ch7

Gipson Rankin SM. Technological tethereds: potential impact of untrustworthy artificial intelligence in criminal justice risk assessment instruments. *Wash. & Lee L. Rev..* 2021;78:647. https://doi.org/10.2139/ssrn.3662761

Istiqomah M, Alimardani A. The Tension Between Combating Terrorism and Protecting the Right to a Fair Trial in Indonesia. *Lentera Hukum.* 2023 May 4;10(1). https://doi.org/10.19184/ejlh.v10i1.37197

Jehle JM, Lewis C, Nagtegaal M, Palmowski N, Pyrcak-Górowska M, van der Wolf M, Zila J. Dealing with dangerous offenders in Europe. A comparative study of provisions in England and Wales, Germany, the Netherlands, Poland and Sweden. *InCriminal Law Forum* 2021 Jun (Vol. 32, pp. 181-245). Springer Netherlands. https://doi.org/10.1007/s10609-020-09411-z

Komalasari R, Nurhayati N, Mustafa C. Professional Education and Training in Indonesia. *In Public Affairs Education and Training in the 21st Century 2022* (pp. 125-138). IGI Global. https://doi.org/10.4018/978-1-7998-8243-5.ch008

Lang J, Mendenhall E, Koon AD. Disentangling opioids-related overdose syndemics a scoping review. *International Journal of Drug Policy.* 2023 Sep 1;119:104152. https://doi.org/10.1016/j.drugpo.2023.104152

Masyhar A, Murtadho A, Sabri AZ. The Driving Factors for Recidivism of Former Terrorism Convicts in Socio-Legal Perspective. *Journal of Indonesian Legal Studies.* 2023 May 31;8(1). https://doi.org/10.15294/jils.v8i1.69445

Mustafa C. The Challenges to Improving Public Services and Judicial Operations: A unique balance between pursuing justice and public service in Indonesia. In *Handbook of research on global challenges for*

improving public services and government operations 2021 (pp. 117-132). IGI Global. https://doi.org/10.4018/978-1-7998-4978-0.ch007

Mustafa C. The influence of Sunni Islamic values on rehabilitation as judicial decision for minor drug users in Indonesian court. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*. 2020 Jun 10;20(1):79-96. https://doi.org/10.18326/ijtihad.v20i1.79-96

Nnam MU, Obiefuna O, Eni O, Nwakanma EU, Offu P, Effiong JE, Okechukwu GP, Otu MS. Why we break the law and relapse: Exploring the societal factor-recidivism nexus among selected inmates in a custodial center. *Journal of Forensic Psychology Research and Practice*. 2023 Sep 2:1-24. https://doi.org/10.1080/24732850.2023.2249444

Petersen MJ. Promoting Freedom of Religion or Belief and Gender Equality in The Context of The Sustainable Development Goals: *A Focus on Access to Justice, Education and Health Reflections from* The 2019 Expert Consultation Process.

Pruss D. Ghosting the Machine: Judicial Resistance to a Recidivism Risk Assessment Instrument. In *Proceedings of the 2023 ACM Conference on Fairness, Accountability, and Transparency* 2023 Jun 12 (pp. 312-323). https://doi.org/10.1145/3593013.3593999

Putra PS, Fernando ZJ, Nunna BP, Anggriawan R. Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System. *Kosmik Hukum*. 2023 Sep 1;23(3):233-47.
https://doi.org/10.30595/kosmikhukum.v23i3.18711

Robinson PH. *Criminal Law's Core Principles*. Wash. U. Jurisprudence Rev.. 2021;14:153.

Siregar I, Rahimy A. A Normative Analysis of Juvenile Sentencing Laws in Indonesia: Reconciling Justice, Rehabilitation, and Victim Redress. *Polit Journal*. 2023 Sep 2;3(3):160-9.

Van Ginneken EF, de Keijser JW, Roberts JV, Ryberg J. The use of risk assessment in sentencing. *Risk and Sentencing: Ethical and Empirical Perspectives*. 2019. https://doi.org/10.5040/9781509921447.ch-002

Wulandari Y. The Impact Of Legal And Extra-Legal Factors On Severity Of Judges Sentencing Regarding Narcotics Offenders.

Jurnal Hukum dan Peradilan. 2022 Jul 31;11(2):219-56. https://doi.org/10.25216/jhp.11.2.2022.219-256

Zeleznikow J. *The benefits and dangers of using machine learning to support making legal predictions.* Wiley Interdisciplinary Reviews: Data Mining and Knowledge Discovery. 2023 May 11:e1505. https://doi.org/10.1002/widm.1505