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## The Role of Legal Reform in Addressing Prison Overcrowding and Strengthening The Guarantee of Inmates' Human Rights

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**Abstract.** The issue of overcrowding in correctional institutions (prisons) has become a structural problem within Indonesia's criminal justice system. The high occupancy rate exceeding capacity leads to violations of inmates' human rights, such as the right to health, proper housing, and rehabilitation services. Legal reform, particularly through the Correctional Law No. 22 of 2022 and the New Criminal Code (KUHP) No. 1 of 2023, introduces a new paradigm in sentencing management and the protection of prisoners' rights. This study aims to analyze how these legal reforms contribute to addressing overcrowding and strengthening the guarantee of inmates' human rights. The research method used is normative juridical with a conceptual and statutory approach. The study finds that the reinforcement of alternative sentencing (non-custodial punishments), such as community service and supervision penalties in the new Criminal Code, as well as the inmate integration system and rehabilitation-based approach in the Correctional Law, serve as relevant legal solutions. However, implementation challenges—such as lack of synergy among law enforcement agencies, human resource shortages, and resistance from legal culture—must be addressed through harmonization measures and continuous public dissemination. This journal recommends formulating more progressive criminal policies oriented toward restorative justice.

**Keywords:** Legal Reform, Prison Overcrowding, Inmates' Human Rights, New Criminal Code, Correctional Law.

### INTRODUCTION

The condition of overcrowding or exceeding capacity in correctional institutions (prisons) in Indonesia has reached a critical and concerning point (Saputra, 2022). According to data from the Directorate General of Corrections (Ditjen PAS) of the Ministry of Law and Human Rights, as of November 2024, the total number of inmates in prisons and detention centers in Indonesia reached 275,137, while the available capacity was only for 145,518 people (Hantoro & Septiningtyas, 2024). This means the number of inmates is more than twice the capacity provided by the state. This situation not only burdens prison infrastructure and services but also has a significant impact on the psychological and physical conditions of

inmates. It reflects an imbalance between sentencing policies and the capacity of available correctional institutions (Lubis, 2021).

Overcrowding creates immense pressure on the fulfillment of basic rights of inmates as guaranteed by the constitution and national law (Pratama, 2024). In many cases, inmates live in cramped cells with dozens of others, lacking proper ventilation, and with limited access to health services and rehabilitation. The rights to humane treatment, health, hygiene, and security are frequently neglected (Hanafi, 2023). Such conditions are highly prone to contagious diseases, inmate violence, and discriminatory treatment by officers. The state not only fails in rehabilitation but also neglects its obligation to uphold the human dignity of inmates (Rado, 2021).

This imbalanced situation proves that the conventional imprisonment-based criminal justice system is no longer relevant in addressing the complexities of modern crime and the increasing number of convicts. A sentencing pattern that places excessive emphasis on incarceration actually triggers a domino effect on the sustainability of the criminal justice system itself (Hamja, 2024). Justice measured solely by the length of imprisonment neglects the need to rehabilitate individuals and prevent crime systemically. Mass incarceration does not guarantee rehabilitation, much less social recovery for perpetrators or victims. In this context, the need for legal reform becomes urgent as a response to the humanitarian crisis behind prison walls.

The concept of overcrowding should be seen not only as a quantitative problem but also as a symptom of an unadaptive criminal justice system (Nisa, 2025). Sentencing system theory shows that every element within the system — from the police, prosecutors, courts, to corrections — must work in harmony to avoid overburdening one particular point (Putri, 2024). When correctional institutions become the “final dumping ground” of all processes, structural blockages occur, creating extreme pressure on correctional functions. Institutional capacity theory emphasizes that every institution has a limited ability to accommodate and handle clients. When this limit is exceeded, the quality of services will drastically decline, including basic services directly related to human rights.

Understanding the human rights of prisoners is essential to designing a humane and constitutional criminal justice system (Kosasi, 2020). Articles 28A to 28J of the 1945 Constitution explicitly recognize the rights of every citizen, including those serving sentences, to life, freedom from torture, and fair and humane treatment (Junaidi, 2023). Law No. 39 of 1999 on Human Rights also affirms that convict status does not abolish a person’s fundamental rights (Prasetyo, 2022). At the international level, the Mandela Rules adopted by the United Nations provide minimum standards for how states should treat prisoners (SMIT, 2023). These principles affirm that punishment must not negate dignity and that humane treatment is an absolute necessity.

These rights are often reduced in practice within Indonesia’s correctional system because the legal system has not fully adopted a human rights-based approach. Many policies are still built on logic of retribution and deterrence rather than rehabilitative and integrative objectives. This situation worsens inequality in treatment toward prisoners, especially vulnerable groups such as women, children, and persons with disabilities (Sari, 2024). Violations of fundamental rights occur not only passively but also systematically through ongoing neglect. Inadequate infrastructure and minimal external oversight of prisons form part of a broader legal problem (Riupassa, 2024).

To address this situation, legal reform must be positioned as an effort to comprehensively reconstruct the criminal justice system (Ramadhan, 2023). From Satjipto Rahardjo’s perspective, law should not bind humans but serve as a tool for liberation and humanity (Ruslan Renggong, 2021). Progressive legal theory places law as a means to create substantive justice, not just procedural certainty (Siregar, 2024). In the context of corrections, this approach

demands reform in sentencing formulation, sentence implementation, and treatment of prisoners. Law cannot stop at the normative level but must be present in practice that touches the humane side.

Legal reform also requires the courage to abandon the old paradigm that views imprisonment as the sole solution to all forms of offenses. The restorative justice approach offers an alternative that is more inclusive and oriented toward recovery. In this model, offenders, victims, and the community are involved in seeking solutions that are more meaningful and sustainable. This process allows space for acknowledgment of wrongdoing, restoration of social relations, and genuine self-improvement. Justice is no longer understood as retribution but as a comprehensive process of healing (Nuroini, 2024).

Restorative justice not only repairs social relations but also provides an alternative to inefficient incarceration practices. Many minor and non-violent offenses can actually be resolved without imprisonment. Schemes such as penal mediation, fines, community service, or supervision can be more targeted and effective solutions. This approach also has the potential to reduce recidivism rates because offenders are genuinely given opportunities to change and take responsibility. Ultimately, the success of the legal system is measured not by the number of people imprisoned but by how effectively the law can prevent crime and restore social life (Maulana, 2021).

The prolonged overcrowding crisis demonstrates that this problem cannot be resolved through patchwork solutions such as merely building new prisons. Legal reform grounded in human rights and restorative justice is imperative to overhaul the stagnant criminal justice system paradigm. Sentencing must be seen as a means of rehabilitation and social reintegration, not as an instrument of state retribution. Thus, the human rights of prisoners should no longer remain mere legal rhetoric but must be realized in tangible practices and policies that directly impact their lives.

## **METHOD**

This study employs a normative juridical method, which is a legal research approach focusing on the examination of positive legal norms, including legislation, legal doctrines, and legal principles relevant to the topic of legal reform in addressing overcrowding in correctional institutions and the protection of prisoners' human rights. This approach is conducted through library research, reviewing various legal instruments such as Law Number 1 of 2023 concerning the Criminal Code, Law Number 22 of 2022 concerning Corrections, Law Number 39 of 1999 concerning Human Rights, as well as international provisions such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules).

The legal analysis is carried out systematically and critically to assess the existing legal framework, including the identification of strengths and weaknesses of regulations and their relation to practices and implementation in the field. This study does not use empirical data or interview techniques but bases all arguments and conclusions on normative analysis of legal texts and relevant scientific literature. This approach is chosen because it is considered most appropriate for addressing conceptual and normative legal issues and for evaluating the effectiveness of regulations and the direction of legal policies in developing a more humane and just correctional system.

## **RESULT AND DISCUSSION**

### **Analysis of Legal Reform to Address Overcrowding**

The new provisions in the Criminal Code (KUHP) as stipulated in Law Number 1 of 2023 reflect the direction of Indonesia's criminal law reform that is more adaptive to the problem of overcrowding. In this new KUHP, particularly Articles 65 to 71, non-custodial principal punishments are regulated, namely fines, community service, and supervision

penalties. These provisions represent a concrete step to open alternative sentencing options for minor offenses, so that not all offenders must be sentenced to imprisonment. For example, community service allows offenders to serve their punishment by contributing productively to society without the need for physical detention in correctional institutions. This model not only reduces the burden on prisons but also has the potential to foster legal awareness through direct experience in social life.

The supervision penalty, as stipulated in Article 66 of the new KUHP, grants law enforcement officers the authority to monitor the behavior of convicts over a certain period without imposing custodial sentences. In practice, this penalty can be supplemented with certain restrictions, such as prohibitions from being in specific locations or obligations to participate in rehabilitation programs. This system is more flexible and can provide a more personalized form of guidance tailored to individual needs. Its effectiveness naturally depends on the state's capacity to provide supporting facilities such as supervisory officers, rehabilitation programs, and periodic evaluation systems for the implementation of the sentence. When consistently applied, supervision penalties can serve as a more humane alternative compared to mass imprisonment.

Fines as regulated in Article 67 of the Criminal Code (KUHP) also provide a rational alternative for minor offenses that do not cause physical harm. Fines can serve as a fair form of punishment as long as they are regulated proportionally and take into account the economic condition of the convict. In the context of overcrowding, fines are highly relevant because they do not increase the prison population. However, their implementation must be accompanied by supervisory mechanisms to prevent criminalization of the poor. This highlights the important role of the judiciary in applying the principle of proportionality and providing space for objections or humane alternatives for payment.

Besides the Criminal Code, Law Number 22 of 2022 on Corrections is also a crucial milestone in reforming Indonesia's penal system. This law emphasizes that the correctional system must be oriented towards social reintegration, not merely punishment. Article 2 explains that the purpose of the correctional system is to prepare inmates to recognize their mistakes, improve themselves, avoid repeating criminal acts, and be accepted back into society. This approach underscores the importance of rehabilitation as the core of the correctional system, rather than merely serving physical punishment. When the system is directed towards reintegration, its success is measured by the inmate's ability to live productively after release from the correctional institution.

The new Corrections Law also expands the mechanism for inmate integration into society. Articles 10 to 15 regulate inmates' rights to access integration programs such as assimilation, conditional leave, parole, and pre-release leave. This process is designed to provide a more humane transition phase before inmates are fully released. If implemented optimally, these provisions can reduce the time inmates spend inside correctional facilities while maintaining their psychological and social stability during the sentence. Such an integration system demonstrates that imprisonment does not always have to be served entirely within correctional institutions but can be managed gradually through outside rehabilitation mechanisms.

The new regulations also strengthen community participation in the inmate rehabilitation process. Articles 6 and 7 of Law No. 22 of 2022 provide the legal basis for involving the community in the implementation of social reintegration. This aligns with the holistic correctional principles, where successful rehabilitation is not solely the state's responsibility but also that of the community to which the inmate will return. Through this approach, social reintegration can be more effective by creating a bridge of communication and trust between inmates and their social environment. The existence of this system represents a legal reform that is not only technical but also touches the humanitarian aspect of the penal process.

Legal reforms are also reflected in the expanded application of restorative justice approaches, particularly through the mechanism of diversion. Diversion was initially introduced in the juvenile justice system through Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which provides room for case resolution outside the court for children in conflict with the law. Article 7 mandates that diversion must be carried out in cases involving children threatened with imprisonment of less than seven years or for first-time offenses. This mechanism has proven effective in reducing the number of incarcerated children and positively impacts their growth and development. This concept has become the foundation for advocating similar approaches in adult criminal cases.

Restorative justice is now increasingly applied in adult criminal cases, especially for minor offenses that do not involve loss of life. The Attorney General's Office of the Republic of Indonesia, through Attorney General Regulation No. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, provides legal grounds for prosecutors to discontinue cases if the perpetrator and victim have reached a settlement. This regulation has been widely adopted by prosecutors across various regions and has proven to be an effective solution in reducing the burden on courts and correctional facilities. This model allows cases to be resolved through mediation and compensation, thereby avoiding unnecessary imprisonment. In the context of overcrowding, the application of restorative justice can serve as an effective and sustainable legal strategy.

Concepts of justice can no longer be separated from humanitarian values and the effectiveness of sentencing. When the law focuses solely on physical punishment, it perpetuates systemic violence against individuals undergoing correctional processes. The legal reforms reflected in the new Criminal Code, the Corrections Law, and restorative justice policies constitute a correction of a system that has long been inhumane. Through a more progressive approach, Indonesian law is moving toward a more just, rehabilitative, and responsive system that addresses the prolonged challenge of overcrowding.

### **Law Enforcement and Protection of Prisoners' Rights**

Fulfillment of prisoners' human rights in correctional institutions is an absolute and non-negotiable legal mandate, as regulated in Law Number 22 of 2022 concerning Corrections. These rights include, among others, the right to healthcare, education, religious services, and humane and fair treatment. Article 10 of the Corrections Law emphasizes that every inmate has the right to protection of their dignity and personal integrity during their sentence. In practice, the right to health services becomes very crucial, especially when prisoners face medical situations that require immediate treatment. The state is obliged to ensure that the health system within prisons has adequate medical personnel, medicines, and basic facilities, not merely as an administrative symbol.

The educational aspect for prisoners is also a fundamental right that must not be neglected during the rehabilitation process. The education provided is not limited to basic literacy but must include relevant vocational skills so that prisoners have the provision to live independently post-sentencing. In Article 10 paragraph (3) letter c of the Corrections Law, education in prisons is recognized as part of the rehabilitation program aimed at preparing prisoners to return as part of society. When the right to education is not fulfilled, social reintegration becomes impossible because prisoners leave prison in the same or worse condition than before. The implementation of education in prisons requires inter-institutional cooperation, including with the Ministry of Education and vocational training institutions.

Humane treatment of prisoners is not only limited to refraining from physical or verbal violence, but also includes decent living conditions, access to information, and opportunities for social interaction. Overcapacity prisons directly hinder the fulfillment of these rights, as the personal space of prisoners becomes very limited, resulting in stress, violence among prisoners,



and even death. The principle of respect for human dignity must be the foundation in every correctional policy, without exception. When the system fails to provide reasonable living space, human rights violations occur systematically and repeatedly. This paradigm shift must become a collective awareness that prisoners are not merely objects of punishment, but also subjects of rights.

The main obstacle in implementing correctional legal reform lies in weak institutional capacity. Many prisons still lack basic facilities, have inadequate recording systems, and lack special units that oversee the implementation of human rights-based reforms. Legal reform requires strong institutional support so it does not stop at the normative level. When institutions lack roadmaps, operational guidelines, and regular evaluations, reform implementation becomes inconsistent and easily diverted by short-term interests. Structural changes in correctional institutions must include improvements in internal management systems, external supervision mechanisms, and budget transparency.

Budget limitations also become a major factor that hinders the realization of legal reform in prisons. The allocation of funds for rehabilitation programs is often disproportionate compared to the budget for security, even though rehabilitation is the core of the correctional system itself. When educational facilities, vocational training, and health services are minimal due to limited costs, the hope to transform prisoners into productive individuals will be difficult to achieve. There needs to be a state budget priority that places correctional institutions as part of the human development agenda, not merely as a law enforcement expenditure item. Without adequate funding, progressive policies will only remain beautiful documents without reality.

The quality of human resources in prisons also remains a major challenge in implementing legal reform. Correctional officers who serve on the front lines often lack adequate training in handling prisoners humanely and professionally. The lack of understanding of a rehabilitative approach causes some officers to still act repressively and transactionally in dealing with inmates. Continuous training on human rights, public service ethics, and conflict management needs to be established as a standard in officer career development. Without improving HR capacity, regulatory changes will not produce real changes in the lives of prisoners.

Resistance from law enforcement officers to systemic changes is also an obstacle that cannot be ignored. Some officers, whether in the police, prosecutors, or the judiciary, still view imprisonment as the main solution without considering the alternatives offered by the new law. This attitude arises due to a long-established work culture and a lack of understanding of the urgency of legal reform and its impact on overcrowding. A collaborative and educational approach is needed to build awareness that the legal system is not stagnant but must continuously evolve in line with social developments. When all legal actors share the same understanding and commitment, law enforcement will run more harmoniously.

Synergy among law enforcement agencies is key in tackling overcrowding systemically. Judges have a crucial role in imposing proportional sentences and considering alternative punishments according to the new Criminal Code (KUHP). Prosecutors have broad authority to terminate cases through restorative justice approaches. The police, as the front line in arrest and detention processes, must begin to exercise discretion in minor cases so as not to immediately bring offenders into imprisonment. Correctional institutions cannot work alone to address overcapacity but must receive support from every link in the criminal justice process. When all law enforcement elements share the same vision of making corrections a place for rehabilitation, overcrowding will no longer be an unsolvable problem.

Synergy does not only occur vertically among government agencies but also horizontally with civil society and non-governmental organizations. Collaboration in implementing social reintegration programs, skills training, and mental health services must be actively established. Public participation in monitoring the fulfillment of prisoners' rights is also an important form

of social oversight to prevent abuse in prisons. When society accepts former prisoners without stigma, the goal of corrections as an effort for recovery and reconciliation is truly achieved. Legal reform is not just about regulations but about how values of justice and humanity are realized in concrete actions together.

## CONCLUSION

Legal reform plays a strategic and substantial role in addressing the problem of overcrowding in correctional institutions as well as strengthening the guarantee of prisoners' human rights. Changes in the new Criminal Code (KUHP) through Law No. 1 of 2023, which introduce non-custodial penalties such as community service, supervision, and fines, are important steps in reducing reliance on imprisonment. On the other hand, Law No. 22 of 2022 concerning Corrections reformulates the philosophy of punishment from retribution to social reintegration, with the expansion of integration programs such as assimilation and parole as instruments of progressive policy. Amid these normative advances, significant challenges remain in implementation, particularly regarding institutional capacity, budget, human resource quality, and resistance within the legal culture of officials. When legal reform is not supported by consistent implementation, changes will only remain on paper without real impact on the lives of prisoners.

The success of legal reform must be seen as a collective effort across sectors. The government needs to strengthen synergy among law enforcement agencies, ensure fair budget allocation for correctional institutions, and develop adequate education and training systems for officers. The use of alternative punishments must become measured and data-driven policies, not merely individual discretion. The correctional system also needs to involve civil society and private parties in the implementation of rehabilitation programs, social reintegration, and fulfillment of inmates' basic rights. Finally, there must be transparent periodic evaluation mechanisms of correctional policy implementation to ensure that the direction of legal reform aligns with the spirit of justice and respect for human dignity. If this reform is truly implemented comprehensively, then overcrowding can not only be reduced but also pave the way for a criminal justice system that is more humane and socially just.

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