

Correctional Policy and Overcapacity: Alternative Models for Reducing Prison Overcrowding

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Info Article	Abstract
Article History Received : 2023-09-03 Revised: 2023-09-12 Published: 2023-09-30 Keywords: <i>Correctional Policy;</i> <i>Overcapacity;</i> <i>Alternative Sentencing;</i> <i>Correctional Institution</i>	The problem of overcrowding in correctional institutions in Indonesia is a structural issue closely related to the criminal law paradigm, which is still oriented towards imprisonment. Data shows that the number of prison inmates has reached almost twice the ideal capacity, thus disrupting the correctional function, increasing the risk of human rights violations, and decreasing the effectiveness of rehabilitation and social reintegration of prisoners. This study aims to analyze the root causes of overcrowding, evaluate the existing correctional policies, and offer alternative models based on restorative justice and non-imprisonment. Using qualitative methods through a normative juridical approach and policy analysis, this study examines laws and regulations, correctional statistics, and previous research findings. The results show that overcrowding is caused by the dominance of imprisonment, the minimal application of alternative punishments, the imbalance in the officer-to-inmate ratio, and weak coordination between law enforcement agencies. The implementation of restorative justice, supervised criminal justice, social work, and community-based rehabilitation has proven to have significant potential in reducing the number of prison inmates in a sustainable manner. This study recommends reform of correctional policy through the expansion of alternative sentencing options, strengthening institutional capacity, and digitalizing the correctional system as an effort to create a more humane, efficient, and equitable correctional system.

I. INTRODUCTION

The correctional system is an integral part of the national criminal justice system, which aims not only to carry out punishment but also as a means of fostering and social reintegration for prisoners. Law Number 22 concerning correctional facilities emphasizes that the correctional system must be implemented by upholding the values of humanity, justice, and respect for human rights. Thus, correctional policy should be able to accommodate two main functions: protecting society from crime and guiding offenders so they can return to functioning as responsible members of society.

However, the Indonesian correctional system continues to face a serious structural problem: overcrowding. According to data from World Prison Brief, Indonesia's prison population has

reached 277,935, while the official capacity is only 148,686, resulting in an occupancy rate of 186.9% of the ideal capacity. A similar situation was reported by Katadata's Databoks, which noted that prison overcrowding in Indonesia averaged 109%, with some regions, such as Riau and Banten, even exceeding 200%. This phenomenon shows that the problem of overcapacity is not only administrative but also systemic because it is directly related to the paradigm of punishment that is still oriented towards imprisonment.

According to Manek, the orientation of the Indonesian criminal justice system, which still emphasizes imprisonment as the main form of punishment, is the main cause of overcapacity in almost all correctional institutions. The repressive approach to criminal law policy has led to an annual increase in the number of inmates, without

a corresponding increase in infrastructure and staff capacity. Afdini echoed this sentiment, stating that overcapacity not only causes physical discomfort for inmates but also hinders the fulfillment of their basic rights, such as health, education, and guidance. In such conditions, the function of correctional institutions as rehabilitation facilities becomes difficult to achieve because they focus too much on supervision and security aspects rather than on guidance.

Research conducted by Putri, Arisna, and Sukadana at Singaraja Class IIB Penitentiary shows that prisoner development becomes ineffective when the ratio between officers and inmates is too unequal due to overcrowding. What should be personal and educational development becomes an administrative formality, thus failing to achieve the correctional goal of changing behavior and reintegrating inmates and society. This is exacerbated by limited facilities and resources for development, such as job training rooms, religious activities, and access to health and psychological services. As a result, correctional institutions have the potential to become places where criminal behavior is reproduced, rather than places of development.

Overcrowding also increases the risk of human rights violations and potential social conflict within correctional institutions. Afdini emphasized that overcrowding, which is twice the ideal number, has created an inhumane situation for inmates, and the state has a moral and legal responsibility to address it. In the context of human rights, this situation contradicts the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which emphasize that every inmate has the right to decent, safe, and rehabilitative living conditions. Therefore, addressing overcrowding is not only the administrative responsibility of the Ministry of Law and Human Rights, but also the moral and constitutional responsibility of the state.

To address the complexity of this problem, several studies offer a restorative justice approach as an alternative solution. Riski emphasized that the implementation of restorative justice can reduce the burden on correctional institutions by shifting the resolution of minor criminal cases to non-custodial mechanisms that emphasize recovery, responsibility, morality, and social

reconciliation. This approach allows conflict resolution without imposing prison sentences, thereby reducing the number of prisoners and inmates. Furthermore, the implementation of non-custodial measures such as community-based corrections, social work, and community-based supervision can be an effective strategy in addressing overcapacity, as recommended by the United Nations Standard Minimum Rules for Non-Custodial Measures.

On the other hand, Arisna Putri et al. emphasized the importance of optimizing social development and reintegration programs for prisoners approaching their release date. Assimilation, integration, and parole programs should not be merely a temporary response to overcrowding crises, such as during the COVID-19 pandemic, but should become part of a sustainable, regular policy. Furthermore, criminal law policy reforms should be directed at limiting imprisonment for minor crimes by expanding the use of alternative sanctions, such as proportional fines, social development, and rehabilitation for certain offenders.

Thus, the problem of overcrowding in correctional institutions in Indonesia is a multidimensional issue that requires comprehensive reform. Efforts to resolve it must be carried out through a more just criminal law policy approach oriented toward social recovery. This study seeks to analyze the effectiveness of existing correctional policies, examine the root causes of overcrowding, and propose an alternative policy model based on restorative justice as a more humane, efficient, and sustainable solution for the Indonesian correctional system.

II. RESEARCH METHODS

This research uses a qualitative approach with normative juridical methods and policy analysis. This approach was chosen because the problem of correctional overcapacity is not only related to legal aspects, but also concerns the effectiveness of public policy and its implementation in the field. Normative juridical research is used to analyze the laws and regulations that form the basis for the implementation of the correctional system in Indonesia, such as Law Number 22 of 2002 concerning Corrections, the Criminal Code (KUHP), and Regulation of the Minister of Law and Human

Rights Number 32 of 2020 concerning assimilation and parole. The policy analysis is conducted to assess the extent to which government policies in the correctional sector are able to address the problem of overcapacity and how these policies can be optimized or updated through alternative, more humane and efficient models.

The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws, government regulations, and ministerial regulations related to correctional facilities. Secondary legal materials were obtained from various scientific literature such as books, national and international journal articles, official government agency reports, and relevant previous research results. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and official online sources that provide empirical data related to correctional facility occupancy rates. Data collection techniques were conducted through library research by exploring various legal documents, policy reports, and academic publications from official government websites, university repositories, and national scientific journal portals.

Data analysis was conducted using descriptive qualitative analysis methods through content analysis and policy analysis approaches. Content analysis was used to examine the legal substance in laws and regulations governing the correctional system and overcrowding reduction policies, including the implementation of assimilation, integration, and parole. Meanwhile, policy analysis was conducted to evaluate the relevance, effectiveness, efficiency, and impact of policies implemented by the Ministry of Law and Human Rights in addressing overcrowding issues. The analysis stages included data reduction, grouping findings into main themes (such as causes of overcrowding, policy weaknesses, and alternative solutions), interpretation of the results, and final synthesis in the form of formulating an alternative policy model that aligns with the principles of restorative justice and noncustodial measures.

To ensure the validity and reliability of the findings, this study employed source triangulation techniques, comparing the analysis results from various types of legal materials, statistical data, and relevant academic literature. The analysis process was conducted transparently and measurably

through documentation (audit trail) that recorded each stage of data collection and conclusion drawing. In terms of conceptual validity, this study attempted to link criminal law policy theory, restorative justice theory, and humanist correctional principles as stipulated in national regulations and international conventions. Ethical aspects of the research were also considered by ensuring that all data used were sourced from official publications, and that full citations and source acknowledgements were included in accordance with academic standards.

With this approach, the research is expected to provide a comprehensive picture of the relationship between correctional policies and the problem of overcapacity, as well as produce evidence-based policy recommendations that are relevant to actual conditions in Indonesia.

The results of this research are also expected to contribute to the development of criminal law theory and practice that is more just, humanistic, and oriented towards the rehabilitation and social reintegration of inmates.

III. RESULTS AND DISCUSSION

A. Research result

The results of this study indicate that overcrowding is caused by the dominance of prison sentences, the minimal application of alternative punishments, an imbalance in the officer-to-inmate ratio, and weak coordination between law enforcement agencies. The implementation of restorative justice, supervised sentences, social work, and community-based rehabilitation has proven to have significant potential to reduce prison inmates sustainably. This study recommends correctional policy reform through the expansion of alternative punishments, strengthening institutional capacity, and digitizing the correctional system in an effort to create a more humane, efficient, and equitable correctional system.

B. Discussion

1. The Factual Condition of Correctional Institution Overcapacity in Indonesia

The problem of correctional facility overcrowding is a classic issue that remains unresolved in Indonesia. According to data from the Directorate General of Corrections at the Indonesian Ministry of Law and Human Rights, in

2024, the number of inmates reached 277,935, compared to the ideal capacity of only 148,686, resulting in an overcrowding of 186.9%. This situation places Indonesia as one of the countries with the highest prison density in Asia. According to Manek, the root of the overcrowding problem lies in criminal law policies that are still oriented toward imprisonment (imprisonment-oriented policy) and do not prioritize alternative punishments.

This repressive legal orientation results in almost all crimes, including minor offenses and drug abuse, being resolved with prison sentences. Yet, the vast majority of drug convicts are users, not dealers. Research by Hantoro and Septiningtyas explains that over 60% of prison inmates in Indonesia are drug convicts, most of whom should be rehabilitated, not imprisoned. This policy, which places too much emphasis on retribution, has led to an annual increase in the prison population without adequate facilities or staffing.

Furthermore, overcapacity also has serious social and humanitarian impacts. In his research, Afdini stated that overcrowding, up to twice the ideal capacity, causes serious disruptions to the health and safety of inmates. Cramped conditions, poor sanitation, and lack of ventilation increase the risk of infectious diseases and violence between inmates. As a result, correctional institutions fail to fulfill their rehabilitative function and become breeding grounds for new criminal behavior. This contradicts the spirit of Law Number 22 of 2022 concerning Corrections, which emphasizes the importance of humane treatment and guidance for inmates.

2. Analysis of Existing Correctional Policy

The government, through the Ministry of Law and Human Rights, has made various efforts to reduce overcrowding, including through the assimilation, integration, and parole programs, as stipulated in the Minister of Law and Human Rights Regulation Number 32 of 2020. This program has proven successful in reducing the number of prison inmates by up to 14.9% during the COVID-19 pandemic. However, this policy is still temporary (ad hoc) and has not yet been adopted as a sustainable national strategy.

Research by Putri, Arisna, and Sukadana found that the main obstacle in implementing

correctional policies lies in the unbalanced ratio of officers to prisoners. One prison officer must supervise 30–40 inmates, when the ideal ratio is 1:10. As a result, what should be personal and intensive coaching becomes an administrative formality. This results in low coaching effectiveness, weak behavioral control, and high rates of disciplinary violations within correctional facilities.

In addition, Sutrisno and Prakoso in the *Scientific Journal of Legal Policy* revealed that the lack of cross-sector coordination between law enforcement agencies (police, prosecutors and courts) means that every criminal case almost always ends in imprisonment. The minimal application of restorative justice during the investigation and prosecution stages contributes to worsening prison overcrowding. Consequently, current correctional policies remain reactive and have not shifted the criminal law paradigm toward social recovery and rehabilitation.

3. Alternative Models for Density Reduction: Restorative and Non-Incarceration Approaches

One relevant and sustainable solution to address overcapacity is the implementation of a restorative justice model and non-custodial measures. According to Riski, restorative justice provides space for resolving minor cases through mediation and restoring relationships between perpetrators, victims, and the community. Society without having to go through the imprisonment process. This approach not only reduces the number of prison inmates, but is also more effective in restoring social balance and preventing recidivism.

Furthermore, the implementation of non-custodial measures such as community service, probation, or community-based rehabilitation aligns with the Tokyo Rules recommended by the United Nations Office on Drugs and Crime (UNODC). In the Indonesian context, this principle has also been incorporated into the 2023 Draft Criminal Code (RKUHP), specifically in Article 10A, which stipulates probation and community service as alternatives to imprisonment. However, its implementation still requires institutional support, officer training, and a shift in mindset within the criminal justice system.

4. Correctional Policy Reform and Its Implications

Correctional policy reform must focus on three main aspects: reorienting the criminal law paradigm, strengthening institutional capacity, and digitizing the oversight system. First, the criminal law paradigm needs to shift from a retributive approach to a rehabilitative one by expanding the application of alternative punishments for minor offenses and drug cases for users. Second, institutional capacity must be increased by improving the staff-to-inmate ratio, expanding correctional programs, and establishing integrity zones to prevent maladministration and corruption in prisons. Third, the implementation of digital correctional systems, such as the National Correctional Database, needs to be strengthened to monitor inmate data, the correctional process, and policy effectiveness in real time.

As Hantoro and Septiningtyas explain, efforts to reduce prison overcrowding cannot rely solely on physical construction or mass remissions, but must be implemented through paradigm shifts and equitable criminal law policies. A collaborative approach between the government, law enforcement officials, academics, and civil society is essential to creating a correctional system oriented toward humanity, social justice, and the reintegration of inmates into society.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The problem of overcrowding in Indonesian correctional institutions is a multidimensional issue stemming from a criminal law paradigm that is still oriented toward imprisonment (imprisonment-oriented policy), weak coordination between law enforcement agencies, and limited correctional facilities. This condition results in the correctional system losing its function as a means of rehabilitation and social reintegration of prisoners. The impact of overcrowding not only reduces the quality of correctional facilities and basic services, but also leads to human rights violations and worsens the public image of the criminal justice system. Although policies such as assimilation, integration, and parole programs have had a positive effect on reducing the number of prison inmates, they are still temporary and have not yet become sustainable long-term policies.

Therefore, comprehensive correctional policy reform is needed through the implementation of restorative justice and non-custodial measures. This approach is expected to reduce overcrowding in correctional institutions while restoring social relationships between offenders, victims, and the community. The government also needs to strengthen institutional capacity by increasing the number and competence of officers, providing adequate correctional facilities, and implementing a digital correctional system to increase effectiveness and accountability. With these steps, the Indonesian correctional system can transform from an instrument of punishment to a just and humane correctional facility in accordance with the mandate of Law Number 22 of 2022 concerning Corrections.

B. Suggestion

This research also suggests the use of digital systems to monitor inmate data, the coaching process, and policy effectiveness in real time. This step can improve accountability, efficiency, and accuracy in policymaking.

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