



The Problem of Overcrowding and Its Legal Implications for the Fulfillment of Prisoners' Rights in Correctional Institutions

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ARTICLE INFO	ABSTRACT
Keywords: Overcrowding; correctional institutions; prisoners' rights; corrections; penal policy. How to cite: Wicaksono, Nur Emirza. (2026). The Problem of Overcrowding and Its Legal Implications for the Fulfillment of Prisoners' Rights in Correctional Institutions. <i>Veteran Law Review</i>. 9(1). 82- 100. Received: 2026-04-06 Revised: 2026-05-26 Accepted: 2026-06-02	<i>This study aims to analyze the problem of overcrowding in correctional institutions and its legal implications for the fulfillment of prisoners' rights in Indonesia. Overcrowding is a serious problem in the correctional system that has the potential to hinder the implementation of correctional guidance and the fulfillment of prisoners' basic rights. This study uses a normative legal research method with a legislative and conceptual approach. Legal materials were obtained through a literature review covering relevant laws and regulations, legal doctrine, and scientific journal articles. The results indicate that correctional institution overcrowding is caused by various legal and non-legal factors, including the dominance of imprisonment in the penal system, the high use of detention in the criminal justice process, and limited correctional facilities and infrastructure. These conditions hamper the fulfillment of prisoners' rights, particularly the rights to humane treatment, health services, correctional guidance, and security. The state has a legal responsibility to guarantee the protection of prisoners' rights, thus necessitating reform of penal policy through the implementation of alternative sentencing and non-prison policies to reduce prison overcrowding. This research provides theoretical contributions to the development of correctional law studies and provides policy recommendations to strengthen a more humane penal system oriented toward human rights protection</i>

1. Introduction

The phenomenon of correctional overcapacity is a global problem faced by many countries in modern criminal justice systems. High levels of criminalization, the dominance of imprisonment as the primary form of punishment, and limited correctional infrastructure often result in prison inmates often far exceeding the ideal capacity available. This condition not only impacts the effectiveness of inmate development but also raises various legal and



human rights issues. Overcrowding in correctional institutions has the potential to reduce the quality of life of inmates, increase the risk of conflict between inmates, and worsen the physical and mental health of inmates (Hamja, 2022). Unsuitable correctional conditions can even be categorized as inhumane treatment if they result in violations of inmates' basic rights.

The problem of overcapacity in correctional institutions has long been a structural issue in the penal system. The high use of imprisonment in various laws and regulations, along with repressive law enforcement policies, has led to a continued increase in the number of prisoners from year to year. This condition is exacerbated by limited correctional facilities that are not commensurate with the growth in the number of inmates. Research by Prabawani, Pujiyono, and Roikardi (2025) shows that the Indonesian penal system still relies heavily on imprisonment as the primary form of sanction, thus contributing directly to the increasing level of overcrowding in correctional institutions (Prabawani et al., 2025). In fact, the occupancy rate of correctional institutions in Indonesia has significantly exceeded the ideal capacity, giving rise to various structural problems in the implementation of the correctional system.

The problem of overcrowding is not only related to the administrative or managerial aspects of correctional institutions, but also has serious legal implications for the fulfillment of prisoners' rights. Law Number 22 of 2022 concerning Corrections emphasizes that prisoners still have basic rights that must be fulfilled by the state, including the right to health services, adequate food, guidance, education, communication with family, and protection from inhumane treatment. However, overcrowding often leads to limited living space, poor sanitation, limited health services, and an increased potential for violence between prisoners. Research by Tyana and Kurnianingsih (2024) shows that overcrowding in correctional institutions significantly impacts the fulfillment of prisoners' basic rights, including access to health services, adequate living space, and the quality of guidance, which should be the primary goals of the correctional system (Tyana & Kurnianingsih, 2024).

Furthermore, several studies have shown that overcrowding can trigger various security and order issues within correctional institutions. Shadiq, Gumilar, and Rizki (2025) found that overcrowding in correctional institutions increases the potential for conflict between inmates, the formation of informal social hierarchies, and decreases the effectiveness of supervision by correctional officers (Shadiq et al., 2025). This condition indirectly hinders the implementation of correctional functions as a means of fostering and social reintegration for



inmates. On the other hand, Dewi, Putri, and Dewi (2024) also identified several factors contributing to overcrowding, including increasing crime rates, high use of detention, limited application of alternative punishments other than imprisonment, and high rates of recidivism (A. P. M. Dewi et al., 2024).

Although various studies have examined the phenomenon of correctional overcapacity, most studies still focus on aspects of criminal policy or correctional management. Studies that specifically examine the legal implications of overcapacity conditions on the fulfillment of prisoners' rights are still relatively limited, especially from the perspective of correctional law and human rights protection. In fact, this problem is not only related to the efficiency of the criminal justice system, but also concerns the state's responsibility to guarantee respect for, protect, and fulfill the rights of inmates. Therefore, based on this background, this study aims to analyze the problem of overcapacity in correctional institutions and its legal implications for the fulfillment of prisoners' rights in the correctional system in Indonesia. The focus of the study is directed at analyzing the relationship between overcapacity conditions and the fulfillment of prisoners' rights as stipulated in applicable laws and regulations. Theoretically, this research is expected to enrich the study of correctional law, especially regarding the protection of prisoners' rights in conditions of overcrowding in correctional institutions. Practically, this research is expected to contribute to the formulation of more effective criminal law and correctional policies in addressing the problem of overcapacity while ensuring the fulfillment of prisoners' rights more optimally.

2. Method

This research is a normative legal research (doctrinal legal research) that focuses on the study of legal norms related to the correctional system and the fulfillment of prisoners' rights under Indonesian law. This approach was chosen because the research is oriented towards legal norms, principles, and principles in legislation, doctrine, and court decisions, particularly regarding the problem of correctional overcapacity and its implications for prisoners' rights. This research aims to find legal rules, principles, and doctrines to answer the issue systematically and argumentatively. The approaches used include legislative and conceptual approaches. The legislative approach is used to examine regulations related to the correctional system and prisoners' rights, while the conceptual approach examines the concepts of human rights, the criminal system, and correctional theory to strengthen the analysis. The collection of legal



materials was carried out through a literature study that includes primary legal materials (legislation), secondary (books, journals, and research), and tertiary (dictionaries and legal encyclopedias). All materials were analyzed qualitatively using prescriptive legal reasoning techniques through a process of classification, interpretation, and systematic arrangement to answer research problems (Hamzani et al., 2023).

3. Main Heading of the Analysis or Results

3.1. Juridical and Non-Juridical Factors Contributing to Overcapacity in Correctional Institutions in Indonesia

The issue of overcapacity in correctional institutions in Indonesia represents a structural phenomenon that extends beyond technical aspects of prison management. It is deeply rooted in the configuration of criminal law policies and the prevailing practices of law enforcement within the national criminal justice system. Fundamentally, correctional institutions are designed to function as facilities for the rehabilitation of inmates, with the ultimate objective of social reintegration. This objective is explicitly affirmed in Article 1 point 1 of Law Number 22 of 2022 concerning Corrections, which defines the correctional system as a framework for treating inmates in a manner that enables them to become fully developed individuals capable of reintegrating into society. However, in practice, this normative ideal is frequently undermined by conditions of overcapacity, which impose significant limitations on rehabilitation programs and the fulfillment of inmates' rights (Tyana & Kurnianingsih, 2024).

Overcapacity arises when the number of inmates exceeds the designed accommodation capacity of correctional facilities. This condition leads to a deterioration in the quality of the correctional environment, increased pressure on correctional staff, and limited access to rehabilitation facilities. The persistence of overcapacity in Indonesian correctional institutions constitutes a systemic issue influenced by a combination of juridical and non-juridical factors (Prabawani et al., 2025).

One of the primary causes of overcapacity is the dominance of imprisonment as the principal form of punishment within the national sentencing system. Numerous statutory provisions in Indonesia continue to prioritize custodial sentences for a wide range of criminal offenses. Imprisonment is not only imposed for serious crimes but is also applied to offenses that could, in principle, be addressed through alternative sanctions. This



practice has resulted in a continuous increase in the number of individuals entering correctional institutions over time (S. Hidayat et al., 2025). Research by Prabawani, Pujiyono, and Roikardi (2025) demonstrates that Indonesia's criminal law structure remains heavily "prison-oriented," thereby indirectly contributing to the rapid growth of the inmate population (Prabawani et al., 2025).

The predominance of custodial punishment is closely linked to the persistence of a retributive paradigm in sentencing practices. Although, at a normative level, the Indonesian correctional system has embraced rehabilitative and reintegrative approaches, judicial decisions continue to be dominated by imprisonment. This discrepancy indicates a lack of alignment between the correctional paradigm and the sentencing policies applied within the criminal justice system. According to Hamja (2022), this condition reflects the incomplete success of criminal law reform in shifting the orientation of punishment from a punitive to a more humanistic, rehabilitative approach (Hamja, 2022).

Another juridical factor contributing to overcapacity is the broad scope of criminalization across various legislative instruments. Many sectoral laws incorporate criminal provisions with custodial sanctions, thereby expanding the range of conduct subject to criminal punishment. This phenomenon of overcriminalization places a substantial burden on the criminal justice system, ultimately leading to an increase in the number of inmates within correctional facilities. It reflects a broader tendency of the state to rely on criminal law as the primary instrument for addressing diverse social issues (A. P. M. Dewi et al., 2024).

Additionally, the limited implementation of alternative sentencing mechanisms exacerbates the problem. Although Indonesian positive law recognizes various non-custodial sanctions such as fines, probationary measures, and community service their application in judicial practice remains relatively minimal. This limitation is attributable to several factors, including insufficient technical regulations, lack of supporting infrastructure, and a prevailing preference among law enforcement officials for imprisonment as the most effective form of punishment (Isramsir, 2024). Tyana and Kurnianingsih (2024) identify the underutilization of alternative sanctions as a key driver of the increasing inmate population in Indonesia (Tyana & Kurnianingsih, 2024). Pretrial detention policies also contribute significantly to overcapacity. Suspects and defendants are frequently detained during investigation, prosecution, and trial stages. In principle, detention should constitute a last resort (*ultimum*



remedium), applied only when strictly necessary for the administration of justice. However, in practice, detention is often used extensively, resulting in a substantial increase in the number of detainees in both detention centers and correctional institutions (Shadiq et al., 2025).

Beyond juridical factors, non-juridical elements also play a crucial role. One of the most significant is the imbalance between the growth of the inmate population and the development of correctional infrastructure. The relatively slow expansion of correctional facilities has rendered existing capacities inadequate to accommodate the increasing number of inmates, leading to severe overcrowding (Pratama & Lestari, 2023). Managerial and institutional factors further compound the issue. Effective correctional management requires adequate administrative systems, human resources, and budgetary support. In reality, the number of correctional officers is often disproportionate to the number of inmates, resulting in excessive workloads and diminished effectiveness in inmate supervision and rehabilitation. This imbalance has been identified as a key factor exacerbating the impact of overcrowding (Hamja, 2022).

Social factors also contribute to the rising inmate population. High crime rates, poverty, and low levels of education in certain regions increase the likelihood of individuals becoming involved in criminal activities. Moreover, high recidivism rates indicate that many former inmates re-enter correctional institutions, suggesting that rehabilitation efforts have not fully achieved their intended outcomes. This underscores that overcapacity is not solely a legal issue but is also intertwined with broader social dynamics. Ultimately, overcapacity reflects an imbalance among the subsystems of law enforcement namely the police, prosecution, judiciary, and correctional services. When the volume of cases processed by the criminal justice system continues to rise without being matched by proportional sentencing policies, correctional institutions inevitably bear the greatest burden. Consequently, addressing overcapacity requires comprehensive criminal law reform rather than merely expanding correctional infrastructure.

3.2. National Legal Framework Governing the Fulfillment of Inmates' Rights under Conditions of Overcapacity

The regulation of prisoners' rights within the Indonesian legal system is fundamentally grounded in the principle of human rights protection, which recognizes prisoners as legal subjects who retain their fundamental rights despite serving a sentence. This concept is consistent with the correctional system



paradigm, which emphasizes that imprisonment is not merely intended as a form of retribution, but rather as a means of rehabilitation aimed at preparing inmates to reintegrate into society (Guimarães et al., 2022). Normatively, this principle is affirmed in Article 2 of Law Number 22 of 2022 concerning Corrections, which stipulates that the administration of correctional services is based on the principles of protection, non-discrimination, humanity, and respect for human dignity.

The comprehensive regulation of prisoners' rights is set out in Law Number 22 of 2022 concerning Corrections as the primary legal framework governing the correctional system in Indonesia. Article 9 of the law explicitly provides that prisoners are entitled to a range of rights that must be guaranteed by the state, including the right to practice religion in accordance with their beliefs, to receive both physical and spiritual care, to access education, to obtain proper healthcare services and adequate food, to submit complaints, to access reading materials, to receive family visits, and to participate in rehabilitation and social reintegration programs. These provisions indicate that, at a normative level, national law offers broad guarantees for the protection and fulfillment of prisoners' rights.

Nevertheless, in the practical implementation of correctional services, the realization of these rights often encounters significant obstacles, particularly in situations where correctional institutions experience overcapacity. Excessive inmate density beyond the intended accommodation capacity results in limitations in space, facilities, and resources necessary to ensure the proper fulfillment of prisoners' rights. This situation gives rise to complex legal issues, as the state remains constitutionally obligated to guarantee the protection of human rights for all individuals, including prisoners. The failure of the state to provide adequate correctional conditions may be categorized as a violation of the right to humane treatment (Guimarães et al., 2022). Research conducted by Siregar and Purnomo (2023) indicates that overcrowding in correctional institutions has the potential to result in violations of minimum standards for the treatment of prisoners, particularly with regard to access to adequate living space, sanitation, and healthcare services (Siregar & Purnomo, 2023).

In addition to statutory regulation, the protection of prisoners' rights is also constitutionally guaranteed under the 1945 Constitution of the Republic of Indonesia. Article 28G paragraph (1) provides that every individual has the right to personal protection, family, honor, dignity, and a sense of security from threats of fear in exercising or refraining from exercising their rights. This provision implies that the protection of human dignity must be ensured for all



individuals without exception, including those serving prison sentences. Therefore, the state cannot invoke overcapacity as a justification for neglecting its obligation to fulfill prisoners' rights.

Further reinforcement is provided by Law Number 39 of 1999 concerning Human Rights. Article 34 affirms that every person deprived of liberty is entitled to humane treatment and protection of their human dignity. This provision clearly establishes that prisoners must continue to be treated in a humane manner throughout the duration of their sentence. Accordingly, when overcapacity results in prisoners being confined in inadequate living conditions, lacking proper sanitation facilities, or experiencing restricted access to healthcare services, such conditions may be regarded as violations of the principle of humane treatment guaranteed under national law.

The issue of fulfilling prisoners' rights under conditions of overcapacity is also closely linked to the state's obligation to ensure minimum standards in the administration of correctional institutions. The government, through various implementing regulations, has sought to establish service standards in correctional facilities, including standards related to housing, healthcare, and rehabilitation programs. However, the implementation of these regulations frequently faces structural constraints, such as limited budgets, insufficient numbers of correctional officers, and the high volume of inmates requiring supervision and rehabilitation (Pratama & Lestari, 2023). Research by Nugroho and Santoso (2021) demonstrates that the imbalance between the number of inmates and the institutional capacity of correctional facilities results in many prisoners' rights not being fulfilled optimally (Nugroho & Santoso, 2021).

This condition reflects a gap between normative legal ideals and the realities of correctional practice. The effectiveness of a legal norm is not solely determined by its formal existence within legislation, but also by the capacity of legal institutions to implement it consistently. Legal effectiveness is influenced by several factors, including the substance of the law, law enforcement personnel, supporting facilities and infrastructure, as well as societal conditions. Among these, facilities and infrastructure constitute a crucial determinant in ensuring the fulfillment of prisoners' rights (Rahman & Akbar, 2022).

Moreover, overcapacity also has implications for prisoners' right to receive proper rehabilitation. Rehabilitation represents a central component of the correctional system, aimed at preparing inmates to reintegrate into society as productive members. However, when the number of inmates significantly exceeds institutional capacity, the implementation of rehabilitation programs



often becomes ineffective. The excessive number of inmates restricts access to educational programs, vocational training, and other rehabilitative activities. This condition ultimately hampers the process of social reintegration after the completion of a prison sentence. Research conducted by Wijaya and Laksana (2024) shows that overcrowding significantly affects the quality of rehabilitation and correctional programs (Wijaya & Laksana, 2024).

In this context, the state bears the responsibility to adopt strategic measures to mitigate the impact of overcapacity on the fulfillment of prisoners' rights. Such measures may include optimizing the application of alternative sentencing, strengthening assimilation and reintegration programs, and developing decriminalization policies for certain offenses. In addition, efforts to increase the capacity of correctional institutions through the construction of new facilities and the expansion of correctional personnel are necessary. These measures form part of the state's obligation to ensure that the correctional system operates in accordance with the principle of respect for human dignity.

3.3. Legal Implications of Overcapacity on the Fulfillment of Inmates' Rights

The phenomenon of overcapacity in correctional institutions gives rise not only to administrative and managerial challenges, but also to significant legal implications concerning the fulfillment of prisoners' rights. Prisoners remain legal subjects who retain fundamental human rights, even though their physical liberty has been restricted by the state as a consequence of a court decision. This principle aligns with the correctional system paradigm, which views imprisonment not merely as retribution, but as a means of rehabilitation and social reintegration. Accordingly, the state has a legal obligation to ensure that prisoners are treated humanely throughout the duration of their sentence (Guimarães et al., 2022).

This obligation is normatively regulated under various provisions of national law. Law Number 22 of 2022 concerning Corrections explicitly affirms that prisoners are entitled to humane treatment, healthcare services, rehabilitation programs, and security protection. Article 9 of the law stipulates that prisoners have the right to receive physical and spiritual care, adequate healthcare and food, education, rehabilitation, and protection from degrading treatment. However, the widespread occurrence of overcapacity in correctional institutions across Indonesia presents serious challenges in the implementation of these legal norms. When the number of inmates significantly exceeds the



available accommodation capacity, many of these rights are effectively restricted in practice. This situation creates complex legal implications, as the state remains constitutionally obligated to uphold human rights without discrimination. Research by Hidayat and Arifin (2021) demonstrates that inmate overcrowding directly affects the quality of treatment, particularly in terms of access to adequate living space, sanitation, and healthcare services (T. Hidayat & Arifin, 2021).

The right to humane treatment constitutes a fundamental right that must be guaranteed within the correctional system. This principle has a constitutional basis in Article 28G paragraph (1) of the 1945 Constitution, which affirms that every individual has the right to protection of personal dignity and honor. In this regard, the state is obliged to ensure that prisoners are not subjected to inhumane or degrading treatment. Overcapacity frequently results in inmates being confined in overcrowded and substandard living spaces that fail to meet basic standards of adequacy. A detention room intended for a limited number of occupants is often forced to accommodate far more individuals. This situation restricts movement, reduces air circulation, and increases the risk of disease transmission. Substantively, such conditions may be regarded as a form of inhumane treatment due to their failure to meet minimum standards for the treatment of prisoners (Nudd et al., 2024).

Inhumane treatment of prisoners may be categorized as a violation of the right to human dignity. Kartika and Wibowo (2022) find that overcrowding in correctional institutions can create living conditions that are unfit and degrading to prisoners (Kartika & Wibowo, 2022). In addition to affecting humane treatment, overcapacity also has significant implications for the fulfillment of prisoners' right to health. The right to health is a fundamental right that must be guaranteed for all individuals without exception, including those serving prison sentences. It encompasses access to healthcare services, adequate sanitation, and an environment conducive to both physical and mental well-being. However, in overcrowded correctional institutions, healthcare services are often inadequate. Limited medical personnel and insufficient healthcare facilities hinder prisoners' access to proper medical treatment. Furthermore, high population density increases the risk of the spread of infectious diseases such as tuberculosis, skin infections, and respiratory disorders (Nudd et al., 2024). Research by Pratama and Lestari (2023) indicates a strong correlation between inmate overcrowding and the increased risk of infectious diseases among prisoners (Pratama & Lestari, 2023). This demonstrates that overcapacity is not merely an administrative issue,



but also a condition that threatens prisoners' right to adequate health protection. The failure of the state to provide sufficient healthcare services may therefore be regarded as a violation of its obligation to uphold human rights.

The correctional system is fundamentally designed to rehabilitate prisoners and prepare them to reintegrate into society as productive individuals. Rehabilitation programs typically include education, vocational training, religious guidance, and social activities aimed at fostering positive personal development. Accordingly, the success of the correctional system depends largely on the effectiveness of these programs. However, overcapacity often renders rehabilitation efforts ineffective. The excessive number of inmates limits access to available programs, while the shortage of correctional officers hampers individualized guidance. As a result, many prisoners are unable to fully participate in rehabilitation programs during their incarceration (S. Hidayat et al., 2025). Research by Saputra and Mahendra (2024) shows that overcrowding significantly affects the quality of rehabilitation programs, which are often implemented merely as formalities without producing meaningful behavioral change. This condition may ultimately increase the risk of recidivism, as prisoners are not adequately equipped to reintegrate into society upon release (Saputra & Mahendra, 2024).

Overcapacity also has serious implications for prisoners' right to security. Security is a crucial factor in ensuring that inmates can serve their sentences in a safe and orderly environment. However, high inmate density frequently increases the potential for conflict among prisoners. A large population with diverse social and criminal backgrounds may trigger various forms of conflict, ranging from interpersonal disputes to the formation of inmate groups within correctional institutions. In addition, the limited number of correctional officers reduces the effectiveness of supervision. This condition heightens the risk of violence, bullying, and other security violations within correctional facilities (S. Hidayat et al., 2025). Research by Firmansyah and Adi (2025) demonstrates a strong correlation between overcrowding and increased levels of violence within correctional institutions (Firmansyah & Adi, 2025). Behavioral control becomes increasingly difficult, posing threats not only to inmate safety but also to the overall stability of correctional institutions.

3.4. State Responsibility in Ensuring the Fulfillment of Prisoners' Rights Amid Overcapacity in Correctional Institutions

The state bears a primary obligation to guarantee the protection and fulfillment of human rights for all citizens without discrimination. This principle equally applies to individuals serving prison sentences. In essence, prisoners are only deprived of their freedom of movement as a consequence of judicial decisions, while their fundamental rights as human beings remain intact. Accordingly, the state retains a legal responsibility to ensure that prisoners are treated humanely and are able to exercise their basic rights throughout their period of incarceration. The issue of overcapacity in correctional institutions poses a serious challenge to the fulfillment of this obligation, as excessive inmate density often results in significant limitations in the administration of correctional services (Prabawani et al., 2025).

The state's responsibility in this regard has a strong constitutional foundation in the 1945 Constitution of the Republic of Indonesia. Article 28I paragraph (4) explicitly affirms that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, particularly the government. This provision indicates that the state is not only required to respect human rights but must also take active measures to protect and fulfill them. In this context, the state must ensure that prisoners continue to receive protection of their human dignity despite being subjected to custodial punishment.

More specific provisions concerning state responsibility toward prisoners are set out in Law Number 22 of 2022 concerning Corrections. This law emphasizes that the correctional system aims to shape prisoners into individuals who recognize their wrongdoing, improve themselves, and refrain from reoffending. To achieve this objective, the state, through correctional institutions, is obligated to provide rehabilitation facilities, healthcare services, and security protection for prisoners (Putri & Alim, 2025). In practice, however, the fulfillment of these responsibilities is frequently constrained by structural limitations, particularly under conditions of overcapacity. Overcrowding that exceeds the ideal capacity results in inadequate housing facilities, limited healthcare services, and restricted access to rehabilitation programs. This situation raises critical questions regarding the extent to which the state can be deemed to have fulfilled its obligations in safeguarding prisoners' rights (H & Subroto, 2022). Research by Gunawan and Prabowo (2022) demonstrates that overcapacity in Indonesian correctional institutions constitutes a systemic issue that directly affects the

state's ability to provide adequate correctional services (Gunawan & Prabowo, 2022).

State responsibility for the fulfillment of prisoners' rights can be analyzed through the framework of three core human rights obligations: the duty to respect, to protect, and to fulfill. The obligation to respect requires the state to refrain from actions that directly violate prisoners' rights. The obligation to protect entails preventing third parties from infringing upon those rights. Meanwhile, the obligation to fulfill requires the state to take positive and concrete measures to ensure that prisoners' rights are effectively realized. In the context of overcapacity, these obligations are often difficult to implement fully due to limitations in infrastructure and institutional capacity (Sari & Rahman, 2023).

State responsibility in the administration of correctional institutions is also closely linked to the principle of good governance, which demands effective, transparent, and accountable governance. The government, particularly the ministry responsible for corrections, must formulate appropriate policies to address overcapacity. Such policies include the construction of new correctional facilities, the enhancement of human resources among correctional officers, and the strengthening of rehabilitation systems. Without comprehensive and well-coordinated policies, efforts to fulfill prisoners' rights will continue to face persistent structural challenges (Rahman & Akbar, 2022).

In addition, state responsibility extends to the need for reforming criminal law policies that contribute to the increasing prison population. One of the primary drivers of overcapacity is the dominance of imprisonment within the sentencing system. Therefore, the state must adopt more progressive penal policies by expanding the use of alternative sanctions, such as community service, probation, and rehabilitative programs for certain categories of offenders (S. Dewi et al., 2023). Research by Wicaksono and Putra (2024) indicates that the implementation of alternative sentencing can serve as an effective strategy to reduce prison overcrowding while simultaneously enhancing the effectiveness of the correctional system (Wicaksono & Putra, 2024).

Furthermore, the state is responsible for ensuring the existence of effective oversight mechanisms in the administration of correctional institutions. Such oversight may be exercised through various bodies, including internal government supervisory institutions, the judiciary, and independent institutions such as human rights commissions. Robust oversight mechanisms are essential to ensure that prisoners' rights are fulfilled in accordance with applicable legal



standards. Without effective supervision, violations of prisoners' rights may occur without adequate accountability (H & Subroto, 2022). Research by Putri and Alim (2025) highlights that weak oversight systems often result in unresolved human rights issues within correctional institutions (Putri & Alim, 2025). Strengthening oversight mechanisms is therefore a crucial step in ensuring that the state effectively discharges its responsibility to protect prisoners' rights. Effective supervision not only serves to prevent violations but also ensures that correctional policies are implemented consistently in line with legal and human rights principles.

3.5. Effectiveness of Correctional Policies, Alternative Sentencing, and Non-Custodial Measures in Addressing Overcapacity to Protect Prisoners' Rights

The problem of overcapacity in correctional institutions represents a structural issue within Indonesia's criminal justice system that cannot be resolved solely through administrative measures or the physical expansion of prison facilities. Conceptually, the Indonesian correctional system is built upon a rehabilitative paradigm aimed at restoring the relationship between offenders and society while fostering law-abiding individuals. This principle is reflected in Law Number 22 of 2022 concerning Corrections, which affirms that punishment is not intended merely to inflict suffering but also to ensure rehabilitation and respect for human dignity. However, in practice, sentencing policies that remain heavily oriented toward imprisonment have led to a continuous increase in the inmate population, resulting in overcapacity that directly affects both the quality of rehabilitation and the fulfillment of prisoners' rights (Prabawani et al., 2025).

The rising number of prisoners in Indonesia is largely driven by the dominance of custodial sentences as the primary form of punishment within the criminal justice system. Many legislative instruments continue to prescribe imprisonment as the principal sanction for a wide range of offenses, including those with relatively low levels of harm. This has given rise to the phenomena of over-criminalization and over-imprisonment, reflecting an excessive reliance on incarceration by both lawmakers and law enforcement authorities. As a consequence, correctional institutions face a disproportionate increase in inmate populations relative to their available capacity. Studies indicate that the extensive use of pretrial detention and custodial sentencing significantly contributes to overcrowding in Indonesian correctional facilities (Hamja, 2022).



The development of alternative sentencing policies has emerged as a strategic approach to reducing prison overcrowding. Normatively, Indonesian criminal law already provides for various non-custodial sanctions, including fines, community service, probation, and rehabilitative measures. The enactment of Law Number 1 of 2023 concerning the Criminal Code introduces a new paradigm in sentencing, emphasizing proportionality and the objectives of punishment. This law provides judges with guidelines that enable the application of alternative sanctions beyond imprisonment. Such reform is viewed as a significant step toward reducing incarceration rates and alleviating pressure on correctional institutions (Prabawani et al., 2025).

In addition to alternative sentencing, non-custodial policies are also implemented through various correctional programs, such as assimilation, parole, conditional leave, and pre-release leave. These programs form part of the broader framework of social reintegration, aimed at gradually preparing prisoners for their return to society. Legally, these policies reflect the principles of restorative justice and social reintegration that underpin the Indonesian correctional system. Through these mechanisms, eligible prisoners may serve part of their sentence outside correctional institutions under supervision. Such measures not only reduce overcrowding but also enhance the prospects of successful reintegration (S. Dewi et al., 2023).

Assimilation and parole policies have demonstrated their effectiveness in reducing prison populations, particularly during exceptional circumstances such as the COVID-19 pandemic. During this period, the government implemented conditional release and assimilation programs for certain prisoners as a means of mitigating the spread of disease in overcrowded facilities. This experience illustrates that non-custodial approaches can serve as pragmatic solutions to relieve pressure on the correctional system. Nevertheless, their effectiveness remains constrained by several challenges, including limited supervisory capacity, public resistance, and societal stigma toward former prisoners (Fitri & Handayani, 2021).

The effectiveness of non-custodial policies is also influenced by the level of coordination among institutions within the criminal justice system. Correctional institutions cannot address overcapacity in isolation, as the issue is closely linked to law enforcement practices at the stages of investigation, prosecution, and adjudication. If law enforcement agencies continue to prioritize detention and imprisonment in handling criminal cases, corrective policies within the correctional system will have limited impact in addressing overcrowding.



Therefore, an integrated criminal justice system approach is required, involving coordination among the police, prosecution, judiciary, and correctional institutions in regulating the use of imprisonment (Wicaksono & Putra, 2024).

Beyond institutional factors, the effectiveness of alternative sentencing policies also depends on a broader shift in the paradigm of national criminal law. Contemporary penal systems emphasize that imprisonment should function as an *ultimum remedium*, or a last resort, to be applied only when other sanctions are inadequate. This principle is consistent with modern developments in criminal law, which prioritize rehabilitative and restorative approaches over purely retributive ones. The excessive use of imprisonment risks violating humanitarian principles, particularly when correctional institutions are unable to ensure the fulfillment of prisoners' basic rights (Afdini & Sudiro, 2023).

4. Conclusion

This study shows that overcapacity in correctional institutions in Indonesia is caused by legal and non-legal factors. Legal factors include the dominance of imprisonment, the high use of detention, and the suboptimal use of alternative sentencing. Non-legal factors relate to limited infrastructure and the imbalance between the number of inmates and the capacity of correctional institutions. The fulfillment of inmates' rights has been regulated, particularly in Law Number 22 of 2022 concerning Corrections. However, in practice, overcapacity hinders the fulfillment of rights, such as humane treatment, health services, guidance, and security. The state remains responsible for guaranteeing inmates' rights in these circumstances. Therefore, policy reform is needed by strengthening alternative sentencing and non-prison policies, such as community service, supervision, and optimizing assimilation and parole. This study is limited to a normative approach; therefore, further research is recommended to use an empirical or socio-legal approach for greater comprehensiveness.

References

- Afdini, H., & Sudiro, A. (2023). Urgensi Penanggulangan Over Capacity Lapas sebagai Upaya Pemenuhan Hak Bagi Narapidana. *Syntax Literate ; Jurnal Ilmiah Indonesia*, 8(11), 6823–6836. <https://doi.org/10.36418/syntax-literate.v8i11.14073>
- Dewi, A. P. M., Putri, H. A. A., & Dewi, N. (2024). Analisis Yuridis Dampak Over Kapasitas pada Ruang Tahanan terhadap Hak-Hak Narapidana. *AL-SULTHANIYAH*, 14(2), 343–352. <https://doi.org/10.37567/al-sulthaniyah.v14i2.4050>
- Dewi, S., Kusumawardhani, D. L. L. H., Jaelani, A., Noya, S. W., & Mendrofa, H. P. (2023). Efektivitas pemidanaan penjara dalam mencegah tindak pidana berulang di Indonesia. *Jurnal Kolaboratif Sains*, 7(12). <https://doi.org/10.56338/jks.v7i12.6567>
- Firmansyah, R., & Adi, K. (2025). Prison overcrowding and security challenges in correctional institutions. *Jurnal Hukum Dan Peradilan*, 14(1), 67–84. <https://doi.org/10.25216/jhp.14.1.2025.67-84>
- Fitri, W., & Handayani, V. (2021). Aspek hukum pemenuhan hak bagi narapidana dalam kondisi over capacity di Lapas Perempuan Kelas IIB Batam pada masa COVID-19. *Jurnal Komunitas Yustisia*, 4(3). <https://doi.org/10.23887/jatayu.v4i3.41981>
- Guimarães, A. P., Barata, M., & Rebelo, F. (2022). Prison overcrowding – Prisoners’ fundamental rights and personality rights. *HUMAN REVIEW. International Humanities Review / Revista Internacional De Humanidades*, 15(5), 1–9. <https://doi.org/10.37819/revhuman.v15i5.1389>
- Gunawan, A., & Prabowo, H. (2022). State responsibility in protecting prisoners’ rights in overcrowded correctional institutions. *Jurnal Hukum Ius Quia Iustum*, 29(2), 354–372. <https://doi.org/10.20885/iustum.vol29.iss2.art6>
- H, P. S., & Subroto, M. (2022). Peranan serta tanggung jawab pemerintah dalam pelanggaran hak narapidana dan tahanan pada lembaga pemasyarakatan/rumah tahanan negara. *Jurnal Pendidikan Tambusai*, 6(2). <https://doi.org/10.31004/jptam.v6i2.3719>
- Hamja, H. (2022). IMPLIKASI OVERCROWDING TERHADAP LEMBAGA PEMASYARAKATAN DI INDONESIA. *Mimbar Hukum*, 34(1), 296–324. <https://doi.org/10.22146/mh.v34i1.2495>
- Hamzani, A. I., Widyastuti, T. V., Khasanah, N., & Rusli, M. H. M. (2023). Legal Research Method: Theoretical and Implementative Review. *International*



- Journal of Membrane Science and Technology*, 10(2), 3610–3619.
<https://doi.org/10.15379/ijmst.v10i2.3191>
- Hidayat, S., Akhmaddhian, S., & Hendriawan, A. (2025). Legal Consequences of Inter-Inmate Violence in Overcrowded Correctional Institutions: A Case Study of Kuningan Class IIA Prison. *INKLUSIF (JURNAL PENGKAJIAN PENELITIAN EKONOMI DAN HUKUM ISLAM)*, 10(2), 127.
<https://doi.org/10.24235/inklusif.v10i2.22272>
- Hidayat, T., & Arifin, Z. (2021). Protection of prisoners' human rights in overcrowded prisons. *Jurnal Dinamika Hukum*, 21(3), 512–525.
<https://doi.org/10.20884/1.jdh.2021.21.3.3298>
- Isramsir, R. D. (2024). Dampak overkapasitas lembaga pemasyarakatan terhadap pemenuhan hak asasi narapidana: Studi kasus Lapas Kelas IIA Padang. *Court Review: Jurnal Penelitian Hukum*, 5(5).
<https://doi.org/10.69957/cr.v5i05.2469>
- Kartika, D., & Wibowo, A. (2022). Human dignity and prison overcrowding in Indonesian correctional institutions. *Jurnal Konstitusi*, 19(2), 367–384.
<https://doi.org/10.31078/jk1927>
- Nudd, E., Aon, M., Kambanella, K., & Brasholt, M. (2024). Overcrowding in prisons: Health and legal implications. *Torture Journal*, 34(3), 41–53.
<https://doi.org/10.7146/torture.v34i3.147571>
- Nugroho, H., & Santoso, T. (2021). Prison overcrowding and the protection of prisoners' rights in Indonesia. *Jurnal Hukum Ius Quia Iustum*, 28(3), 560–578.
<https://doi.org/10.20885/iustum.vol28.iss3.art7>
- Prabawani, R. D., Pujiyono, P., & Roikardi, D. (2025). Overcapacity in Indonesia's Prisons: The Role of Criminal Law Reform in Sustainable Solutions. *Journal of Law and Legal Reform*, 6(4), 2141–2176.
<https://doi.org/10.15294/jllr.v6i4.22172>
- Pratama, Y., & Lestari, R. (2023). Health rights of prisoners in overcrowded correctional facilities. *Jurnal HAM*, 14(2), 201–215.
<https://doi.org/10.30641/ham.2023.14.201-215>
- Putri, N. A., & Alim, M. (2025). Oversight mechanisms for correctional institutions and human rights protection in Indonesia. *Jurnal Konstitusi*, 22(1), 120–138. <https://doi.org/10.31078/jk2217>
- Rahman, F., & Akbar, M. (2022). Legal effectiveness in protecting prisoners' rights in correctional institutions. *Sriwijaya Law Review*, 6(2), 237–252.
<https://doi.org/10.28946/slrev.Vol6.Iss2.1731.pp237-252>



- Saputra, I., & Mahendra, B. (2024). Correctional rehabilitation challenges in overcrowded prisons. *Jurnal Penelitian Hukum De Jure*, 24(1), 45–60. <https://doi.org/10.30641/dejure.2024.24.45-60>
- Sari, D., & Rahman, A. (2023). State obligation to respect, protect and fulfil prisoners' rights in correctional institutions. *Sriwijaya Law Review*2, 7(1), 85–101. <https://doi.org/10.28946/slrev.Vol7.Iss1.2090.pp85-101>
- Shadiq, D. Z., Gumilar, G. G., & Rizki, M. F. (2025). DAMPAK OVER KAPASITAS DI LAPAS KELAS IIA BEKASI BAGI KEAMANAN NARAPIDANA. *Moderat : Jurnal Ilmiah Ilmu Pemerintahan*, 11(4), 1498–1506. <https://doi.org/10.25157/moderat.v11i4.4920>
- Siregar, R., & Purnomo, B. (2023). Prison overcrowding and human rights protection in Indonesian correctional institutions. *Hasanuddin Law Review*, 9(1), 59–73. <https://doi.org/10.20956/halrev.v9i1.4072>
- Tyana, I. N., & Kurnianingsih, M. (2024). The Impact of Prison Overcrowding on the Rights and Well-being of Inmates in Indonesia: A Legal Perspective. *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*, 7(1). <https://doi.org/10.22515/jurnalalhakim.v7i1.11363>
- Wicaksono, B., & Putra, R. (2024). Alternative sentencing policy to address prison overcrowding in Indonesia. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 11(2), 211–230. <https://doi.org/10.22304/pjih.v11n2.a5>
- Wijaya, A., & Laksana, R. D. (2024). Rehabilitation challenges in overcrowded prisons: Indonesian correctional policy perspective. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 11(1), 45–63. <https://doi.org/10.22304/pjih.v11n1.a3>