

Criminal Liability for Torture in Prisons (A Study of Langkat Youth Prison)

Abul Fauzi Tarigan, Fitri Rafianti, Henry Aspan

Abstract

The transformation of the correctional system in Indonesia through Law Number 22 of 2022 concerning Corrections emphasizes a paradigm shift from a repressive approach toward a rehabilitative system oriented to rehabilitation, social reintegration, and respect for human rights. However, in practice, correctional institutions continue to face various structural challenges such as overcrowding, limited human resources, and weak oversight mechanisms, which may give rise to acts of violence or torture against inmates. This study aims to analyze the forms of criminal liability for acts of torture within correctional institutions and to examine the role of public service oversight systems in preventing such practices, particularly at the Langkat Youth Correctional Institution. This research employs an empirical juridical (socio-legal) approach using qualitative analysis methods through literature review, statutory analysis, and examination of empirical data related to oversight practices within correctional institutions. The findings indicate that acts of torture against inmates may result in criminal liability for the officers involved if the elements of unlawful conduct, fault, and consequences causing physical or mental suffering to the victims are fulfilled. Furthermore, public service oversight systems play a strategic role in preventing torture practices through the strengthening of internal supervision, the establishment of independent complaint mechanisms, and the involvement of external oversight institutions.

Keywords: Criminal Liability, Public Service Oversight, Torture, Human Rights.

Abul Fauzi Tarigan¹

¹Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: abultarigan83@gmail.com¹

Fitri Rafianti², Henry Aspan³

^{2,3}Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: fitirafianti@dosen.pancabudi.ac.id², henryaspan@yahoo.com³

2nd International Conference on Islamic Community Studies (ICICS)

Theme: History of Malay Civilisation and Islamic Human Capacity and Halal Hub in the Globalization Era

<https://proceeding.pancabudi.ac.id/index.php/ICIE/index>

Introduction

The transformation of the correctional system in Indonesia has undergone a significant development with the enactment of Law Number 22 of 2022 concerning Corrections, which emphasizes a paradigm shift from a repressive penal system toward a rehabilitative and social reintegration-oriented approach [1]. Within this paradigm, correctional institutions are no longer merely viewed as places for serving criminal sentences but rather as public service institutions responsible for ensuring respect for the human rights of inmates [2]. This transformation positions corrections as an integral part of the criminal justice system that is not only oriented toward punishment but also toward social recovery and human rights protection [3].

Within this normative framework, the state has an obligation to ensure that every inmate is treated humanely and is free from all forms of cruel, inhuman, or degrading treatment [4]. This principle aligns with various international human rights instruments ratified by Indonesia, including the absolute prohibition of torture as a non-derogable right. This means that no circumstances whatsoever can justify acts of torture, including those committed against prisoners serving their sentences [5].

However, empirical realities indicate that correctional institutions in Indonesia continue to face various structural problems that potentially hinder the implementation of a human rights-based correctional system. One of the primary issues is overcrowding in correctional facilities. Data from the Directorate General of Corrections show that in 2024, the number of inmates and detainees in Indonesia reached approximately 265,595, while the available capacity was only around 140,424, resulting in an overcapacity rate of approximately 89% [6].

This condition has continued to worsen in subsequent years. By mid-2025, the number of inmates had increased to 279,537, with a capacity of approximately 147,414, resulting in an overcrowding rate of nearly 89.64% [6]. This overcapacity not only affects living space but also impacts the quality of rehabilitation, security management, and the fulfillment of inmates' basic rights [7]. Furthermore, the ratio of correctional officers to inmates shows a significant imbalance. Data indicate that there are approximately 27,341 correctional officers, with an average ratio of one officer supervising around 40 inmates under a shift-based system.

These structural conditions create significant pressure on supervision and security systems within correctional institutions. In overcrowded conditions, the potential for conflicts among inmates as well as abuse of authority by correctional officers increases substantially [7]. Limited supervision and high workloads often result in suboptimal implementation of rehabilitation and security control. Consequently, various forms of violence against inmates may occur, both in the form of inmate-to-inmate violence and violence involving correctional officers [8].

Violence within correctional institutions is not a sporadic issue but has become a serious concern in recent years. Monitoring conducted by the Commission for the Disappeared and Victims of Violence (KontraS) indicates that between 2020 and 2024, there were at least 23 incidents of violence in Indonesian correctional institutions. These incidents consisted of 13 cases of torture, 9 cases of inhuman treatment, and 1 case of sexual harassment, resulting in numerous injuries and several fatalities [9]. These cases have also attracted significant public attention, particularly as they have been widely disseminated through mass media and social media platforms [10].

One notable case involved alleged torture of inmates in the Yogyakarta Narcotics Prison, reported by a former inmate to the Ombudsman of the Republic of Indonesia. The victim claimed that several officers committed acts of physical violence using objects such as hoses, wood, and cables during the rehabilitation process [11].

Another case that gained public attention involved a viral video showing inmates being beaten and dragged by officers during their transfer to Nusakambangan Prison. This incident led to investigations of several correctional officers and the dismissal of responsible officials as a form of disciplinary action.[10] In addition, various media reports have highlighted

incidents of inmate violence resulting in fatalities in several correctional institutions. These phenomena indicate that security conditions within correctional institutions continue to face serious challenges, particularly when internal oversight mechanisms are ineffective.

From the perspective of criminal law, acts of torture against inmates constitute unlawful conduct that may give rise to criminal liability for the perpetrators. The elements of criminal acts in torture practices can be identified through intentional actions that cause physical or psychological suffering to victims [12]. When such acts are committed by state officials with authority within the correctional system, they may be categorized not only as general criminal offenses but also as abuses of power that violate human rights principles.

From the standpoint of criminal law theory, criminal liability is based on the principle that any person who commits an unlawful act accompanied by fault must be held accountable before the law. This principle is known as *geen straf zonder schuld* (no punishment without fault), emphasizing that criminal sanctions require the existence of culpability. In the correctional context, officers who commit acts of violence against inmates can be held criminally liable if it is proven that the elements of unlawfulness, fault, and causality between the act and its consequences are fulfilled. [13]

On the other hand, from a human rights perspective, the state has an obligation to protect every individual from acts of torture, including those serving criminal sentences. A human rights-based approach to corrections emphasizes three primary obligations of the state: to respect, to protect, and to fulfill fundamental rights. Failure to carry out these obligations may result in the state being considered responsible for human rights violations, either through direct actions or negligence in fulfilling its protective duties.

In this context, the public service oversight system becomes a crucial instrument in preventing torture practices within correctional institutions. Oversight functions not only as an administrative control mechanism but also as a means to ensure that correctional administration operates in accordance with legal and human rights principles. Without effective oversight, acts of violence within correctional institutions risk remaining undetected and difficult to prosecute legally [14]. Based on the above background, this study focuses on two main research questions:

1. How is criminal liability applied to torture practices occurring within correctional institutions?
2. What is the role of public service oversight systems in preventing torture practices at the Langkat Youth Correctional Institution?

Literature Review

1. Oversight Theory

Oversight constitutes one of the essential functions in public administration aimed at ensuring that the implementation of governmental duties and authorities is carried out in accordance with established plans, legal regulations, and organizational objectives. Conceptually, oversight can be understood as a process of evaluating whether an activity has been conducted according to predetermined standards and implementing corrective measures when deviations occur. In public administration, oversight is generally categorized into two main forms: internal oversight and external oversight. Internal oversight is carried out by units or officials within the same institution, such as supervisory control by leadership or internal audits. Meanwhile, external oversight is conducted by independent institutions outside the organization, including governmental oversight bodies, ombudsman institutions, and civil society organizations.

In the context of public service delivery, oversight plays a crucial role in ensuring accountability and transparency. Effective oversight can prevent abuse of authority, maladministration, and violations of citizens' rights. When associated with the correctional system, oversight becomes a vital instrument to ensure that inmate rehabilitation processes are carried out humanely and in accordance with legal principles. Without effective oversight, the

potential for abuse of power by correctional officers increases, thereby creating opportunities for violence or torture against inmates [12].

2. Good Governance Theory in Public Services

The concept of good governance represents a governance principle that emphasizes transparency, accountability, participation, effectiveness, and the rule of law in public administration. In the context of public administration, good governance aims to ensure that every policy and governmental action can be held accountable to the public. Accountability is one of the core principles of good governance, meaning that every public official or institution has an obligation to be responsible for decisions and actions taken, both to competent authorities and to society. Within correctional institutions, the principle of good governance serves as an important foundation in the administration of correctional services. Correctional officers, as state apparatus, are obligated to perform their duties professionally, transparently, and responsibly. Through an oversight system based on good governance principles, every action of correctional officers can be monitored, thereby minimizing the potential for abuse of authority. [11]

3. Human Rights Theory and the Prohibition of Torture

The prohibition of torture is a fundamental principle in international human rights law. Various international instruments, such as the Convention Against Torture (CAT), emphasize that torture constitutes a serious violation of human dignity and is prohibited under all circumstances. The state is obligated to take legal, administrative, and judicial measures to prevent acts of torture. This principle is also reflected in the Nelson Mandela Rules, which establish minimum standards for the treatment of prisoners, emphasizing that inmates must be treated with respect for their inherent dignity and protected from all forms of cruel, inhuman, or degrading treatment [14]. Within the correctional system, a human rights-based approach emphasizes that prisoners retain fundamental rights that must be respected by the state [1]. Imprisonment does not eliminate an individual's basic rights but only restricts their freedom of movement. Therefore, the state has an obligation to ensure that rehabilitation processes in correctional institutions are conducted humanely and in accordance with human rights principles.[12]

4. Criminal Liability Theory

In criminal law, the concept of criminal liability refers to an individual's obligation to be held accountable for actions that fulfill the elements of a criminal offense. Criminal liability is based on the principle that a person can only be punished if it is proven that they have committed an unlawful act accompanied by fault. One of the fundamental principles in criminal law is *geen straf zonder schuld*, meaning that there is no punishment without fault. This principle emphasizes that a person may only be subjected to criminal sanctions if there is an element of fault, either in the form of intent or negligence.

In the context of correctional institutions, correctional officers who commit acts of violence or torture against inmates may be held criminally liable if it is proven that their actions fulfill the elements of a criminal offense. Acts of torture committed by state officials may also be categorized as abuses of authority that violate human rights protection principles [5]. Furthermore, developments in modern criminal law have recognized the importance of specific regulations concerning the criminalization of torture. Several studies indicate that regulating torture as a specific criminal offense within national law is an important step in preventing such practices across law enforcement institutions, including correctional facilities [12].

5. Oversight Theory in the Correctional System

In modern correctional systems, oversight of correctional institutions constitutes an essential component of human rights protection mechanisms. External oversight is considered

one of the most effective means of preventing torture and inhumane treatment of inmates . Correctional institutions are inherently closed institutions with limited public access, which may create risks of human rights violations if not accompanied by transparent and accountable oversight mechanisms [13]. Therefore, the involvement of independent oversight institutions, civil society organizations, and the media becomes crucial in ensuring that the management of correctional institutions aligns with legal and human rights principles [9].

Research Methodology

This study employs an empirical juridical approach (*socio-legal research*) with analytical and descriptive characteristics. This approach is selected because the issues examined are not only related to legal norms governing the prohibition of torture and the obligation to protect human rights but also concern the implementation of public service oversight within correctional practices [13]. Accordingly, this research integrates normative analysis of statutory regulations with empirical analysis of oversight practices in correctional institutions.

From a normative perspective, this study examines various regulations related to the correctional system and human rights protection, particularly Law Number 22 of 2022 concerning Corrections and Law Number 25 of 2009 concerning Public Services. [19] In addition, this research also analyzes principles of international law regarding the prohibition of torture, which affirm that any form of cruel, inhuman, or degrading treatment constitutes a violation of human rights [14].

From an empirical perspective, the research is conducted through a case study at the Langkat Youth Correctional Institution, considering its characteristics as a rehabilitation institution for young inmates who possess specific social and psychological vulnerabilities. The research data consist of primary and secondary data. Primary data are obtained through interviews with correctional officers and individuals who have authority over internal oversight within correctional institutions [16]. Meanwhile, secondary data are collected through literature review of legal materials, institutional reports, and media coverage related to alleged violence against inmates over the past five years [18].

Data collection techniques include literature study, documentation, and interviews. To ensure data validity, this study employs source triangulation, which involves comparing information obtained from various data sources such as official documents, academic literature, and media reports. Data analysis is conducted qualitatively by comparing the normative conditions regulated by law (*das sollen*) with the empirical conditions occurring in practice (*das sein*). The results of this analysis are used to identify implementation gaps and to formulate necessary measures to strengthen oversight systems in preventing acts of torture within correctional institutions [13].

Results

1. Forms of Criminal Liability for Torture Practices in Correctional Institutions

From a criminal law perspective, acts of torture against inmates can be categorized as unlawful conduct that causes physical and/or mental suffering to victims. Such actions may fulfill the elements of a criminal offense if there are elements of conduct, fault, and resulting harm to the victim. Within the context of correctional institutions, torture may take various forms, including physical violence, intimidation, and degrading treatment that violates human dignity [14].

If such acts are committed by correctional officers, the perpetrators may be held criminally liable based on the principle that any person who commits an unlawful act must be held accountable before the law. Moreover, correctional officers, as state officials, have an obligation to protect the human rights of inmates. Therefore, acts of violence committed by such officials may not only be classified as general criminal offenses but also as abuses of authority that violate human rights principles.

In practice, proving criminal acts of torture within correctional institutions often faces various obstacles. One of the main challenges is limited access to evidence and the lack of independent witnesses, given that correctional institutions are closed institutions [13]. In

addition, the power imbalance between officers and inmates may discourage victims from reporting acts of violence they experience. Therefore, effective oversight mechanisms become a crucial factor in detecting and preventing torture practices. Without adequate supervision, acts of violence against inmates may remain undetected and difficult to process legally.

2. The Role of Public Service Oversight Systems in Preventing Torture at the Langkat Youth Correctional Institution

Public service oversight constitutes an essential instrument in ensuring that correctional administration is carried out in accordance with legal and human rights principles. Within correctional institutions, oversight is conducted through two main mechanisms: internal oversight by correctional officers and external oversight by independent institution. The findings of this study indicate that internal oversight at the Langkat Youth Correctional Institution is implemented through the correctional organizational structure, involving the head of the institution, the head of security, and security officers responsible for controlling inmates' activities. In addition, activities such as sudden inspections, block searches, and routine performance evaluations of officers form part of internal oversight mechanisms aimed at maintaining order and security within the institution.

However, the effectiveness of such oversight still faces several structural challenges. One of the main challenges is overcrowding, where the number of inmates significantly exceeds the institutional capacity. This condition increases the workload of security officers, thereby limiting the effectiveness of supervision over inmates' activities [8]. Furthermore, as a closed institution, correctional facilities have limited transparency, which restricts public oversight of internal activities. This condition may increase the risk of human rights violations if not balanced with strong external oversight mechanisms [13].

In recent years, various media reports have also highlighted allegations of violence against inmates in several correctional institutions in Indonesia, including a case that went viral on social media in 2023 concerning alleged violence at the Langkat Youth Correctional Institution. These phenomena indicate that the existing oversight system has not been fully effective in preventing alleged violations or minimizing public perceptions regarding the potential for violence within correctional institutions [18].

Therefore, strengthening the public service oversight system is a crucial step in preventing torture practices within correctional institutions. Such strengthening can be carried out through enhancing transparency, reinforcing independent complaint mechanisms, and increasing the involvement of external oversight institutions to ensure accountability in correctional administration.

Conclusion

1. Acts of torture occurring within correctional institutions may give rise to criminal liability for the officers involved, provided that such acts fulfill the elements of a criminal offense, namely the existence of an unlawful act, fault, and consequences resulting in physical or mental suffering to the victims. Within the correctional context, acts of violence committed by correctional officers against inmates not only violate the principles of human rights protection but may also be classified as abuses of authority that entail criminal legal consequences.
2. Public service oversight systems play a crucial role in preventing acts of torture within correctional institutions, including at the Langkat Youth Correctional Institution. Although internal oversight mechanisms have been established through the correctional organizational structure and routine security practices, their effectiveness continues to face various structural challenges, such as overcrowding conditions, limited human resources, and restricted transparency of correctional institutions as closed environments. Therefore, strengthening oversight systems through increased transparency, the establishment of independent complaint mechanisms, and the involvement of external oversight institutions

constitutes an essential step in ensuring accountable correctional administration and preventing torture practices.

References

- [1] Cahyaningtyas, I., & Nugroho, R. (2022). Implementasi prinsip hak asasi manusia dalam sistem pemasyarakatan di Indonesia. *Jurnal HAM*, 13(2), 205–220.
- [2] Dewi, A. K., & Wibowo, A. (2023). Evaluasi pengawasan internal dalam pencegahan kekerasan di lembaga pemasyarakatan. *Jurnal Penelitian Hukum De Jure*, 23(1), 45–60.
- [3] M. A. Siregar, R. F. Adrian, and M. J. Rambe, Menelusuri Perjalanan Lahirnya Konsep Sistem Hukum Pidana Dan Hukum Pidana Di Indonesia. Tahta Media, 2023
- [4] Hidayat, M., & Rahmawati, D. (2021). Pengawasan pelayanan publik berbasis akuntabilitas dalam lembaga pemasyarakatan. *Jurnal Administrasi Publik*, 17(2), 89–101.
- [5] Iskandar, A., & Wahyudi, R. (2024). Pencegahan penyiksaan dalam lembaga pemasyarakatan melalui pendekatan hak asasi manusia. *Ius Quia Iustum Law Journal*, 31(1), 145–160.
- [6] Kurniawan, A., & Sari, D. (2022). Reformasi sistem pemasyarakatan dan perlindungan hak narapidana di Indonesia. *Jurnal Hukum dan Peradilan*, 11(2), 211–228.
- [7] E. C. Tarigan and H. Aspan, “Dampak overkapasitas di lembaga pemasyarakatan terhadap pemenuhan hak-hak narapidana di Rutan Kelas IIB Kabanjahe,” *Locus Journal of Academic Literature Review*, vol. 4, no. 5, pp. 287–295, 2025.
- [8] R. Rahmayanti, T. R. Zarzani, S. Sukarwoto, and S. Diriyanti, “Tinjauan Yuridis Terhadap Tindak Pidana Kekerasan Fisik di Lingkungan Pendidikan Tinggi (Menggunakan System Boarding School),” *Innovative: Journal of Social Science Research*, vol. 4, no. 3, pp. 10134–10147, 2024
- [9] Nugraha, P., & Santoso, B. (2024). Penguatan mekanisme pengawasan eksternal terhadap lembaga pemasyarakatan dalam perspektif hak asasi manusia. *Jurnal Legislasi Indonesia*, 21(1), 77–92.
- [10] Prasetyo, A., & Setiawan, B. (2023). Sistem pengawasan pemasyarakatan berbasis akuntabilitas publik. *Jurnal Penelitian Hukum De Jure*, 23(2), 211–226.
- [11] Putri, A. M., & Hadi, S. (2021). Pelayanan publik di lembaga pemasyarakatan dalam perspektif good governance. *Jurnal Administrasi dan Kebijakan Publik*, 6(1), 55–67.
- [12] Rahmawati, N., & Utomo, A. (2024). Pencegahan kekerasan terhadap warga binaan dalam sistem pemasyarakatan Indonesia. *Jurnal HAM*, 15(1), 45–60.
- [13] R. Sidi and T. R. Zarzani, “Accountability of Criminal Threats for Stepfathers as Perpetrators of Criminal Acts of Sexual Violence Against Girls,” in *International Conference Epicentrum of Economic Global Framework*, Aug. 2024, pp. 1137–1143.
- [14] Suryani, E., & Kurnia, R. (2022). Perlindungan hak narapidana dalam perspektif hukum dan hak asasi manusia. *Rechts Vinding: Media Pembinaan Hukum Nasional*, 11(3), 401–416.
- [15] Alfiansyah, M. T., Nasution, A. R., & Zarzani, T. R. (2026). Pertanggungjawaban Pidana bagi Pelaku Aborsi sebagai Korban Perkosaan. *Judge: Jurnal Hukum*, 6(09), 1752-1759.
- [16] Yusuf, M., & Prabowo, D. (2024). Sistem pengawasan lembaga pemasyarakatan dalam mencegah penyalahgunaan kewenangan aparat. *Jurnal Hukum dan Peradilan*, 13(1), 91–108.
- [17] Direktorat Jenderal Pemasyarakatan. (2024). *Laporan kinerja Direktorat Jenderal Pemasyarakatan Tahun 2024*. Kementerian Hukum dan HAM Republik Indonesia.
- [18] Komisi Nasional Hak Asasi Manusia. (2023). *Laporan tahunan Komnas HAM 2023*. Komnas HAM Republik Indonesia.
- [19] Undang-Undang Republik Indonesia Nomor 22 Tahun 2022 tentang Pemasyarakatan.
- [20] Undang-Undang Republik Indonesia Nomor 25 Tahun 2009 tentang Pelayanan Publik.

