

The Implementation of the Rehabilitative Principle in the Correctional System Following the Enactment of Law Number 22 of 2022

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Abstract

This study examines the implementation of the rehabilitative principle in Indonesia's correctional system following the enactment of Law Number 22 of 2022 on Corrections. The Law explicitly positions the rehabilitative and restorative principles as the foundation of inmate treatment, marking a paradigm shift from a punitive toward a recovery-oriented approach. The study employs a normative juridical method with statute, conceptual, and case approaches. Legal materials encompass primary sources comprising correctional regulations, secondary sources consisting of academic literature, and tertiary materials. The findings reveal that while Law Number 22 of 2022 has established a comprehensive normative framework, its actual implementation remains hampered by correctional institution overcrowding approaching 200 percent of capacity, a shortage of professional rehabilitation personnel, weak cross-sectoral coordination, and insufficient budgetary allocation for rehabilitation programs. Optimizing the implementation of the rehabilitative principle requires a multi-dimensional strategy encompassing: accelerating the drafting of implementing regulations, enhancing correctional human resource capacity, developing community-based reintegration programs, applying risk classification-based capacity management, and proportionately increasing budgetary allocations.

Keywords: *Rehabilitative Principle, Corrections, Correctional Inmates, Social Reintegration, Law Number 22 Of 2022*

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Introduction

The paradigm shift in criminal sentencing from a retributive model toward a rehabilitative approach represents one of the most significant developments in the history of Indonesia's correctional system. The enactment of Law Number 22 of 2022 on Corrections (hereinafter referred to as the Corrections Law 2022) marks a new chapter in the management of inmate rehabilitation, wherein the state explicitly positions the restoration of human dignity as the primary goal of correctional treatment [1]. In contrast to Law Number 12 of 1995, which retained a strong retributive character, the new law affirms that every correctional inmate (Warga Binaan Pemasyarakatan/WBP) is entitled to rehabilitation-oriented treatment aimed at social reintegration rather than mere incarceration.

Conceptually, the rehabilitative principle in corrections rests on the premise that criminal behavior is not merely a deviant act warranting punishment, but also a manifestation of underlying social, psychological, and economic problems [2]. Accordingly, the state bears both a moral and legal obligation to assist inmates in reforming themselves so that they may eventually return to society as productive, law-abiding individuals. This view aligns with the modern theory of criminal sentencing purposes advanced by criminologists such as Johannes Andenaes and Herbert Packer, who emphasize the importance of special prevention as a core mission of the criminal justice system [3].

In practice, however, the reality within Indonesia's correctional institutions remains far from ideal. Data from the Directorate General of Corrections (Ditjen PAS) of the Ministry of Law and Human Rights indicates that as of December 2023, the total population across correctional institutions and detention centers (rutan) throughout Indonesia reached 269,094 persons, while available capacity stood at only approximately 135,704 places [4]. This overcrowding condition, reaching nearly 200 percent of capacity, not only infringes upon the basic rights of inmates but also directly obstructs the implementation of rehabilitation programs mandated by the Corrections Law 2022. As emphasized by Tarigan and Aspan, overcapacity in correctional institutions has serious repercussions for the fulfillment of inmates' rights, including the right to healthcare, education, and skills development [5].

Prior research examining the implementation of the rehabilitative principle in Indonesia's correctional system remains fragmented and has largely failed to specifically analyze the legal impact of the Corrections Law 2022. Most existing studies remain confined to normative textual analysis without sufficiently exploring the gap between *das sollen* (what ought to be) and *das sein* (what actually occurs) in the implementation process. Pintabar et al., for instance, examined the implementation of healthcare services for inmates but did not comprehensively link their findings to the rehabilitative framework introduced by the new law [6]. Similarly, Siregar and Lubis, in their study of penal system reform, highlighted structural challenges impeding legal reform efforts in Indonesia, yet did not specifically address the correctional dimension following the enactment of Law 22 of 2022 [7].

It is precisely this research gap that motivates the present study. Specifically, this article seeks to fill that gap by conducting an in-depth analysis of the rehabilitative norms embedded in the Corrections Law 2022, while simultaneously identifying barriers arising in the implementation process. The urgency of this inquiry is underscored by Indonesia's persistently high recidivism rate: the Ditjen PAS 2022 report documented that approximately 12 to 17 percent of released inmates reoffended within two years of release, an indicator that indirectly reflects the suboptimal performance of rehabilitative treatment programs in correctional institutions [8]. Against this backdrop, this study addresses two central research questions:

1. How has the rehabilitative principle under Law Number 22 of 2022 on Corrections been implemented within the inmate rehabilitation system?
2. How can the implementation of the rehabilitative principle be optimized to achieve the correctional goals envisioned by Law Number 22 of 2022?

Literature Review

Theory of Sentencing Purposes and the Rehabilitative Principle

An understanding of the rehabilitative principle cannot be disentangled from the long-standing debate on the purposes of criminal punishment in legal science. Historically, at least four major schools of thought have shaped thinking on why the state imposes punishment: retributive theory, deterrence (preventive) theory, incapacitation theory, and rehabilitation theory [9]. Rooted in Kantian philosophy, retributive theory regards punishment as a proportionate response to the harm caused by an offense, without regard to broader social consequences. By contrast, rehabilitation theory, which gained prominence throughout the twentieth century, proceeds from the assumption that offenders are individuals capable of change and reform through appropriate intervention [10].

Within the Indonesian legal context, Siregar, Adrian, and Rambe observe that the trajectory of Indonesia's criminal law system has undergone considerable transformation, shifting from a retributive colonial Dutch inheritance toward a more humanist orientation in the post-reform era [11]. This shift reflects a growing recognition that prisons serve not merely as instruments of punishment but also as vehicles for the rehabilitation of individuals in conflict with the law. This very idea inspired the emergence of the corrections (*pemasyarakatan*) system as a replacement for the prison concept, first articulated by Sahardjo in his *Dies Natalis* address at the University of Indonesia in 1963, which eventually culminated in Law Number 12 of 1995.

Furthermore, the concept of rehabilitation in modern penology encompasses far more than the restoration of an inmate's psychological condition; it extends to broader dimensions including social, economic, and moral rehabilitation [12]. Social rehabilitation concerns the restoration of inmates' relationships with their families and communities; economic rehabilitation involves the provision of vocational skills enabling financial independence after release; and moral rehabilitation pertains to the reinforcement of ethical and religious values as a foundation for law-abiding conduct. These three dimensions are implicitly enshrined in Article 2 of Law Number 22 of 2022, which identifies the goal of corrections as enhancing the quality of inmates so that they acknowledge their wrongdoing, reform themselves, and do not repeat criminal acts.

The relevance of sentencing purpose theory to the first research question is considerable. Analyzing the implementation of the rehabilitative principle under the Corrections Law 2022 requires a robust theoretical framework concerning what precisely this rehabilitative approach seeks to achieve. Without such a clear theoretical foundation, implementation risks becoming merely pragmatic and directionless. As Aspan has cautioned, the exercise of discretion by law enforcement officials including correctional officers must be grounded in a genuine understanding of the legal purpose they are tasked with upholding, rather than defaulting to mere administrative routine [13].

The Concept of Corrections and the Rights of Inmates

The concept of corrections (*pemasyarakatan*) adopted by Indonesia fundamentally embodies a humanist approach to criminal law, one that positions inmates not as objects of punishment but as subjects who retain basic rights even while serving a sentence. Siregar expressly articulates that human rights within Indonesia's legal system guarantee comprehensive protection, including for those held within correctional environments [14]. This philosophical foundation explains why the Corrections Law 2022 places the fulfillment of inmates' rights among its highest priorities, ranging from the right to healthcare and the right to education and vocational training, to the right to receive visits from family members.

Normatively, Law Number 22 of 2022 introduces the concept of Correctional Inmates (*Warga Binaan Pemasyarakatan/WBP*), a term carrying a more humanist connotation than the earlier terms "prisoner" (*narapidana*) or "detainee" (*tahanan*). Through this terminology, the law symbolically affirms that individuals serving sentences remain part of the social fabric and are deserving of guidance rather than exclusion. Article 4 of the Corrections Law 2022 explicitly enumerates the rights of WBP, which include: (a) practicing religious observance; (b) receiving

physical and spiritual care; (c) obtaining education and instruction; (d) receiving adequate healthcare and nutrition; (e) accessing reading materials and media broadcasts; (f) being treated with humanity; and (g) receiving guarantees of occupational safety.

The fulfillment of these rights is directly tied to the implementation of rehabilitative programs. Rafianti et al., in their study of restorative justice for juvenile offenders, demonstrated that recovery-oriented approaches are more effective in preventing recidivism than punitive measures alone [15]. The same principle applies in the context of adult corrections: inmates who receive comprehensive rehabilitation programs tend to exhibit higher rates of successful social reintegration. This finding is reinforced by Nurhayati et al., who developed a recovery-based advocacy model for resolving industrial disputes a conceptual framework adaptable to the context of inmate rehabilitation [16].

The connection between this concept and the second research question on optimizing implementation is evident: genuinely enhancing the rehabilitative principle requires a thorough understanding of which inmate rights remain unfulfilled. Without an accurate mapping of unmet rights, optimization efforts risk losing their direction. This is precisely why conceptual analysis of corrections and inmate human rights is indispensable to the present study.

The Principle of Social Reintegration in Corrections

Social reintegration constitutes the ultimate aim of the rehabilitative treatment process within the correctional system. The concept refers to the systematic effort to return inmates to society as functional, productive, and law-abiding individuals [17]. Unlike mere physical release from detention, social reintegration demands thorough preparation on both the part of the inmate and the community that will receive them. Within the framework of the Corrections Law 2022, this reintegration process is operationalized through various mechanisms, including assimilation, conditional leave, parole, and specialized programs for vulnerable populations.

The theoretical perspective on social reintegration cannot be separated from the labeling theory developed by Howard Becker and Edwin Lemert. This theory explains how social stigma attached to former inmates can itself become one of the primary drivers of recidivism [18]. When an individual is released from prison bearing the label of "ex-convict," they frequently encounter systemic barriers in accessing employment, housing, and social services. This marginalization, if left unaddressed, can push individuals back toward criminal activity as a shortcut to meeting their basic needs.

The Corrections Law 2022 appears to have anticipated this challenge by incorporating provisions on community empowerment in the inmate reintegration process. Article 9 of the law stipulates the government's obligation to facilitate aftercare programs for WBP who have completed their rehabilitation, including access to vocational training, entrepreneurship mentoring, and job placement initiatives. Fatmawati, Fikri, and Siregar affirm that restorative approaches to law enforcement in Indonesia require active community involvement as an indispensable component [19]. Without community support, government-designed reintegration programs risk remaining policies on paper alone.

In relation to the study's research questions, the principle of social reintegration provides a critical evaluative framework. The success of implementing the rehabilitative principle cannot be measured solely by the number of rehabilitation programs conducted within correctional institutions; it must also be assessed by how effectively those programs prepare inmates for an independent, law-abiding life after release. This indicator subsequently serves as one of the key benchmarks in the optimization analysis conducted in the discussion section of this study.

The Theory of Legal Effectiveness and Regulatory Implementation

The analysis of any legislative product's implementation cannot be separated from the theory of legal effectiveness, which provides the measure of how genuinely a legal norm

functions in real life. Soerjono Soekanto, a prominent figure in Indonesian legal sociology, identifies five factors influencing legal effectiveness: the substance of the law itself, law enforcement apparatus, facilities and infrastructure, public legal awareness, and legal culture [20]. These five factors are interrelated and must be simultaneously present for a legal norm to operate effectively within society.

In the context of the Corrections Law 2022, the application of Soekanto's legal effectiveness theory is particularly relevant. From the standpoint of substance, the law has normatively formulated the rehabilitative principle with considerable comprehensiveness. However, the effectiveness of this normative substance depends heavily on the remaining factors, which are no less critical. Regarding the apparatus, the capacity and commitment of correctional officers in translating the law's mandate into daily practice constitute the primary determinant. Fikri, Siregar, and Rafianti, in their study of restorative justice efforts, demonstrate that the attitude and capability of law enforcement officials represent the most decisive variable in the success of alternative sentencing approaches [21].

From the dimension of facilities and infrastructure, the overcrowded conditions prevalent in the majority of Indonesia's correctional institutions constitute a structural impediment that cannot be ignored. It is difficult to envision effective rehabilitation programs functioning in environments that are severely congested, understaffed with professionals, and lacking in supportive facilities. This issue is not merely a technical administrative matter but a systemic problem demanding serious policy and budgetary commitment from the government. Zarzani, Fitrianto, and Annisa, in a different legal reform context, likewise underscore that reforming the substance of law without simultaneously improving its supporting infrastructure produces stagnant and ineffective norms [22].

The relevance of legal effectiveness theory to both research questions in this study is fundamental and comprehensive. To answer how the rehabilitative principle under the Corrections Law 2022 is being implemented, the effectiveness framework provides the analytical dimensions necessary for a thorough examination. Similarly, for formulating an optimization strategy, understanding the factors inhibiting legal effectiveness whether from the perspectives of substance, apparatus, infrastructure, or legal culture provides a solid foundation for developing recommendations that are realistic and measurable.

Research Methodology

This study employs a normative juridical approach, a legal research method that examines and analyzes positive legal norms as its primary object of inquiry [23]. This approach was selected on the grounds that the subject matter under investigation is closely tied to the normative construction of the rehabilitative principle as formulated in Law Number 22 of 2022 on Corrections and its implementing regulations. Normative legal research in this context is not limited to inventorying statutory provisions; it also involves an in-depth analysis of the internal consistency of norms, the gap between normative formulations and implementation practices, and an examination of the legal principles underlying the substantive content of the regulations.

Methodologically, this study integrates three complementary approaches. First, the statute approach, undertaken by examining all regulations pertaining to the correctional system and inmate rehabilitation in Indonesia, including Law Number 22 of 2022, Government Regulation Number 31 of 1999 on the Guidance and Supervision of Correctional Inmates, Ministerial Regulations of the Ministry of Law and Human Rights, and technical regulations issued by the Directorate General of Corrections. This examination encompasses analysis of normative hierarchy, inter-norm consistency, and identification of norms that may inhibit the implementation of the rehabilitative principle [24].

Second, the conceptual approach, employed to construct an analytical framework grounded in relevant legal theories and academic concepts. This approach requires the researcher to look beyond the text of the regulations and delve into the meaning and spirit behind them, drawing upon legal doctrines, expert opinion, and conceptual developments in

contemporary criminal law and criminology [25]. In this study, the theory of sentencing purposes, the concept of social reintegration, and the theory of legal effectiveness serve as analytical lenses through which the implementation of the rehabilitative principle is examined in greater depth.

Third, the case approach is selectively employed to enrich the analysis by drawing on empirical findings published in prior research, institutional reports, and official statistical data. This approach is not conducted through direct fieldwork but through the examination of existing secondary data, thereby remaining within the boundaries of normative-doctrinal research [26].

Legal materials in this study are classified into three categories. Primary legal materials consist of: (a) Law Number 22 of 2022 on Corrections; (b) Law Number 1 of 2023 on the Criminal Code; (c) Government Regulation Number 31 of 1999 and Government Regulation Number 32 of 1999 and their amendments; and (d) relevant technical regulations from the Ministry of Law and Human Rights and the Directorate General of Corrections. Secondary legal materials include peer-reviewed law journals, academic textbooks, conference proceedings, and government and international organization reports. Tertiary legal materials comprise legal dictionaries, encyclopedias, and glossaries used for terminological clarification [27].

Legal material collection was conducted through systematic library research, including searches across academic databases such as Google Scholar, SINTA, Portal Garuda, HeinOnline, and university repositories. Additionally, publicly available official government documents were examined, including Ditjen PAS annual reports, correctional statistics, and the parliamentary legislative minutes of the Corrections Law 2022. The analytical technique employed is qualitative analysis using a descriptive-prescriptive method, in which the researcher not only describes existing conditions but also offers normative assessments and formulates recommendations oriented toward strengthening the implementation of the rehabilitative principle [28].

Results and Discussion

Implementation of the Rehabilitative Principle under Law Number 22 of 2022 on Corrections

Law Number 22 of 2022 on Corrections introduces a normative framework that differs substantially from its predecessor in positioning the rehabilitative principle as the central pillar of the treatment system. Article 2 of the Law affirms that corrections are administered on the basis of the principles of protection, non-discrimination, humanity, mutual cooperation, security and order, as well as restorative and rehabilitative principles. The explicit incorporation of the restorative and rehabilitative principles into the foundational tenets of corrections represents a significant normative leap, given that Law Number 12 of 1995 did not unequivocally include the rehabilitative dimension as a stand-alone principle. From the perspective of sentencing purpose theory, this change reflects a paradigmatic shift from a punishment-centered model of criminal sentencing toward a recovery-centered one [29].

The implementation of the rehabilitative principle under the Corrections Law 2022 is operationalized through a series of structured treatment programs. Articles 7 through 20 of the Law regulate the execution of correctional functions, encompassing: (1) detainee services, which ensure the fulfillment of basic rights during pre-trial detention; (2) inmate rehabilitation, covering formal and non-formal education programs, vocational training, personality development, and independent living skills; (3) supervision of correctional clients, targeting those serving conditional sentences or on leave; and (4) the management of confiscated assets and state-seized goods. This multi-dimensional treatment scheme is theoretically well-aligned with the concept of comprehensive rehabilitation spanning social, economic, and moral dimensions, as elaborated in the theoretical review of this study.

When this normative implementation is contrasted with field realities, however, a considerable gap becomes apparent. The overcrowding afflicting the majority of correctional institutions and detention centers in Indonesia constitutes the most significant single

impediment. As previously noted, Ditjen PAS data indicate an occupancy rate approaching 200 percent of capacity, a condition that directly erodes the quality of treatment programs that can be administered. Tarigan and Aspan, in their study of the impact of overcapacity at the Class IIB Kabanjahe Detention Center, documented how excess capacity affects: the limited space available for rehabilitative activities, an unfavorable ratio of officers to inmates, heightened potential for conflict and violence among inmates, and a deterioration in healthcare service quality [5]. This empirically demonstrates that well-crafted rehabilitative norms in legislation do not automatically materialize without the support of adequate infrastructure.

From the perspective of human resources, the implementation of rehabilitative programs also confronts serious capacity challenges. The Corrections Law 2022 demands a multidisciplinary professional workforce for the delivery of rehabilitation, including psychologists, counselors, vocational educators, and social workers. In reality, however, the vast majority of correctional institutions in Indonesia remain severely understaffed in these specialist positions. Pintabar, Rafianti, and Saragih, in their research on healthcare service implementation for WBP, found that the shortage of professional healthcare personnel in correctional institutions stands as the primary barrier directly affecting the quality of services and treatment that inmates receive [6]. Similar shortfalls can be observed across other areas of rehabilitative treatment, indicating that human resource deficiency is a systemic problem that cannot be addressed in piecemeal fashion.

Another dimension warranting scrutiny in the implementation of the rehabilitative principle is the matter of inter-institutional coordination. The Corrections Law 2022 opens space for the involvement of entities beyond the Ministry of Law and Human Rights including relevant ministries, regional governments, the private sector, and civil society in supporting rehabilitation programs. Aspan emphasizes that in the context of law enforcement, discretion granted to officials must be accompanied by effective coordination mechanisms if legal goals are to be achieved optimally [13]. In practice, however, this cross-sectoral coordination mechanism has yet to function effectively, resulting in fragmented treatment programs and inadequate continuity of support for inmates who have completed their sentences. In sum, while Law Number 22 of 2022 has laid a solid normative foundation for the implementation of the rehabilitative principle, various structural and institutional obstacles mean that its implementation remains far from ideal.

Optimizing the Implementation of the Rehabilitative Principle to Achieve Correctional Goals

Efforts to optimize the implementation of the rehabilitative principle in the correctional system following the enactment of Law Number 22 of 2022 require a strategy that is comprehensive, measurable, and sustained. Optimization cannot be pursued in isolation on a single aspect; rather, it must simultaneously engage all components of the correctional system. Drawing on Soerjono Soekanto's theory of legal effectiveness as an analytical guide, optimization of implementation must encompass at least five dimensions: reform of technical regulatory substance, enhancement of correctional personnel capacity, strengthening of facilities and infrastructure, internalization of a rehabilitative legal culture, and public awareness regarding the importance of social reintegration of inmates.

From the regulatory substance dimension, while the Corrections Law 2022 has provided a progressive normative framework, several implementing regulations required to operationalize the law's mandate remain either unavailable or in need of revision. The Government Regulation on Inmate Rehabilitation, for example, must be updated to align with the philosophy and new provisions introduced by the 2022 Law. In this context, Siregar and Lubis caution that penal system reform in Indonesia has frequently been hampered by delays in the adjustment of implementing regulations, creating technical legal vacuums that weaken the effectiveness of higher-order legislation [7]. Accordingly, accelerating the drafting of

implementing regulations grounded in a rehabilitative perspective constitutes a regulatory priority that cannot be deferred.

On the dimension of personnel capacity development, a systematic human resource development program is required for all ranks of correctional officers. Such a program must extend beyond mere technical and operational training to encompass the reinforcement of ideological understanding of rehabilitative philosophy, the cultivation of basic communication and counseling skills, and specialized training in managing vulnerable populations including mentally ill inmates, drug-related offenders, and incarcerated women with children. Wakhayuni and Fitri, in their study of human resource competency development, emphasize that holistic competency enhancement integrating knowledge, skills, and attitudinal dimensions is the key to the successful implementation of any policy [30]. This principle is highly applicable to the development of correctional officer capacity.

The next optimization strategy concerns the strengthening of social reintegration programs, which currently operate far below their potential. Restorative approaches that integrate inmates, victims, and communities in the recovery process need to be more fully developed within the correctional context. Fatmawati, Fikri, and Siregar affirm that customary adjudication and restorative mechanisms in Indonesian law enforcement hold unrealized potential [19]. Within the correctional context, these restorative principles may be operationalized through victim-offender mediation programs, the involvement of community leaders in rehabilitation processes, and the development of community service programs that enable inmates to make positive contributions to communities surrounding correctional institutions.

Another dimension warranting serious attention is the implementation of data-driven and risk-based capacity management for correctional institutions. The adoption of a more rigorous inmate classification system one that places inmates according to their risk level and rehabilitative needs would enable more efficient resource allocation and more precisely targeted treatment programs. Within this framework, the use of standardized risk-need assessment instruments, such as those developed by Andrews and Bonta in the Risk-Need-Responsivity (RNR) model, merits consideration for adoption within Indonesia's correctional system [31]. Hutagalung and Zarzani, in their study on the implementation of restorative justice, similarly underscore the importance of individualized treatment approaches, wherein each inmate is regarded as an individual with unique needs and potential rather than as a member of a homogeneous group [32].

Finally, the optimization of rehabilitative principle implementation demands a proportionate budgetary commitment from the government. The funding allocated to inmate rehabilitation and treatment programs has long been grossly inadequate relative to the scale of the problem. Rahmayanti et al., in their study of physical violence in tertiary educational environments, argue that addressing structural social problems such as crime and recidivism requires long-term policy investment and cannot be resolved through short-term interventions alone [33]. The government must establish minimum per-inmate budget standards for rehabilitation programs and ensure the sustainability of that financing over the medium and long term. Without serious budgetary commitment, all normative and programmatic innovations that have been designed risk remaining aspirational at best.

Conclusion

Based on the foregoing analysis, this study yields two principal conclusions that address the research questions posed. First, the implementation of the rehabilitative principle under Law Number 22 of 2022 on Corrections has normatively produced a progressive and comprehensive legal framework, evidenced by the explicit affirmation of the rehabilitative and restorative principles within the foundations of corrections, the expansion of inmate rights, and the

strengthening of social reintegration-based treatment mechanisms. Nonetheless, its actual implementation continues to be burdened by various structural and systemic obstacles, including severe overcrowding in correctional institutions, a shortage of professional rehabilitation personnel, inadequate rehabilitative program budgets, and weak cross-sectoral coordination. The gap between *das sollen* and *das sein* underscores that legislative reform, though necessary, is not by itself sufficient to transform correctional practice.

Second, optimizing the implementation of the rehabilitative principle in Indonesia's correctional system requires a multi-dimensional approach that simultaneously engages all components of legal effectiveness. The most pressing optimization agenda includes: accelerating the drafting of rehabilitative-oriented implementing regulations; strengthening correctional personnel capacity through comprehensive training; developing community-based social reintegration programs; implementing risk classification-based capacity management for inmates; and proportionately increasing budget allocations for treatment programs. True reform in Indonesia's correctional system is not merely a matter of revising statutory text; it is a matter of building the institutional, cultural, and physical ecosystem that affords every correctional inmate a genuine opportunity to change and return to society with restored dignity.

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