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## Analysis of Correctional Policy in Reducing the Impact of Overcapacity at Banceuy Prison from Human Rights Perspective

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## Abstract

Overcrowding at the Class IIA Banceuy Prison has resulted in serious violations of inmates' human rights, including the rights to health, security, and a decent standard of living. This study aims to analyze the effectiveness of human rights-based correctional policies, such as assimilation programs, parole, and restorative justice, in responding to the impacts of overcrowding. Using a normative juridical approach and field data through observation and interviews, the study results indicate that these policies have had a positive impact, but their implementation remains hampered by complex administrative procedures, limited facilities, and a shortage of teachers and supervisors. Skills training programs have proven beneficial, but access remains limited. Collaboration with NGOs has helped provide counseling and health services, although they are not evenly distributed. This study recommends simplifying administrative procedures, increasing the budget for basic facilities, and expanding cross-sectoral collaboration, including with the business world and educational institutions. Furthermore, reform of penal policy through decriminalization and the widespread implementation of restorative justice is considered crucial to reducing the burden on prisons. The implications of this research underscore the need for a more humane, inclusive, and rights-oriented correctional approach to prisoners.

## Keywords

Correctional Policy, Human Rights, Overcapacity, Rehabilitation.

## 1. Introduction

The crime rate in Indonesia shows a steady upward trend. This is evident in the annual upward fluctuations in the number of recorded crimes. According to data from the National Criminal Information Center (*Penerangan Kriminal Nasional/Pusiknas*) of the Indonesian National Police's Criminal Investigation Agency (*Badan Reserse Kriminal Kepolisian Negara Republik Indonesia/Bareskrim Polri*) and the 2022 Year-End Release report from the Indonesian National Police, 276,507 crimes were recorded throughout 2022. This figure represents a 7.3% increase compared to 2021, when 257,743 cases were recorded. Furthermore, from January to April 2023, the Indonesian National Police again recorded a spike in crime. During those four months, there were 137,419 crimes, a significant 30.7% increase compared to the same period the previous year, which recorded 105,133 cases. This increase highlights the increasingly complex challenges in combating crime in Indonesia, alongside social and technological developments that also shape the dynamics of crime in society (Faisal et al., 2024).

Correctional institutions have the responsibility to educate inmates to become well-rounded individuals, faithful and devoted to God Almighty, with noble morals, sound intelligence, and a strong understanding of the law. As institutions that shape character, prisons are tasked with developing inmates into productive individuals, both during their detention and after their return to society and contributing to the development and success of society (Wijaya & Rahman, 2021). In practice, various obstacles exist in the inmate development process, resulting in suboptimal guidance (Waqiah, 2021; Widijowati, 2023).

Imprisonment is a form of punishment in the Indonesian criminal law system. The use of imprisonment as a form of punishment began in the late 18th century, coinciding with the growth of individualism and the humanitarian movement. Since then, imprisonment has played a significant role and gradually replaced the death penalty and corporal punishment, which were considered inhumane (Priyatno, 2013). Meanwhile, the correctional system represents a new approach to treating prisoners, grounded in Pancasila values and universal humanitarian principles. This system replaces the old prison system by emphasizing the development and social reintegration of prisoners. The focus is on respecting prisoners' rights through various development programs aimed at preparing them to reintegrate productively and with dignity into society (Harsono, 2010).

The Class IIA Banceuy Penitentiary (*Lembaga Pemasyarakatan/Lapas*) in Bandung is a correctional institution primarily responsible for the development of inmates, particularly those involved in narcotics cases. This prison plays a crucial role in supporting the achievement of policy objectives for optimal prisoner development and education. Located at Jalan Soekarno Hatta No. 187A, Bandung, Banceuy Prison was established in 1987 on 4.9825 hectares of land, with a building area of 3,440 square meters. The building is generally in good condition and sturdy. Based on the Decree of the Minister of Justice of the Republic of Indonesia Number: M-01.PR.07.03 of 1985 concerning the organization and work procedures of Correctional Institutions, Article 1 paragraph (2) explains that a Head leads the prison. The organizational structure of Class IIA Banceuy Prison includes the Administration Sub-Section, the Prisoner Development Section, the Work Activities Section, the Security and Order Administration Section, and the Prison Security Unit. According to Pratama et al. (2024) and Prayogo et al. (2024), each unit has its role in carrying out its duties and functions.

This prison is staffed by 132 employees, comprising 97 male employees and 35 female employees. Currently, Banceuy Prison accommodates 1,426 inmates, far exceeding its ideal capacity of 600 people. The proportion of inmates in Banceuy Prison consists of 50% involved in narcotics cases, 45% general criminal cases, and

5% related to corruption. According to Ashraff and Subroto (2022). Hamja (2022) highlights the significant challenges in prison management, particularly in terms of overcapacity and diverse correctional needs. This study aims to analyze the effectiveness of correctional policies implemented in Banceuy Prison in mitigating the impact of overcapacity, prioritizing a human rights perspective as the primary foundation. This approach is expected to provide new insights into efforts to fulfill the fundamental rights of inmates through humane policies oriented towards their welfare, as well as offer policy recommendations that are more responsive to the challenges of overcapacity.

## **2. Literature Review**

Overcapacity in correctional institutions, such as Class IIA Banceuy Prison, is a pervasive issue in Indonesia, leading to significant challenges in prison management and inmate welfare. Hamja (2022) highlights that overcrowding triggers “prisonization,” a phenomenon where inmates adapt to the prison environment through negative behaviors such as violence, theft, and group conflicts based on regional affiliations. This adaptive response stems from deprivations caused by limited space, inadequate facilities, and reduced supervision, which undermine the correctional system’s goal of rehabilitation. French et al. (2022) further note that overcapacity fosters internal crimes, including drug trafficking and hazing, which exacerbate insecurity within prisons. These conditions not only disrupt order but also hinder the development of inmates into productive individuals, as outlined by Wijaya and Rahman (2021). The persistent rise in inmate numbers, as observed at Banceuy Prison over the past four years, intensifies these issues, making it difficult to provide adequate guidance and maintain security.

The impact of overcapacity extends to the physical and operational constraints of correctional facilities. Limited public facilities, such as sanitation and health services, fail to meet inmates’ basic needs, leading to health risks like tuberculosis and skin diseases (Paplicki et al., 2018). According to Lawanyawatna and Schoch (2024), overcrowding restricts access to rehabilitation programs, reducing opportunities for skill development and social reintegration. This situation contradicts the correctional principles outlined in Article 5 of the Indonesian Correctional Law, which emphasizes equal treatment, education, and respect for human dignity. The failure to address overcapacity effectively perpetuates a cycle of deprivation and conflict, undermining the correctional system’s rehabilitative objectives.

Overcrowding in prisons like Banceuy directly violates inmates’ human rights, particularly their rights to health, security, and a decent standard of living, as mandated by Law Number 39 of 1999 and international standards, such as the Nelson Mandela Rules (Nugroho, 2023). Overcapacity results in cramped living conditions, poor ventilation, and inadequate sanitation, leading to health issues such as respiratory disorders and infectious diseases. Alexander (2018) emphasizes that humane treatment, including adequate space and access to healthcare, is a fundamental right for prisoners, yet these are often neglected in overcrowded facilities. At Banceuy Prison, limited medical personnel and basic health facilities exacerbate these violations, forcing inmates to endure long waiting times for treatment (Waqiah, 2021). This situation not only compromises physical health but also contributes to psychological distress, including stress and anxiety, due to the lack of personal space.

The violation of security rights is another critical concern. Nugroho (2023) notes that overcrowding increases tensions among inmates, leading to frequent conflicts and violence, which prison staff struggle to manage due to limited resources. The Nelson Mandela Rules, as cited by Alexander (2018), require states to ensure safe and humane conditions, yet Banceuy’s overcapacity hampers compliance. Additionally, the right to rehabilitation, as stipulated in Article 14 of the

Correctional Law, is undermined by limited access to skills training and counseling programs (Firmansah et al., 2023). These violations highlight the urgent need for systemic reforms to address overcrowding and ensure the protection of inmates' fundamental rights.

The Indonesian government has introduced policies such as assimilation, parole, and restorative justice to mitigate prison overcrowding, yet their implementation faces significant challenges (Flora, 2018). Assimilation programs, designed to reintegrate inmates nearing the end of their sentences, are often delayed by complex administrative processes and insufficient family documentation, as noted by Rini (2019). These bureaucratic hurdles limit the programs' effectiveness, leaving many eligible inmates in overcrowded facilities. Similarly, parole initiatives aim to reduce prison populations but are constrained by limited supervisory staff and societal stigma against former inmates (Nasoha et al., 2024). While these policies align with the principles of rehabilitation and social reintegration, their impact remains limited due to structural and operational barriers.

Restorative justice, particularly for minor offenders, shows promise in reducing recidivism and prison populations by emphasizing community service and rehabilitation over punitive measures (Flora, 2018). However, its application at Banceuy Prison is restricted by a lack of trained personnel and inadequate facilities, as highlighted by Mufti and Riyanto (2023). Collaboration with NGOs has supported counselling and health education, but uneven distribution and limited resources prevent comprehensive coverage (Yan et al., 2018). These limitations underscore the need for streamlined administrative processes and increased investment in staff and infrastructure to enhance the effectiveness of human rights-based correctional policies.

International perspectives on prison overcrowding provide valuable insights for addressing issues at Banceuy Prison, yet they remain underexplored in the Indonesian context. For instance, Norway's use of alternative sentencing, such as electronic monitoring and community-based rehabilitation, has effectively reduced prison populations while upholding human rights (Cliquennois et al., 2021). These approaches contrast with Indonesia's reliance on incarceration, particularly for minor drug offenses, which exacerbates overcapacity (Situmeang & Meilan, 2025). While studies such as Hamja (2022) and French et al. (2022) address the consequences of overcrowding, they do not sufficiently explore how global best practices can inform local solutions. This gap highlights the need for comparative studies to adapt international models to Indonesia's unique socio-legal context.

Furthermore, existing research on Banceuy Prison lacks a clear focus on the long-term effectiveness of human rights-based policies, such as assimilation and restorative justice (Situmeang & Meilan, 2025). For example, while Flora (2018) discusses restorative justice, there is a lack of analysis of its impact on recidivism rates or social reintegration outcomes. Similarly, the role of multisectoral collaboration, such as partnerships with NGOs and educational institutions, is acknowledged but underexplored in terms of scalability and sustainability (Yan et al., 2018).

### 3. Methods

This research employs an informative juridical approach, which relies primarily on library studies or secondary data as its primary source. The data collected in this research are classified into three main categories. First, primary legal material refers to a legal source that has direct binding power and serves as the primary basis for legal analysis. This material includes applicable legislative regulations, such as laws, government regulations, and other implementing regulations. In addition, this includes court decisions (jurisprudence) that have gained permanent legal force, treaties or international agreements that have been ratified, and various other official

documents related to the reform process in the criminal justice system. Second, Secondary legal materials include references that function to explain, interpret, or provide a critical view of primary legal materials. Examples of secondary legal materials include the results of academic research, journal articles, legal texts, opinions of legal experts, and analyzes from academic circles that are not relevant to the main issue. This material is vital for strengthening legal arguments and broadening perspectives in examining legal issues. Third, the literary law material serves as an additional resource, providing a general understanding and explanation of the legal terms contained in the primary and secondary law materials. This material is typically used as an aid to clarify context or definition, such as a legal dictionary, encyclopedia, index, or directory. Even though it is not binding, the iterative law is instrumental in constructing a comprehensive conceptual understanding.

The data collection method was carried out through library research, namely by searching various literature and laws and regulations that were irrelevant to the topic being studied. In addition, field research was also conducted to obtain data directly from the source, through free but directed interviews. Data collection techniques included periodic field recordings, document analysis, and informal, unstructured in-depth interviews. This approach enabled researchers to obtain more honest, open, and unfabricated information from respondents. To conclude the collected data, a qualitative legal analysis method is used. It is called legal because the focus of the analysis is directed at the applicable positive legal norms. Meanwhile, a qualitative approach is employed to systematically compile and analyze data, without relying on numbers, tables, or statistical formulas, thereby providing a deep understanding of the legal problems being studied.

## **4. Results**

### **4.1. Overcapacity's Impact on Prisoners Human Rights**

Overcrowding at Banceuy Prison has become a critical issue with a direct impact on various aspects of fulfilling inmates' human rights (Sugema, 2020). Based on observations, interviews, and documentation conducted during the research, several significant rights violations were found, which contradict national and international standards regarding the treatment of inmates (Dari & Adhari, 2021; Salam & Purwanto, 2022). The most apparent impact of overcrowding is the violation of the right to health. Ideally, every inmate should have access to adequate health care (Singh & Maseko, 2006; Abbing, 2013; Waqiah, 2021). However, at Banceuy Prison, overcrowding results in limited movement and poor ventilation, triggering the spread of diseases such as tuberculosis, skin diseases, and respiratory disorders. Available medical services are also minimal. Based on interviews with prison medical staff, there are only a few medical personnel and fundamental facilities. Inmates often have to wait long times to receive even basic treatment. The right to a healthy environment is also neglected. Public bathrooms and sanitation facilities are woefully inadequate, negatively impacting the hygiene and health of inmates. While basic facilities have been gradually expanded, they are not commensurate with the prison capacity exceeding its limits (Wijaya & Rahman, 2021; Nelwitis et al., 2023). Renovations have been limited to a few bathrooms and the provision of emergency sanitation equipment, which, while showing progress, still fails to address the root cause of overcrowding.

International conventions, such as those cited by Alexander (2018), emphasize that all prisoners must be treated with respect for their human dignity. Unfortunately, conditions at Banceuy Prison demonstrate a lack of compliance with this principle. Many prisoners are forced to sleep crammed together on the floor without beds, deprived of privacy, and experience psychological distress due to

cramped living spaces (Daems, 2008; Michael, 2015). Guards acknowledge that these conditions also make it difficult for them to maintain order and avoid inter-inmate conflict, which is often triggered by friction in crowded spaces (Cliquennois et al., 2021). Law Number 12 of 1995 concerning Corrections states that prisoners have the right to development, both in the form of skills training and social rehabilitation activities. However, this study indicates that overcapacity significantly hampers the implementation of these programs. Observations indicate that training programs, such as those in handicrafts, cooking, or carpentry, are available; however, the number of participants is minimal due to the limited training space and teaching staff (French et al., 2022; Firmansah et al., 2023). Prisoners who do not participate in correctional programs risk losing the opportunity to improve themselves, which is contrary to the purpose of correctional institutions.

Mental distress such as stress, anxiety, and depression often arises due to limited personal space and a lack of productive activities. Counseling sessions provided in collaboration with local NGOs have shown positive impacts for those who can participate. However, limited capacity means that most inmates are not fully served (Fathoni et al., 2024). Officials stated that conflicts, verbal and even physical violence, frequently occur, demonstrating the system's failure to guarantee the right to a sense of security as guaranteed by Article 28G paragraph (2) of the 1945 Constitution. Most inmates in Banceuy Prison are minor offenders, including drug users who should be placed in rehabilitation facilities, not correctional institutions. This indicates the continued weakness in implementing policies that emphasize restorative justice and a rehabilitation-based approach (Triwati, 2019; Nugroho, 2023). As a result, prisons are filled with individuals who could legally be diverted to other forms of punishment, but instead become victims of a disproportionate system (Lubis, 2023; Widijowati, 2023).

#### **4.2. Human Rights-Based Policy Effectiveness**

The Indonesian government, through the Directorate General of Corrections, has implemented various policies in response to prison overcrowding (Simangunsong et al., 2024). This study analyzes the implementation of these policies and their effectiveness in fulfilling the fundamental rights of inmates (Nasoha et al., 2024; Simons et al., 2024). At Banceuy Prison, the program is already underway, particularly for inmates nearing the end of their sentences and with good behavioral records. The prison warden explained that the most significant obstacles are the cumbersome administrative process and the lack of supporting documentation from families (Rini, 2019). This slows down the release process, forcing many eligible inmates to wait longer than necessary.

Skills training programs such as handicrafts, sewing, and cooking have been implemented as part of the rehabilitation process (McKeon et al., 2021). However, limited training space and teaching staff prevent these programs from reaching all inmates. Prison officials stated that inmate enthusiasm was high, but the number of participants was minimal. The effectiveness of these programs has also been suboptimal, as only a small proportion of inmates directly benefit from the training (Mufti & Riyanto, 2023). Collaboration with NGOs has made a positive contribution, particularly in the provision of counseling and health education services. Inmates who participate in counseling sessions have shown improved psychological well-being. However, limited NGO staff and budgets mean that these services are not evenly distributed (Yan et al., 2018; Rajabi et al., 2021). Not all inmates receive regular counseling opportunities, creating gaps in the fulfillment of their right to mental health.

Restorative justice policies have begun to be implemented, particularly for minor offenders. Some inmates are allowed to participate in community service programs, such as cleaning the prison environment or attending community training sessions. This initiative is considered quite effective in building inmates' sense of social

responsibility and reducing the risk of recidivism (Flora, 2018; Pramita, 2025). However, due to the limited number of supervisory staff, the implementation of this policy remains limited to specific instances. Expanding its scope is necessary to ensure that a broader population benefits from it. The government has allocated additional funds for the renovation of basic facilities such as bathrooms and public kitchens (Budianto & Mahatta, 2022). These changes are already visible, but the improvements have not yet covered the gap between capacity and number of inmates (Lawanyawatna & Schoch, 2024). The renovations have only improved the comfort of a small number of inmates, while the majority still face poor living conditions. Most of the implemented policies have failed to address the root causes of systemic overcrowding. Administrative obstacles, budget limitations, and lack of cross-agency coordination are the main factors that hinder the effectiveness of human rights-based correctional policies.

## **5. Discussion**

This study shows that overcrowding at Banceuy Prison significantly hinders the fulfillment of inmates' human rights, both physically, psychologically, and socially (Jemmy & Oktoriny, 2024). Field findings reinforce that, despite the existence of national and international legal frameworks that guarantee human rights protection for inmates, in practice, violations of these rights still occur due to structural burdens, particularly overcrowding. The physical condition of Banceuy Prison, which exceeds its ideal capacity, directly impacts the fulfillment of the right to a decent living environment and health. As mandated by Article 28H of the 1945 Constitution and Article 12 of the Nelson Mandela Rules, every inmate has the right to adequate sanitation facilities and health services equal to those of the general public. Observations indicate that bathrooms are limited, and health facilities are often inadequate, resulting in long queues and unequal access. This study aligns with Biaggy and Wibowo (2020), who demonstrated violations of the right to adequate health services and a healthy living environment.

The impact of overcapacity is also reflected in the dimensions of security and humane treatment. Frequent conflicts between inmates due to cramped spaces and lack of supervision indicate that the right to protection from violence (Article 28G paragraph (2) of the 1945 Constitution and Article 10 of the ICCPR) has not been fully fulfilled. This condition is exacerbated by the increasing workload of officers, as conveyed by prison officers, who acknowledged the difficulty in optimally controlling security (Daems, 2008; Abbing, 2013). This situation indicates weak security guarantees and a decline in the quality of humane treatment of inmates.

Guidance and rehabilitation programs, which should be the heart of the correctional system under Law Number 12 of 1995, have also been impacted. Limited space, teaching staff, and facilities prevent most inmates from participating in skills training programs. These programs are crucial for supporting inmates' social reintegration and preventing recidivism (Alexander, 2018; Cliquennois, 2021). This indicates the suboptimal implementation of the right to rehabilitation and self-development as stipulated in Article 14 of the Corrections Law. Although policies such as assimilation, parole, and restorative justice have been implemented, their implementation has not been able to address the root of the problem. Assimilation and parole are hindered by complex administrative processes and a lack of external support, including the completeness of documents from inmates' families. Meanwhile, the implementation of restorative justice, which only addresses minor crimes, remains limited due to a shortage of supervisory personnel.

Collaborative efforts with NGOs to provide counseling and health services have shown positive progress. However, limited staff and resources from NGOs mean these services have not yet reached all inmates (Flora, 2018). This highlights the importance of increasing capacity and sustaining external support through more

systematic and sustainable partnerships (Firmansah et al., 2023; Fathoni et al., 2024). Renovations of basic facilities such as bathrooms and public kitchens, as well as the addition of medical equipment, are positive indicators of budget increases. However, the continued increase in inmates remains disproportionate to actual prison needs. This indicates that improvements in physical facilities must be accompanied by preventative measures such as reforming penal policies and expanding the use of alternative punishments outside of prison. According to Situmeang and Meilan (2025), the issue of overcapacity is not merely a technical issue. However, it is closely related to the paradigm of law enforcement and punishment, which is not fully oriented towards human rights.

## 6. Conclusion

Overcrowding at Banceuy Prison has had a profound impact on the fulfillment of inmates' human rights, particularly the rights to health, humane treatment, security, and rehabilitation. The implementation of policies such as assimilation programs, parole, and skills training has shown positive impacts; however, they are not yet fully effective due to limited facilities, a shortage of teaching staff, and complex administrative processes. These findings underscore the importance of simplifying administrative procedures and improving coordination between prisons, the judiciary, and inmates' families. These policy implications necessitate an increase in human resource capacity within prisons, encompassing both teaching and administrative staff, as well as enhancements to training facilities and healthcare services. The government also needs to allocate additional funding to improve sanitation, housing, and development facilities, ensuring the optimal fulfillment of inmates' fundamental rights.

The involvement of NGOs in providing counseling and training services has proven beneficial, although it remains limited in scope. Therefore, multisectoral collaboration must be strengthened, including with the private sector and educational institutions, to ensure more effective rehabilitation and reintegration. Community support for inmates after assimilation also needs to be built through public education and social acceptance campaigns. Further research is recommended to evaluate the long-term impact of rehabilitation programs on recidivism rates and the success of inmates' social reintegration. Ongoing quantitative and qualitative data-based evaluation is essential to measure the effectiveness of a human rights-based correctional approach across all prisons in Indonesia.

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### ***Ethical Approval and Originality Statement***

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

### ***Data Disclosure Statement***

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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