



## Legal Enforcement on Prisoners Escaping from Class IIA Narcotics Correctional Facility, Langkat

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### Abstract

The phenomenon of prisoner escapes impacts the criminal law enforcement process, which aims to prevent the public from becoming victims of crime and halt the correctional process in prisons. Sanctions for prisoners who escape from correctional institutions still impose disciplinary penalties in the form of reclusion and the suspension or revocation of certain rights in accordance with applicable laws and regulations without additional criminal proceedings for the inmates.

The purpose of this study is to determine law enforcement against prisoners who escaped from correctional institutions, factors that cause prisoners to escape from correctional institutions, and criminal law enforcement against prisoners who escaped from the Class IIA Langkat Narcotics Correctional Institution. This study is a descriptive study with a normative juridical research type using qualitative analysis methods.

From the results of the study, the laws and regulations related to prisoners and convicts who escape from detention centers and correctional institutions are Articles 34 and 85 of the Criminal Code, Article 67 of Law Number 22 of 2022 concerning Corrections and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and State Detention Centers, Factors for prisoners escaping from correctional institutions or state detention centers are caused by Internal Factors such as Willingness with personal encouragement, Long prison sentences and External Factors such as Over capacity, Environment and Social Relations, Lack of prison security officers, Inadequate Building Conditions, and Opportunity Factors and Law enforcement against prisoners who escape is by giving sanctions for serious disciplinary violations by entering them into a silent lockup for 12 days and to officers who are negligent or intentionally allow prisoners or detainees to escape is by applying administrative sanctions in the form of warnings to delays in promotions to dismissal from office or with criminal sanctions in prison

## I. INTRODUCTION

The shift in the implementation of the punishment system as amended by the concept of guidance through correctional institutions functions to prepare correctional inmates to be able to consolidate healthily with the community so that they can return to their role as members of society through rehabilitation and social reintegration.

The ongoing controversy surrounding the correctional system and the influence of several unfavorable factors have led to inmates committing crimes, including recreational

activities or even escaping from prison. Indonesian prisons are experiencing widespread overcrowding, including the Langkat Narcotics Penitentiary. Excessive capacity and inadequate facilities can hinder the optimal implementation of prison inmates' guidance. Overcrowding can also overwhelm officers in maintaining security, potentially leading to potential violations within the prison.

The purpose of criminalizing the practice of implementing correctional inmates' guidance in preventing the repetition of criminal acts or recidivism underlies the instructions and role of

correctional institutions as legal institutions included in the broader framework of Indonesian criminal law. In reality, the implementation of guidance mechanisms by correctional institutions often encounters factors that hinder the achievement of guidance goals due to negligence, shortage of personnel, and poor facilities, which provide opportunities for inmates to escape their obligations and responsibilities while serving their sentences by running away.

The act of a prisoner escaping from a correctional facility is against the law. This action clearly contradicts the institution's stated goal of developing inmates. The purpose of correctional institutions is to shape community groups within the facility to improve the attitudes and behavior of inmates, enabling them to become whole individuals who can be accepted into their social environment.

A riot at the Class III Narcotics Prison in Langkat, North Sumatra, resulted in an officer being injured. An inmate was also injured. "There were 1 inmate and 1 prison officer injured," said the Head of Public Information Bureau of the National Police Public Relations Division, Brigadier General Dedi Prasetyo. The riot also resulted in a number of vehicles being burned. "Three private cars, one ambulance at the Hinai Narcotics Prison, and 12 motorcycles (damaged)," said Dedi. The riot began when the cell doors were opened this afternoon. It is suspected that an inmate with the initials FK alias AJO was carrying crystal methamphetamine. Officers then conducted an inspection, but the perpetrator tried to escape. Prison officers finally arrested the perpetrator. It is suspected that the officer hit FK, who was caught carrying crystal methamphetamine. FK was then taken to the staff room at around 1:00 p.m. WIB. All inmates immediately gathered, broke down, and took FK back to the block. The inmates then broke down the main door and took control of the drug prison. They also reportedly set fire to the prison, officers' cars, and prison facilities. A total of 490 TNI and Polri personnel are currently on standby at the location.

A total of 92 escaped inmates have been apprehended. Previously, it was reported that around 100 inmates had escaped after the riot. In 2022, there was also a person outside the prison walls (who cleans the front yard of the office, takes care of the garden, and the front garden of the prison) who escaped from the prison during the day. The prison authorities immediately responded and worked with the police to the

prisoner's address in the direction of Brandan. The prisoner was indeed there. The prison authorities and police immediately arrested him and returned him to the prison.

The prisoner did this because he missed his family because his family never visited him because the prisoner committed the crime of rape against his own niece, so none of his family cared about the prisoner. However, the prisoner could no longer hold back his longing for his family even though they were no longer considered, so he escaped. The incident occurred on March 26, 2022. There were 5 people who came out, but one person, Hasan, 51 years old, was the one who escaped.

Prisoners who escape from correctional institutions psychologically desire to live freely without the limitations or rules that exist within the correctional institution. This desire is further influenced by factors such as the low level of education of prisoners, coupled with inadequate welfare of prisoners, the factor of fewer prison officers compared to inmates, and when riots occur, prison officers are often also victims. If such a situation occurs, then law enforcement is an effective alternative to address this problem, because it can be dangerous if prisoners escape from correctional institutions, it can cause potential disruptions to security and order and can lead to criminal acts. Therefore, law enforcement against prisoners who escape should have a deterrent effect.

Researchers are interested in conducting research on prisoners who escaped from correctional institutions, because as far as the public is concerned, correctional institutions are places to train inmates, but there are inmates who try to escape from the correctional institution, this is what researchers want to research in more depth how this happens.

Based on the background that has been described, the researcher is interested in conducting research which is stated in the title Law Enforcement Against Prisoners Who Escaped from the Class IIA Langkat Narcotics Penitentiary.

1. What are the legal sanctions for prisoners who escape from correctional institutions according to Law No. 22 of 2022?
2. What are the factors that hinder and hinder prisoners from wanting to escape from prison?
3. What are the preventive measures to prevent prisoners from escaping from prison?

## II. RESEARCH METHODS

The research used by the author in this legal paper is qualitative descriptive because it describes in detail the social phenomena that are the main problem. Descriptive research is intended to provide the most accurate data possible about people, conditions, or other phenomena. The type of research used in this paper is empirical legal research, namely, research into problems by observing and observing applicable legal norms in conjunction with the existing facts of the problems encountered in the research.

This research uses a qualitative legal analysis method, which involves an in-depth interpretation of legal materials, as is customary in normative legal research. The author will then relate the results of this analysis to the research problem to produce an objective assessment to address the research questions.

## III. RESULTS AND DISCUSSION

### A. Legal sanctions against prisoners who escape from correctional institutions according to Law No. 22 of 2022

The Criminal Procedure Code (KUHAP) strictly regulates the length of detention and all its consequences. This is regulated in Articles 24 to 29. The maximum total detention period from the investigation, prosecution, district court, high court, to the Supreme Court is 400 (four hundred) days, with the following details:

- a. At the police investigation stage, the detention period is 20 days which can be extended for 40 days.
- b. At the prosecution level at the prosecutor's office the detention period is 20 days, which can be extended for 30 days.
- c. At the level of examination in the district court, the length of detention is 30 days, which can be extended for 60 days.
- d. At the appeal level (if there is this legal remedy) in the high court the detention period is 30 days, which can be extended for 60 days.
- e. Finally, at the level of cassation examination (if any) at the Supreme Court, the length of detention is 50 days and can be extended for 60 days.

In principle, the reduction of the detention period, the period of arrest and or detention is reduced in full (deducted) from the sentence

imposed. The provisions in Article 22 paragraph (4) of the Criminal Procedure Code only apply to a defendant who is detained in a detention center. For a defendant who is under house arrest, the length of the sentence based on the judge's decision is reduced by or reduced by one third (1/3) of the length of the house arrest period. Meanwhile, for suspects or defendants who are under city arrest, the length of the sentence imposed by the judge is reduced by one fifth (1/5) of the total length of the detention period.

Regarding the reduction of the detention period, this must be emphasized in the considerations of the panel of judges and in the court's decision. In the judge's considerations, it is stated, "considering that the defendant has been in detention. This detention has been carried out in accordance with the applicable laws and regulations, then according to the provisions of Article 22 paragraph (4) of the Criminal Procedure Code, "the period of arrest and/or detention is deducted in full from the sentence imposed." Based on the above considerations, the Panel of Judges' decision is emphasized with the sentence, "ordering the defendant to remain detained and determining that the length of time the defendant has been in detention is deducted in full from the sentence imposed."

The duration of detention status is:

- a. The legal responsibility for detention for regular procedural examinations lies with the court from the time the case is transferred, while for short procedural examinations it lies with the court from the time the case is tried.
- b. Since the decision has permanent legal force, the defendant's status has changed to that of a convict.
- c. In the case of an acquittal or a decision to dismiss the charges, where the Public Prosecutor files an appeal, the defendant must be released from detention by law, and so on.

So far, if an escape occurs in a Correctional Institution and the inmate is recaptured, the applicable legal instrument to determine sanctions for the inmate as stated in Article 47 of Law Number 12 of 1995 concerning correctional facilities states that the Head of the Correctional Institution has the authority to provide disciplinary action or impose disciplinary penalties on inmates who violate security regulations and order in the Correctional Institution environment under his/her leadership. And disciplinary penalties are given in

the form of a maximum of 6 (six) days of solitary confinement for inmates or juvenile offenders; and/or suspending or eliminating certain rights for a certain period of time in accordance with applicable laws and regulations.

However, in Law Number 22 of 2022 concerning Corrections, the term of silent closure is increased from 6 days to 12 days as regulated in Article 67 of Law Number 22 of 2022 concerning Corrections which states:

1) *The imposition of sanctions on prisoners and convicts as referred to in Article 66 paragraph (21 letter c) is in the form of:*

a. *placement in solitary confinement for a maximum of 12 (twelve) days; and/or*

b. *delay or limitation of rights as referred to in Article 7 letter k and Article 10 paragraph (1).*

2) *The sanctions as referred to in paragraph (1) letter a are not given to female prisoners and convicts in reproductive function.*

This is different from prisoners who commit new crimes such as drug trafficking in prison. If proven guilty, the prisoner can be given criminal sanctions or additional sentences through the judicial process.

In the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and State Detention Centers, legal sanctions for prisoners who escape are regulated in Articles 9 and 10.

Article 9 paragraph (4) states:

*Severe disciplinary punishments include:*

a. *put in solitary confinement for 6 (six) days and can be extended for 2 (two) times 6 (six) days; and*

b. *not receiving the right to remission, leave to visit family, conditional leave, assimilation, pre-release leave, and conditional release in the current year and recorded in register F*

Article 10 paragraph (3) point i states:

*Prisoners and detainees who are sentenced to a serious disciplinary punishment if they commit a violation by attempting to escape or helping other prisoners or detainees to escape.*

In giving disciplinary punishment to escaped prisoners, the stages of imposing sanctions are regulated in Chapter IV of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and State Detention Centers, as follows:

Article 12

1) *Prisoners or detainees suspected of violating regulations must undergo an initial*

*examination by the head of security before being given a disciplinary punishment.*

2) *The results of the initial examination as referred to in paragraph (1) are submitted to the Head of the Prison or Head of the Detention Center as a basis for carrying out further examinations.*

Article 13

1) *The Head of the Prison or Head of the Detention Center forms an inspection team to examine the results of the initial inspection.*

2) *The inspection team has the task of examining prisoners or detainees who are suspected of violating regulations.*

3) *The results of the examination are recorded in the examination report and must be signed by the prisoner or detainee and the examination team.*

4) *Before signing, the examinee is given the opportunity to read the results of the examination.*

Article 14

1) *The inspection team submits the inspection report to the Head of the Prison or Head of the Detention Center.*

2) *The Head of the Prison or Head of the Detention Center is obliged to submit the minutes of the examination as referred to in paragraph (1) to the correctional observation team within a maximum period of 2 x 24 (two times twenty-four) hours from the date the minutes are received.*

3) *The TPP holds a hearing to discuss the imposition of discipline on prisoners or detainees suspected of committing violations within a maximum period of 2 x 24 (two times twenty-four) hours from the date the examination report is received.*

Article 15

1) *Before being sentenced to disciplinary punishment, prisoners or detainees may be subject to disciplinary action.*

2) *Disciplinary action as referred to in paragraph (1) takes the form of temporary placement in a solitary cell for a maximum period of 6 (six) days.*

Article 16

*In the event that a prisoner receives disciplinary punishment, the Head of the Prison or Head of the Detention Center must immediately notify the official authorized to detain the prisoner.*

Article 17

*In the event that a violation committed by a prisoner or detainee is suspected to be a*

*criminal act, the Head of the Prison or Head of the Detention Center will forward the matter to the relevant authorities.*

## **B. Factors that hinder and hinder prisoners from escaping from correctional institutions**

### **1. Overcrowding of State Detention Centers**

One of the major obstacles in Indonesia's correctional system is overcrowding in correctional institutions (prisons) and detention centers (rutan). This situation creates numerous problems, particularly in terms of security and order. When the number of inmates far exceeds the ideal capacity, supervision becomes unbalanced because the number of officers is not proportional to the number of inmates to be supervised. As a result, the potential for security disturbances, even escapes, increases.

Recent data shows that prisons and detention centers in Indonesia remain overcrowded at between 75 and 106 percent, despite the government's implementation of an assimilation program during the COVID-19 pandemic. This fact demonstrates that prison capacity is insufficient to accommodate the proportionate number of inmates. This imbalance has led to various negative impacts, ranging from a decline in the quality of education, an increased risk of conflict between inmates, to weak oversight of institutional security.

In practice, most prisons and detention centers have a very limited number of security officers compared to the number of inmates. This situation is one of the main causes of prisoner escapes. For example, the escape at the Langkat Narcotics Penitentiary on Monday, April 13, 2020, where three inmates attempted to escape from the prison. Fortunately, the escape attempt was thwarted by officers who swiftly established security. The inmates involved were then handed over to the Langkat Police for further investigation.

The investigation revealed that the three prisoners were disappointed that they were denied the right to assimilation, as stipulated in the Decree of the Minister of Law and Human Rights, Yasonna H. Laoly, regarding the granting of assimilation to prisoners who have served two-thirds of their sentences. This disappointment was one of the driving factors behind their escape.

### **2. Negligence of Correctional Institution Officers**

The limited number of officers compared to the number of inmates also results in a weak

oversight system. Control over blocks and cells is often suboptimal, particularly during the implementation of the assimilation program. Such negligence often results in legal consequences for correctional officers.

The Criminal Code (KUHP) explicitly stipulates criminal liability for officers who negligently or intentionally assist in the escape of prisoners. These provisions are outlined in Article 223 and Article 426 of the KUHP.

Article 223 of the Criminal Code states:

"Anyone who intentionally releases or helps someone to escape, who is detained on the orders of a public authority or by decision or order of a judge, shall be punished by imprisonment for a maximum of two years and eight months."

Meanwhile, Article 426 of the Criminal Code reads:

"An official who is assigned to guard a person whose liberty has been taken away by order of the public authority or by a court decision or decree, who intentionally allows that person to escape or intentionally releases him, or provides assistance when that person is released or escapes, is threatened with a maximum prison sentence of four years."

These two articles demonstrate that the state imposes criminal sanctions not only on escaped prisoners but also on officers who neglect their duties. In criminal law theory, negligence (*culpa*) and intent (*dolus*) are crucial elements in determining the form of criminal liability.

According to the theory of foreknowledge, an act is considered intentional if it is done with foreknowledge or knowledge of the potential consequences. Criminal law experts divide intention into three forms:

1. Intentionally as an intention (*opzet als oogmerk*), where the result is the main goal of the perpetrator;
2. Intentionally with certain awareness (*opzet als zekerheidsbewustzijn*), where the result is not the main goal, but it is realized that it will definitely happen;
3. Intentionally with awareness of possibility (*dolus eventualis*), where the perpetrator is aware of the possibility of other consequences, but still continues with his actions.

Thus, if a prisoner's escape occurs due to negligence or deliberate action by an officer, the officer responsible may be subject to criminal sanctions under Article 426 of the Criminal Code. The elements of fault in this case include both

subjective aspects (the perpetrator's mental attitude) and objective aspects (unlawful actions).

3. There is an Opportunity for Prisoners to Escape

Besides systemic weaknesses and negligence by officials, the opportunity and natural urge to escape also contribute to prisoner escapes. Freedom is a fundamental human instinct. No one wants to live with limited freedom or a lack of independence. This urge to escape is a natural psychological reaction, even found in other living creatures, who resist being restrained or tied down.

This psychological condition becomes even more complex when inmates experience mental stress, an uncomfortable mental state, and a crowded and inhumane environment. The combination of unstable psychological conditions and weak supervision creates opportunities for inmates to escape.

Thus, prison escapes are not solely the result of external factors such as a lack of officers or weak security systems, but also stem from an internal human drive to achieve freedom. This situation demands a comprehensive overhaul of the correctional system, in terms of staff numbers, facilities, and development approaches, so that prisons function not only as places of punishment but also as a means of rehabilitation and humanely fostering inmates' behavior.

**C. Preventive Measures to Prevent Prisoners from Escaping from the Class IIA Langkat Narcotics Penitentiary**

The efforts implemented by the Class IIA Langkat Narcotics Prison to deal with escaped prisoners are as follows:<sup>1</sup>

Escape Prisoner Management

No	Registration Number	Name	Escape Date	Date Caught	Caught Status	Sub Status	Description
1	Bl.291/2018	Suriyadi Bin Suparno	05/16/2019			Escape	Escape During the Riots
2	Bl.638/2018	Adnan Bin Balaluddin	05/16/2019			Escape	Escape During the Riots
3	Bl.413/2018	Rimpal Falestin Bin M. Yasin Mahmud	05/16/2019			Escape	Escape During the Riots

<sup>1</sup>Interview with Mr. Parlindungan as Head of Class IIA Langkat Narcotics Prison on April 3, 2023

<sup>2</sup>B. Niken Rizky Setyowati Y. Criminal Law Enforcement Against Prisoners Who Escaped from Class

1. Pre-emptive Efforts.

The preemptive measures referred to here refer to the initial efforts undertaken by prison officials to prevent prisoner escapes. Preemptive efforts to prevent prisoner escapes include instilling good morals and values in prisoners through personal guidance and outreach. Discipline is applied to inmates during rehabilitation programs, both medical and social, through personality development and independence development programs.

2. Preventive Efforts

Preventive efforts to address the escape of prisoners from the Class IIA Langkat Narcotics Penitentiary are being carried out with the aim of preventing escapes by emphasizing eliminating opportunities for prisoners to escape. These efforts include increasing supervision and security, improving officer skills through shooting and self-defense training, and upgrading security facilities and infrastructure.

3. Repressive Efforts

This effort is implemented when a prisoner has escaped from the prison. This involves enforcing the law through imposing severe disciplinary sanctions in the form of reclusion for those who escape and are recaptured. Therefore, when a prisoner escapes, prison officers search for and pursue the perpetrator, assisted by the police, and collaborate with the community, the courts, the prosecutor's office, the Directorate General of Corrections, and the Regional Office of Law and Human Rights in handling further matters. However, the effectiveness of criminal action can only be achieved through general public participation, which includes real order and awareness.<sup>2</sup>

IIA Penitentiary in Jambi. Faculty of Law, Batanghari University, Jambi. 2022, page 64

4	Bl.51/2019	Surya Darma Bin Sukarman (Deceased)	05/16/2019			Escape	Escape During the Riots
5	Bl.158/2019	Andrianto Bin Misnan	05/16/2019			Escape	Escape During the Riots
6	Bl.52/2019	Abdul Halid Bin Rasihan (Deceased)	05/16/2019			Escape	Escape During the Riots
7	Bl.346/2017	Azhar Lubis Bin Amir Husin (Deceased)	05/16/2019			Escape	Escape During the Riots
8	Bl.785/2018	Ali Amrin Hasibuan Bin Addin Hasibuan	05/16/2019			Escape	Escape During the Riots
9	Bl.181/2019	Supriatnoto Bin Abdul Rahman	05/16/2019			Escape	Escape During the Riots
10	Bl.74/2018	Herry Bin Alm. Suarik	05/16/2019			Escape	Escape During the Riots
11			2020			Empty	Escape During the Riots
12			2021			Empty	Escape During the Riots
13	Bl.213/2022	Hasan	2022			Escape	Escape During the Riots
14			2023			Empty	
15			2024			Empty	

#### IV. CONCLUSIONS AND RECOMMENDATIONS

The laws and regulations related to prisoners and convicts who escape from detention centers and correctional institutions are Articles 34 and 85 of the Criminal Code, Article 67 of Law Number 22 of 2022 concerning Corrections and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning the Rules of Procedure of Correctional Institutions and State Detention Centers.

Factors that cause prisoners to escape from correctional institutions or state detention centers are caused by internal factors such as personal motivation, long prison sentences and external factors such as over capacity, environment and social interactions, lack of prison security officers, inadequate building conditions, and law enforcement opportunities for prisoners who escape by giving sanctions for

serious disciplinary violations by putting them in solitary confinement for 12 days and for officers who are negligent or deliberately allow prisoners or detainees to escape by applying administrative sanctions in the form of warnings to delays in promotions to dismissal from office or by criminal sanctions in prison.

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