



Implementation of the Granting of Integration Rights in Overcrowded Correctional Institutions

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Article Info	Abstract
Article History Received: 2025-08-25 Revised: 2025-08-29 Published: 2025-09-10 Keywords: <i>Integration rights, prisoners, correctional institutions, overcrowding.</i>	<p>The Class II A Langkat Narcotics Correctional Institution is the UPT with the third highest overcapacity in the North Sumatra Regional Office of the Ministry of Law and Human Rights and is the detention center with the highest overcapacity among other prisons, namely 225% in 2024. Even though overcapacity is very risky, it will cause riots.</p> <p>This research is a juridical-empirical legal research to examine the effectiveness of the implementation of the granting of integration rights in resolving the problem of overcapacity in the Class II A Langkat Narcotics Prison. Primary data for the research were collected using the interview method, while secondary data were collected using the library method.</p> <p>Overcrowding at the Class II A Langkat Narcotics Prison is caused by the tendency of law enforcement officials to send criminals to prison. Integration rights are granted based on recommendations from the TPP and only cover CB, PB, and assimilation. Throughout the current period, the Class II Langkat Narcotics Prison has granted integration rights to 1,200 inmates, but remains overcrowded.</p> <p>This study concluded that the dominant factor causing overcapacity in the Class II A Langkat Narcotics Prison is the pattern of punishment that is still oriented towards imprisonment, the Prison plays an important role in granting integration rights except for CMK, and efforts to grant integration rights do not resolve overcapacity in the Class II A Langkat Narcotics Prison. Therefore, it is recommended that law enforcement officers educate the public so that they are not oriented towards revenge, the implementation of CMK is made easier so that the reintegration process of prisoners becomes easier, and the four subsystems in the Criminal Justice System equalize their achievements regarding the imprisonment of criminals.</p>

I. INTRODUCTION

On August 3, 2022, the Government of the Republic of Indonesia officially revoked Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections and replaced it with Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections (hereinafter referred to as Law 22/2022). Unlike its predecessor, which was oriented towards Correctional Inmates (WBP), this Law, which was published in the State Gazette of the Republic of Indonesia Number 165 of 2022, regulates not only the treatment of WBP (convicts, juvenile inmates, and correctional clients) but also detainees, consisting of suspects and defendants undergoing the trial process.

Echoing this sentiment, Erasmus Abraham Todo Napitupulu, Executive Director of the

Institute for Criminal Justice Reform (ICJR), stated that the phenomenon of overcrowding in prisons and detention centers is a fundamental problem. The root of overcrowding in Indonesia is the overemphasis on the post-factum principle, which tends to detain suspects before their cases are tested. This is exacerbated by the use of the number of cases handled as an indicator of law enforcement performance and as a determinant of budget incentives. On another occasion, Erasmus stated that over-criminalization by law enforcement officers, which is very prominent at the entrance to prisons and detention centers, and the ineffective assessment mechanism by correctional centers (Bapas) at the exit are the causes of many prisons and detention centers in Indonesia experiencing overcrowding.

According to data released by the Directorate General of Corrections (Ditjenpas) in the Correctional Database System as of August 17, 2022, 21 of the 33 Regional Offices of the Ministry of Law and Human Rights (Kemenkumham) across Indonesia, or 63.64%, are experiencing overcrowding in prisons and detention centers. Although nearly half of Kemenkumham's regional offices across Indonesia are experiencing overcrowding, the ratio is slightly lower compared to the same period in the previous two years.

In August 2020, detention centers and prisons in 27 regional offices of the Ministry of Law and Human Rights (Kanwil Kemenkumham), or 81.82%, faced overcrowding issues. In August 2021, 32 of the 33 regional offices of the Ministry of Law and Human Rights (Kanwil Kemenkumham), or 96.97%, experienced overcrowding issues. The North Sumatra Provincial Office of the Ministry of Law and Human Rights ranked seventh with an overcrowding rate of 108%.

Based on data on the distribution of Correctional Technical Implementation Units (UPT), the North Sumatra Provincial Office of the Ministry of Law and Human Rights has 39 UPTs, consisting of 25 prisons, 13 detention centers, and one Special Child Development Institution (LPKA) established in the Medan Class I Prison complex. Unfortunately, as of August 17, 2022, only 15 of the 39 UPTs (nine prisons and six detention centers) within the North Sumatra Provincial Office of the Ministry of Law and Human Rights have reported their inmates, and all are experiencing overcrowding.

The Class IIA Langkat Narcotics Prison has the highest overcrowding rate, at 605% (70 prisoners and 807 convicts are overcrowded in a prison with a capacity of only 145). Meanwhile, the Class IIA Langkat Narcotics Prison tops the list among the other 13 detention centers, with an overcrowding rate of 435%. This means the detention center, with a capacity of 145 people, houses 631 people, consisting of 364 prisoners and 267 convicts.

Erasmus AT Napitupulu stated that there are many ways to resolve the problem of overcrowding in prisons and detention centers, starting from the application of the adages Judicial Pardon and Ultimum Remedium, strengthening alternative sentencing and detention, to granting amnesty or mass pardons. In line with what was stated by the Executive Director and legal researcher of ICJR above, the Minister of Law and

Human Rights (Menkumham), Yasonna H. Laoly, believes that the most effective way to reduce overcrowding in prisons and detention centers is by changing the criminal law system so that not everyone involved in criminal cases is imprisoned, granting pardons to drug users (who make up the largest portion of the prison and detention center population), and granting remissions not only to prisoners in corruption cases.

As the prison with the highest overcrowding rate in the Regional Office of the Ministry of Law and Human Rights of North Sumatra Province, the Class II A Langkat Narcotics Prison (hereinafter referred to as the Langkat Narcotics Prison) has undertaken various internal efforts to reduce the population density of inmates placed there. One of the legal steps taken by the Class II A Langkat Narcotics Prison is to provide integration rights to inmates. The integration rights granted are Conditional Leave, Conditional Release, and Home Assimilation. Based on an interview with the Head of the Class II A Langkat Narcotics Prison, Mr. Parlindungan Siregar, A.Md.IP, SH, MH, facing an overcrowding problem of more than 300%, since 2022 his office has provided integration rights to 1,186 inmates (as of June 2024) or an average of 287 people per year.

Mr. Parlindungan added that population reduction can also be done by transferring inmates to other detention centers or prisons, unfortunately all correctional facilities in North Sumatra also face the same problem, so that granting integration rights becomes the only alternative to 'return' inmates to the community environment, so that the inmate development program in their place of duty can run as mandated by the Correctional Law and its implementing regulations. Based on the initial findings described above, the author is interested in conducting research on the Implementation of Granting Integration Rights to Inmates in Detention Centers Experiencing Overcapacity

Based on the research background described above, the problems in this research are formulated as follows:

1. What are the factors causing overcrowding in Class II A Narcotics Penitentiary?
2. What is the process and conditions for granting integration rights to prisoners at Class II A Narcotics Correctional Institutions that are experiencing overcapacity?

II. RESEARCH METHODS

This research is an empirical legal research to examine the effectiveness of the implementation of granting integration rights in resolving the problem of overcapacity in detention centers in order to analyze the implementation of legal regulations in granting integration rights to prisoners as an effort to overcome the problem of overcapacity in detention centers.

The data in this study were collected using library research and interview methods with the following data sources:

- a. Primary data, namely data collected through interview sessions with the Head of the Detention Center;
- b. Secondary data, namely laws and regulations governing the procedures for granting integration rights and enriched with legal material obtained from scientific papers on integration rights and excess capacity of detention centers/prisons, which include:
 - 1) Books on the mechanisms for administering the granting of integration rights to prisoners in detention centers and prisons;
 - 2) The results of seminars, workshops, symposiums, scientific works and articles that discuss the granting of integration rights to prisoners; and
 - 3) Digital scientific articles and journals on granting prisoners' integration rights and resolving overcrowding issues in detention centers and prisons.

The data in this study is dominated by primary data collected through a series of observations and interviews with several correctional officers regarding the situation and conditions at the Class II A Langkat Narcotics Prison, particularly regarding the granting of inmate integration rights as an effort to address overcrowding. Secondary data was collected solely to enrich the research material. Secondary data collection was conducted using library research methods and processed using descriptive qualitative methods through a statutory approach, an analytical approach, and a comparative approach to statutes.

The conclusion in this study was formed by applying the systematic normative interpretation method, namely by interpreting one statutory regulation and then conducting a comparative analysis of the statutory regulation with other legal products that have relevance and correlation with it and then building connectivity between the statutory regulation and primary data collected

through field observation activities and interviews with credible sources whose population was taken from the environment of correctional officers at the Class II A Langkat Narcotics Prison.

Research on the effectiveness of granting integration rights to prisoners in prisons experiencing overcapacity was conducted at the Correctional Institution.

III. RESULTS AND DISCUSSION

A. Factors Causing Overcrowding in Class IIA Narcotics Correctional Institutions

The problem of overcrowding in correctional institutions is a classic issue that remains unresolved in Indonesia, including at the Class IIA Langkat Narcotics Penitentiary. This situation reflects a multidimensional problem involving internal, external, and systemic factors. Overcrowding is not simply a result of the increasing number of criminals but also reflects weak coordination between law enforcement agencies and suboptimal legal policies in the criminal and correctional enforcement phases.

In general, the primary factor driving overcrowding is internal, namely problems originating within the correctional system itself. Prisons and detention centers in Indonesia, including Class IIA Narcotics Prisons, are generally built with limited capacity and have not undergone significant infrastructure expansion or renovation in decades. Meanwhile, the number of inmates continues to increase year after year, primarily due to the high number of drug cases that dominate criminal cases in Indonesia. Data from the Directorate General of Corrections (Ditjenpas) of the Ministry of Law and Human Rights shows that more than 60 percent of prison inmates in Indonesia are drug convicts. This means that a single type of crime dominates the available detention space.

Besides infrastructure, other internal factors include limited human resources and management. The number of correctional officers is disproportionate to the number of inmates who must be supervised and mentored. Ideally, one security officer should supervise around 20 to 30 inmates, but in practice, in many prisons, one officer must supervise more than 100. This situation weakens supervision and hinders the optimal implementation of correctional programs. As a result, prisons lose their function

as correctional facilities and become mere shelters.

Furthermore, externally, the increase in the number of prisoners is also influenced by social conditions and criminal law policies that still tend to be repressive. In the context of narcotics cases, many users who should receive rehabilitation are instead sentenced to prison. This leads to an overcrowding of prisoners in narcotics prisons, despite the objective of Law Number 35 of 2009 concerning Narcotics to distinguish between users, dealers, and producers. Many users are charged with criminal offenses due to the authorities' weak understanding of implementing a rehabilitative approach.

Furthermore, law enforcement in Indonesia is still more focused on punishment (punitive approach) than prevention and social reintegration. Existing laws and regulations are not fully effective in controlling inmate numbers. For example, assimilation and parole programs are often considered politically unpopular, resulting in inconsistent implementation across regions. The public also still holds a negative stigma toward prisoners, leading to frequent rejection of social integration programs in their neighborhoods.

Another contributing external factor is the lack of community and non-governmental organization (NGO) involvement in supporting correctional facilities. While the correctional system, as regulated by Law Number 22 of 2022 concerning Corrections, emphasizes the importance of collaboration between the government, the community, and the business sector, in practice, public participation in assisting inmates' development remains minimal. As a result, the responsibility for development and oversight falls entirely on the state, which is itself overwhelmed by resources.

Furthermore, systemic factors exacerbate the overcrowding situation. This is related to weak coordination between law enforcement agencies, such as the police, prosecutors, courts, and correctional institutions. It's not uncommon for inmates who should be transferred or granted assimilation rights to remain detained in detention centers due to administrative delays. Unintegrated inter-agency information systems also cause administrative delays in detention.

The correctional system within prisons is also often ineffective. Inmates who should already be eligible for integration rights, such as assimilation or parole, often have their release delayed due to administrative constraints and a

lack of community guidance officers. In many cases, inmates remain detained even though they already meet the substantive requirements for release, worsening overcrowding.

From a regulatory perspective, inconsistent legal policies contribute to the problem. Overlapping criminal provisions between the Narcotics Law and other implementing regulations create uncertainty regarding the granting of integration rights. Consequently, many drug convicts do not receive the rehabilitation or social integration opportunities mandated by law.

Another systemic factor that needs to be highlighted is the lack of evaluation of the performance of correctional institutions themselves. Routine evaluations, supposedly conducted by the Ministry of Law and Human Rights, are often merely administrative in nature, rather than substantive. Yet, without comprehensive oversight, the various violations and managerial weaknesses in prisons will never be fully identified.

Overcrowding also has a domino effect on various other aspects. For example, inadequate sanitation facilities increase the risk of infectious diseases, inmate education programs are ineffective due to limited space, and the potential for conflict between inmates increases due to limited mobility. This situation creates internal social tensions within prisons, which actually threaten the primary goals of the correctional system: social development and reintegration.

Thus, it can be concluded that overcrowding at the Class IIA Langkat Narcotics Penitentiary is not merely a technical issue, but rather a reflection of structural issues and suboptimal legal policies. Synergy between criminal policy, the correctional system, and community support is needed to address this issue comprehensively.

B. The Process and Conditions for Granting Integration Rights to Inmates at the Class IIA Langkat Narcotics Correctional Institution Experiencing Overcapacity

Granting integration rights is a strategic solution that can be implemented to reduce overcrowding in correctional facilities. Integration rights encompass several policies, such as assimilation, pre-release leave, and parole, which aim to accelerate inmates' social reintegration into society.

The process of granting integration rights is regulated by Regulation of the Minister of Law and

Human Rights of the Republic of Indonesia Number 3 of 2018 concerning the Requirements and Procedures for Granting Remission, Assimilation, Visiting Family Leave, Conditional Release, Pre-Release Leave, and Conditional Leave. Based on this regulation, the process of granting integration rights involves several important stages, namely submitting an application, evaluating and assessing, and making a decision.

The first step is submitting an application. Applications can be submitted by the inmate themselves, their family, or upon the recommendation of a community guidance officer. In the context of the overcrowded Class IIA Langkat Narcotics Prison, this application process is often carried out collectively to expedite administration. Prison officers will register inmates who meet substantive requirements, such as having served two-thirds of their sentence or demonstrating good behavior during their rehabilitation.

The second stage is evaluation and assessment. At this stage, an evaluation team consisting of prison officers, community counselors, and psychologists will assess the inmate's suitability. The assessment is based on several indicators, including: behavior during their sentence, progress in the rehabilitation program, social adaptability, and the risk of recidivism (repeating criminal offenses). This evaluation is crucial to ensure that integration rights are granted to inmates who are truly ready to return to society.

The third stage is decision-making, where the Head of the Correctional Institution issues an official decision based on the evaluation results. This decision is submitted to the Regional Office of the Ministry of Law and Human Rights and the Directorate General of Corrections for final approval.

In terms of requirements, inmates seeking integration rights must meet several key criteria. First, they must demonstrate good behavior during their sentence, as evidenced by no record of disciplinary violations. Second, they must demonstrate progress in their rehabilitation, whether through active participation in religious, educational, or vocational activities. Third, they must have special individual needs, such as health reasons, family responsibilities, or relevant social needs. Fourth, they must obtain approval from the Head of the Prison as a form of administrative responsibility.

The forms of integration rights granted include:

1. Assimilation, a process of rehabilitating inmates outside of prison with the goal of accelerating social reintegration. In this program, inmates are permitted to work or engage in social activities under the supervision of officers.
2. Pre-release leave is the right granted to prisoners to spend a certain amount of time outside of prison before the end of their sentence. The goal is to allow prisoners to re-adapt to their social environment.
3. Conditional release, namely the release of prisoners before their sentence is completed, on the condition that they continue to carry out certain obligations and are under the supervision of a community counselor.

However, despite the normative nature of this mechanism, in practice, numerous obstacles remain. First, lengthy and bureaucratic administrative procedures often delay the granting of integration rights. Second, a shortage of community guidance officers (PK) slows down the eligibility assessment process. Third, the subjectivity of the assessment is also a problem, as the final decision often relies on the judgment of individual prison officials.

Furthermore, the public often shows resistance to the implementation of integration rights, particularly for drug convicts. The public still believes that releasing drug convicts carries a high risk of re-offending. However, if implemented with a sound rehabilitation system, granting integration rights is a strategic step to prevent overcrowding and prepare inmates to return to normal life.

From a public policy perspective, the right to integration is essentially a form of implementing restorative justice principles within the correctional system. The state not only punishes but also restores and restores individuals' social functioning. This integration program helps reduce the burden on the state budget because prison operating costs decrease as the number of inmates decreases.

In the context of the Class IIA Langkat Narcotics Prison, implementing integration rights is a concrete solution to address overcrowding. However, this implementation must be accompanied by strict oversight to prevent abuse of authority or unfairness in determining recipients.

To increase its effectiveness, several reform measures are needed, including digitizing the integration rights administration process, increasing the number of community counselors, involving the community in monitoring inmates, and strengthening the role of the Correctional Center (Bapas) in assisting inmates after assimilation.

IV. CONCLUSIONS AND RECOMMENDATIONS

The problem of overcrowding at the Class IIA Langkat Narcotics Prison arises from a combination of interrelated internal, external, and systemic factors. Granting integration rights is a solution that can reduce the pressure on inmates while strengthening the correctional system's developmental and humanitarian goals. However, for this policy to succeed, a strong commitment from all parties, from correctional officials and the government to the community, is needed to create a fair, transparent, and sustainable system.

REFERENCE LISTAN

- Islamic University of Indonesia. Solutions to Overcrowded Prisons. Published on <https://www.uui.ac.id/solusi-mengatasi-lapas-kelebihan-kapasitas/>. Accessed August 17, 2022, at 6:07 a.m. WIB.
- Laeny Sulistyawati. Why Are Prisons and Detention Centers Overcrowded? This is ICJR's Analysis. Published on <https://www.republika.co.id/berita/qzrgtd396/kenapa-lapas-dan-rutan-overcrowded-ini-analisis-icjr>. Accessed August 17, 2022, at 6:10 a.m. WIB.
- Directorate General of Corrections, Ministry of Law and Human Rights. Number of Correctional Institutions and Their Distribution. Published on <http://sdppublik.ditjenpas.go.id/analisis/public/jumlah-upt-sebarannya>. Accessed August 17, 2022, at 6:17 a.m. WIB.
- Directorate General of Corrections, Ministry of Law and Human Rights. Monthly Inmate Data for Specific Regional Offices. Published on the page <http://sdppublik.ditjenpas.go.id/analisis/public/grl/bulanan/kanwil/db714e90-6bd1-1bd1-8649-313134333039/year/2022/month/8?q=>
- grl/current/monthly/kanwil/db714e90-6bd1-1bd1-8649-. Accessed on August 17, 2022, at 1:00 PM WIB.
- Laeny Sulistyawati, Loc.Cit.
- Directorate General of Corrections. Minister of Law and Human Rights Prepares Three Solutions to Address Prison Overcrowding. Published on <http://www.ditjenpas.go.id/atasi-lapas-kelebihan-kapasitas-menkumham-siapkan-tiga-solusi>. Accessed August 17, 2022, at 3:17 PM WIB.
- Rian Firmansyah, A.Md.IP, SH, MH, Head of Tanjung Pura Class II B Detention Center. Interview on July 21, 2022, at 10:00 a.m. WIB.
- Sudikno Mertokusumo. Understanding Law: An Introduction. Yogyakarta: Cahaya Atma Pustaka, 2014, p. 13.
- Soerjono Soekanto and Sri Mamudji. Normative Legal Research: A Brief Review. Jakarta: Raja Grafindo Persada, 2011, p. 13.
- Mike Hough, Rob Allen, and Enver Solomon. Tackling Prison Overcrowding: Build More Prisons? Sentence Fewer Offenders? Bristol: Bristol University Press, 2008, p. 25.
- Gaby Galvin. Underfunded, Overcrowded State Prisons Struggle with Reform. Published on <https://www.usnews.com/news/best-states/articles/2017-07-26/understaffed-and-overcrowded-state-prisons-crippled-by-budget-constraints-bad-leadership>. Accessed August 17, 2022, at 9:17 PM WIB.
- Chapter I letter A Attachment to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 11 of 2017 concerning the Grand Design for Handling Overcrowding in State

- Detention Centers and Correctional Institutions.
- H Aspan, A Setiawan, ES Wahyuni, A Prabowo, AN Zahara, [The Legal Review of the Mechanism for Determining Injury in the Imposition of Antidumping Duties on Uncoated Writing and Printing Paper in Indonesia](#) Journal of Namibian Studies 34
- H Aspan, A Setiawan, ES Wahyuni, A Prabowo, AN Zahara [Cyber Notary Issues Authority Certificate to Provide Legal Protection in Online Selling](#)
- RP Panjaitan, TR Zarzani, [Implementation Of Coaching For Prisoners Who Abuse Narcotics As An Effort To Prevent Criminal Offenses \(Case Study Of Class II Langkat Narcotics Correctional Institution\)](#), , LAWYER: Journal of Law 1 (2), 90- 100
- Suteki and Galang Taufani. Legal Research Methodology: Philosophy, Theory, and Practice. Jakarta: Rajawali Pers, 2018, p. 98.
- M. Agus Santoso. Law, Morals, and Justice: A Study of Legal Philosophy, Second Edition, Jakarta: Kencana Prenada Media, 2014, p. 85.
- M Gaddafi, H Aspan, M Heikal, [Effect of perception of facilities, intensity of conduct, and satisfaction of Tax Payers to Submission of Letter by E-Filing Notice on Tax Service](#) Proceedings of MICoMS 2017 1, 583-587
- Abdul Mukthie Fadjar. History, Elements, and Types of the Legal State. Malang: Setara Press, 2016, p. 6.
- Zainal Abidin Farid. Criminal Law I. Jakarta: Sinar Grafika, 2010, p. 235.
- CST Kansil. Introduction to Indonesian Law and Legal System. Jakarta: Balai Pustaka, 2018, p. 3.
- Teguh Prasetyo. Rule of Law in the Dimension of the Indonesian Legal State. Journal of Legal Reflections, October 2010 Edition. Salatiga: Faculty of Law, Satya Wacana Christian University, 2010, pp. 130-131.
- R Setiawan, Y Anwar, H Aspan [An Effect of Occupational Safety and Health on Employee Performance at PT. PLN \(Persero\) ULP West Binjai](#) Britain International of Humanities and Social Sciences (BIOHS) Journal 4 (3...
- TR Zarzani, O Medaline, D Dartimnov [A Legal Responsibility of a Notary for Actions Performed by Parties in the Making of an Authentic Ded](#) Budapest International Research and Critics Institute-Journal
- Mukti Fajar Nur Dewata and Yulianto Achmad. Dualism of Normative and Empirical Legal Research. Yogyakarta: Pustaka Pelajar, 2010, p. 146.
- Sudikno Mertokusumo. Legal Theory, Revised Edition. Yogyakarta: Cahaya Atma Pustaka, 2012, p. 87.
- Y Yasmirah, F Halawa, S Tandiono, TR Zarzani, [Criminal acts of corruption procurement of goods and services of local governments through electronic procurement services \(LPSE\)](#)
- YM Saragih, TR Zarzani [The law enforcement of corruption crimes in terms of authority abuse](#) International Journal of Law Reconstruction 7 (1), 54-62