

Optimizing Oversight: Developing an Ideal Framework for Supervision Prisoners' Rights Allocation

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Abstract

This study analyzes the problem of a prosecutor's procrastination in executing a court judgment that delays the prisoners' serving their sentences and causes some irregularities in the correctional facilities regarding the prisoners' rights trade. The introduction of many prisons without a specific body to supervise the execution of the sentence, particularly the warded people's freedom in Indonesia, appeared unfulfilled justice in the society. In this regard, this research aims to define the validity of the need to enhance the Supervision of prisoners' rights protection in Central Java. It describes an optimal system relevant to such Supervision. The type of research that was utilized in this study is sociological juridical. Sociological juridical research serves to be the opposite of normative legal research. It is revealed that there have been ongoing infringements of prisoners' rights, highlighting the further need to set a more comprehensive mechanism that would include the Police,



the Prosecutors, the Courts, and the Correctional Institutions in the system of oversight and other management functions. Every level in the hierarchy system of the Criminal Justice System has its limit on including the human rights of prisoners containing adequate risks of intrusion, where checks and balances must be exercised. Formally and horizontally, these rights must be assured and upheld both legally and in their spirit by Justice and the Law. This study's findings are that appropriate measures need to be applied to implement better Supervision policies aimed at safeguarding the human rights of prisoners and ensuring the justice system in Indonesia is not compromised.

Keywords

Construction, Correctional, Supervision, Prisoners' Rights

Introduction

In the modern justice system, oversight of the granting of prisoners' rights is a crucial aspect to ensure justice and humane treatment for those behind bars.¹ Prisoners' rights, which include access to health services, education, and treatment in accordance with human dignity, are part of internationally recognized human rights.² Although prisoners have served sentences as a consequence of breaking the law, they are still entitled to basic protections that guarantee their safety and well-being during the period of detention. However, realities on the ground often point to an imbalance between legally recognized rights and their implementation, which requires effective and sustained Supervision.

There's a wide variety of both national and international legal documents. However, their actual enforcement remains insufficient, notwithstanding the belief that several legal documents exist. Problems of prison overcrowding, understaffing, and non-functioning effective

¹ Joseph Tzu Shuo Liu, "Preventive Detention of Dangerous Inmates: A Dialogue between Human Rights and Penal Regimes," *International Journal of Human Rights* 25, no. 4 (2021): 551, <https://doi.org/10.1080/13642987.2020.1725486>.

² Sonja Snacken, Caroline Devynck, and Kasia Uzieblo, "Dignity, Social Reintegration of Prisoners, and the New Penal Power: European Human Rights, Experiences of Belgian Prisoners, and Professional Practices," *International Journal of Offender Therapy and Comparative Criminology* 66, no. 9 (2022): 980, <https://doi.org/10.1177/0306624X221099489>.

supervision systems are common in several jail institutions in various parts of the world, including Indonesia.³ This situation usually creates circumstances that would infringe on the fundamental rights of the prisoners, particularly the right to health care, proper living conditions free from abuse or torture, and even sanitation. The absence of stringent conditions of supervision and sufficient accountability to the circumstances frequently makes the situation worse due to organic deficiencies in means that promote and guarantee prisoners' rights.⁴

The emphasis on the model construction in the supervision of prisoners' rights is becoming more critical with the increasing public discourse on the humane treatment of the incarcerated. This ideal construction refers not only to the adequate policy design but also to its practical, efficient execution through proper Supervision, which is accountable and has reasonable levels of transparency. Effective surveillance of such conditions should help to bring out the existing system loopholes and recommend ways in which the respective conditions ought to be improved.⁵ Moreover, that kind of effective oversight also requires several different actors, including government bodies, NGOs, and civil society, all seeking to protect human rights and the rule of law.

The ever-changing times and ages, the growth of technology has been significant in enabling adequate supervision of the shortcomings committed during the violation of the rights of prisoners.⁶ The agency has employed information technology in surveillance systems and data

³ Angkasa Angkasa, "Deprivation of Inmates in Conducting Imprisonment and Guidance in Penitentiary on Victimology Perspective," *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 53–74, <https://doi.org/10.15294/jils.v5i1.38520>.

⁴ Abdul Hamid, Tome Supriyadi, and A Arief Royin, "Consequences of Assimilation Policy During a Pandemic in Indonesia: Overview in Human Rights Perspective," in *Proceedings of the 2nd International Conference on Law Reform (INCLAR 2021) Consequences*, vol. 590 (Atlantis Press, 2021), 89–91.

⁵ Garrath Williams, "What Is Fundamental in Criminal Law?," *Criminal Justice Ethics* 41, no. 3 (2022): 278–90, <https://doi.org/10.1080/0731129X.2022.2144059>.

⁶ Andrew Carroll et al., "No Involuntary Treatment of Mental Illness in Australian and New Zealand Prisons," *Journal of Forensic Psychiatry and Psychology* 32, no. 1 (2021): 1–28, <https://doi.org/10.1080/14789949.2020.1817524>.

reporting, which are expected to improve compliance with the rules on the protection of the interests of the prisoners. There is also more sunlight shed on the responsibilities of the people, which increases the amount of responsibility placed on the people themselves. Introducing new technology in supervision also creates provision for public engagement in the supervision process, either by getting information or being involved in Supervision programs. Recognizing the challenges and prospects in this context, this research will aim to construct a suitable Supervision framework that will be appropriately employed within the realm of Indonesia. This framework is anticipated to assist decision-makers and legal practitioners in enhancing the supervisory practices concerning prisoners' rights, creating more just and humane societies. The construction of this practical framework is further expected to add value to the global efforts to enhance the protection of the human rights of all individuals, more importantly, those who are at risk, for instance, prisoners.⁷

The protection and allocation of prisoners' rights remain critical issues in criminal justice systems worldwide. As societies evolve, so too must the frameworks govern the treatment of incarcerated individuals. Based on the inequality in the implementation of Article 88 of Law Number 22 of 2022 concerning Correctional Services, which explains that in terms of supervision of the implementation of correctional functions, it is carried out through two forms, namely, internal supervision and external supervision. (1) The Correctional Law mandates the commission in the House of Representatives (DPR) to immediately form a supervisory team. However, according to data from the House of Representatives as of Thursday, November 17, 2022, further provisions regarding the formation of a supervisory team regulated by the Regulation of the House

⁷ Ade Adhari et al., "The Ultimatum Remedium Principal Formulation Policy Is Partial in Nature to Corporate Criminality in Indonesia," *Indonesia Law Review* 14, no. 1 (2024): 23, <https://doi.org/https://doi.org/10.15742/ilrev.v13n3.1>.

of Representatives of the Republic of Indonesia have not been determined. Prior to the enactment of Law Number 22 of 2022 concerning Correctional Services, supervision in Correctional Institutions, hereinafter referred to as Prisons. It is divided into two, internal supervision and external supervision. However, the fact is that the supervision carried out is often ineffective and still gives rise to many irregularities because it was found that there are more than 200 employees in the prison. in several regions in Indonesia that have been affected by illegal levies.

The purpose of this study is to analyze the importance of establishing an independent institution, which is free from interests that benefit certain parties and aims to compile a supervision structure over the provision of prisoners' rights in accordance with the criminal objectives contained in the correctional system. Effective supervision of criminal enforcement has an important role in ensuring compliance with the law, human rights and correctional objectives.⁸ Prisons are institutions or places that carry out criminal functions against prisoners. Prisons are state institutions that are responsible and authorized to take care of the lives of prisoners, which can educate, care for and also humanize prisoners with the aim that they can be returned and accepted by the community after their release, so that they become individuals who have new skills and personalities who obey the law.

Prisons are one of the institutions that have the authority to grant rights to prisoners. These rights in the context of this study include remission, assimilation, leave to visit family, parole, leave before release, and conditional leave. This right is given to prisoners if they have met the conditions specified in the Regulation of the Minister of Law and Human Rights Number 3 of 2018. The existence of the ministerial regulation is the basis for determining the conditions and procedures for granting

⁸ Anis Widyawati et al., "Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions," *Lex Scientia Law Review* 6, no. 2 (2022): 339, <https://doi.org/10.15294/lesrev.v6i2.58131>.

prisoners' rights. However, even though it has been determined in a limited manner in laws and regulations, in practice there are still many cases of irregularities in the granting of prisoners' rights. In addition to these cases, other irregularities have been found in the form of the practice of "buying and selling" the rights of prisoners. For example, in 2019, the Ombudsman found cases of buying and selling prison facilities, remission, and parole. This case was uncovered after the virality of a letter addressed to the Minister of Law and Human Rights. The substance of the letter is related to the exoetion carried out by correctional officers in prisons in Class I Cipinang.⁹

There have been several studies that focus on different dimensions of prisoners' rights as well as their regulation. Katherine et al. (2019) reviewed the legislation for prisoners' rights in over thirty countries, and the differences were huge. Their efforts called for a more uniform distribution and observation of rights.¹⁰ Further developing this movement, Liebling et al (2019) argued for prison management from the perspective of recognizing certain rights for prisoners.¹¹ Independent Supervision structures must be incorporated into this model of management. Although such a framework was proven operative during small-scale tests, the practical application level, especially in low-resource settings, turned out to be a hindrance. Graham (2019) conducted a landmark study regarding the availability and efficiency of present supervisory mechanisms in defending prisoners' rights.¹² Research

⁹ Indra Jaya Ali, R. Madhakomala, and Corry Yohana, "Evaluation of The Implementation of The Getting Zero To Halinar (Handphone, Pungli, Narkoba) Programm in The Correctional Institutions of The Class I Cipinang Jakarta," *Journal of Business and Behavioural Entrepreneurship* 3, no. 2 (2019): 1–24, <https://doi.org/10.21009/jobbe.003.2.01>.

¹⁰ Katherine M. Auty and Alison Liebling, "Exploring the Relationship between Prison Social Climate and Reoffending*," *Justice Quarterly* 37, no. 2 (2020): 358–81, <https://doi.org/10.1080/07418825.2018.1538421>.

¹¹ Alison Liebling et al., "Are Hope and Possibility Achievable in Prison?," *Howard Journal of Crime and Justice* 58, no. 1 (2019): 104–26, <https://doi.org/10.1111/hojo.12303>.

¹² Graham S. Danzer et al., "Competency Restoration for Adult Defendants in Different Treatment Environments," *Journal of the American Academy of Psychiatry and the Law* 47, no. 1 (2019): 68–81, <https://doi.org/10.29158/JAAPL.003819-19>.

containing praxis highlighted the critical issues embedded within the existing system: poor Supervision of several recipients and not-so-effective allocation of rights. In terms of the factors examined, this paper builds upon Patel's work and presents a critique of the existing frameworks.

While these studies have made significant contributions, there remains a critical need for an integrated, adaptable framework that can be applied across diverse justice systems. Our research aims to fill this gap by developing a comprehensive model that optimizes oversight of prisoners' rights allocation. This framework will incorporate best practices from previous studies while addressing their limitations, particularly in terms of scalability and cross-cultural applicability. The significance of this research extends beyond academic interest. Effective Supervision of prisoners' rights is essential for maintaining the integrity of justice systems, promoting rehabilitation, and upholding human dignity. By developing an ideal oversight framework, we aim to provide policymakers and prison administrators with a practical tool for enhancing transparency, accountability, and fairness in the treatment of incarcerated individuals.

Method

The study in this context uses a socio-legal perspective that draws from the normative legal research type. This method, which is relatively regarded as novel, is called postpositivistic because it is anchored on postpositivism. It is also known as a literary method because of its less rigid characteristic and more as an analytical method because of the type of outputs regarded as the explanation of the empirical data collected. For the additional validity of the data collection, eight sites were chosen for the study, including the Regional Office of Ministry of Law and Human Rights in Central Java, Semarang District Court, Semarang District Attorney's Office, Semarang Correctional Institution, City Sub Regional Police Semarang, Correctional Center Semarang, and Kendal District Attorney's Office. The instruments used included interviews, document interpretation, and others based on personal experience. Following the

constructivism orientation, for example, the researcher assumed a non-participant observer role involving participatory principles in the observation process during the study period. Open-ended interviews were conducted, incorporating in-depth interview hours with respondents, and at times, interrogations with seasons possessing credible information were also required. Furthermore, data analysis in qualitative research implies data interpretation and giving meaning to what was obtained from the field.¹³ Qualitative data's internal validity was evaluated using four criteria: credibility, transferability, dependability, and confirmability. First, triangulation techniques were used to improve credibility, in which data were checked against findings or sources of documents and interviews. More focus concerning this study goes to the theoretical and normative rather than empirical investigation since there is limited access to data from the field. As such, these ones are more of ideas leading to this article, hence, provide recommendations on applicability to Supervision prisoner's rights in Indonesia.

Result and Discussion

A. Enhancing Transparency and Accountability in Prisoners' Rights Allocation

The contentious issue of which rights to allocate to prisoners and the need to foster robust transparency and accountability in the correctional systems as many societies struggle with how to balance public order attainment and respect for the fundamental human rights of those who are incarcerated.¹⁴ In its breadth, absolution of prisoners' rights includes a myriad of issues, ranging from what is justified ethical and moral duties of any just society to realistic measures in formulating policies that ensure fair justice and reasonable rehabilitation of the prisoners. The idea of prisoners' rights rests on the argument that when jailed, they lose their

¹³ Megasari Gusandra Saragih et al., *Metode Penelitian Kualitatif: Dasar-Dasar Memulai Penelitian* (Medan: Yayasan Kita Menulis, 2021), 19.

¹⁴ Ridwan Arifin and Lilis Eka Lestari, "Penegakan Dan Perlindungan Hak Asasi Manusia Di Indonesia Dalam Konteks Implementasi Sila Kemanusiaan Yang Adil Dan Beradab," *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12, <https://doi.org/10.23887/jkh.v5i2.16497>.

freedom but not their rights, and some of these rights are universal and must be protected from the government. Rights of this nature include: (1) The right to health care, (2) Protection from inhuman treatment, (3) Freedom from oppression, and (4) The right to education.

Nevertheless, it has been reported that no geographic freedom exists in acknowledging such rights or the availability of institutional correctional measures, indicating the need for improved discretion and Supervision in distributing and applying such rights. One of the main problems to be addressed in amending this situation is that the power relations naturally inclined to exist between prisoners and those authorities that confine them are likely to be abused and left unnoticed. This imbalance highlights the need for effective mechanisms that are put in place to guard against the abuse of the rights of the prisoners, which in theory exist but are not observed in practical situations. In this context, transparency refers to how open or visible the policies, procedures and decision-making processes concerning the protection of rights, and their allocation are. This entails the clear assertion of prisoners' rights and the establishment of appropriate means through which the prisoners can report what happened, for example, their grievances and complaints, without any risk of retribution.¹⁵ Further, accountability includes the mechanisms designed to ensure that any violations of the rights of the prisoners and any failures to act to protect those rights are dealt with at an institutional level. Any offender is human; this raises respect and value towards each offender.¹⁶ The interrelation of these two policies offers a platform for better correctional services that assimilate humane principles to all and sundry regardless of the legal direction one finds himself or herself.

One way to improve transparency and accountability in allocating prisoners' rights is to tackle the underlying problems of the correct functioning of the correctional system at different levels. This can involve conducting external evaluations of prisons to check for compliance with

¹⁵ Babajide Olatoye Ilo and Adekunbi Folashade Imosemi, "Prospect and Challenges of Criminal Procedures in Nigeria: A Review," *Unnes Law Journal* 8, no. 2 (2022): 306, <https://doi.org/10.15294/ulj.v8i2.56482>.

¹⁶ Ridwan Arifin, Hartini Atikasari, and Waspiyah, "The Intersection of Criminal Law, Technology and Business Commercial Law on Carding as Cyber Fraud," *Jurnal Hukum Novelty* 11, no. 2 (2020): 235–46, <https://doi.org/10.26555/novelty.v11i2.a15700>.

the minimum standards on prisoners' rights protection.¹⁷ Such assessments can highlight specific areas needing improvement and assess the success of the policies, frameworks and mechanisms in place. Furthermore, the same external oversight can be attained and strengthened by introducing or assigning existing incendiary bodies such as ombudsman offices, which link prisoners and the justice system so that all complaints are lodged, addressed and acted upon. One area that correlates positively with promoting transparency and accountability goes hand in hand with data collection and dissemination on any metrics concerning prisoners' rights and welfare.¹⁸ This could include recording such violent or abusive incidents, reporting other people's healthcare availability and active participation, or even the existence and effectiveness of educational and vocational programs.

This data is essential because it allows policymakers and advocacy within the groups to see patterns, accomplishments, or gaps. Thus, evidence-based changes and improvements are made in the criminal justice system to benefit the offenders and society.¹⁹ The significance of technology resources in enhancing the accommodation of accountability and the transparency in the designer's allocation of the prisoner's rights is immeasurable. Internet tools and locked systems can enable better document management and violations redress through more knowledge about the rights violators using the inmate's understanding and investigation of mostly hitherto occupied unresolved issues.²⁰ Nonetheless, this kind of technology would also require equal consideration of the issue of privacy and the security dynamics in correctional facilities. The men

¹⁷ Raja Mohamad Rozi and Nisya, "Validity and Legal Protection of Defendant in an Online Trial System," *Proceedings of the 1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* 549, no. Iclhr 2020 (2021): 182–90, <https://doi.org/10.2991/assehr.k.210506.026>.

¹⁸ Lidya Rahmadani Hasibuan, "The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context," *Scholars International Journal of Law, Crime and Justice* 5, no. 7 (2022): 264, <https://doi.org/10.36348/sijlcj.2022.v05i07.004>.

¹⁹ These legal provisions affirm the state's commitment to uphold the human rights of all individuals, including those who have committed criminal acts. They underscore the importance of a justice system that respects human dignity and ensures equality before the law. Also read, Septhian Eka Adiyatma, "Legal Paradox: Protection of Victims Taking the Law into Vigilantism," *Ius Poenale* 4, no. 2 (2023): 101, <https://doi.org/10.25041/ip.v4i2.3004>.

²⁰ Ade Adhari and Tundjung Herning Sitabuana, "Kebijakan Pembatasan Internet Di Indonesia: Perspektif Negara Hukum, Hak Asasi Manusia, Dan Kajian Perbandingan," *Jurnal Konstitusi* 18, no. 1 (2021): 262–93, <https://doi.org/https://doi.org/10.31078/jk1822>.

and women upholding the disciplinary processes and activities have a tall order in safeguarding the prisoners' rights. Employing evidence-based training focusing on human rights, de-escalation, and cultural respect can ensure that prison officers treat all prisoners with dignity. In addition, opportunities for them will help them remain competent in their professional practice by ensuring that they always keep up with the developments and that their training is always relevant and helpful.

Civil society organizations, advocacy groups, and legal practitioners are essential for ensuring prisoners' rights allocation transparency and accountability. These groups can offer some outside viewpoints, perform certain activities, and push for other policies to protect prisoners' rights.²¹ Cooperation between these organizations and the correctional facilities could help create holistic and effective responses addressing the multifaceted encountered with respect to prisoners' rights. Countries that implement such international standards into their domestic practices can show the willingness of governments to preserve essential human rights and promote a more humane and correctional system of imprisonment.²² But such a move includes a significant political price. A change in the allotment of funds needs to be made, and newer approaches must be sought, highlighting the need to advocate and engage the public about these issues. Other issues that make this complex are the relationships of prisoners' rights with broader issues, in this case, social justice, such as race and class in the criminal justice system.²³

Therefore, locate the need to increase the levels of transparency and accountability in allocating prisoners' rights within the broader picture of efforts geared at systemic reform to address the inherent inequalities. So, in a manner that would involve revisiting existing sentencing practices, investing in alternatives to punishment, and addressing risk factors that

²¹ Cameron Sumpter, Yuslikha K. Wardhani, and Sapto Priyanto, "Testing Transitions: Extremist Prisoners Re-Entering Indonesian Society," *Studies in Conflict and Terrorism* 44, no. 6 (2021): 473–94, <https://doi.org/10.1080/1057610X.2018.1560666>.

²² Anna Gurinskaya and Mahesh k. Nalla, "The Expanding Boundaries of Crime Control: Governing Security through Regulation," *Annals of the American Academy of Political and Social Science* 679, no. 1 (2018): 36–54, <https://doi.org/10.1177/0002716218778750>.

²³ Martha Minow, "Do Alternative Justice Mechanisms Deserve Recognition in International Criminal Law?: Truth Commissions, Amnesties, and Complementarity at the International Criminal Court," *Harvard International Law Journal* 60, no. 1 (2019): 44.

lead to offending behaviour and reoffending. This trend is likely to progress as societies grapple with the complexities associated with justice, punishment, and rehabilitation, and hence the debate regarding the rights of prisoners and the correlating need to increase the level of accountability in the distribution of these rights will be at the centre of reforms in the justice system. This means obtaining these principles and implementing systems that would ensure their protection should not only prevent and fight against the occurrence of crimes but also strive for a fair, just, and effective correctional environment that caters to the dignity of all people and the safety of society. Nevertheless, the true passion of society, its adherence to the principles of justice and human rights, is expressed in its attitude to the most unprotected categories of citizens, including those who violate laws. Thus, focusing on transparency and accountability in the fair allocation of rights to prisoners speaks to moral and ethical responsibility and social responsibility in that it addresses the issues that will nurture the future growth and stability of societies.

B. Balancing Security Concerns with Humane Treatment: A Risk-Based Approach to Prisoners' Rights

Weighing the threat to security and the respect given to the offenders is one of the most complex and exciting issues in reforming the alleged penal institutions in all parts of the world's society.²⁴ The principal issue is this: society and its representatives are responsible for the prisoners classified and considered dangerous, but even such individuals should have rights and citizens' respect within the prison building. Achieving such a balance provides the most fundamental dilemma in risk design, which, incorporating its nature, does not intend

²⁴ Patrick Bashizi Bashige Murhula and Shanta Balgobind Singh, "An Empirical Assessment of the Effectiveness of Offenders' Rehabilitation Approach in South Africa: A Case Study of the Westville Correctional Centre in KwaZulu-Natal," *Oriental Anthropologist* 20, no. 2 (2020): 347–69, <https://doi.org/10.1177/0972558X20952972>.

to forego security in such design, implementing sober consideration that these two imperatives, or absolute values if you would like, security and humanity are commonly treated as competing priorities and invariably provide for these through a risk-based design. When prisoners' rights are considered as a risk-based issue, it involves management and mitigation of risks presented by the prisoners' actions while at the same time addressing those rights that are basic to every organism, thus allowing the creation of a safe and dignified prism for habitation.²⁵

These two exciting strategies are based on the idea that only some prisoners represent the same degree of risk. Therefore, the countermeasures taken should be commensurate with the danger they represent. Prisoners with high levels of dangerousness or extreme behavioural problems, such as those who commit serious crimes and those who are habitual escapees, may call for additional restrictions. However, there are measures that should never be taken, even in the face of such threats, and aggravating of the prisoners' fundamental human rights. For instance, solitary confinement, which is used in most cases for high-security prisoners, has been understood to be detrimental in terms of mental health.²⁶ Using this strategy, solitary confinement would then be accepted as a necessity when no other alternatives remain and will not last longer than is required, with measures taken to ensure that the reasons remain the same for others as those noticed. Furthermore, even if there is a situation where isolation must be used, such conditions have to be tempered by also eliminating all possible negative consequences, such as lack of human interaction and no treatment for psychological

²⁵ Mugambi Jouet, "Foucault, Prison, and Human Rights: A Dialectic of Theory and Criminal Justice Reform," *Theoretical Criminology* 26, no. 2 (2022): 204, <https://doi.org/10.1177/13624806211015968>.

²⁶ T. Fovet, C. Lancelvée, and P. Thomas, "Mental Health and Criminal Justice in France: State of Play and Some Emerging Issues," *Bulletin de l'Academie Nationale de Medecine* 206, no. 3 (2022): 301–9, <https://doi.org/10.1016/j.banm.2021.10.011>.

disorders.²⁷

On the other hand, there are correctional facilities for low-risk prisoners, such as first-time convicts or non-violent offenders, which do not need to be overly secured. In the case of these people, rehabilitation and gradual return to the community would be at the forefront because excessive measures do not help in the fight against crime. Highly monitored situations increase the feeling of social isolation and make it harder to fight the urge to commit crime and return to prison. On the contrary, lower-risk offenders are encouraged to accumulate skills for saner socialization rather than remain in confinement because retraining neutralized lower-risk prisoners is very hard. Such a strategy is effective for the offender and society because there is a lower risk of reoffending.

A risk-based approach requires continual Supervision and reassessment of the security risk that a prisoner constitutes and the countermeasures that have been established.²⁸ Detainees are not static, given the passage of time. For example, a convict who was earlier rated high-risk owing to gang involvement may manage to change his conduct positively after going through the correctional system. In these instances, scaling down the respective security controls to match the perceived risk would be ethical and practical. This flexibility in risk management is beneficial in achieving a more humane treatment of prisoners by ensuring that internal security measures are both overreacted to and unduly applied.

In addition, a risk-based approach to prisoners' rights cannot be dissociated from such concepts as proportionality, necessity, and the principle of non-discrimination. The restraints should correspond to some extent with the inmate's dangerousness and be necessary to

²⁷ Prachi Pundir et al., "Interventions for Reducing Violence against Children in Low- and Middle-Income Countries: An Evidence and Gap Map," *Campbell Systematic Reviews* 16, no. 4 (2020): 5, <https://doi.org/10.1002/cl2.1120>.

²⁸ Carl . Shawn and Steven Pawlowski, "Civil Asset Forfeiture, Crime, and Police Incentives: Evidence From the Comprehensive Crime Control Act of 1984," *Economic Inquiry* 59, no. 1 (2021): 217–42, <https://doi.org/10.1111/ecin.12952>.

accomplish an overriding aim of preserving a safe and orderly environment in the jail.²⁹ Blind or undue impositions, such as the complete removal of health care or family visits, factors that fall within a prisoner's rights, do vandal the generality of the criminal law enforcement mechanism. Non-discrimination is also essential; such measures should not be practised more legally about any race, community or religion. The justice system's fairness depends on the fact that every prisoner has an equal opportunity to be treated with dignity regardless of circumstances.³⁰

When taking a risk-based approach, prison management issues should also be looked at from a more social or moral perspective. The treatment afforded to the offenders in the criminal justice system mirrors society's culture and directly relates to social justice and rights. When one considers the security of a system to be the most important factor, an endless cycle of violence, oppression, and discrimination will exist in the walls of those confines and over society in general. On the other hand, those systems that do not ignore the people who have committed crimes and make every effort to contain them while respecting their human rights will go a long way in caring for social justice. This support means openness to outside scrutiny, accountability and an ongoing change process frequently enforced by independent bodies to safeguard prisoners' rights and adequate fairness of security measures.³¹

Conclusion

Juvenile delinquency in Indonesia is a complex phenomenon influenced by various factors, including social change, the influence of

²⁹ Hafsa Mansoor, "Guilty Until Proven Guilty: Effective Bail Reform as a Human Rights Imperative," *SSRN Electronic Journal* 70, no. 1 (2020), <https://doi.org/10.2139/ssrn.3566273>.

³⁰ Frank Pasquale, "The Substance of Poetic Procedure: Law & Humanity in the Work of Lawrence Joseph," *Law and Literature* 32, no. 1 (2020): 1–46, <https://doi.org/10.1080/1535685X.2019.1680130>.

³¹ Damian Etone, "Theoretical Challenges to Understanding the Potential Impact of the Universal Periodic Review Mechanism: Revisiting Theoretical Approaches to State Human Rights Compliance," *Journal of Human Rights* 18, no. 1 (2019): 36, <https://doi.org/10.1080/14754835.2019.1579639>.

technology, and family dynamics. Adolescent deviant behavior is often a manifestation of identity crises and weak self-control, which is compounded by a lack of adequate sex education and parental supervision. In addressing juvenile delinquency, a holistic and restorative approach is essential, involving cooperation between parents, communities, educational institutions, and government.

The Juvenile Criminal Justice System in Indonesia has adopted a restorative approach through the implementation of diversion, which prioritizes rehabilitation and reintegration of adolescents into society rather than punishment. The Juvenile Criminal Justice System Law emphasizes protecting children's rights and involving the community in resolving cases. The Panopticon concept, as a social control technique, provides a proactive and preventive way of regulating adolescent behavior, reducing the likelihood of their engagement in adverse activities.

In the digital age, the challenges of regulating adolescent behavior have become increasingly complex. Addressing these challenges requires the integration of law enforcement with current practices and a deep understanding of child law and psychology. Interagency cooperation and cross-sectoral approaches are crucial for creating a strong social safety net for at-risk children.

Overall, tackling juvenile delinquency requires an integrated and holistic approach that combines law enforcement principles with practical applications and a commitment to applying the law in ways that support a child's positive development. This approach reflects the understanding that the law must always keep up with the times and adapt to societal needs.

References

- Adhari, Ade, Pujiyono Pujiyono, Sidharta Sidharta, and Indah Siti Aprilia. "The Ultimum Remedium Principal Formulation Policy Is Partial in Nature to Corporate Criminality in Indonesia." *Indonesia Law Review* 14, no. 1 (2024): 23. <https://doi.org/https://doi.org/10.15742/ilrev.v13n3.1>.
- Adhari, Ade, and Tundjung Herning Sitabuana. "Kebijakan Pembatasan Internet Di Indonesia: Perspektif Negara Hukum, Hak Asasi

- Manusia, Dan Kajian Perbandingan.” *Jurnal Konstitusi* 18, no. 1 (2021): 262–93. <https://doi.org/https://doi.org/10.31078/jk1822>.
- Adiyatma, Septhian Eka. “Legal Paradox: Protection of Victims Taking the Law into Vigilantism.” *Ius Poenale* 4, no. 2 (2023). <https://doi.org/10.25041/ip.v4i2.3004>.
- Ali, Indra Jaya, R. Madhakomala, and Corry Yohana. “Evaluation of The Implementation of The Getting Zero To Halinar (Handphone, Pungli, Narkoba) Programm in The Correctional Institutions of The Class I Cipinang Jakarta.” *Journal of Business and Behavioural Entrepreneurship* 3, no. 2 (2019): 1–24. <https://doi.org/10.21009/jobbe.003.2.01>.
- Angkasa, Angkasa. “Deprivation of Inmates in Conducting Imprisonment and Guidance in Penitentiary on Victimology Perspective.” *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 53–74. <https://doi.org/10.15294/jils.v5i1.38520>.
- Arifin, Ridwan, Hartini Atikasari, and Waspiah. “The Intersection of Criminal Law, Technology and Business Commercial Law on Carding as Cyber Fraud.” *Jurnal Hukum Novelty* 11, no. 2 (2020): 235–46. <https://doi.org/10.26555/novelty.v11i2.a15700>.
- Arifin, Ridwan, and Lilis Eka Lestari. “Penegakan Dan Perlindungan Hak Asasi Manusia Di Indonesia Dalam Konteks Implementasi Sila Kemanusiaan Yang Adil Dan Beradab.” *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12. <https://doi.org/10.23887/jkh.v5i2.16497>.
- Auty, Katherine M., and Alison Liebling. “Exploring the Relationship between Prison Social Climate and Reoffending*.” *Justice Quarterly* 37, no. 2 (2020): 358–81. <https://doi.org/10.1080/07418825.2018.1538421>.
- Carroll, Andrew, Andrew Ellis, Andrew Aboud, Russ Scott, and Krishna Pillai. “No Involuntary Treatment of Mental Illness in Australian and New Zealand Prisons.” *Journal of Forensic Psychiatry and Psychology* 32, no. 1 (2021): 1–28. <https://doi.org/10.1080/14789949.2020.1817524>.
- Danzer, Graham S., Elizabeth M.A. Wheeler, Apryl A. Alexander, and Tobias D. Wasser. “Competency Restoration for Adult Defendants in Different Treatment Environments.” *Journal of the American Academy of Psychiatry and the Law* 47, no. 1 (2019): 68–81.

<https://doi.org/10.29158/JAAPL.003819-19>.

- Etone, Damian. "Theoretical Challenges to Understanding the Potential Impact of the Universal Periodic Review Mechanism: Revisiting Theoretical Approaches to State Human Rights Compliance." *Journal of Human Rights* 18, no. 1 (2019): 36. <https://doi.org/10.1080/14754835.2019.1579639>.
- Fovet, T., C. Lancelevée, and P. Thomas. "Mental Health and Criminal Justice in France: State of Play and Some Emerging Issues." *Bulletin de l'Academie Nationale de Medecine* 206, no. 3 (2022): 301–9. <https://doi.org/10.1016/j.banm.2021.10.011>.
- Gurinskaya, Anna, and Mahesh k. Nalla. "The Expanding Boundaries of Crime Control: Governing Security through Regulation." *Annals of the American Academy of Political and Social Science* 679, no. 1 (2018): 36–54. <https://doi.org/10.1177/0002716218778750>.
- Hamid, Abdul, Tome Supriyadi, and A Arief Royin. "Consequences of Assimilation Policy During a Pandemic in Indonesia: Overview in Human Rights Perspective." In *Proceedings of the 2nd International Conference on Law Reform (INCLAR 2021) Consequences*, 590:89–91. Atlantis Press, 2021.
- Hasibuan, Lidya Rahmadani. "The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context." *Scholars International Journal of Law, Crime and Justice* 5, no. 7 (2022): 264. <https://doi.org/10.36348/sijlcj.2022.v05i07.004>.
- Ilo, Babajide Olatoye, and Adekunbi Folashade Imosemi. "Prospect and Challenges of Criminal Procedures in Nigeria: A Review." *Unnes Law Journal* 8, no. 2 (2022): 306. <https://doi.org/10.15294/ulj.v8i2.56482>.
- Jouet, Mugambi. "Foucault, Prison, and Human Rights: A Dialectic of Theory and Criminal Justice Reform." *Theoretical Criminology* 26, no. 2 (2022): 204. <https://doi.org/10.1177/13624806211015968>.
- Liebling, Alison, Ben Laws, Elinor Lieber, Katherine Auty, Bethany E. Schmidt, Ben Crewe, Judith Gardom, Deborah Kant, and Martha Morey. "Are Hope and Possibility Achievable in Prison?" *Howard Journal of Crime and Justice* 58, no. 1 (2019): 104–26. <https://doi.org/10.1111/hojo.12303>.

- Liu, Joseph Tzu Shuo. "Preventive Detention of Dangerous Inmates: A Dialogue between Human Rights and Penal Regimes." *International Journal of Human Rights* 25, no. 4 (2021): 551. <https://doi.org/10.1080/13642987.2020.1725486>.
- Mansoor, Hafsa. "Guilty Until Proven Guilty: Effective Bail Reform as a Human Rights Imperative." *SSRN Electronic Journal* 70, no. 1 (2020). <https://doi.org/10.2139/ssrn.3566273>.
- Minow, Martha. "Do Alternative Justice Mechanisms Deserve Recognition in International Criminal Law?: Truth Commissions, Amnesties, and Complementarity at the International Criminal Court." *Harvard International Law Journal* 60, no. 1 (2019): 44.
- Murhula, Patrick Bashizi Bashige, and Shanta Balgobind Singh. "An Empirical Assessment of the Effectiveness of Offenders' Rehabilitation Approach in South Africa: A Case Study of the Westville Correctional Centre in KwaZulu-Natal." *Oriental Anthropologist* 20, no. 2 (2020): 347–69. <https://doi.org/10.1177/0972558X20952972>.
- Pasquale, Frank. "The Substance of Poetic Procedure: Law & Humanity in the Work of Lawrence Joseph." *Law and Literature* 32, no. 1 (2020): 1–46. <https://doi.org/10.1080/1535685X.2019.1680130>.
- Pundir, Prachi, Ashrita Saran, Howard White, Ramya Subrahmanian, and Jill Adona. "Interventions for Reducing Violence against Children in Low- and Middle-Income Countries: An Evidence and Gap Map." *Campbell Systematic Reviews* 16, no. 4 (2020): 5. <https://doi.org/10.1002/cl2.1120>.
- Rozi, Raja Mohamad, and Nisya. "Validity and Legal Protection of Defendant in an Online Trial System." *Proceedings of the 1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* 549, no. Iclhr 2020 (2021): 182–90. <https://doi.org/10.2991/assehr.k.210506.026>.
- Saragih, Megasari Gusandra, Liharman Saragih, Johannes Wilfrid Panghiputan Purba, and Pawan Darasa Panjaitan. *Metode Penelitian Kualitatif: Dasar-Dasar Memulai Penelitian*. Medan: Yayasan Kita Menulis, 2021.
- Shawn, Carl ., and Steven Pawlowski. "Civil Asset Forfeiture, Crime, and Police Incentives: Evidence From the Comprehensive Crime Control

- Act of 1984.” *Economic Inquiry* 59, no. 1 (2021): 217–42.
<https://doi.org/10.1111/ecin.12952>.
- Snacken, Sonja, Caroline Devynck, and Kasia Uzieblo. “Dignity, Social Reintegration of Prisoners, and the New Penal Power: European Human Rights, Experiences of Belgian Prisoners, and Professional Practices.” *International Journal of Offender Therapy and Comparative Criminology* 66, no. 9 (2022): 980.
<https://doi.org/10.1177/0306624X221099489>.
- Sumpter, Cameron, Yuslikha K. Wardhani, and Sapto Priyanto. “Testing Transitions: Extremist Prisoners Re-Entering Indonesian Society.” *Studies in Conflict and Terrorism* 44, no. 6 (2021): 473–94.
<https://doi.org/10.1080/1057610X.2018.1560666>.
- Widyawati, Anis, Pujiyono Pujiyono, Nur Rochaeti, Genjie Ompoy, and Nurul Natasha Binti Muhammad Zaki. “Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions.” *Lex Scientia Law Review* 6, no. 2 (2022): 339.
<https://doi.org/10.15294/lesrev.v6i2.58131>.
- Williams, Garrath. “What Is Fundamental in Criminal Law?” *Criminal Justice Ethics* 41, no. 3 (2022): 278–90.
<https://doi.org/10.1080/0731129X.2022.2144059>.

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