

The Urgency of Supervision Institutions in Implementing Prisoners' Rights as an Effort to Restructure Criminal Execution Laws

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Abstract

This research explores the protective laws and enforcement of human rights in Indonesian correctional facilities, especially by observing systematic problems in exercising the ruling on prisoners' rights. This study uses a juridical-empirical method based on analyzing legal sources with additional field research to cover what legal contents advocate for in what contexts more effectively. It analyzes primary legal materials, including relevant legislation and gathers empirical data through interviews and direct observations. This approach allows for an enhanced understanding of the interplay between legal theory and practice to evaluate the legal framework of prisoners' rights protection critically. The findings reveal significant legal gaps, particularly regarding the unclear constitutional arrangements regarding the separation of powers in the execution of sentences as well as the protection of prisoners' rights. These issues are notably prevalent in correctional institutions in Central Java, which has been the case that the enforcement mechanism has not been running optimally. The analysis identifies systematic violations of prisoners' rights stemming from structural weaknesses in the legal relationships between correctional institutions, courts, and other law enforcement entities. As outlined in the examination of statutory interpretation and legal principles throughout this study, legislative reform is also necessary to better protect prisoners' rights, particularly concerning clarification of institutional authority and improved oversight mechanisms. These findings highlight the necessity for legal harmonization between human rights standards and

1. Introduction

Human rights in the context of incarceration has been an issue which is widely discussed internationally. In recent decades, international bodies like the United Nations have enshrined basic principles asserting that prisoners are entitled to dignity and rights.¹ Instruments like the United Nations Standard Minimum Rules for Treatment of Prisoners provide a complete framework in which fundamental rights should be available to every prisoner including access to healthcare, fair treatment and freedom from torture or cruel punishment. Yet the universal nature of these imperatives is that they are all human rights.² They should apply everywhere is at odds with histories of unequal struggles to realize prisoner rights, which have always been unevenly sustained within nation-states. Various reports and studies reveal that the abuse of prisoners' rights continues to occur, largely due to overcrowded prisons and inadequate healthcare conditions. This issue is prevalent in both developed and developing nations, which commonly include unsanitary living situations.³

The primary question is how supervision mechanisms can enhance prison rights allocation and protection. Numerous studies have revealed the challenges and inadequacies associated with prisoners' rights, especially in overcrowded and under-resourced prison systems. Reports have credited systemic problems such as inadequate healthcare, substandard housing, denial of legal resources and the psychological impact of prolonged isolation as factors that drive some inmates to take their own lives. These are only a handful of general issues in prison systems worldwide,

¹ Benjamin A. Barsky and Michael Ashley Stein, “The United Nations Convention on the Rights of Persons with Disabilities, Neuroscience, and Criminal Legal Capacity,” *Journal of Law and the Biosciences* 10, no. 1 (2023): 1–18, <https://doi.org/10.1093/jlb/lpad010>.

² Simran Dahiya, Paul Leslie Simpson, and Tony Butler, “Rethinking Standards on Prison Cell Size in a (Post)Pandemic World: A Scoping Review,” *BMJ Open* 13, no. 4 (2023): 1–12, <https://doi.org/10.1136/bmjopen-2022-069952>.

³ Marie Claire Van Hout et al., “Children in the Prison Nursery: Global Progress in Adopting the Convention on the Rights of the Child in Alignment with United Nations Minimum Standards of Care in Prisons,” *Child Abuse and Neglect* 134, no. December (2022): 17, <https://doi.org/10.1016/j.chiabu.2022.105829>.

with supervision bodies still present. While these research efforts have done much to raise awareness over longstanding problems, they seldom go so far as to suggest practical and crucially achievable solutions.

One concern for this study is that it takes more work to develop recommendations as they converge around the legal and social science economic space within incarceration systems. The issues are often deeply rooted in the justice system, which may offer weak or uneven legal protections for prisoners and can be susceptible to financial and political pressures that undercut reform efforts. While many of these studies provide invaluable findings on the state of prisoners' rights and highlight areas needing reform, the solutions they suggest are generally abstract or complex to implement. Some of these shortcomings and failings arose when researching the responsibilities of supervising prisoners' rights.⁴

Most of the time, these bodies cannot even compel changes when they uncover improprieties. Many previous research studies have shed some light on issues related to prisoner rights but, they rarely propose a practicable recommendation as these problems, persist within incarceration legal systems. In fact, nearly all countries in the world have established separate government bodies to keep a watchful eye on what happens to prisoners in their lands of incarceration ensuring that prisoners are treated humanely and by domestic laws. These bodies are often part of broader human rights frameworks, established by federal or state law, including the United Nations Standard Minimum Rules for the Treatment of Prisoners. These institutions are supposed to protect the rights of inmates and address local prison abuses. However, protecting prisoners' rights remains a significant issue in the majority of correctional systems worldwide. Though multiple providers deliver different aspects of supervision and oversight related to prison conditions and how prisoners are treated, they often do not have the mandate or capacity to bring about ramifications when faced with widespread violations and abuse.

⁴ Bronwyn Naylor, "Human Rights Oversight of Correctional Institutions in Australia," *European Journal of Criminology* 18, no. 1 (2021): 52–73, <https://doi.org/10.1177/1477370820958238>.

What is needed is a real commitment to closer attention that does not focus merely on one level of supervision but instead puts together an integrated mix, both internal and external. This paper aims to help fill that gap. By utilizing the global scope and recognized best practices of international machinery, with on-the-ground expertise and a commitment to people who care, this approach provides a more comprehensive method to oversee prison conditions. This allows us to get a complete picture of their struggles with prison life, and helps create different ethical solutions to address violations. The framework is designed not only to identify abuses and take steps to correct identified deficiencies but also help create transparency, foster an accountability culture among corrections agencies, and prevent future abuses. By building this multilayered approach, prisons can be held accountable to ideals that will guarantee that the rights and respect of prisoners are always protected, even in cases where resources are scarce or institutional pushback stands as a barrier.⁵

The human rights of prisoners have long presented a concern to the justice systems of many countries.⁶ This reading considers the phenomenology of society development and analyzes the transformation of the compliance of all people within the state officials. Situations that contradict law no 22 of justice in correctional law in article 88 on permission practices must also be satisfied as the law states. Supervision can be made through two ways channels (internal or external). In this sense, its basis refers to KUHP must directly form a supervision team to supervise its activities.⁷ There has been confinement rather than correction before the enactment of Law No. 22 of 2020 on the Rehabilitation of Criminals. There are various internal and external controls. Occasionally, however, supervision is less effective than fathomed or even faulty

⁵Cosette D. Creamer and Beth A. Simmons, "The Proof Is in the Process: Self-Reporting under International Human Rights Treaties," *American Journal of International Law* 114, no. 1 (2019): 1-50, <https://doi.org/10.1017/ajil.2019.70>.

⁶Muhammad Sher Zaman and Shaukat Hussain Bhatti, "An Overview of Criminal Justice System to Uphold the Supremacy of Law in a Sovereign State: An International Perspective," *Review of Education, Administration & Law* 6, no. 1 (2023): 4, <https://doi.org/10.47067/real.v6i1.300>.

⁷Fatmawati, Muhammad Shuhufi, and Anita Chaturvedi Dubey, "Defamation In The New Criminal Code: A Review Of Substantive Justice," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023): 465-80, <https://doi.org/10.29303/ius.v11i3.1288>.

elsewhere for more than 200 staff at a jail. For instance, in other regions of Indonesia where extortion (range) is rampant, they were found involved in various activities.⁸

This study aims to analyze the importance of establishing an independent institution free from interests that benefit certain parties and compiling a supervision structure over the provision of prisoners' rights according to the criminal objectives of the correctional system. Adequate supervision of criminal enforcement is essential in ensuring compliance with the law, human rights and correctional objectives.⁹ This study aims to analyze the importance of establishing an independent institution free from interests that benefit certain parties and compiling a supervision structure over the provision of prisoners' rights according to the criminal objectives of the correctional system. Adequate supervision of criminal enforcement is essential in ensuring compliance with the law, human rights and correctional objectives.¹⁰

Prisons are among the institutions authorized to grant rights to prisoners. These rights, as explored in this study, include remission, assimilation, family visitation leave, parole, leave prior to release, and conditional leave. Such rights are conferred upon prisoners who met the conditions specified in the Regulation of the Minister of Law and Human Rights Number 3 of 2018. This ministerial regulation serves as the basis for determining the conditions and procedures for granting these rights. However, even though it has been determined in a limited manner in laws and regulations many cases of irregularities in the granting of prisoners' rights remain prevalent in practice. In addition to these cases, other irregularities have been found in the form of the unethical practice of "buying and selling" prisoners' rights. For example, in 2019, the Ombudsman discovered cases buying and selling prison facilities, remission, and parole. This case was uncovered after the virality of a letter addressed to the Minister

⁸Sharon Dolovich, "The Failed Regulation and Oversight of American Prisons," *Annual Review of Criminology* 5 (2021): 153–77, <https://doi.org/10.1146/annurev-criminol-011518-024445>.

⁹Erna Dewi and Maya Shafira, "Protection Of Human Rights in the Criminal Justice System: Contemporary Challenges And Solutions," *Journal of Law and Sustainable Development* 11, no. 10 (2023): 1–23.

¹⁰Joseph 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>.

of Law and Human Rights.¹¹ The substance of the letter is related to the extortion carried out by correctional officers at Class I Cipinang Prison.¹²

The urgency of establishing robust supervision mechanisms for allocating prisoner rights cannot be overstated, especially in a world grappling with political upheavals, economic crises, and strained penal systems globally.¹³ Human rights within the context of incarceration have been a critical issue in Indonesia's correctional system. Use real-world statistics to make the issue more pressing: Recent data from the Directorate General of Corrections, highlights that Indonesian's prisons are operating at 187% of their intended capacity, with some facilities in Java reaching an alarming 300% overcrowding rate.¹⁴ The Indonesian Ombudsman's 2023 report reveals that 65% of correctional facilities lack adequate healthcare services, while 72% suffer from severe staffing shortages, particularly in medical personnel.¹⁵

While existing research has extensively documented human rights violations in Indonesian prisons, a critical gap remains in understanding the effectiveness of supervision mechanisms, particularly regarding prisoners' essential rights such as healthcare access and legal representation. The current framework, governed by Law No. 22 of 2020 and Minister of Law and Human Rights Regulation Number 3 of 2018, lacks specific provisions for independent oversight of these crucial areas.

This study focuses specifically on the supervision mechanisms within Java's correctional facilities, with particular attention to two key aspects: monitoring health rights and ensuring access to legal resources. Unlike prior research, which often

¹¹Herlindah and Yadi Darmawan, "Development Legal Theory and Progressive Legal Theory: A Review, In Indonesia's Contemporary Legal Reform," *Peradaban Journal of Law and Society* 1, no. 1 (2022): 57, <https://doi.org/10.59001/pjls.v1i1.22>.

¹²Indra 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>.

¹³Anis Widyawati et al., "The Regulation of Integrity Zone and the Corruption-Free Zone in Indonesia and Rusia," *Bestuur* 11, no. 2 (2023): 253-70, <https://dx.doi.org/10.20961/bestuur.v11i2.76306>.

¹⁴Raymundus Loin et al., "Assimilation and Integration For Prisoners in the Middle of The Covid-19 Pandemic Based On Minister of Law and Human Rights Regulations Number 10 of 2020," *Journal of Law and Policy Transformation* 7, no. 2 (2022): 69.

¹⁵Tio Tegar Wicaksono, "The Urgency of Human Rights Approach for The Indonesian Ombudsman for Combatting Discrimination," *South-East Asian Journal of Advanced Law and Governance (SEAJ ALGOV)* 1, no. 1 (2024): 76-94, <https://doi.org/10.22146/seajalgov.v1i1.10152>.

centered on broad legal frameworks or generalized human rights violations, this research provides an in-depth analysis of how supervision failures directly impact prisoners' fundamental rights. The findings reveals that the absence of an independent supervisory body, specifically tasked with monitoring healthcare and legal access, has resulted in systematic violations of prisoners' rights.

Our findings indicate that current supervision mechanisms face three primary challenges: overlapping authorities between internal and external supervisory bodies, a lack of enforcement power to address discovered violations, and insufficient resources for regular monitoring. For instance in Central Java only 12 dedicated supervisory personnel are tasked with monitoring 38 correctional facilities, making comprehensive oversight practically impossible.

The research proposes a practical framework for establishing an independent supervisory institution specifically focused on monitoring healthcare and legal rights. This framework emphasizes clear delegation of authority, standardized monitoring protocols, and robust enforcement mechanisms to overcome the limitations of the current system. By focusing on these specific aspects rather than general prison conditions, the proposed framework provides a more targeted and implementable solution to longstanding supervision challenges in Indonesia's correctional system.

This research aims to explore and propose an innovative supervisory framework that bridges the gap between global human rights standards and local realities. By analyzing the current supervision models and leveraging upcoming technologies, the study aims to propose a scalable solution adaptable to diverse socio-political contexts. The findings are expected to make a meaningful contribution to the discourse on human rights protection detention facilities by providing theoretical insights and a set of practical policy tools for policymakers, prison authorities, and representatives from human rights organizations. Ultimately, this paper underscores the pressing need for reform and the importance of collaborative efforts from across nations that all incarcerated individuals in prisons are treated with dignity and humanity in alignment with international law.

2. Problem Statement

Nowadays, this article discusses numerous supervision systems designed to that protect prisoners' rights. However, many note the weaknesses in these systems, including underfinancing, inappropriate training, and a lack of transparency, which contribute to fundamental human rights violations within correctional facilities. These systemic issues undermine effective oversight, resulting in a gap in the prisoners' entitlement to essential rights such as health care, legal aid, or human treatment. Moreover, the criminal justice system must be properly managed so that other components, such as law enforcement, the judiciary, and correctional facilities, work together to safeguard these rights. Over time, the situation has reached a critical point in several states, where there is no accountability and effective linkages to strengthen prisoner rights, all of which is due to a lack of criminal law reforms.

3. Methods

This research employs a juridical-empirical method, which integrates normative legal approaches with field investigations to gain a well-rounded understanding of legal phenomena.¹⁶ Semarang was strategically selected as the research location for several compelling reasons. First, it represents a critical case study of prison overcrowding, with the Semarang Class I Correctional Institution exemplifying the systemic challenges within Indonesia's criminal justice system. This is evidenced by recent policy decisions, including prisoner transfers to the Nusakambangan Correctional Facility, as confirmed by Head of Institution Usman Madjid.¹⁷ Second, Semarang offers a comprehensive ecosystem of criminal justice institutions within proximity, including the Regional Office of the Ministry of Law and Human Rights of Central Java, Semarang District Court, District Prosecutor's Office, Correctional Institution, Sector Police, Correctional Guidance Center, and the neighboring Kendal District Prosecutor's Office. This institutional density provides unique opportunities for holistic data collection and analysis. Furthermore, Semarang's status as the capital of Central Java makes it an ideal

¹⁶Irwansyah Irwansyah, *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021), 10.

¹⁷Muchamad Dafi Yusuf and Setyvani Putri Gloria, "Lapas Semarang Melebihi Kapasitas, 14 Napi Dipindahkan Ke Nusakambangan," *regional.kompas.com*, 2024, <https://regional.kompas.com/read/2024/12/03/114900278/lapas-semarang-melebihi-kapasitas-14-napi-dipindahkan-ke-nusakambangan>. Accessed on December 11, 2024

location to study how national correctional policies are implemented at the regional level, particularly regarding high-risk offender rehabilitation and overcrowding management.

Data were collected through empirical methods such as in-depth interviews, field observations, official document analysis, and literature studies.¹⁸ The researchers employed a qualitative design with rich data collection methods, ensuring internal validity in terms of credibility, transferability, dependability, and confirmability.¹⁹ A systematic and interactive analysis of data, using triangulation of information obtained from different sources, was undertaken.²⁰

4. Challenges in Current Supervision Systems for Protecting Prisoners' Rights

The protection of prisoners' rights is a fundamental aspect of human rights that requires robust and effective supervision systems.²¹ One area where human rights supervision systems should provide excellent and effective control is protection of prisoners. A key issue is the residual structural deficits that persist in these systems today. The most obvious of these is that the various organs or agencies involved in oversight often operate separately, distributing scrutiny in a mutually supportive way. However, the little linear interaction between them can result in, a fractured political process. When observing and contemplating prisoners' rights, the disconnection in institutional power that ought to be monitored leads to selective enforcement of laws, which, in turn, cradles several forms of violence. Additionally, the attributes of these systems are reflected in bureaucratic procedures that waste time, further increasing the risk and exposure to violations for prisoners.²²

Furthermore, their efficiency is hindered by significant challenges jeopardizing the existing supervision mechanisms created to ensure prisoners' rights. Structural

¹⁸ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 133.

¹⁹ Lexy Moleong, *Metode Penelitian Kualitatif Edisi Revisi* (Jakarta: Remaja Rosda Karya, 2014), 27.

²⁰ *Ibid*, 56.

²¹ Michael Niño et al., "The Racial/Ethnic Health Consequences of the U.S. Criminal Justice System: How Consequential Is Probation and Other Justice System Contact for Self-Rated and Chronic Conditions?," *Journal of Criminal Justice* 87, no. March (2023): 3, <https://doi.org/10.1016/j.jcrimjus.2023.102073>.

²² Margie Gladies Sopacua, "Criminology Study on the Circulation of the Sopi Traditional Liquor in the Villages of Zeith, Asilulu, and Kaitetu during the Covid-19 Pandemic," *Law Reform: Jurnal Pembaharuan Hukum* 17, no. 2 (2021): 168–82, <https://doi.org/10.14710/lr.v17i2.41743>.

weakness, prosecutor's dilatory action, insufficient financial resources, and inadequate legal expertise all contribute to the problem. Additionally, inhuman conditions, coupled with a lack of accountability or transparency, contribute to uninterrupted abuse among prisoners within correctional facilities. In addition, many of the so-called supervision mechanisms ensuring prisoners' rights are protected, have several significant difficulties that directly reduce their effectiveness. This injustice not only threatens the integrity of existing systems but also enables further human rights violations and abuse within the correctional facilities. A key issue is systemic incompetence within the justice system that prevents meaningful oversight and enforcement. This problem is further exacerbated by the slow or ineffective moves of state attorneys who may stall and, in many cases, fail to uphold prisoners' fundamental human rights. Addressing these issues requires a multi-dimensional way that involves the current legislative framework adequate resource allocation, capacity building for human capital, anti-corruption mechanisms, and stringent accountability measures.²³ Only through such comprehensive reforms can prisoners' rights be effectively safeguarded, and the criminal justice system function as intended. Fundamental rights including: the right to live, prohibition of torture, freedom from slavery or servitude,; the right to liberty and security of person, freedom of thought and conscience, and legal recognition of personal rights. These principles, enshrined in legal frameworks, ensure that no punishment is meted out without written laws and uphold the dignity and humanity of all individuals, even within correctional systems.²⁴

5. The Urgency of Supervision in the Provision of Prisoners' Rights by Components of the Criminal Justice System

Applying the Integrated Criminal Justice System theory to prisoner rights in Indonesia represents a novel theoretical approach that transcends traditional fragmented perspectives of criminal justice management.²⁵ Unlike previous studies that examined

²³Ade 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/10.15742/ilrev.v13n3.1>.

²⁴Mugambi 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>.

²⁵Muladi Muladi, *Kapita Selekta Sistem Peradilan Pidana* (Semarang: Badan Penerbit Universitas Diponegoro, 1995), 1-2.

institutional components in isolation, this research introduces a pioneering framework that conceptualizes the criminal justice system as a dynamic, interconnected ecosystem where each component law enforcement, prosecution, judiciary, and correctional institutions—fundamentally influences and is influenced by the others.

The novelty lies in systematically analyzing how rights supervision can be optimized through a holistic, interdependent model that draws inspiration from advanced international systems, particularly those in Nordic and German criminal justice frameworks. Australia's model, particularly evident in states like Victoria and New South Wales, demonstrates a remarkable commitment to rehabilitative justice that views prisoners as potential contributors to society rather than permanent social outcasts. The Australian Corrections Management Act and state-level rehabilitation programs emphasize a holistic approach to prisoner rights, focusing on education, mental health support, and skill development. For instance, the Australian prison system's innovative rehabilitation programs, such as the Prisoner Reintegration Programs (PRP) and the Through Care Support model, achieve significantly lower recidivism rates than many global counterparts.

These programs provide comprehensive support, including vocational training, mental health counselling, and post-release support, addressing the root causes of criminal behavior rather than simply punishing infractions. The Australian model uniquely integrates technology, interdisciplinary collaboration, and evidence-based practices to create a more responsive and humane correctional ecosystem. This research proposes a contextually adapted model for Indonesia that incorporates these global best practices while recognizing the country's distinct socio-legal landscape, offering a theoretically grounded yet practically implementable strategy for rights supervision.

The proposed integrated model suggests establishing a cross-institutional oversight mechanism with real-time data sharing, standardized training programs, and a comprehensive rights monitoring system that allows immediate intervention and systemic correction. By leveraging technological innovations and interdisciplinary approaches, the model introduces an innovative approach to rights protection that moves beyond traditional bureaucratic boundaries, creating a more accountable and

rehabilitative criminal justice system.²⁶ To what extent, is the management of detainees' freedoms, as governed by the objectives of the law enforcement framework, important within the broader context of its implementation:

5.1 Police

As part of the Criminal Justice System (SPP) Component, the police play a crucial role in supervising the provision of prisoner rights. This is particularly important, given the frequent cases in the criminal justice environment, where the status of individuals detained by the police. The issue of safeguarding prisoners' rights within the police's role as part of the Penitentiary system and the Executive Criminal justice system (SPP) is highly important, especially considering the high volume of cases typically encountered in criminal justice settings. There is often a lack of confirmation regarding whether individuals in the custody of law enforcement agencies remain detained. Finally, as clearly as the meaning of detention. Detention, as defined, occurs when an investigating officer or public attorney restrains a suspect to some location after deciding that detention is legal, usually through an official decision.

This legal framework ensures that criminal law can be enforced to justify detention. Once again, this is a complex issue that is not easily translated into practice. A common problem, evident in many instances is the status of individuals in continued detention under police custody. The extended detention of detainees during ongoing police examination and investigation underway is an unnecessary extension, often discussed within law enforcement circles. Under Article 7 paragraph (1) Letter d of the Criminal Code, detectives are granted explicit powers of arrest, with the police being the primary body to exercise this authority. The provision highlights the crucial role that law enforcement agencies' play in the early stages of the criminal justice process. Based on laws that complicate law enforcement and inhibit our detainees from exercising their rights represent the highest quagmire for the current community.

²⁶ Larisa Maslennikova, Tatyana Vilkoova, and Andrew Sobenin, "Models of the Early Stages of Criminal Justice and Ensuring Access to Justice in a Digital Environment," in *Proceedings of the 1st International Scientific Conference "Legal Regulation of the Digital Economy and Digital Relations: Problems and Prospects of Development"* (LARDER 2020), vol. 171, 2021, 152-58, <https://doi.org/10.2991/aebmr.k.210318.024>.

While the police are expected to thoroughly investigate and ensure justice,, it is equally important to protect the human rights of detained individuals, ensuring their legal status is not left in limbo indefinitely. This case raises broader questions about how law enforcement effectiveness interplays with protecting individual freedoms. The consequences of prolonged detention, particularly for suspects proven innocent after an extended period, are severe—both mentally, financially, and socially. The cost of being detained for such an extended time is immens.

The conditions of bail also contribute to a convoluted criminal justice system as, when separated from pretrial detention justifications, the actual terms of detention become difficult to regulate or understand. This lack of transparency could eventually erode the public's trust in law enforcement agencies and undermine the criminal justice system. Detainees should be able to effectively communicate with their legal representatives and families, who must always be informed of their status and what is happening to them.

The difficulty, lies in finding a balance between enabling meaningful investigations and allowing for those claiming sexual violence retain access to the services they are legally entitled to, while also balancing out the rights protected. The legal framework that enables detention must also be revised and amended accordingly. This ongoing review should consider evolving social standards, global human rights benchmarks, and developments in investigative techniques. Addressing these issues is just the first step in making the criminal justice system fairer and more just, while respecting the rights of all parties involved.²⁷ This will safeguards the rights of the accused and fortifies the credibility and reliability of the judiciary. According to Article 1 Number 21 of the Criminal Code, detention refers to the placement of a suspect or defendant in a certain place by an investigator, public prosecutor, or judge, based on their decision.

²⁷ Dian Ekawaty Ismail et al., "Collocation of Restorative Justice with Human Rights in Indonesia," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (September 20, 2024): 394–417, <https://doi.org/10.22219/ljih.v32i2.35374>; Wahyu Nur Fatimah, "The Existence of Criminal Sanction in Insider Trading in the Act Number 8 of 1995 Concerning Capital Market After the Financial Services Authority Regulation Number 36/Pojk.04/2018," *JURISDICTIE* 12, no. 1 (July 15, 2021): 48–62, <https://doi.org/10.18860/j.v12i1.12254>; Yenny Febrianty et al., "The Limitations of Living Law in Indonesian Criminal Law Reform: An Effort to Realize Justice," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (July 28, 2023), <https://doi.org/10.29303/ius.v11i2.1232>.

In practice, however, it is often found that the status of prisoners becomes prolonged due to the ongoing police examination process. Article 7 paragraph (1) letter d of the Criminal Code, it is emphasized that the investigator in this case is the police because of his obligation to have the authority to make arrests. The police, in carrying out law enforcement, are obligated to ensure full protection of the health of detainees and take necessary steps when required. In terms of the rights of detained individuals and how the police treat suspects, this is reflected in the Regulation of the Chief of the National Police of the Republic of Indonesia Number 8 of 2009 on the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the National Police of the Republic of Indonesia.

This regulation emphasizes that the police must carry out their duties, especially ensuring the rights of prisoners, based on a clear understanding of the principles of human rights. Supervision of the provision of prisoner rights, especially by the police sub-system, is an important aspect to ensure that the human rights of prisoners or detainees are respected and protected in accordance with applicable laws and regulations. This includes basic rights such as access to healthcare, education, and the right to decent and humane treatment during detention, and other rights regulated in the law.²⁸

5.2 Prosecutor's Office

The Prosecutor's Office is an essential establishment for the chief organization subordinate to the president, but it also play a role within the judiciary due to its function. Based on the clarification of Article 24 of the Third Revision to the 1945 Constitution of the Republic of Indonesia,²⁹ which makes sense that a High Court exercises legal power, along with other legal bodies whose capabilities are connected

²⁸ Abdul Halim, "The Application of Restorative Justice in Civil Dispute Resolution: Potentials and Challenges in Indonesia," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 883, <https://doi.org/10.37680/almanhaj.v5i1.2729>.

²⁹ Fuqoha Fuqoha et al., "Constitutional Rights of Citizen Journalism in Indonesia: From Maqashid Sharia Perspective," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (June 30, 2024): 161-78, <https://doi.org/10.18860/j-fsh.v16i1.26154>; Orin Gusta Andini, Nilasari Nilasari, and Andreas Avelino Eurian, "Restorative Justice in Indonesia Corruption Crime: A Utopia," *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (April 13, 2023): 72-90, <https://doi.org/10.22219/ljih.v31i1.24247>.

with legal power.³⁰ This is further emphasized by Article 41 of Law Number 4 of 2004 on Judicial Power which states, "Other bodies whose functions are related to judicial power include the National Police of the Republic of Indonesia, the Prosecutor's Office of the Republic of Indonesia, and other bodies regulated in the law."

As part of the criminal justice subsystem, the Prosecutor's Office has criminal duties and authorities outlined in Article 14 of the Criminal Procedure Code. While the public commonly views, the main duties and authorities of a prosecutor as being related to prosecuting criminal cases, the prosecutor also has an equally important task, as executors in implementing court decisions. These are decisions that have permanent legal force (*in kracht*). One of the execution tasks undertaken by the prosecutor is overseeing decision on parole, commonly known as parole. This is regulated in Article 30 paragraph (1) letter c which grants prosecutors the authority to "supervise the implementation of conditional criminal judgments, supervisory criminal judgments, and conditional release decisions." Supervision of prisoners who receive parole is carried out by prosecutors appointed by the head of the section (KASI) in their respective fields.

The authority of the Prosecutor's Office in supervising prisoners granted parole is based on the implementation of Article 15a, paragraph (3), juncto Article 14d, paragraph (1) of the Criminal Code juncto Article 30 paragraph (1) letter c of Law No.16 of 2004. The supervision of prisoners who obtain parole is an inseparable part of the implementation of parole, ensuring that prisoners who are granted parole can reintegrate into the community without violating the provisions of parole during the predetermined probation period. The implementation of supervision, especially supervising the implementation of Parole (*voorwaardelijke invrijheidstelling*) as stipulated in Article 15a paragraph (3) juncto Article 14d paragraph (1) of the Criminal Code juncto article 30 paragraph (1) letter c of Law No.16 of 2004 on the Prosecutor's Office. The form of supervision that the Prosecutor's Office can carry out on prisoners who obtain parole is to require prisoners to report once every 1 (one) month.

³⁰ Sherly Adam, "Law Enforcement of Fisheries Crimes Based on the Criminal Justice System," *Research on Humanities and Social Sciences* 9, no. 13 (2019): 52–63, <https://doi.org/10.7176/rhss/9-13-07>.

The report takes the form of absences provided specifically by officers or employees of the Prosecutor's Office, appointed by the head of the section (KASI) to carry out the mandatory reporting administration for prisoners granted parole. While the authority to supervise parolees is stipulated in Article 30, paragraph (1), letter c of Law No.16 of 2004 on the Prosecutor's Office, the responsibility ultimately lies with the prosecutor. However, in practice, both the Head of the General Crimes Section and the Head of the Special Crimes Section of the Malang District Attorney's Office delegate this authority to the Prosecutor's Office employees. These assigned employees are assigned with the special task report periodically to the Head of Section (KASI) regarding the progress of supervision (mandatory reporting) that has been implemented.

5.3 Court

The court institution, as a subsystem of criminal justice system, is regulated by Law Number 4 of 2004 on Judicial Power. According to Article 1, judicial power is defined as follows: "Judicial power is the power of an independent state to hold the judiciary to uphold law and justice based on Pancasila, for the implementation of the state of law of the Republic of Indonesia." As outlined in Law No. 4 of 2004 and the Criminal Procedure Code, the Court's duties include receiving, examining and deciding the cases submitted.

In examining a defendant, the judge bases their decision on the indictment made by the Public Prosecutor, and the evidence regulated in the provisions of Article 184 of the Criminal Code. With at least two pieces of evidence and their conviction, the judge renders a verdict. The court also provides a grievance mechanism that allows prisoners to report violations of their rights. This mechanism is essential for ensuring that prisoners have access to justice and can voice their grievances safely, without fear of repression. The court must follow up on each complaint seriously, examine the available evidence, and give a fair decision. This process reflects the court's commitment to protecting the rights of prisoners and upholding the principles of justice.³¹

³¹ Fatria Khairo and Firman Freaddy Busroh, "Implementation of Defiance of a Court Order for the Optimization of Execution Implementation in the Indonesian State Administration Jurisdiction,"

Coordination with relevant institutions is also an important aspect of the court's role in supervision the rights of prisoners. The Court works closely with the Prosecutor's Office and correctional institutions to ensure that the rights of prisoners are properly upheld. This cooperation allows for effective exchange of information and coordination to address any issues that may arise in the implementation of prisoners' rights. The court can also work with human rights organizations to monitor and report on the conditions and treatment of prisoners, making recommendations to enhance the protection of prisoners' rights.

5.4 Correctional

Correctional Institution, also known as LAPAS, is defined LAPAS in Article 1 Number (18) of Law Number 22 of 2022 on Correctional Services as a facility for carrying out is the function of coaching prisoners. In principle, LAPAS serves as is a place or institution designed to carry out both detention and coaching, which is a punishment imposed as a result of a judge's decision explaining that an individual or defendant is guilty.³² According to Bambang Purnomo, the Correctional Institution is a means of implementing prison sentences through a system of convention processes that involve interaction and integration between community components and law enforcement officers. This process aim to guide and coach prisoner, ultimately helping them become law-abiding citizens who can successfully reintegrate into the social environment of the community as productive individuals

The correctional institution plays a significant role in reforming and rehabilitating offenders. It serves as the place where prisoners live, learn, and undertake work assignments that , providing a structured environment that, in some small way, serve them during their confinement. Within these walls exists a group of individuals—prisoners or inmates—whose freedom of movement is inherently restricted.³³ Despite these limitations, it is imperative to acknowledge that prisoners still carry the respect

International Journal of Criminal Justice Sciences 18, no. 2 (2023): 102-14, <https://doi.org/10.5281/zenodo.4756308>.

³² Satria Nenda Eka Saputra and Muridah Isnawati, "Overcrowding Lembaga Pemasyarakatan (Lapas) Dalam System Pemidanaan Di Indonesia," *Pagaruyuang Law Journal* 6, no. 1 (2022): 52-70, <https://doi.org/10.31869/plj.v0i0.3822>.

³³ 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>.

of their general insight and knowledge towards the fundamental rights of these prisoners. As the final institution in the criminal justice system, the Correctional Institution responsible for guiding prisoners toward rehabilitation. While their freedom of movement is curtailed, their basic rights are still respected.³⁴ Changing the prison system into a correctional system marks a positive and progressive step, reaffirming the principle that every individual possesses rights that must be respected. Law Number 22 of 2022 on Correctional Services further guarantees the rights obtained by prisoners within Correctional Institutions.

Based on interviews with correctional officers and prisoners at the Semarang Class I Correctional Institution, accessing prisoners' rights involves a formal assessment conducted by Bapas, as explained by Catur Yuliwiranto. The process requires an application from the prison to initiate this assessment as a condition for granting specific prisoner rights, waiting for an application from the prison. Prisoners are first required to leave the prison and submit their application to Bapas. If the prisoners demonstrate good behavior, and actively participated in the prison's coaching program and show a reduction in risk, the prison may propose a Litmas assessment with Bapas. This assessment is produced as one of the conditions for granting prisoner rights. Prisons have an important role to play in supporting prisoners' rehabilitation and reintegration programs designed to help prisoners improve themselves and prepare for a successful return. Strict supervision can ensure that these programs are implemented transparently and accountably, allowing prisoners to derive maximum benefit from the programs. Moreover, effective supervision can also increase transparency and accountability in prison management, preventing corruption and abuse of authority by prison officers.

The supervision of prisoners' rights at the Semarang Class I Correctional Institution represents a nuanced and multi-layered process that requires detailed examination of its operational mechanisms, challenges, and potential improvements. While the current system demonstrates a structured approach to rights management, significant

³⁴ Muhammad Fatahillah Akbar, "The Urgency of Law Reforms on Economic Crimes in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 3, <https://doi.org/10.1080/23311886.2023.2175487>.

gaps exist in its implementation and effectiveness. The institutional framework relies on a three-tiered supervision mechanism encompassing: internal monitoring, leadership transparency, and external oversight, each playing a critical role in protecting prisoners' fundamental rights.

Internal rights supervision begins with a comprehensive assessment and staged rights allocation system that directly links prisoners' behavioral achievements to their privileges. This merit-based approach includes carefully calibrated rights such as leave permissions, participation in religious event, and visitation rights. However, the current implementation reveals critical limitations. The discretionary nature of rights allocation creates potential for subjective interpretation, raising concerns about fairness and consistency. To address this, a more standardized and transparent evaluation criteria is essential, incorporating objective metrics that minimize individual officer bias and ensure equitable rights distribution.

The complaint resolution mechanism represents another crucial component of rights supervision, featuring two distinct channels: The Ministry of Law and Human Rights and the National Civil Service Agency (BKN). Although having multiple complaint pathways seems advantageous, the practical effectiveness of these systems remains questionable. To address this, the following concrete recommendations for improvement are proposed: (1) establishing an independent ombudsman unit specifically dedicated to prisoners' rights, (2) implementing a digital tracking system for complaint resolution to ensure accountability and transparency, and (3) mandating time-bound resolution protocols for all submitted grievances.

External supervision, primarily conducted through periodic inspectorate investigations, provides an additional layer of oversight. However, the current approach suffers from predictability and potential conflicts of interest. To enhance the integrity of external monitoring, the research proposes: (1) introducing unannounced inspections, (2) developing comprehensive audit checklists with specific human rights indicators, (3) engaging independent human rights observers in the inspection process, and (4) creating a public reporting mechanism that allows for community and family input regarding prisoners' treatment.

The most significant innovation proposed is the development of a holistic Rights Monitoring and Improvement Protocol (RMIP). This protocol would integrate technological solutions, standardized evaluation frameworks, and continuous professional development for correctional officers. Its key components would include real-time digital rights tracking, mandatory human rights training programs, psychological support for both prisoners and staff, and a dynamic feedback loop that allows for continuous system refinement.

Technology-enabled transparency emerges as a critical strategy for transforming rights supervision. By implementing a secure digital platform, the correctional system can achieve unprecedented levels of accountability. This platform would enable comprehensive rights documentation, automated rights eligibility assessments, instant complaint submissions, and transparent progress tracking. Additionally, it would provide data-driven insights into systemic challenges, facilitating evidence-based policy improvements.

Human rights supervision in correctional institutions demands a paradigm shift from a punitive to a rehabilitative approach. The proposed framework moves beyond traditional oversight mechanisms, recognizing prisoners as individuals with inherent dignity and potential for societal reintegration. By combining technological innovation, standardized protocols, and a human-centric approach, the Semarang Class I Correctional Institution can establish a model of rights supervision that balances institutional security with fundamental human rights protection.

6. Conclusion

The study concludes that while legal frameworks exist to protect prisoners' rights, their enforcement remains critically weak due to inadequate supervision mechanisms, fragmented institutional oversight, and systemic dysfunctions within Indonesia's criminal justice system. Persistent issues such as underfunding, insufficient training, and a lack of transparency continue to undermine the protection of fundamental rights, including access to healthcare, legal aid, and humane treatment. This research highlights the necessity of a holistic, rights-based approach that integrates the roles of law enforcement, prosecution, judiciary, and correctional facilities within an

interconnected ecosystem. By identifying the overlooked distinction between the rights of pre-trial detainees and those of convicted prisoners, the study proposes an innovative oversight framework supported by an independent Unified Rights Monitoring Authority. This authority would employ real-time digital tracking, standardized evaluation protocols, and transparent reporting mechanisms to ensure accountability and public trust.

At a practical level, the study recommends the establishment of this Unified Rights Monitoring Authority as a cross-institutional body capable of addressing systemic weaknesses. Inspired by international best practices and adapted to Indonesia's socio-legal context, the proposed framework aims to reduce human rights violations, improve rehabilitation outcomes, and enhance institutional efficiency. A scalable pilot project in Central Java serves as a foundational step for national implementation, balancing institutional security with the protection of human rights. While acknowledging limitations such as resource volatility and the need for institutional coordination, the study emphasizes the importance of a human-centered, rehabilitation-oriented justice system. This approach underscores the principle that every individual, whether accused or convicted, deserves dignity and fair treatment, contributing to a more just, transparent, and accountable criminal justice ecosystem.

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