

Legal Consequences of Inter-Inmate Violence in Overcrowded Correctional Institutions: A Case Study of Kuningan Class IIA Prison

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ARTICLE INFORMATION

History of Article:

Received: October 8, 2025

Accepted: December 28, 2025

Available Online: December 29, 2025

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ABSTRACT

This study aims to analyse the legal consequences of violence between inmates under conditions of overcrowding at the Class IIA Kuningan Penitentiary. Overcrowding, or overcrowding exceeding the ideal capacity, is a significant factor in the increased potential for conflict and violence within the prison. The research method is a juridical-empirical approach that combines normative studies of correctional regulations with empirical analysis through interviews and field observations. The results show that violence between inmates has various legal consequences for both perpetrators and victims, including disciplinary sanctions, reduced behavioural assessments, restrictions on correctional rights, and the possibility of new criminal offences under the Criminal Code. For victims, violence requires special protection, rehabilitation, and strengthening of complaint mechanisms. Furthermore, overcrowding has been shown to worsen the effectiveness of correctional facilities and hinder the function of prisons as rehabilitative institutions. This study emphasises the need for correctional policy reform, including reducing overcrowding, increasing the number and competence of officers, and implementing a technology-based monitoring system to prevent future violence.

Keywords: Prisoner Violence; Overcrowding; Correctional Institutions

A. INTRODUCTION

Correctional institutions continue to be a public concern because they often experience various unresolved problems, such as overcapacity and the practice of extortion in fulfilling prisoners' rights. The criminal justice system consists of 4 (four) subsystems: the Police, the Prosecutor's Office, the Courts, and Correctional Institutions. The last subsystem, the Correctional Institution subsystem, is responsible for guiding convicts, particularly those who have violated the conditions of their revocation of liberty.¹ As regulated in Article 1 paragraph (3) of the 1945 Constitution, Indonesia is a country based on law, so that state operations and protection of human rights must be based on law.

A prisoner is someone who has been sentenced by a court and is serving a sentence in a correctional institution.² The sentence period is the length of time imposed by the court as criminal punishment for a crime.³ Violence is all behaviour, both verbal and nonverbal, that hurts others physically or psychologically.⁴ The government is responsible for protecting the rights of prisoners and correctional inmates, including the right to worship according to their religion or belief, receive health care and nutrition, receive good education and training, file service complaints, learn and oppose prohibited mass programs, visit family, legal counsel or others, receive a reduced sentence or remission, and receive permission to enter and leave prison. In contrast, prisons pay greater attention to prisoners, encouraging them to acknowledge their mistakes and supporting their development. However, in fact, many prisoners still suffer from physical and mental violence because they are victims of violence from other prisoners.

One of the most critical components in crime prevention efforts in the Indonesian criminal justice system is prisoner development.⁵ This is part of the process of rehabilitating prisoners' character and behaviour while serving their sentences of deprivation of liberty, so that, upon release, they are ready to reintegrate into society. Corrections are the final part of the integrated criminal justice system and an essential

¹ Sujadi, "Implikasi Kebijakan Restorative Justice Kejaksaan Terhadap over Capacity Lembaga Pemasyarakatan t e s i S" (2024).

² Ferdy Saputra, "Peranan Lembaga Pemasyarakatan Dalam Proses Penegakan Hukum Pidana Dihubungkan Dengan Tujuan Pemidanaan," *REUSAM: Jurnal Ilmu Hukum* 8, no. 1 (2020): 1, <https://doi.org/10.29103/reusam.v8i1.2604>.

³ Jamin Ginting, "Sanksi Kerja Sosial Sebagai Alternatif Bentuk Pemidanaan Dalam Sistem Hukum Di Indonesia," *Law Review* 19, no. 3 (2020): 246, <https://doi.org/10.19166/lr.v19i3.2098>.

⁴ Salsabila Rizky Ramadhani and R Nunung Nurwati, "Dampak Traumatis Remaja Korban Tindakan Kekerasan Seksual Serta Peran Dukungan Sosial Keluarga," *Share : Social Work Journal* 12, no. 2 (2023): 131, <https://doi.org/10.24198/share.v12i2.39462>.

⁵ Achmad Budi Waskito, "Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi," *Jurnal Daulat Hukum* 1, no. 1 (2018): 287–304, <https://doi.org/10.30659/jdh.v1i1.2648>.

component of the integrated legal system.⁶ This can be evidenced by the increasing number of violent crimes occurring within prisons. The number of inmates exceeding capacity, debt between inmates, and lack of supervision by prison officers are other factors that cause violent crimes within prisons to increase.

Correctional Institutions (Lapas), as the final subsystem of the criminal justice system, play an essential role in preparing prisoners for reintegration into society.⁷ However, prisons in Indonesia often face structural problems that have not been resolved, such as overcapacity, minimal supervision, and maladministration practices that hinder the fulfilment of prisoners' rights. In fact, as stated in Article 1 paragraph (3) of the 1945 Constitution, the state is obliged to guarantee the protection of human rights, including the rights of prisoners to feel safe and free from violence, as stated in Article 28G of the 1945 Constitution.

Various regulations, such as Government Regulation No. 32 of 1999, Government Regulation No. 99 of 2012, and Minister of Law and Human Rights Regulation No. 32 of 2021, underscore the state's obligation to provide prisoners with services, guidance, and protection. However, in practice, overcrowding, limited human resources, and weak supervision have led to rampant violence between prisoners. The case at the Kuningan Class IIA Prison is a concrete example: 469 prisoners are occupying a capacity of 252, resulting in conflicts during food distribution, wind hours, and other daily interactions. These conditions not only hamper the correctional process but also threaten prisoners' fundamental rights to safety, health, and humane treatment.

Currently, the Correctional system, especially in prisons, is experiencing violent crimes committed by inmates against other inmates. For example, violent crimes occurred in the Class IIA Kuningan Penitentiary, West Java, during the distribution of food rations or windy hours.⁸ Due to the large number of inmates and limited human resources in the prison, supervision of inmates is ineffective. The prison must continue to allocate its staff to guard duties because staffing is limited. Prisons are not only places where violent crimes often occur, but they must also help inmates improve themselves personally. The role of prisons is to prevent violent crimes by assisting inmates to become better. Based on the Regulation of the Minister of Law and Human

⁶ Riki Afrizal, Iwan Kurniawan, and Fajar Wahyudi, "Penguatan Kedudukan Pemasyarakatan Dalam Sistem Peradilan Pidana Terpadu Melalui Fungsi Pelayanan Tahanan," *Jurnal Ilmiah Kebijakan Hukum* 17, no. 1 (2023): 1, <https://doi.org/10.30641/kebijakan.2023.v17.1-12>.

⁷ Ismail Pettanase, "Pembinaan Narapidana Dalam Sistem Pemasyarakatan," *Sustainability (Switzerland)* 11, no. 1 (2019): 1–14.)

⁸ "https://Lapaskuningan.Kemenkumham.Go.Id/ ,Di Akses Pada Tanggal 20 Februari 2025 Pukul 17:38," n.d.

Rights Number 43 of 2021, which is the Second Amendment to the Regulation of the Minister of Law and Human Rights Number 32 of 2021.

The urgency of this research arises from the increasing cases of violence between inmates triggered by overcrowding conditions in the Class IIA Kuningan Penitentiary, which not only hinders the fulfilment of fundamental rights of inmates as stipulated in the 1945 Constitution and correctional regulations, but also reduces the effectiveness of guidance and worsens social conditions within the prison. Based on this urgency, this study aims to analyse the forms and factors causing violence between inmates, identify the legal consequences for perpetrators and victims, examine the influence of overcrowding conditions on the implementation of guidance and supervision, and evaluate efforts to handle and prevent violence that the Prison has carried out to ensure they are in accordance with applicable legal provisions. This research is novel because it specifically examines the relationship between overcrowding and the legal consequences of violence between inmates at the Class IIA Kuningan Penitentiary, combining normative analysis with empirical findings from interviews and field observations. Unlike previous research that has focused solely on overcrowding and violence, this study presents a new perspective on how overcrowding hinders adequate supervision, triggers conflict, and influences the application of legal sanctions and victim protection. Furthermore, this study examines the alignment of violence management practices with current regulations, thus providing a tangible contribution to correctional policy reform.

B. RESEARCH METHODS

This research employs a juridical-empirical approach, combining analysis of positive legal provisions with the realities of the situation on the ground. The juridical approach is used to examine legal norms concerning correctional facilities, the protection of prisoners' rights, and provisions on acts of violence, as stipulated in the 1945 Constitution, the Criminal Code, the Corrections Law, and other implementing regulations. Meanwhile, the empirical approach aims to examine how these provisions are applied in practice, particularly at the overcrowded Class IIA Kuningan Prison.

Data were collected through library research and fieldwork. The library research included a review of the literature, laws and regulations, journals, and official documents related to the correctional system and inmate-on-inmate violence. The fieldwork involved interviews with prison officers, inmates, and other relevant parties, as well as direct observation to assess the physical conditions, guidance patterns, and oversight mechanisms at the Class IIA Kuningan Prison. The data obtained were analysed qualitatively to illustrate the relationship between overcrowding, inmate dynamics, and the legal consequences of violence within the prison.

C. RESULTS AND DISCUSSION

1. Legal Consequences for Perpetrators of Violence Based on Correctional Regulations

Violence between inmates within the Correctional Institution environment is a serious violation of correctional regulations as stipulated in the Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning Correctional Institution and State Detention Center Regulations, which stipulates that inmates who commit violence are subject to disciplinary sanctions, including placement in a special cell for up to 6 days, restrictions on specific activities, and a decrease in the assessment in the Inmate Development Assessment System. In addition to administrative sanctions, perpetrators of violence may also be subject to criminal sanctions if their actions satisfy the elements of the offence of abuse under Article 351 of the Criminal Code, resulting in dual legal consequences: correctional-administrative and general criminal. Criminological studies show that the violent behaviour of inmates tends to increase in overcrowding conditions due to high stress, resource competition, and weak supervision.⁹ This is in line with Franklin's findings, which state that overcrowding has a significant correlation with increased inmate misconduct, including physical violence. From a correctional management perspective, disciplinary action against perpetrators of violence is necessary not only to maintain internal security but also to prevent disruption of the correctional process.

Legal protection is a manifestation of human rights protection provided to the community without exception.¹⁰ As provided in the Human Rights Law of the Republic of Indonesia No. 39 of 1999, prisoners must still have their fundamental rights protected, even if they have been proven to have committed a crime. Certain parties who may be victims in legal relations can obtain legal protection. In the Constitution, the phrase "protecting the State of Indonesia and all its territories" denotes the principle of protection.¹¹ According to the 1945 Constitution, the state's goal is to protect all Indonesian citizens and the world order. The Correctional Institution established this goal as part of its mandate to educate, develop, and guide prisoners toward becoming better people. Correctional institutions serve as settings for educating, developing, guiding, and improving the behaviour, mindset, and mentality of prisoners serving their sentences. Correctional institutions are

⁹ Stéphanie Baggio et al., "Do Overcrowding and Turnover Cause Violence in Prison?," *Frontiers in Psychiatry* 10, (2020): 1–4, <https://doi.org/10.3389/fpsy.2019.01015>.

¹⁰ (Sarip Hidayat, Haris Budiman, Erga Yuhandra, Suwari Akhmaddhian 2024).

¹¹ Abdhy Walid Siagian Sucy Delyarahmi, "Perlindungan Terhadap Supporter Sepak Bola Ditinjau Dari Perspektif Hak Asasi Manusia: Studi Kasus Tragedi Kanjuruhan," *UNES Journal of Swara Justisia* 7, no. 1 (2023): 89–102.

technical institutions that house, care for, and guide their inmates. Therefore, correctional institutions must continue to exist to educate, develop, and guide inmates so that they can be accepted into society and become responsible citizens who contribute to their country.

Legal protection consists of two parts. First, preventive legal protection is state-provided protection designed to prevent violations and disputes. This is regulated by law and aims to stop violations and limit the fulfilment of obligations. Second, repressive legal protection, the highest form of sanctions, including fines, imprisonment, and other penalties, is given when disputes or violations of the law occur. This repressive legal protection is intended to resolve conflicts.¹² One of the three types of punishment available to those who commit crimes is imprisonment; it is the last resort for those who commit crimes and attempt to do worse. To ensure that the punishment administered has a positive impact on inmates, correctional institutions must be designed to account for all relevant factors, including the workforce, facilities, and other elements. The Indonesian criminal justice system includes correctional institutions that aim to promote resocialization. Therefore, to achieve the criminal justice system's goals, particularly resocialization, a penitentiary system must be implemented throughout the correctional process.

The critical task of correctional institutions is the rehabilitation and resocialization of offenders, as well as crime prevention.¹³ According to Article 28 I Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, human rights that cannot be reduced include the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted based on retroactive law. According to Article 28D, Paragraph (1), everyone has the right to recognition, guarantees, protection, and certainty of fair law, as well as equal treatment before the law.

Various forms of development comprise three essential components: personality development, independence development, and the orderly administration of correctional institutions.¹⁴ Article 2 of Law Number 22 of 2022 concerning Corrections: First, Providing guarantees for the protection of the rights of prisoners and children; Second, Improving the quality of personality and

¹² G R Zanah and S Nurbaetillah, "Problematika Perlindungan Hukum Terhadap Perempuan Dan Anak Sebagai Korban Tindak Pidana Kekerasan Dalam Rumah Tangga (KDRT)," *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 3, no. 1 (2023): 35–44, <https://journal-nusantara.com/index.php/JIM/article/view/2514>.

¹³ Widya Daniswara Doris Rahmat, Santoso Budi NU, "Fungsi Lembaga Pemasyarakatan Dalam Pembinaan Narapidana Di Lembaga Pemasyarakatan," *Widya Pranata Hukum* 3, no. 2 (2021): 134–50.

¹⁴ Imam Sujoko et al., *Pembinaan Narapidana Di Lembaga Pemasyarakatan Indonesia* (Jogjakarta: Kantor: KBM Indonesia, 2021).

independence of inmates so that they realize their mistakes, improve themselves, and do not commit crimes again, so that they can be accepted back into society, can live normally as good citizens, obey the law, be responsible, and can participate in correctional activities; Third, Protecting society from recidivism of criminal acts.

The Correctional System was created to educate Correctional Inmates to become whole people, to become aware of their actions, to improve themselves, and to refrain from reoffending.¹⁵ In this way, they can be reintegrated into their communities and live as responsible, productive citizens. Article 65 of Law Number 22 of 2022 concerning Corrections regulates the authority of correctional institutions, including, first, Prevention, as defined in Article 64, paragraph (3), letter a, which refers to efforts to reduce or eliminate the possibility and risk of disturbances to security and order. Second, Correctional Officers are authorized to conduct inspections, monitor communications, and implement other preventive measures in Detention Centers and Correctional Institutions, as referred to in paragraph (1) Meanwhile, Article 66 states that: 1) Action as referred to in Article 64 paragraph (3) letter b is an effort to stop, reduce, and localize disturbances to security and order. 2) In acting as referred to in paragraph (1) in detention centres and prisons, correctional officers have the authority to secure prohibited items, use force (violence), impose punishments (sanctions), and impose restrictive measures. According to Article 4 of Law Number 39 of 1999 concerning Human Rights, it is stated that: Human rights that may not be reduced are the right to life, the right not to be tortured, the right to freedom of person, thought and conscience, the right to religion, the right not to be enslaved, and the right to be recognized as an individual in equality before the applicable law.

Correctional Institutions are miniatures of the outside society; in other words, everything that exists in the outside society is there. At the Class II A Kuningan Correctional Institution, the prevention and handling of acts of violence among inmates must be carried out in accordance with applicable laws and regulations. In addition, this prison must comply with the rules of the Minister of Law and Human Rights when imposing sanctions. In relation to the theory of legal effectiveness, Soerjono Soekanto identified five factors influencing its implementation: law, law enforcement, society, facilities, and the role of law enforcement professionals.¹⁶ If seen, Correctional Institutions are part of the law enforcement system, which, more precisely, implements court decisions that have

¹⁵ Andi Marwan Eryansah, *Hakikat Sistem Pemasyarakatan Sebagai Upaya Pemulihan Terhadap Warga Binaan Pemasyarakatan (Perspektif Hak Asasi Manusia)* (Yogyakarta: Jejak Pustaka, 2021).

¹⁶ Geofani Milthree Saragih Mohd. Yusuf DM, Armen, Fuad Aprima, Rikardo Marpaung, "Penegak Hukum Dalam Sistem Peradilan Pidana Di Indonesia (Studi Terhadap Advokat, Kepolisian, Kejaksaan Dan Hakim," *Jurnal Pendidikan Dan Konseling* 5, no. 2 (2023): 8.

acquired permanent legal force. Prisoners in prison have rights even though they lose their freedom, as mentioned above. As humans, we have always protected civil rights, including the rights to health care, food, clothing, bedding, education, exercise, and leisure time. There are two types of inmates in correctional institutions: detainees and inmates. Detainees are people who have not been found guilty (determined) by a court panel, including the presumption of innocence, and can be released at any time if proven innocent.¹⁷ People who have been sentenced as inmates are called inmates. Thus, the legal consequences for perpetrators of violence in the Class IIA Kuningan Penitentiary are not only normative but also functional in maintaining institutional stability and ensuring that development aligns with the principles of the correctional system.

2. Implications of Overcrowding on the Enforcement of Inmate Discipline Rules at Class IIA Kuningan Prison

Overcrowding in correctional facilities weakens disciplinary enforcement by reducing the officer-to-inmate ratio and supervisory capacity. Less direct supervision makes disciplinary violations more difficult to detect and consistently prosecute, leading to arbitrary or fragmented enforcement. Crowded conditions also increase stress, mental health disorders, and conflict among inmates – factors empirically linked to increased incidents of misconduct, use of violence, and demands for health services, which burden prison management; as a result, officers often resort to ad-hoc responses (temporary isolation, mass transfers, or relaxation of correctional program implementation) that actually weaken formal disciplinary procedures.¹⁸ Policy-wise, overcrowding drives a shift from rule-based disciplinary enforcement to crisis management: institutions allocate resources to basic security and health, while human rights litigation and policy pressures may compel changes in capacity or practice (e.g., by opening new facilities, reducing the use of pretrial detention, or adopting alternative sentencing options). This requires medium- to long-term changes to align physical capacity, treatment procedures, and officer training to ensure consistent, accountable, and human rights-based disciplinary enforcement. Without these changes, disciplinary rules will remain ineffective due to changes in officer numbers and operational pressures.

Violence can be defined as an act committed by a person or group in a stronger position against a person or group in a weaker position (or perceived as weak), using physical or non-physical force to cause pain to the person or group

¹⁷ Dizal Al Farizi, “Konsep Penahanan Dalam Sistem Hukum Indonesia,” *Lentera Hukum* 3, no. 1 (2016): 2621–3710, <https://doi.org/10.19184/ejlh.v3i1.16877>.

¹⁸ A. J. E. Gonçalves, L. C., Gonçalves, R. A., Martins, C., & Dirkzwager, “Predicting Infractions and Health Care Utilization in Prison: A Meta-Analysis: A Meta-Analysis,” *Criminal Justice and Behavior* 41, no. 8 (2020): 921–42, <https://doi.org/https://doi.org/10.1177/0093854814524402>.

being the object of the violence.¹⁹ Correctional institutions are a development of the earlier prison system, driven by the need for improved care for prisoners.²⁰ In Indonesia, correctional institutions continue to be a public concern because they often experience various problems that have not been resolved, such as overcapacity and the practice of extortion when carrying out prisoners' rights. Correctional institutions are the final step in a system. Criminal justice consists of four criminal justice subsystems in Indonesia: the Police, the Prosecutor's Office, the Courts, and Correctional Institutions. The final subsystem, Correctional Institutions, is responsible for the development of convicts, especially in cases of revocation of liberty.

Prisoners who lose their liberty in correctional institutions still have their rights as Indonesian citizens. The applicable regulation in this case is the 1945 Constitution of the Republic of Indonesia, paragraph 1 Article 28 G, which states that "a person has the right to protection of himself, his family, honour and dignity. According to Article 10, Paragraph (1) of the International Covenant on Civil and Political Rights, "Everyone who is deprived of his liberty must be treated humanely and with respect for the inherent dignity of the human person." This provision shows that prisoners do not only experience a loss of liberty. Therefore, prisoners must still be treated humanely and respected as normal human beings. In addition, Article 26 of the ICCPR states that "All persons are equal before the law and are entitled to equal protection of the law without any discrimination." This provision indicates that, in the application of the law, prisoners must not be subjected to discriminatory treatment.

Criminalisation is still considered a last resort to stop crime. Imposing a sentence on someone proven to have committed a crime is not merely for retribution for the actions they committed, to deter the perpetrator, or to deter others from committing the same.²¹ The primary purpose of criminalisation is to educate prisoners to regret their actions, become better citizens, and remain obedient to the laws in force in the Republic of Indonesia. Article 2 of Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections states that: "The

¹⁹ Sarip Hidayat, "Korelasi Tindak Pidana Kekerasan Dalam Rumah Tangga Menurut Undang-Undang Nomor 23 Tahun 2004 Dengan Konsep Nusyuz Dan Penyelesaian Sengketanya," *Logika: Jurnal Penelitian Universitas Kuningan* 13, no. 2 (2022): 181-91, <https://journal.uniku.ac.id/index.php/logika/article/view/7111%0Ahttps://journal.uniku.ac.id/index.php/logika/article/download/7111/3384>.

²⁰ Mitro Subroto Teknik Gilbert Hosea Lorosae Siregar, "Analisis Pelayanan Kesehatan Terhadap Warga Binaan Lansia Di Lembaga Pemasyarakatan," *Jurnal Gema Keadilan* 8, no. 3 (2021).

²¹ International Journal et al., "The Resolution of Overcrowding as a Form of Convention against Torture Implementation to Achieve Security Stability in Prisons and Detention Centers in Indonesia 1,2,3,4," 4, no. 2 (2022): 836-46.

correctional system is organized to shape Correctional Inmates so that they can become complete human beings, realize their mistakes, improve themselves, and no longer repeat criminal acts so that they can be accepted back into their community, can actively play a role in development, and can live normally as correctional inmates." All convicted individuals lose their freedom after being tried and sentenced by a court decision that has permanent legal force. Thereafter, the convict is remanded to prison for retrial in accordance with applicable laws and regulations. Subsequently, they can reenter society. This aligns with the purpose of criminal law, which is to ensure social justice by implementing and applying criminal law norms to promote justice, welfare, and legal certainty.²² Correctional institutions perform essential functions and are a crucial component in the development of inmates. Correctional Institutions are responsible for inmates' daily lives and for influencing their behaviour. "Correctional Institutions, hereinafter referred to as, are places for carrying out criminal sentences for Inmates and Correctional Students," according to Article 3, point 1 of Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and Detention Centers. Law Number 12 of 1995 concerning Corrections also states the same.

Even if a prisoner is serving a valid and final sentence for an unlawful act, an extension of that sentence may threaten the prisoner's safety and well-being, including when the prisoner's life is at risk. This does not mean that it need not be considered from the perspective of this Statement. Because their human potential must be preserved, prisoners are entitled to respect for their human rights, even if they cannot fully enjoy them. Freedom no longer has some rights. This means that some citizen rights that prisoners have are lost once they are put in prison or correctional institutions. For example, the right to place, use, and work. If a prisoner becomes a victim of, or witnesses, a crime or violation committed by fellow prisoners in a correctional institution, they have the right to file a complaint with the Special Police of Correctional Institutions, also known as special prison police. Victims of physical or mental violence must receive physical and mental health services and treatment. In addition, in accordance with the provisions contained in Article 14 paragraph (1) of Law Number 12 of 1995 concerning Corrections, point m, prisoners can be treated as victims and witnesses if necessary.

Any effort to help criminals obtain their rights and a sense of security is subject to legal protection. Various forms of legal protection can be provided to offenders, such as medical services, legal aid, and amnesty. Legal protection refers to the protection afforded to legal entities under applicable law, enforced through

²² Warih Anjari Kurniawan Tri Wibowo, *Hukum Pidana Materiil* (Jakarta: Kencana, 2022).

sanctions. Because we are a country governed by the rule of law, prisoners are protected and recognised by law enforcement (Article 12 of Law Number 22 of 2022 concerning the Correctional System stipulates that prisoners may not commit unlawful acts). Furthermore, the Government of the Republic of Indonesia is committed to protecting, upholding, respecting, and creating the human rights of prisoners in detention facilities. Legal protection for prisoners refers to measures that safeguard prisoners' freedoms and fundamental human rights, as well as their interests in welfare.²³ "Torture or other cruel, inhuman or degrading treatment or punishment constitutes a violation of fundamental human rights," states the Declaration against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the general congress passed on December 9, 1975.

Although prisoners are individuals serving sentences for crimes legally decided by the court, this does not mean that their safety and well-being should be neglected to give them a chance to continue living. Although prisoners do not receive these rights in full, they are still entitled to respect for their inalienable human rights. Preventive legal protection is intended to stop violations before they occur. These regulations are designed to prevent violations and limit the fulfilment of obligations. In contrast, repressive legal protection is the primary mechanism for addressing violations and preventing the same person or others from repeating the same conduct. This protection is usually provided through sanctions against those who commit violations to deter such conduct. This is done to create a safe and conducive atmosphere so that inmates of Class II A Kuningan Correctional Institution can live in harmony with one another. If violence occurs among inmates, the Class II A Kuningan Correctional Institution, as part of its security measures, will take action in accordance with Article 44, namely: First, Securing the Perpetrator; Second, Examining the Perpetrator, Victim, and Witnesses; Third, Imposing Sanctions. The number of inmates who committed violence at the Class II A Kuningan Penitentiary was 1 case in 2023 and 3 cases in 2024.

Protecting and upholding the rights of victims, legal protection for inmates who are victims of violence by other inmates in correctional institutions encompasses several essential elements. First, correctional institutions are responsible for ensuring inmate safety through strict supervision from a preventive perspective. This will be achieved by using technologies such as CCTV footage and by dividing blocks according to the level of risk inmates face. This measure is taken

²³ P C M Wijaya, N K S Adnyani, and I W Landrawan, "Penjaminan Hak-Hak Narapidana Lanjut Usia Di Lembaga Pemasyarakatan Kelas Ii B Singaraja," *Jurnal Gender Dan Hak Aasasi Manusia* 1, no. 1 (2023): 167-74, <https://ejournal2.undiksha.ac.id/index.php/JGHAM/article/view/2624%0Ahttps://ejournal2.undiksha.ac.id/index.php/JGHAM/article/download/2624/1251>.

to reduce the possibility of prison conflict. Second, inmates involved in violent acts can be placed in special blocks for their safety. This accommodation is designed to protect victims from perpetrators of violence so they do not become a threat again. Furthermore, to address cases of violence, effective investigation and prosecution are necessary. Correctional authorities must promptly investigate incidents of violence and ensure that perpetrators are punished in accordance with applicable law. To ensure security and justice in prisons, this action is crucial.

Prisoners have a responsibility to maintain security and order and respect the human rights of others while in prison. Therefore, they are prohibited from engaging in any actions that could endanger themselves or others, such as threatening, assaulting, or attacking correctional officers or fellow prisoners. This prohibition also encompasses any behaviour that threatens, provokes, or disrupts security and stability within the prison, whether through words, actions, or attitudes that could precipitate conflict. Furthermore, prisoners are prohibited from committing any form of violence against officers or other inmates, as such actions not only violate disciplinary rules but also contradict the principle of respect for human rights, which must be upheld in the correctional environment.

If inmates violate the above measures, they may face severe sanctions, namely: first, placement in solitary confinement for 12 days; second, suspension or restriction of conditional rights. Article 26(1) of Government Regulation No. 32 of 1999 on the Conditions and Procedures for the Implementation of the Rights of Correctional Inmates states: "Every Inmate and Correctional Student has the right to submit a complaint to the Head of the Correctional Institution if they are served poorly by officers or fellow inmates." Acts of violence committed by inmates have various disciplinary consequences that can affect their correctional status. Perpetrators of violence can be subject to additional prison terms as a form of accountability for actions that endanger the security of the institution. In addition, they also have the potential to experience a reduction in inmate rights, for example, losing the opportunity to obtain remission or access to development programs. In more serious cases, the perpetrator can be moved to an isolation block to break the potential for conflict and prevent the recurrence of violence. To increase control, correctional officers usually impose stricter supervision on the individual. These sanctions ultimately impact the rehabilitation process, as involvement in violence often makes it difficult for inmates to fully participate in development programs designed to support behavioural change and social reintegration. As a policy implication, overcrowding drives a shift from rule-based disciplinary enforcement to crisis management: institutions allocate resources to basic security and health, while human rights litigation and policy pressures may compel changes in capacity

or practice (e.g., by opening new facilities, reducing the use of pretrial detention, or adopting alternative sentencing). In the medium to long term, this requires reforms that align physical capacity, treatment standards, and officer training to ensure consistent, accountable, and human rights-based disciplinary enforcement. Without such reforms, the effectiveness of disciplinary rules remains vulnerable to fluctuations in overcrowding and operational pressures.

Based on the results of an interview with Mr Andi Rustandi, SE, as Head of Security Sub-Section at Class II A Correctional Institution, he said that violence between inmates often occurs because the prison capacity is too large. This makes inmates feel uncomfortable and lack personal space, which can lead to tension and violence. Hierarchy and group guardians, in prisons, often form a strong hierarchy or group, including criminal groups that have great power, and competition between these groups can lead to conflict and violence. Stress and psychological pressure often cause inmates to experience anxiety due to loss of freedom, family problems, or an uncertain future. This pressure can lead to unpleasant behaviour. Financial relationships among inmates drive violence in correctional facilities. In addition, disrespect for each other's human rights in the environment is a factor contributing to inter-inmate violence.

Resolution efforts are usually conducted through deliberation before formal sanctions are imposed on inmates involved in acts of violence. The goal of these deliberations is to resolve conflicts peacefully and prevent further escalation. This is achieved through these methods. Kuningan Class IIA Prison is firmly committed to creating a safe, conducive, and non-violent environment for its inmates. However, the deliberation process is part of the prison's efforts to create a more conducive environment, promote peace, and reduce the use of more severe sanctions when deliberation is unsuccessful or when acts of violence are deemed too serious. Policy-wise, overcrowding has prompted a shift from rule-based disciplinary enforcement to crisis management: institutions allocate resources to basic security and health, while human rights litigation and policy pressures may compel changes in capacity or practice (e.g., the opening of new facilities, reduced use of pretrial detention, or alternative sentencing). In the medium to long term, changes are needed to align physical capacity, treatment procedures, and officer training to ensure consistent, accountable, and human rights-based disciplinary enforcement. Without these changes, disciplinary rules will remain ineffective due to operational density and pressure.

D. CONCLUSION

This study concludes that violence between inmates at the Class IIA Kuningan Penitentiary is influenced by overcrowding, which leads to limited mobility, psychological stress, and weak supervision. Violence generally occurs during critical moments such as food distribution, windy hours, and interactions in residential blocks. Legal impacts include disciplinary sanctions, reduced behavioural assessments, restrictions on correctional rights, and potential new criminal penalties for perpetrators, while victims require protection and access to complaint mechanisms. This study also shows that overcrowding weakens the correctional function and hinders the fulfilment of inmates' rights. In contrast, the prison's preventive efforts are suboptimal due to limited human resources and facilities. The study's limitations lie in its scope: it covers only one study location and relies on interview and observational data, making the findings difficult to generalise.

For future research, it is recommended that comparative studies be conducted across prisons with varying levels of overcrowding to obtain a more comprehensive picture of the correlation between overcrowding and levels of violence. Further research should also include quantitative analysis of violence intensity, facility conditions, and staff-to-inmate ratios to enhance the validity of the findings. Furthermore, studies should examine the application of surveillance technology, the effectiveness of restorative justice approaches among inmates, and the evaluation of development programs that could enhance security and reduce the risk of violence in correctional settings.

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