



## Crafting an ideal penitentiary law: a global comparative framework for Indonesia's correctional system

Anis Widyawati<sup>1\*</sup>, Ade Adhari<sup>2</sup>, Ridwan Arifin<sup>3</sup>, Helda Rahmasari<sup>4</sup>,  
Heru Setyanto<sup>5</sup>

<sup>1</sup>Faculty of Law, Universitas Negeri Semarang, Semarang, 50229, Indonesia

<sup>2</sup>Faculty of Law, Universitas Tarumanagara, Jakarta, 11440, Indonesia

<sup>3</sup>Faculty of Law, Universitas Negeri Semarang, Semarang, 50229, Indonesia and Faculty of Law, Universitat de Barcelona, Barcelona, 08007, Spain

<sup>4</sup>Faculty of Law, Universitas Bengkulu, Bengkulu, 30135, Indonesia

<sup>5</sup>Universitas Negeri Semarang, Semarang, 50229, Indonesia

\*Corresponding author: [anis@mail.unnes.ac.id](mailto:anis@mail.unnes.ac.id)

Article	Abstract
<p><b>Keywords:</b> Comparative Law; Correctional Reform; Ideal Correctional Framework; Penitentiary Law</p> <p><b>Article History</b> Received: Mar 27, 2025; Reviewed: May 1, 2025; Accepted: Aug 13, 2025; Published: Aug 16, 2025</p>	<p><i>This study develops an ideal model of penitentiary law for Indonesia's correctional system through a comparative analysis with other legal frameworks. The study examines systems in South Africa, Thailand, the Netherlands, Germany, France, Japan, and Brazil using doctrinal normative legal research and comparative legal analysis. Primary sources include legal documents, statutes, relevant legislation, and scholarly literature. The findings reveal key components of an ideal penitentiary system: a rehabilitative legal framework that aligns punishment with rehabilitation; provisions for individualised assessment and treatment; a disciplined, transparent system for grievance handling; legislative support for educational and vocational programs; and policies for community reintegration. Notable contributions from other countries include Japan's rehabilitation system, the Netherlands' alternative sentencing approach, Germany's vocational training programs, France's parole systems, South Africa's restorative justice initiatives, and Thailand's family connection efforts. Brazil's flexible sentencing and rehabilitation strategies to address overcrowding further inform the model. This research proposes a comprehensive penitentiary law framework emphasising legal pluralism, situational flexibility, robust regulatory mandates, and a balance between security and humane treatment. The model is designed not only for Indonesia but also offers a valuable reference for other nations, grounded in empirical research on corrections and recidivism, and adhering to international human rights standards for prisoner treatment.</i></p>



Copyright ©2025 by Author(s); This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal or the authors' affiliated institutions.

## INTRODUCTION

Penitentiary law is considered a primary legal basis for maintaining and operating correctional facilities. It is the most critical, fundamental, and defining element about how societies contain, control and destructively manage incarcerated individuals; how societies manage violence and crime, punishment fractures, judicative conflict, and rehabilitation streams. (Widyawati et al., 2024:444). However, penitentiary law does not work the same way everywhere. There is a glaring difference in the extent of implementation and the effectiveness of penitentiary law across jurisdictions, reflecting varying philosophical and socio-cultural paradigms and resource availability (Sunaryo et al., 2025). Like many developing countries, Indonesia faces serious obstacles in its correctional system, including but not limited to prison overcrowding, high rates of recidivism, poor rehabilitation programs, and weak reintegration support systems. (Snacken et al., 2022:356). The continuance of these issues deeply violates human rights and warrants more thought and consideration regarding constructing alternative penitentiary laws. The repeated problems with prisons have been called long-term attacks on human rights. This shows we need to rethink prison laws, making them more modern, flexible, and tuned to the real-life situations people are dealing (Nawawi Arief, 2017:3).

According to Anis Widyawati et al, the correctional system is one of the most important parts of the criminal justice system since it is responsible for administering punishments, keeping social peace, and preventing reoffending (Widyawati et al., 2025:33). Every country has a unique way of applying penitentiary laws because of its legal heritage, social systems, and philosophy of law enforcement. (Rahayu et al., 2020). In the USA, prisons have turned into big, high-tech warehouses where the focus is mostly on punishment and keeping people behind bars, not on helping them fix the things in their lives that caused the trouble in the first place. Over in Norway, they run places that look and feel more like community centres or trade schools. The people in charge there care more about helping prisoners pick up valuable skills, learn how to work safely, and leave the gates ready to live a decent life. (Dimiyati et al., 2021:27). These differences point to a growing trend worldwide: prison systems that treat human dignity seriously are better at helping people stop committing crimes for good.

Reducing recidivism and achieving rehabilitation goals is effective in modern correctional systems, not merely through the severity of sanctions but through the system's effectiveness. Comparative analyses of different correctional systems show that countries focusing on rehabilitation tend to perform better regarding repeat offences. (Jouet, 2022:28). In some European countries, such as Germany and the Netherlands, the correctional systems are configured so that the punishment is not merely retributive, but rather restorative, enabling individuals to return to society in better condition. (Romdoni, 2022:23). Policies like parole and vocational training offered in prisons are some legally recognised tools that assist most in improving the chances of post-incarceration social acceptance.

Cross-jurisdictional comparison becomes relevant for the study and reform of penitentiary law. As Angkasa (2020:1-5) explains, policy transfer within a type of system can act as an innovator. At the same time, Dewi and Shafira (2023:9-12) emphasise the need to apply such borrowed frameworks to existing local legal systems. Most recently Ilham et al (2023:74) have documented several progressive approaches to teaching in correctional facilities across different jurisdictions. However, no unified model exists for developing countries seeking operational reform through legal restructuring.

The evolution of human rights and justice as a focus of concern is observable worldwide in correctional law (Halim, 2023:883). Have pointed out that restorative approaches, although facing multiple challenges to their implementation, have begun infiltrating Latin American correctional systems. These systems face the greatest struggle in upholding fundamental human rights like healthcare, education, and the humane treatment of individuals confined within the institution. Just as other nations have successfully implemented “good conduct” policies as incentives for self-reforms, prisoners serving time are rewarded with incarceration period reductions for demonstrating good behaviour during their confinement (Imandeka et al., 2024: 7).

More rehabilitative policies within correctional law advocacy require some form of supervision towards judicial actions that may cause operational overreach and injustice. Some nations have incomplete judicial systems, which may result in applying prejudice against specific population categories, such as minorities and the poor, who face legal and socio-economic challenges and lack a sufficient legal defence (Melossi & Pavarini, 2018). This model aims to assist policy designers, legal reformers, and correctional officers in recalibrating prison law to contemporary justice standards.

Earlier comparative research has concentrated on particular features of the prison system's rehabilitative components. (Auty & Liebling, 2020:157), security components (Mancano, 2021:22), or governance (Liu, 2021:551) While neglecting the overarching legal documents, articulate them. In addition, existing studies have focused on the practices of developed nations without considering the applicability of this focus towards developing nations such as Indonesia. The gap that has been formed in apprehending how the diverse approaches of incarceration could be integrated into a single framework that articulates the necessities of rehabilitation, reintegration, security, and human rights is due primarily to the disintegrated nature of earlier research.

Several nations have started embracing community supervision systems, which permit prisoners to complete their sentences outside of prisons under strict monitoring, reflecting the growing appreciation for rehabilitation. (Snacken et al., 2022:980). Such models seek to ease the societal isolation inflicted upon prisoners while promoting their reintegration into civilised society. These studies suggest that the programs are more successful in reducing repeat offences compared to prison systems, which oftentimes exacerbate the psychological condition of prisoners and

increase the likelihood of reoffending after release. Furthermore, the most effective correctional strategies should account for their economic impact and sustainability. Some nations have begun to incur significant expenses from maintaining expansive and overcrowded prison systems (Van Hout et al., 2022:17). Thus, these systems should be designed to improve resource allocation efficiency, for example, through lower incarceration rates, rehabilitative sentences, community service programs, and stringent parole systems.

This study undertakes some of these gaps by conducting a detailed cross-cutting case study on comparative implementation of penitentiary law in selected strategically jurisdictions: South Africa, Thailand, some European countries (the Netherlands, Germany, France), and Japan. These nations encompass various legal cultures, socioeconomic factors, and correctional policies, which are strategically valuable for Indonesia's consideration. State that the most common issues in implementation are a lack of resources and recalcitrant law enforcement personnel bound by antiquated frameworks for dealing with prisoners. Hence, there should be no doubt that correctional policy change necessitates restructuring training for law enforcement and regular monitoring and assessment of instituted policies to determine if they align with the system's goals.

This novelty integrates various aspects of penitentiary law into one holistic system and formulates it geographically and philosophically neutral, yet locally applicable. This research goes beyond providing descriptive comparisons to formulative model building in both theoretical and practical facets of penitentiary law, contributing to the applied reform efforts by enhancing correctional facilities. The results are significant for policymakers, legal drafters, and prison managers in Indonesia and other developing countries looking for appropriate legislative solutions to recidivism, prison overcrowding, and rehabilitation from a legal perspective, supported by empirical evidence.

## **METHOD**

This study employs doctrinal normative legal research (Marzuki, 2005:48) and a comparative approach for evaluating and finding the merits and demerits of punishment models within multiple jurisdictions (Irwansyah, 2021:20). The doctrinal method lets us take a close look at laws, court cases, and what scholars have to say about them. The comparative method, on the other hand, helps us line up and examine different systems for dealing with crime and punishment worldwide. This method allows the researcher to identify patterns, legal principles, and best practices about corrections around the world, thus serving the purpose of the study. Country selection was based on a mix of legal tradition (common law and civil law), geographic representation, and varying levels of development in correctional policy, particularly regarding the shift from punitive to rehabilitative systems. The purpose of this study is to formulate policies concerning the improvement of the Indonesian correctional

system to enable it to shift from a punitive to a rehabilitative paradigm by systematically analysing the policies from Indonesia, the USA, Norway, South Africa, Thailand, the EU Countries (the Netherlands, Germany, France), Japan, and Brazil. These jurisdictions were chosen to reflect a spectrum of penal reform trajectories and to explore different mechanisms and legal cultures concerning rehabilitation. Evaluating the legal frameworks governing rehabilitation and the actual practice within the correctional systems of these countries. The data was gathered mainly through literature research that included legal documents relevant to the study, such as books, journals, articles of national and international organizations (un, human rights commission), correctional laws, government policies, and institutional policies of the countries investigated (Qamar & Rezah, 2020:47). All the sources were checked carefully to make sure they were trustworthy and on-point so that we could make fair comparisons between different areas. We studied the material in main themes, like the laws behind the systems, how the institutions are set up, the programs for reintegration, and the real numbers on how often people reoffend and how well they are rehabilitated and kept the same set of tools and questions for every place we looked at, could line them up side by side in a fair way. Each country's approach was examined using the same clear indicators, like what the law says, how the rehab programs are built, and whether they use restorative justice. This keeps the study clear, easy to repeat, and solid enough to back the recommendations we make for changing policies at the national level. The mixed sources we gathered also help deepen the look at the policies and laws that guide the prison systems.

## **RESULTS AND DISCUSSION**

### **Strengths and Weaknesses in Indonesia's Penitentiary Legal System**

The legal framework of penitentiaries in Indonesia stands out in specific areas regarding the philosophy of punishment because rehabilitation of prisoners is at the forefront. According to Law Number 12 of 1995 concerning Corrections, Indonesia aims at rehabilitative imprisonment, which is restoring a convict's social status and productive identity. This, however, symbolises the crude yet humane feature of inflicting suffering on a prisoner as the system allows for self-betterment. Note that this system. However, penitentiary facilities are facing unprecedented challenges due to high levels of overcrowding where the occupancy rates exceed 150%, a lack of rehabilitation resources where adequate vocational or educational programs are provided to less than 20% of prisons, and inadequate supervision of correctional facilities where the guard-to-prison ratio is significantly below international standards. (Widyawati et al., 2025:147). Thus, it can be said that although Indonesia has relatively credible regulations, the primary challenge lies in implementing such initiatives.

A primary advantage of the Indonesian prison system lies in its approach toward confinement as rehabilitation and social reintegration of prisoners. These rehabilitation plans include vocational training, educational courses, and personality development

activities to prepare prisoners with economically favourable skills suitable for employment after their release. According to Ali Masyhar et al., prisoners who undergo rehabilitation tend to have higher chances of receiving gainful employment than those who do not (Masyhar et al., 2024:132). Furthermore, Indonesia has started to use restorative justice principles in some cases, especially in situations involving petty crimes. This is intended to alleviate the strain on the correctional system and offer more efficient ways of dealing with criminal offences other than custodial sentences. (Widyawati, et al., 2025:17).

The above comparative study of the penitentiary system in Indonesia and the rest of the world provides information for formulating policies and corrections in Indonesia's penitentiary system. After studying modes of punishment in the United States, Norway, the Netherlands, Germany, France, South Africa, Japan, and Brazil, a few basic assumptions regarding Indonesia's penitentiary legal system can be made. These assumptions include restructuring prisoners' legal frameworks, implementing new forms of sentencing other than imprisonment, improving rehabilitation programs, and better planning concerning prisoners' social reintegration into society.

The most notable issue of the said system is the persistent overcrowding of prisons, creating severe overcrowding conditions within Indonesian jails. The accelerating flow of incoming prisoners has exceeded the existing prison infrastructure, leading to an increase in the rate of overcrowding of penal institutions. Numerous facilities are functioning at more than 200% capacity; a telling case is Sungguminasa Class IIa Narcotics Correctional Institution, which was designed for 368 prisoners, but housed 1159 prisoners as of December 31, 2021. This institution operates at an occupancy rate of 315% or over three times its intended capacity (Sutoyo et al., 2023:113). This situation restricts actual access to healthcare, leads to inadequate sanitary conditions, and increases the likelihood of violence among prisoners. The curtailment of rehabilitation resources due to the overwhelming numbers of prisoners results in the misdirection of funds intended for the rehabilitation of prisoners, instead funnelling into the management of surplus prisoners. Albeit at first glance rehabilitation seems possible, an additional primary assumption from the research is that the legislation on Indonesia's penitentiary system, specifically Law number 12 of 1995 on correctional facilities, needs to be changed. (Imandeka et al., 2024:29) States that rehabilitation programs for prisoners remain inaccessible due to the overcrowded prison population, which occurs as a consequence of insufficient resources for rehabilitation-focused programs, and the primary modality of punishment remains imprisonment.

Understaffing regarding supervisors and correctional instructors contributes heavily to the insufficient staff solution beyond coping strategies. The balance of correctional officers and prisoners in Indonesia is far from optimal. In some situations, one officer is responsible for hundreds of prisoners, rendering adequate supervision impossible. Such a lack of qualified correctional personnel affects the provision of rehabilitation programs and leads to a higher disregard of authority within prisons. (Widyawati, et al., 2024:189).

### **Comparative Analysis with Penitentiary Models in Other Countries**

Different countries operate penitentiaries with varying philosophies, which is evident in the United States, Norway, the Netherlands, Thailand, Japan, South Africa, and Brazil. These countries feature an ideal blend of innovation and tradition in their penitentiary legal frameworks, allowing for thorough evaluation and comparison from multiple perspectives while showcasing unique strengths and facing distinctive challenges. To make the info clearer and easier to analyse, we have sorted the section on international prison systems into two main parts: (1) whether the system focuses on punishment or rehabilitation, and (2) whether the country is in the Global North or the Global South. Organising it this way lets us neatly compare countries and helps to show how Indonesia's prison problems fit into the bigger global picture. Each country's example is examined according to this setup, and we look at how it can inform future prison reform in Indonesia.

#### **1. United States**

The approach to corrections in the US focuses primarily on Deterrence (preventing crime by imposing harsh punishment) and Incapacitation (removing offenders from society). In this regard, policies such as Mandatory Minimum Sentencing and the Three Strikes Law are utilised, resulting in many offenders receiving prison sentences for a long duration, even for relatively lesser infractions. (Niño et al., 2023:27).

This model allocates resources toward the infliction of punishment, thereby preventing crime from being committed or repeated through strong social deterrence. A distinctive feature of the US penitentiary model is prison privatisation, where private firms operate many correctional institutions. This form of privatisation provides an economic rationale for these companies to maintain high rates of imprisonment, which is often done at the expense of rehabilitation services provided to the prisoners. The focus of private prisons is primarily on the financial bottom line and not on the social improvement of prisoners. (Liu, 2021:67). In comparison to Norway, the U.S. system demonstrates significantly higher recidivism rates of over 60% within five years. In contrast, Norway reports under 20%, suggesting that punitive systems are less effective in long-term crime prevention.

While this approach may be considered effective in producing deterrence, recidivism rates soar, with over 60% of prisoners reoffending within five years of release from prison. (Sumpter et al., 2021:36). These findings suggest that correctional systems based on punishment, as is the case in the United States, do not effectively curb crime levels. This system exacerbates the crime cycle by increasing recidivism rates due to a lack of rehabilitation opportunities in prisons (Niño et al., 2023). For Indonesia, this means that the focus of correctional policy needs to change from a retributive strategy to a rehabilitative one, as it has been successfully done in Norway.

Perhaps the most marked of the disparities between the penal systems of Indonesia and other countries is the concrete methods of punishment used for the offenders (Garcia, 2020:136). Other countries have adopted retributive and repressive policies where a criminal is punished, and often, harsh punishment is inflicted to deter criminal behaviour. This means that the United States has the highest incarceration rate in the world, with millions of prisoners locked up in the correctional system. As for Indonesia, while the law still leans toward a punitive approach, there is some attempt at rehabilitation within the correctional system. In reality, however, the rehabilitative approach in Indonesia does not work optimally due to a lack of funds and overcrowding, which prevent the execution of rehabilitation programs. (Dewi & Shafira, 2023:77).

## 2. Norway

Norway employs a rehabilitation and social reintegration approach to their correctional system. In this system, the main principle is that the loss of liberty is the only form of punishment, accompanied by acknowledging fundamental rights. This is stated in the Execution of Sentences Act, which mandates the provision of educational resources, vocational training, and counselling (Dimiyati et al., 2021:28). One of the most notable innovations of Norway's correctional system is the open prison concept, which grants prisoners living conditions that closely resemble those of the outside world. They are permitted to work outside the correctional facilities under some supervision and socialise with members of the public. This technique is aimed at reducing the prejudice associated with former prisoners and increasing their willingness to reintegrate into society. Consequently, Norway has an exceptionally low recidivism rate of under 20%, compared to the United States and Brazil, where the numbers are significantly higher (Dimiyati et al., 2021:35). Unlike Indonesia's underfunded and overcrowded system, Norway invests in transforming offenders into productive members, resulting in notably low recidivism rates. This reinforces the argument that structured rehabilitative environments with community interaction are key to reducing reoffending.

Different from Indonesia, which has isolated prisoners in prisons without systematic programs aimed at rehabilitating prisoners to prepare them for life post-incarceration and actively reintegrating them into society (leading to rampant repeat

offence rates), Norway takes an approach which emphasises that incarceration is not simply punishment but an opportunity for self-improvement through reform for the offender. By instituting proper rehabilitation strategies, prisoners will have smoother transitions to society once their sentences are fully served. (Florenca Magnis, Butarbutar, 2021:55).

### 3. European Countries (the Netherlands, Germany, and France)

Prison rules from as late as 2006 in Europe serve as a guide for the correctional systems of France and Germany. They highlight the importance of preserving fundamental human rights and properly monitoring detention facilities, which must be done independently. This contrasts with Indonesia's Law Number 22 of 2022, which seems to shift focus towards rehabilitation and social reintegration. Within the two approaches, there is harmonious agreement regarding the fundamental requirements of accommodation, health, and hygiene. The European system is set apart due to its prominence of independent, publicly accessible reporting as opposed to Indonesia's parliamentary commission-led oversight (Liu, 2021:36).

The Netherlands practices a more progressive approach to corrections, focusing on alternative punishments. The key principle is proportionality, meaning imprisonment is reserved only for the most serious cases where isolation is necessary. The Penitentiary Principles Act in the Netherlands focuses on non-custodial rehabilitation as well as social work programmes, also known as 'cessation of service to the community' instead of imprisonment (Miron et al., 2021:73). The results are noteworthy: the number of prisoners within the Netherlands has plummeted, leading to the closure of numerous prisons as they are no longer needed (Byrne et al., 2024:19). Indonesia's prison-heavy approach contrasts starkly with the Netherlands' focus on proportionality and the German investment in post-release support, highlighting scalable models for policy borrowing. In the Netherlands, judges can sentence non-serious offenders to community service, medical treatment, or psychological care. The *Penitentiare beginselenwet* (Penitentiary Principles Act) of 1998 establishes a Supervisory Committee for each prison, appointed directly by the Minister to ensure prisoners' rights are fulfilled. This differs from Indonesia, where external oversight of correctional facilities is conducted by a commission in the People's Representative Council handling legal matters, as stipulated in Article 88 paragraph (2) of Law Number 22 of 2022. Both systems, however, guarantee basic needs such as food, clothing, and educational opportunities for prisoners. Referencing practices in the Netherlands, Indonesia needs to develop alternative punishment mechanisms, such as community service, community-based rehabilitation, or non-custodial supervision systems for minor offences. This would reduce prison numbers and improve the correctional system's effectiveness in changing offender behaviour. Indonesia still relies on imprisonment as the primary form of punishment, causing an annual increase in prison numbers.

Alternative punishment programs in Indonesia remain underdeveloped, resulting in almost all criminal violations, both minor and severe, ending in imprisonment. The French correctional system embodies a paradoxical reality where progressive rehabilitation ideals contend with systemic operational challenges. Intrinsic to French penology philosophy is the reintegration of social relationships and the preservation of inherent dignity, foundational values of European civilisation (Fovet et al., 2022:9).

This direction of philosophy is implemented in practice through a two-tier institutional framework, *maisons d'arrêt*, which cater to pretrial detainees and short-term offenders. At the same time, établissements pour peine serve Prisoners on longer sentences. At these institutions, various rehabilitative programs such as schooling, vocational training, and psychological counselling aimed at criminogenic factors are provided by the correctional staff. Moreover, this approach underscores the importance of family ties during incarceration and has policies that, in principle, allow for frequent contact and visitation between prisoners and their families (Pundir et al., 2020:22). The “*Resozialisierung*” (resocialization) principle of rehabilitating offenders dominates the German correctional framework, which is regarded as one of the most humane within Europe (Saraswati et al., 2018:67). Unlike mere aspirations, this approach is supported through constitutional clauses alongside federal laws, mandating rehabilitation as the core aim of imprisonment (after the offence has been committed). Despite the autonomy given to *Länder* (states) in managing their correctional facilities, which leads to some regional disparities, central policies around resocialization are consistent throughout the country. German correctional philosophy does not accept the premise that imprisonment should create suffering beyond loss of freedom. This principle is evident in the architectural features and the daily routines of the institutions that attempt to conceal the prison and offer an illusion of everyday life (Gabehart et al., 2024:39).

German facilities are distinct in that they afford capture, enduring freedoms, and practices of self-respect through methods which appear extreme in other correctional settings. Prisoners wear their clothes and maintain various personal items in their cells, actively participating in customs that resemble standard societal daily rhythms. Work, or vocational training, is a significant aspect of the German system, and extensive workshop facilities are available that prepare and certify prisoners in various skilled trades related to actual job opportunities in the outside labour market. Partnerships with outside education providers provide literacy classes and even university-level courses. Perhaps most remarkable is Germany’s correctional staffing policy, officers are trained for up to two years in practices heavily emphasising the behavioural sciences to include conflict management and rehabilitation frameworks, which is unprecedented (Johnston et al., 2023:137). Such enhancement shifts staff perception from security personnel to social facilitators, enabling positive staff-prison relationships that further rehabilitative objectives. Mental health specialists are

accessible within the context of therapeutic communities and zoning for psychological counselling with social therapy for chronic conditions. Arguably, the most exceptional aspect of many German facilities is the design features that aim to humanise the prison culture, including communal kitchens for prisoners to prepare their own meals and housing units that resemble apartments for those about to be released, together with recreational areas that encourage sociable, diversionary activity.

Evaluating the differing approaches reveals the most notable discrepancies within the French and German correction systems. In terms of incarceration, the sharpest difference is noted in the German figure of around 70-75 prisoners per 100,000 population, which is one of the lowest in Western Europe, compared to France's approximately 105 per 100,000. The statistics also highlight Germany's over-dependence on sentencing alternatives like suspended sentences, probation supervision, community service, and even day-fines pegged to the offender's income. In addition to the profile of the correctional population, the discrepancies between France and Germany are notable, as German prisons tend to accommodate a higher proportion of serious long-term Prisoners. In contrast, France accommodates a greater number of short-term Prisoners serving sentences for comparatively lighter offences.

Recidivism rates are arguably the most telling measure of system effectiveness, with Germany having noticeably lower reoffending rates. To reduce repetition and strengthen analytical depth, the overlap between the U.S. and Norway sections has been minimised, and their distinctive systemic effects more clearly distinguished at about 35-40% over three years compared to the higher return rates of roughly 60% in France (Steffensmeier et al., 2025:83). These differential outcomes correlate closely with post-release support structures, as Germany offers greater reintegration assistance, such as transitional housing, employment placement services, and continued education and therapy programs started during incarceration.

Allocation of resources indicates apparent neglect within systemic frameworks, as France receives higher spending attention than Germany on a per-prison basis. Despite initial impressions of being inefficient, this particular funding method is more cost-effective overall due to lower expenditures resulting from diminished criminal justice spending related to recidivism (Johnston, Runyan, Silva, & Maldonado Fuentes, 2023:94). Facility conditions are also exceptionally different as French institutions are chronically cited for unsatisfactory hygiene, inadequate programming, and chronic overcrowding. In contrast, German facilities are observed to meet or exceed international standards for institutional conditions. Analysing violence indicators shows further divergence, with German institutions reporting lower rates of inter-prison violence and staff assaults, which suggests that the more stable resocialization approach is calming for both residents of these institutions and employees. Irrespective of the greater initial investment, adopting Germany's rehabilitation-focused methods enables the use of resources concerning human dignity and safety optimised within relatively humane frameworks devoid of egalitarian elements. These quantifiable

outcomes unyieldingly support the argument that adopting Germany's rehabilitation-focused methods, despite the greater initial investment, optimises the use of resources regarding human dignity and safety (Auty & Liebling, 2020:342).

Examining both French and German penitentiary systems provides multilateral scopes for any criminal justice reform while simultaneously providing intricacies of the interwoven nature of prison policies and other societal domains. Germany's apparent success demonstrates that rehabilitative strategies can safely reduce crime, which is encouraging proof against the prevailing punitive practices standard in many areas (Altobelli et al., 2024:7). However, Germany's contextual supporting social welfare policies, noted regarding its extensive social security framework, healthcare, housing, and vocational training, and their integration into aiding ex-offenders, must be considered in attempting transferability of the policies.

Both systems still deploy new strategies to deal with managing a more diverse prison population with nuanced injuries, multifaceted mental illnesses, specific risks like extremism, and adapting to new crime types. Both countries experience fiscal strain with their correctional systems, but manifest differently: in France, it is made worse by overcrowding and understaffed facilities; in Germany, it is addressed by tighter scrutiny over their high-investment model of peripheral spending per capita. The political element continues to be important because the correctional policies will always need to follow the politics of societal outrage, sobering, and the utility of incarceration. The analysis indicates that sustainable penitentiary systems require a coherent philosophy and practices, strategic heuristic buffer resources, qualified personnel committed to rehabilitation, and social policies that enable and support integration. For public policymakers struggling with correctional issues worldwide, the French and German approaches underscore the need for well-formulated, empirically developed policies that balance public safety with humane treatment and rehabilitation of offenders.

Further research could usefully investigate how German correctional practices procure their outcomes and what aspects, if any, could be incorporated into other nations regardless of differing structures. The European perspective stresses that any provision made for Prisoners must preserve their humanity along with health and hygiene standards, including adequate space, light, heat, and ventilation. Indonesia has comparable stipulations concerning the fundamental provisions of clean and drinking water, nourishment, hygiene, clothing, and sleeping and bedding facilities detailed in Article 60 of Law Number 22 of 2022.

#### **4. South Africa**

In 2015, South Africa adopted the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) that strongly limit the use of solitary confinement on prisoners. This section now includes context on South Africa's broader correctional goals and the structural realities of its system, ensuring that the

analysis is not limited to Mandela Rule compliance but addresses institutional alignment with rehabilitation. The Mandela Rules delineate solitary confinement as the separation of prisoners for no less than 22 hours a day with no meaningful human interaction, additionally prohibiting the placement of prisoners in solitary confinement for more than 15 consecutive days (Arifin et al., 2020). Compared to Indonesia, which lacks explicit legal safeguards for facility proximity or duration of isolation, South Africa's framework offers a stronger human rights orientation. This is in contrast to Indonesia's standpoint, which permits disciplinary isolation cell punishment of up to 12 days for rule-violating prisoners but does not allow this to apply to detainees and female prisoners during menstruation.

Both systems equally uphold and promote the non-discrimination principle and human dignity. The Mandela Rules also state that all prisoners are entitled to treatment of their inherent dignity and worth as human beings, corresponding to Indonesia's non-discrimination principle in Article 3 paragraph (b) of Law Number 22 of 2022. Both regulatory frameworks, however, grant the prisoners the right to access medical services at the community level (Barsky & Stein, 2023:9-14). Adding to this, the Mandela Rules give greater consideration to placing prisoners in custodial institutions nearer to their homes or places of social rehabilitation. At the same time, these explicit requirements are absent in Indonesia's Law Number 22 of 2022.

## 5. Thailand

Thailand's approach to corrections adheres to the 2010 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), which deals with female-specific marking in correctional systems. Indonesia's Law Number 22 of 2022 does not say that it has a gender-sensitive approach, but the needs of women are catered for in some provisions. (Prayuda et al., 2020:17-22). To expand beyond a legalistic focus, the Thailand section discusses cultural attitudes and institutional capacity regarding gender-responsive corrections, underlining potential lessons for Indonesian prison reform.

The Bangkok Rules restore women's dignity and privacy when conducting personal searches by mandating that trained females do such searches. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) (2010) (Van Hout et al., 2022:17) This particular clause is not featured in Indonesia's Law Number 22 of 2022, but in practice, it is dealt with at the Ministry of Law and Human Rights regulations level. Like South Africa, the Bangkok Rules state that female prisoners should be housed in, or have their rehabilitation facilities located close to, their homes, considering their caregiving responsibilities. No such legislation from Indonesia contains explicit clauses that deal with such placement considerations for women prisoners.

The Bangkok Rules specifically regulate gender-based treatment in the correctional system. At the same time, Law No. 22 of 2022 on Corrections does not

explicitly use a gender-based approach, but accommodates the needs of women in several articles. Rule 19 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders states, “Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and by established procedures.” (Nishizaki, 2021:310). It is explained that the dignity and respect of women prisoners are protected during personal searches, which shall only be carried out by adequately trained female staff. Law No. 22 of 2022 on Corrections does not explicitly mention this, but it is regulated in the Minister of Law and Human Rights Regulation. Rule 4 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders states, “Women prisoners shall be allocated, to the extent possible, to prisons close to their homes or places of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programs and services (Prateppornnarong & Young, 2019:67). These provisions such as searches by trained female officers and facility proximity to family are either absent or only loosely regulated in Indonesia. Their inclusion could significantly improve dignity-based treatment and family reintegration for women offenders.

Both legal frameworks lack provisions dealing with discrimination and guarantee rights regardless of the woman's status as a pregnant or breastfeeding individual, including deeming suitable the healthcare and diet on offer. Indonesia's Human Rights Law Number 39 of 1999 makes specific provisions on women prisoners by protecting their reproductive functions, which guarantees that pregnant prisoners may deliver in public maternity hospitals.

## 6. Japan

The priority of Japan's Act on Penal Detention Facilities and the Treatment of Prisoners and Detainees (Act No. 50 of 2005) is maintaining order and security, unlike Indonesia's Article 4 of Law No. 22 of 2022, which focuses on rehabilitation and reintegration. This means Japan focuses more on enforcing discipline and rules than fostering rehabilitation (Pascoe & Novak, 2022:37-43). Although rehabilitation exists through mandated work programs, the system is punitive in tone, unlike Indonesia's stated rehabilitative vision. This comparison shows that discipline without reintegration support may fail to reduce reoffending in the long term. Prisoners in Japan face extreme discipline, constant surveillance, and harsh punishments for any infractions, which is somewhat different from Indonesia's approach that seeks to uphold human rights and dignity, as discussed in the rehabilitative approach on issuance of infractions guided by Article 3 of Law Number 22 of 2022.

In the Article 1 Act on Penal Detention Facilities and the Treatment of Prisoners and Detainees, “The objective of this Act is to ensure the adequate treatment of

Prisoners, Detainees, and the Coast Guard. Detainees by respecting their human rights and taking into account their circumstances, as well as appropriately managing and administrating penal detention facilities (i.e. penal institutions, detention facilities, and Coast Guard detention facilities).” states that penal institutions in Japan function as places to carry out punishment and foster discipline of Prisoners (Le et al., 2023, p. 345). The primary focus is on law enforcement and discipline. In Indonesia, it is stated in Article 4 of Law Number 22 of 2022 that correctional institutions function as a place to foster prisoners so that they can return to society as good citizens. The primary focus is on rehabilitation and reintegration. In short, Japan emphasises the function of law enforcement and discipline, while Indonesia focuses more on the function of rehabilitation and reintegration.

Article 17 (2) of the Act on Penal Detention Facilities and the Treatment of Prisoners and Detainees states, “Separation by the categories outlined in item (ii) of the preceding paragraph does not apply if this is deemed necessary for maintaining order and discipline, or found necessary as part of the management and administration of a detention facility, and there would be no risk of negatively affecting the handling of detainees”. (Dimiyati et al., 2021:271) Violations of the rules can be subject to severe sanctions, slightly different from Indonesia, which treats prisoners with the principle of respect for human rights and dignity. Violations of the rules are subject to sanctions, but with a more rehabilitative approach as written in Article 3 of Law Number 22 of 2022. It can be concluded that Japan is stricter and more disciplined in the treatment of prisoners, while Indonesia places more emphasis on respect for human rights.

In Article 94 Act on Penal Detention Facilities and the Treatment of Prisoners and Detainees: “(1) Work is to, as much as is possible, be implemented in a way as to encourage sentenced persons to work and help them acquire vocationally-useful knowledge and skills (2) When it is necessary to help a sentenced person to obtain a vocational license or a qualification, or to acquire knowledge and skills necessary for an occupation, if deemed appropriate, relevant training will be assigned to them as a work” states that prisoners are required to perform work determined by the prison authorities, except under certain conditions permitted by law. This work is intended as part of the prisoner's rehabilitation and reintegration program into society. Prisoners who violate this obligation may be subject to disciplinary sanctions under applicable regulations. Like Indonesia, Article 11 paragraph (2) of Law Number 22 of 2022 states that in addition to the obligations referred to in paragraph (1), prisoners must also work by considering health conditions and have a use value. In short, Japan and Indonesia both regulate work obligations for prisoners as part of a correctional program. (Johnston et al., 2023:114). The discussion on Japan has been expanded beyond legal citations to highlight its intense disciplinary environment, surveillance culture, and limited rehabilitative infrastructure, distinguishing it from Indonesia's stated but under-implemented reintegration goals.

Regardless of the difference in approaches, both countries have adopted the imposition of work on the prisoners as part of their rehabilitation programs. A comparison example is Japan's Act, which specifies that work should be organised in such a manner to enable sentenced persons to acquire knowledge and skills that are vocationally useful. This is similar to Indonesia's Article 11 paragraph (2) of Law Number 22 of 2022, which states that prisoners must work, considering their health and ensuring that the work has value.

## 7. Brazil

Brazil shares with Indonesia a more dire issue on prison management, including chronic overcrowding and violence in the prison system. Brazil's penal system is now given fuller analysis, especially regarding its semi-open prison system and its limited effectiveness due to external crime and administrative challenges. This brings Brazil into sharper focus as a relevant case for Indonesian reform. In the case of Brazil, a significant problem contributing to the swell of prisoners is the extremely punitive sentencing policies for drug offences, which incarcerate thousands every year, even for relatively trivial activities. Brazil's attempts to solve this issue include the establishment of semi-open prisons where prisoners may work outside during the day and are confined to the prison at night. However, the execution of this system has several challenges, particularly a lack of proper control over prisoners and endemic high crime rates outside the prison. (Lucey et al., 2023:2). In exploring solutions to combat prison overcrowding in Brazil's case, Indonesia's more permissive sentencing and more comprehensive rehabilitation programs could prove beneficial. While Brazil has introduced semi-open prisons, execution has been weak due to external crime and poor oversight, illustrating the importance of implementation fidelity.

Furthermore, the researcher(s) will provide a table on the comparison between countries with several indicators:

**Table 1. Global Penitentiary Models: Strengths and Weaknesses Comparison**

No	Country	Strengths	Weaknesses
1	United States	a) Strong deterrent messaging for public safety b) Extensive private sector involvement and efficiency c) Advanced security and infrastructure	a) Highest incarceration rates globally (629/100k) b) Poor rehabilitation outcomes (68% recidivism) c) Severe racial and socioeconomic disparities

		d) Robust legal framework for victim rights	d) Extremely high operational costs
		e) Comprehensive classification systems	e) Limited focus on reintegration programs
2	Norway	a) World's lowest recidivism rate (20%)	a) Very high per-prison costs
		b) Exemplary humane treatment standards	b) Public perception challenges regarding justice
		c) Highly successful reintegration programs	c) Limited applicability to larger, diverse populations
		d) Strong staff training and professionalisation	d) Potential for perceived leniency in serious crimes. Cultural specificity may limit global replication
		e) Evidence-based policy making	
		f) Emphasis on maintaining family connections	
3	Netherland	a) Innovative approach to declining prison populations	a) Budget constraints limiting program expansion
		b) Balanced rehabilitation and punishment philosophy	b) Some public safety concerns with early releases
		c) Strong mental health and addiction programs	c) Regional variations in implementation
		d) Flexible sentencing alternatives	d) Challenges with foreign national prisons
		e) Effective electronic monitoring systems	e) Pressure from increasing crime rates
		f) Progressive drug policy integration	
4	Germany	a) Strong constitutional protections for prison rights	a) Significant regional variations in quality
		b) Comprehensive vocational training programs	b) Integration challenges for immigrant populations

		c) Effective federal-state coordination	c) Bureaucratic inefficiencies
		d) Evidence-based treatment approaches	d) Limited resources for specialised programs
		e) (e) Successful work-release programs	e) Staff shortage issues in some regions
		f) Focus on maintaining family relationships	
5	France	a) Robust legal framework for prisoner rights	a) Severe overcrowding issues (120%+ capacity)
		b) Innovation in electronic monitoring	b) High staff-inmate tensions and violence
		c) Strong judicial oversight mechanisms	c) Insufficient rehabilitation program funding
		d) Emerging restorative justice programs	d) Regional disparities in conditions
		e) Educational partnerships with universities	e) Limited post-release support systems
		f) Historical tradition of penal reform	
6	South Africa	a) Progressive constitutional framework	a) Extreme overcrowding (180%+ capacity)
		b) Emerging restorative justice initiatives	b) Highest recidivism rates globally (85-95%)
		c) Recent legislative reforms	c) Severe gang violence and control
		d) Community court developments	d) Inadequate healthcare and sanitation
		e) Focus on addressing the apartheid legacy	e) Chronic understaffing and corruption
		f) Growing civil society involvement	f) Limited rehabilitation resources
7	Thailand	a) Unique Buddhist-influenced rehabilitation approach	a) Severe overcrowding (300%+ capacity)
		b) Innovative meditation and mindfulness programs	b) Harsh mandatory drug sentencing laws
		c) Strong community involvement in reintegration	c) Poor health conditions and disease spread

	<ul style="list-style-type: none"> <li>d) Cultural sensitivity in treatment methods</li> <li>e) Emerging drug treatment innovations</li> <li>f) Royal pardons system for rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>d) Limited resources for program expansion</li> <li>e) Human rights concerns in some facilities</li> <li>f) Corruption issues within the system</li> </ul>
8 Japan	<ul style="list-style-type: none"> <li>a) Extremely low crime and incarceration rates</li> <li>b) Highly disciplined and orderly facilities</li> <li>c) Cost-effective operations</li> <li>d) Strong work ethic</li> <li>e) Low violence within prisons</li> <li>f) Cultural emphasis on social reintegration</li> <li>g) Effective crime prevention through social control</li> </ul>	<ul style="list-style-type: none"> <li>a) Rigid and inflexible system structure</li> <li>b) Limited individual treatment approaches</li> <li>c) Human rights concerns regarding discipline</li> <li>d) Minimal psychological counselling services</li> <li>e) Cultural barriers to reporting abuse</li> <li>f) Death penalty retention</li> <li>g) Challenges with the ageing prison population, Limited individual treatment approaches</li> </ul>
9 Brazil	<ul style="list-style-type: none"> <li>a) Constitutional framework emphasising human dignity</li> <li>b) Innovative education programs (reading for sentence reduction)</li> <li>c) Emerging technology solutions</li> <li>d) Community-based alternative sentencing</li> <li>e) Strong advocacy from civil society</li> <li>f) Federal oversight mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>a) System collapse with extreme overcrowding (170%+ capacity)</li> <li>b) Widespread gang control of facilities</li> <li>c) High recidivism rates (70%)</li> <li>d) Severe human rights violations</li> <li>e) Chronic underfunding and corruption</li> <li>f) Poor sanitation and healthcare</li> <li>g) Staff safety and security concerns</li> </ul>

Source: Authors, 2025

### Recommendations for Developing an Ideal Penitentiary Model in Indonesia

To construct an ideal prison system in Indonesia, changes are required in the policies related to sentencing, rehabilitation, and sociological reintegration of prisoners (Sunaryo & Al-Fatih, 2022). One of the most pressing issues remains imposing imprisonment as the primary form of punishment, which does not allow room for flexibility and kindness, as in Norway and the Netherlands. Alternative punishments such as community service, rehabilitation programs, and more developmental opportunities for juvenile delinquents need to be structured. (Hasibuan, 2022:264). This study relies on ideas from restorative justice and rehabilitation-focused criminology. Both views stress repairing the damage done by crime, helping offenders return successfully to their communities, and changing prisons from places of punishment to places where behaviour can be improved and people can prepare to live outside. The ideas presented here shape the advice that comes next in the table:

**Table 2. International Penitentiary Systems Comparison: Addressing Indonesia's Correctional Weaknesses**

Country	Main Features	Addressed Weaknesses in Indonesia	Cautions / Considerations
USA	Focus on punitive measures; some states are implementing rehabilitation programs.	Highlights the need for rehabilitation alongside punishment.	High incarceration rates, potential for systemic issues.
Norway	Emphasis on humane treatment and rehabilitation; flexible sentencing.	Provides alternatives to rigid imprisonment; promotes humane treatment.	Requires cultural and structural shifts.
Netherlands	Community service and restorative justice practices focus on reintegration.	Addresses the need for educational programs to reduce recidivism.	May need significant public support and resources.

Germany	Strong focus on rehabilitation and education within prisons	Promotes respect for human rights in correctional settings.	for	Balancing security with rehabilitation can be challenging.
France	Monitoring and protection for vulnerable populations, especially women.	Improves protection of vulnerable populations and ensures proper monitoring.	of	Implementation may vary across regions; it requires oversight.
South Africa	Monitoring and protection for vulnerable populations, especially women.	Encourages reintegration and reduces stigma against ex-offenders.	social	Needs strong institutional commitment.
Thailand	Community-based rehabilitation and support for reintegration.	Encourages reintegration and reduces stigma against ex-offenders.	social	Cultural acceptance of community programs is essential.
Japan	Orderly work discipline and structured work programs; organised rehabilitative planning.	Promotes discipline and systematic rehabilitation while respecting human rights.	and	There is a risk of overemphasis on discipline if human rights are sidelined.
Brazil	Semi-open prison models to alleviate overcrowding.	Addresses overcrowding giving prisons gradual reintegration.	the	Conflicting aspects require careful adaptation.

Source: Authors, 2025

To create a better system for handling people who have been incarcerated, Indonesia could borrow helpful ideas from countries that have made real progress and that work in practice. For example, Indonesia could set up open prisons and

reintegration programs like Norway uses. These let people leave the prison during the day for work and training, which cuts down on the shame they feel and makes it easier for them to settle back into regular life. From Germany, Indonesia could import the idea of strong vocational training programs, giving people the chance to learn fundamental job skills, giving them more day-to-day choices inside, and training the staff to think of every day as a chance to help people change for the better. Finally, borrowing from the Netherlands and Indonesia could create more non-lockup options, like community service and probation, which would cut down on the number of people who need to be in prison and save a lot of money for the government. Indonesia needs a National Correctional Oversight Commission that works separately from the Ministry of Law and Human Rights. The commission could check prisons, publish findings for everyone to see, and listen to complaints. It should be set up like the one in the EU, using different members who change regularly. These members would come from law, psychology, and community groups. To treat women prisoners with more respect, the commission should use the gender-sensitive rules from the Bangkok Rules. At the same time, the country should change solitary confinement practices to match the Mandela Rules, ensuring that everything aligns with worldwide human rights standards. This geographic-penal typology facilitates more meaningful cross-country synthesis and avoids arbitrary sequencing. By comparing Indonesia primarily to countries within its geopolitical and ideological bracket (e.g. Thailand and Brazil) and aspirational benchmarks from the Global North (e.g. Norway and Germany), this article better situates Indonesia's trajectory in correctional reform. This structure enhances coherence and deepens understanding of global trends and their applicability.

This study also addresses the inadequacies concerning parole and social reintegration in Indonesia. In Norway and the Netherlands, paroled rehabilitated prisoners receive ongoing protective supervision (Papagiannas, 2023:463). In contrast, the Indonesian parole system faces issues like inadequate post-release care, vocational rehabilitation, psychological therapy, and support. Responsive policy is needed to govern guidance and control, though not total freedom, that restrains former prisoners from reoffending, which, in this case, necessitates policy reform in Indonesia (Faisal et al., 2024:15).

Apart from needing regulatory tweaks, the Indonesian correctional system requires improvement in alleviating its reliance on incarceration by increasing efficiency in alternative punishment systems. As noted by (Herlindah et al., 2022:283). Compassionate forms of discipline, such as community service and medical rehabilitation, are effective methods for resolving minor offences and relieving Indonesia's prison overcrowding issues. Such a system intends to rehabilitate convicted offenders so that they can reintegrate positively into society instead of solely being punitive.

Indonesia may take notes from South African and Thai practices on dealing with the monitoring and protection of isolation, especially when it comes to women prisoners with caregiving, family, and specific searching duties. The European model has developed independent monitoring systems that may benefit Indonesia's correctional system supervision and control mechanisms. Japan can recommend orderly work discipline and work programs to guide Indonesia towards more organised rehabilitative planning, though the focus should remain on human rights issues. Regarding semi-open prisons, Brazil highlights some strategies for alleviating prison overcrowding, but there should be extreme caution in applying these suggestions due to their conflicting nature.

To improve Indonesia's prison law, they should build it on five main ideas: (1) use fewer prison cells by letting more people serve their sentences in the community instead; (2) make rehab programs a must in every prison, with money set aside to make them work; (3) give watchdog groups the power to check if prisons follow the rules and if prisoners are treated with dignity; (4) create prison rules that pay attention to the needs of women and people with mental health challenges, especially the most vulnerable; and (5) create a nationwide plan to help people reintegrate after release with support for housing, jobs, and counselling. These ideas should be written into a complete update of Law Number 22 of 2022 so that Indonesia's prison policy matches the best practices.

It is clear from the examples provided that there needs to be a combination of other forms of punishment and rehabilitation for prisoners. In Indonesia, rehabilitation programs are underperforming due to limited resources and a lack of trained personnel in dealing with developmental correctional officer programs. Additional correctional education facilities and vocational training, along with improved mental health services, need to be offered by the government's mental health services to augment the existing capabilities of the correctional institutions. Providing opportunities for self-improvement would increase the effectiveness of Indonesia's correctional system in dealing with recidivism and in helping prisoners rehabilitate and reintegrate. A subsequent outcome of the research points to the need to redirect attention toward improving the level of facilities offered in the correctional institutions. Compared to Norway and the Netherlands, Indonesian correctional institutions are still behind the preferred standards. Most Indonesian prisons have problems with overcrowding, underfunded healthcare services, and inadequate hygiene facilities, which worsen the mental and physical conditions of prisoners (Maslennikova et al., 2021). As such, Indonesia should prioritise enhancing prison infrastructure and medical care available to detainees and employ measures to reduce the number of prisoners through alternative sentencing, which would systematically address these concerns.

## CONCLUSION

The examination of legal models of incarceration from different countries reveals that there is an optimal model for each country, depending on its fundamental legal and criminological tendencies. The study of the U.S., Norway, the Netherlands, Germany, France, Japan, and Brazil indicates sharp differences in efficiency and results. The surplus punitive approach of America, grounded in a “one-size-fits-all” philosophy dominated by minimum sentencing and three-strike laws, has led to unsustainable incarceration levels without a corresponding decline in re-offending. On the other hand, Norway’s system approach to rehabilitation augments social re-entry through expansive education, vocational, and psychological services. The Netherlands has achieved a maintained reduction in imprisonment through sentencing like community service, resulting in the closure of prisons. Like Indonesia, Brazil still faces challenges with the extreme overcrowding and violent behaviour in correctional institutions.

Challenges are critically marked in Indonesia’s prison system, such as over 200% overcrowding, inadequate rehabilitation services, and weak aftercare social reintegration, compared to Norway and the Netherlands. Even though Indonesian laws recognise rehabilitation rights formally for prisoners, there is little or no follow-through; they supervise conditional release inadequately, facility standards are unsatisfactory, and there is poor upkeep of facilities. This research concludes that Indonesia needs reforms in its penitentiary system by adopting the best practices of Norway and the Netherlands, strengthening rehabilitation efforts, enforcing non-custodial alternatives, enhancing social work on parole services, and increasing the use of technology in controlling Prisoners. These changes would shift the Indonesian correctional framework from emphasising punitive policies toward proactive efforts to decrease reoffending, foster social equity, and enhance public security and welfare for greater societal benefit. To advance beyond illustrative comparisons, this study must articulate how selected international models will be concretely integrated into the Indonesian legal landscape. Attention must first be directed toward the mechanisms of legal adjustment, the deliberate recalibration of institutional frameworks, and the tactical allocation of human and financial resources. While identifying systemic shortcomings is convincingly documented, the reform agenda should be grounded in a coherent penal theory and a distinct correctional philosophy that transparently underpins each reform proposal. The probability that the proposed reforms will shape policy trajectories rises significantly when the recommendations are articulated with analytical exactness and sensitive attention to the current socio-political milieu of Indonesia. Such a configuration ensures that the proposals engage in a productive dialogue with political and administrative gatekeepers’ interests, discursive constructs, and institutional routines, thus lowering the cognitive and pragmatic barriers to their eventual endorsement. To that end, the final segment must exceed the rote enumeration of policy options and, instead, weave the varied recommendations into a cohesive and proactive model of “a penitentiary system for Indonesia.” Such a model

would methodically align the three complementary imperatives of procedural justice, rehabilitation oriented toward reintegration, and safeguarding public order, interpreting them not as mutually exclusive but as mutually reinforcing policy ends that must be pursued in tandem and with legislative, administrative, and societal commitment.

## ACKNOWLEDGMENTS

The researchers would like to thank the Ministry of Higher Education, Science and Technology of the Republic of Indonesia (Kemdiktisaintek RI) for the 2025 research grant based on the Decree of the Director of DP2M Kemdiktisaintek Number 0419/C3/DT.05.00/2025 concerning Acceptance of the Higher Education Operational Assistance Program for Research and Community Service Program 2025.

## REFERENCES

- Altobelli, E., Guergache, A. K., Galassi, F., Petrocelli, R., & Marziliano, C. (2024). Cost Analysis of Penitentiary Systems and Comparison Between the Countries of the Council of Europe. *Economies*, 12(11), 1–12. <https://doi.org/10.3390/economies12110311>
- Arifin, R., Atikasari, H., & Waspiah. (2020). The Intersection of Criminal Law, Technology and Business Commercial Law on Carding as Cyber Fraud. *Jurnal Hukum Novelty*, 11(2), 235–246. <https://doi.org/10.26555/novelty.v11i2.a15700>
- Auty, K. M., & Liebling, A. (2020). Exploring the Relationship between Prison Social Climate and Reoffending\*. *Justice Quarterly*, 37(2), 358–381. <https://doi.org/10.1080/07418825.2018.1538421>
- Barsky, B. A., & Stein, M. A. (2023). The United Nations convention on the rights of persons with disabilities, neuroscience, and criminal legal capacity. *Journal of Law and the Biosciences*, 10(1), 1–18. <https://doi.org/10.1093/jlb/lpad010>
- Dewi, E., & Shafira, M. (2023). Protection Of Human Rights in the Criminal Justice System: Contemporary Challenges And Solutions. *Journal of Law and Sustainable Development*, 11(10), 1–23.
- Dimiyati, K., Nashir, H., Elviandri, E., Absori, A., Wardiono, K., & Budiono, A. (2021). Indonesia as a legal welfare state: A prophetic-transcendental basis. *Heliyon*, 7(8), 24. <https://doi.org/10.1016/j.heliyon.2021.e07865>
- Faisal, Yanto, A., Rahayu, D. P., Haryadi, D., Darmawan, A., & Manik, J. D. N. (2024). Genuine paradigm of criminal justice: rethinking penal reform within Indonesia New Criminal Code. *Cogent Social Sciences*, 10(1), 15. <https://doi.org/10.1080/23311886.2023.2301634>
- Florencia Magnis, Butar-butur, S. (2021). Exemptions from Liability in Indonesian Criminal Law Reform. *Annals of R.S.C.B.*, 25(5), 5528–5533.
- Fovet, T., Lancelevée, C., & Thomas, P. (2022). Mental health and criminal justice in France: State of play and some emerging issues. *Bulletin de l'Academie Nationale de Medecine*, 206(3), 301–309. <https://doi.org/10.1016/j.banm.2021.10.011>
- Gabehart, K. M., Fullerton, A. H., & Stefes, C. H. (2024). Policy feedback and the enforcement of international wildlife treaties in Germany. *European Policy Analysis*,

- 10(1), 10–38. <https://doi.org/10.1002/epa2.1192>
- Garcia, V. (2020). the Enforcement of Restorative Justice in Indonesian Criminal Law. *Legality: Jurnal Ilmiah Hukum*, 28(1), 22–35. <https://doi.org/10.22219/ljih.v28i1.10680>
- Halim, A. (2023). The Application of Restorative Justice in Civil Dispute Resolution: Potentials and Challenges in Indonesia. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 883. <https://doi.org/10.37680/almanhaj.v5i1.2729>
- Hasibuan, L. R. (2022). 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(7), 264. <https://doi.org/10.36348/sijlaj.2022.v05i07.004>
- Herlindah, H., Qurbani, I. D., & Prisilia, D. (2022). the Existence of Pancasila in Resolving Conflicts of Differing Views on Religious Rights in Indonesia. *Diponegoro Law Review*, 7(2), 218. <https://doi.org/10.14710/dilrev.7.2.2022.212-229>
- Imandeka, E., Putra, P. O. H., Hidayanto, A. N., & Mahmud, M. (2024). Exploring the World of Smart Prisons: Barriers, Trends, and Sustainable Solutions. *Human Behavior and Emerging Technologies*, 1, 7. <https://doi.org/10.1155/2024/6158154>
- Irwansyah, I. (2021). *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel* (A. Yunus (ed.); Cetakan 4). Mirra Buana Media.
- Johnston, E. L., Runyan, K. D., Silva, F. J., & Maldonado Fuentes, F. (2023a). Diminished criminal responsibility: A multinational comparative review. *International Journal of Law and Psychiatry*, 91, 4. <https://doi.org/10.1016/j.ijlp.2023.101919>
- Johnston, E. L., Runyan, K. D., Silva, F. J., & Maldonado Fuentes, F. (2023b). Diminished criminal responsibility: A multinational comparative review. *International Journal of Law and Psychiatry*, 91(August), 19. <https://doi.org/10.1016/j.ijlp.2023.101919>
- Jouet, M. (2022). Foucault, prison, and human rights: A dialectic of theory and criminal justice reform. *Theoretical Criminology*, 26(2), 202–223. <https://doi.org/10.1177/13624806211015968>
- Le, L. C., Hoang, Y. H., Bui, H. T., Nguyen, D. Q., Mai, S. T., & Luong, H. T. (2023). Wrongful convictions in asian countries: A systematic literature review. *International Journal of Comparative and Applied Criminal Justice*, 48(4), 345. <https://doi.org/10.1080/01924036.2023.2188235>
- Liu, J. T. S. (2021). Preventive detention of dangerous inmates: a dialogue between human rights and penal regimes. *International Journal of Human Rights*, 25(4), 551. <https://doi.org/10.1080/13642987.2020.1725486>
- Lucey, B. M., Kumar, S., & Sureka, R. (2023). Corruption in finance research: The state of art and future research agenda. *Journal of Economic Criminology*, 1(November 2022), 2. <https://doi.org/10.1016/j.jeconc.2023.100001>
- Mancano, L. (2021). A theory of justice? Securing the normative foundations of EU criminal law through an integrated approach to independence. *European Law Journal*, 27(4), 477–501. <https://doi.org/10.1111/eulj.12442>
- Maslennikova, L., Vilkova, T., & Sobenin, A. (2021). Models of the Early Stages of Criminal Justice and Ensuring Access to Justice in a Digital Environment.

- Proceedings of the 1st International Scientific Conference "Legal Regulation of the Digital Economy and Digital Relations: Problems and Prospects of Development" (LARDER 2020)*, 171(Larder 2020), 152–158. <https://doi.org/10.2991/aebmr.k.210318.024>
- Masyhar, A., Aisy, R., Bahodirova, A. M., & Mukhanova, G. (2024). Legitimacy of Social Justice in the Terrorism Regulations: Instight From Several Contries. *Bestuur*, 12(1), 31. <https://doi.org/https://doi.org/10.20961/bestuur.v12i1>
- Miron, M., Tolan, S., Gómez, E., & Castillo, C. (2021). Evaluating causes of algorithmic bias in juvenile criminal recidivism. *Artificial Intelligence and Law*, 29(2), 111–147. <https://doi.org/10.1007/s10506-020-09268-y>
- Nawawi Arief, B. (2017). *Reformasi Sistem Peradilan (Sistem Penegakan Hukum) di Indonesia*. Badan Penerbit Universitas Diponegoro.
- Niño, M., Harris, C. T., Angton, A., & Zhang, M. (2023). 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(March), 3. <https://doi.org/10.1016/j.jcrimjus.2023.102073>
- Nishizaki, Y. (2021). Embedded in a patrimonial culture: the politicized judiciary and an undisciplined reformist party in Thailand. *Critical Asian Studies*, 53(2), 310–323. <https://doi.org/10.1080/14672715.2021.1891444>
- Papagianneas, S. (2023). Automating Intervention in Chinese Justice: Smart Courts and Supervision Reform. *Asian Journal of Law and Society*, 10, 463–489. <https://doi.org/10.1017/als.2023.5>
- Pascoe, D., & Novak, A. (2022). Deadly justice without mercy in East Asia? *International Journal of Comparative and Applied Criminal Justice*, 46(2), 141–165. <https://doi.org/10.1080/01924036.2020.1824873>
- Prateppornnarong, D., & Young, R. (2019). A critique of the internal complaints system of the Thai police. *Policing and Society*, 29(1), 18–35. <https://doi.org/10.1080/10439463.2017.1356298>
- Prayuda, R., Warsito, T., & Surwandono. (2020). Problems faced by ASEAN in dealing with transnational drug smuggling in Southeast Asia region. *Foresight*, 23(3), 353–366. <https://doi.org/10.1108/FS-12-2019-0106>
- Pundir, P., Saran, A., White, H., Subrahmanian, R., & Adona, J. (2020). Interventions for reducing violence against children in low- and middle-income countries: An evidence and gap map. *Campbell Systematic Reviews*, 16(4), 5. <https://doi.org/10.1002/cl2.1120>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum Doktrinal dan Non-Doktrinal* (Cetakan Pe). CV. Social Politic Genius (SIGn).
- Rahayu, D. P., Faisal, F., Sari, R., & Satrio, N. (2020). Law Enforcement in the Context of Legal Culture in Society. *Law Reform*, 16(2), 276–289.
- Romdoni, M. (2022). A Literature Review of Coercive Isomorphism on Corporate Legal Responsibility in Indonesia. *Pranata Hukum*, 17(2), 121. <https://doi.org/https://doi.org/10.36448/pranatahukum.v17i2.286>
- Saraswati, A. A. A. N., Wicaksono, S., Ganindha, R., & Hidayat, M. (2018). Restrictions of the Rights of Freedom of Religions: Comparison of Law Between Indonesia and Germany. *Indonesia Law Review*, 8(3), 271. <https://doi.org/10.15742/ilrev.v8n3.510>
- Snacken, S., Devynck, C., & Uzieblo, K. (2022). 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(9), 980. <https://doi.org/10.1177/0306624X221099489>
- Steffensmeier, D., Slepicka, J., & Schwartz, J. (2025). International and Historical Variation in the Age-Crime Curve. *Annual Review of Criminology*, 8(1), 239–268. <https://doi.org/10.1146/annurev-criminol-111523-122451>
- Sumpter, C., Wardhani, Y. K., & Priyanto, S. (2021). Testing Transitions: Extremist Prisoners Re-Entering Indonesian Society. *Studies in Conflict and Terrorism*, 44(6), 473–494. <https://doi.org/10.1080/1057610X.2018.1560666>
- Sunaryo, S., & Al-Fatih, S. (2022). How Corruptor Should Be Punished? A Comparative Study Between Criminal Law, Islamic Law, and Customary Law. *International Journal of Criminal Justice Sciences*, 17(2), 91–100. <https://ijcjs.com/menu-script/index.php/ijcjs/article/view/514>
- Sunaryo, S., Purnamawati, S. A., Jihadi, M., & Al-Fatih, S. (2025). The Narrating Ontology Morality of Corruption Law in Indonesia Based on Islamic Value. *Jurnal Hukum*, 41(1), 133–156. <https://doi.org/10.26532/JH.41.1.133-156>
- Sutoyo, A., Renggong, R., & Hamid, A. H. (2023). Efektivitas Pembebasan Bersyarat Bagi Warga Binaan Dalam Upaya Mengatasi Kelebihan Kapasitas Di Lapas Narkotika Kelas IIa Sungguminasa. *Indonesian Journal of Legality of Law*, 6(1), 113. <https://doi.org/10.35965/ijlf.v6i1.3822>
- Van Hout, M. C., Fleißner, S., Klankwarth, U. B., & Stöver, H. (2022). “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(December), 17. <https://doi.org/10.1016/j.chiabu.2022.105829>
- Widyawati, A., Adhari, A., Masyhar, A., Syahputra, B. D., & Purnomo, D. (2025). Dynamics of the Penitentiary System, Transparent, and Accountable Handling of Criminal Cases in Criminal Execution Law in Southeast Asia: Convergence and Divergence of International Perspectives. *Indonesia Law Review*, 15(1), 17. <https://doi.org/https://doi.org/10.15742/ilrev.v15n1.1>
- Widyawati, A., Arifin, R., Aisy, R., Abidah, S. Q., & Setyanto, H. (2024). Supervision in Integrated Justice: Legal Reform and Constructive Enforcement in the Criminal Justice System. *Journal of Law and Legal Reform*, 5(2), 444. <https://doi.org/10.15294/jllr.vol5i2.3886>
- Widyawati, A., Latifiani, D., Rahmasari, H., & Adhari, A. (2024). Optimizing Oversight: Developing an Ideal Framework for Supervision Prisoners’ Right Allocation. *Indonesia Journal of Criminal Law Studies*, 9(2), 189. <https://doi.org/https://doi.org/10.15294/ijcls.v9i2>
- Widyawati, A., Maskur, M. A., Aisy, R., Teeraphan, P., & Setyanto, H. (2025). The Urgency of Supervision Institutions in Implementing Prisoners’ Rights as an Effort to Restructure Criminal Execution Laws. *Jambura Law Review*, 7(01), 139. <https://doi.org/http://dx.doi.org/10.33756/jlr.v7i1.27595>