

Criminal Violence Among Prisoners from a Human Rights Perspective under Law No. 22/2022

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Abstract

Violence among prisoners remains a significant challenge in correctional institutions and raises serious concerns regarding the protection of human rights within custodial environments. Although Indonesia has enacted Law No. 22 of 2022 concerning Corrections to strengthen the protection of prisoners' rights, incidents of inmate violence continue to reveal gaps between normative legal guarantees and practical implementation. This study examines how the Indonesian correctional legal framework regulates prisoners' rights and evaluates the effectiveness of existing legal mechanisms in preventing violence within correctional institutions. The research employs a qualitative normative (doctrinal) legal approach through the analysis of constitutional provisions, statutory regulations, international human rights instruments, and legal doctrines governing correctional administration and prisoners' rights. The findings indicate that Indonesian correctional law has incorporated human rights principles consistent with international standards, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Nelson Mandela Rules. However, several regulatory limitations persist, particularly the absence of detailed operational standards under Law No. 22 of 2022 and its implementing regulations, inadequate provisions concerning risk-based inmate classification, conflict prevention mechanisms, institutional accountability, and weak coordination among supervisory institutions. These shortcomings limit the effective implementation of human rights protection in correctional practice. Strengthening prisoners' rights protection therefore requires doctrinal and institutional reforms through clearer derivative regulations, stronger accountability frameworks, and enhanced coordination among oversight bodies. Such reforms would improve institutional security while ensuring that correctional institutions protect human dignity and uphold prisoners' fundamental rights.

Keywords: *Correctional Law, Prisoner Violence, Human Rights Protection, Prison Governance, Institutional Accountability*

INTRODUCTION

Criminal violence refers to acts of violence that occur in the context of criminalized activities or within the framework of law enforcement, which can have an impact on the safety, health, and human rights of individuals (Sufa et al., 2025). Violence among prisoners remains a serious problem in correctional institutions in various countries, including Indonesia. In principle, correctional institutions not only serve as places for the execution of sentences, but also as institutions that have a responsibility to provide guidance, rehabilitation, social reintegration, and guarantee the protection of human rights for everyone serving a sentence (Sánchez de Ribera et al., 2025). However, in practice, correctional institutions often become spaces that are prone to various forms of violence, intimidation, and inhumane treatment among inmates. These conditions raise serious questions about the extent to which the state is able to guarantee the safety, security, and dignity of prisoners while they are serving their sentences (Esposito et al., 2024).

Human rights are described as fundamental principles that place human dignity as the primary value in legal systems and public policy. Human rights serve as a normative framework that regulates the relationship between the state, society, and individuals, and ensures that everyone receives legal protection against discriminatory acts, violence, and abuse of power (Farida et al., 2025). From the perspective of international human rights law, every person deprived of their liberty retains fundamental rights that must be respected and protected by the

state. International instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) affirm the state's obligation to protect prisoners from violence, torture, and treatment that degrades human dignity (Nyoni, 2020). These principles affirm that the state has a positive obligation to ensure that conditions in correctional institutions do not pose a threat to the safety and physical integrity of prisoners (Gadama et al., 2020).

Research by Land () explains that rights are often distinguished into moral rights and legal rights. Moral rights are universal and do not depend on formal recognition by the state, while legal rights obtain binding force through codification in the legal system. Human rights essentially combine these two dimensions, namely universal moral force and enforcement mechanisms through the legal system. In terms of normative structure, rights can also be distinguished between claim rights and freedom rights. Claim rights impose an obligation on other parties to fulfill or protect those rights, such as the right to education, which requires the state to provide educational services. Conversely, freedom rights provide protection against interference by other parties, such as freedom of expression, which protects individuals from unlawful restrictions. Historically, human rights have also often been classified into several generations. The first generation includes civil and political rights, the second generation includes economic, social, and cultural rights, while the third generation relates to collective rights such as the right to development and a healthy environment.

In Indonesia, the correctional system is regulated by Law Number 22 of 2022 concerning Corrections, which replaces Law Number 12 of 1995. This law introduces a more comprehensive approach to correctional management by emphasizing the principles of respect for human dignity, the rehabilitation of prisoners, and the protection of human rights. Normatively, the law stipulates that the implementation of correctional services must guarantee humane treatment of prisoners and ensure that correctional institutions do not become places where violence or degrading treatment occurs.

The theory of legal protection explains how the legal system protects human dignity, individual rights, and the legal interests of society through mechanisms established by the state. Through this framework, the law serves to maintain a balance between individual and public interests by applying preventive and law enforcement instruments. This approach aims to create legal certainty and justice by recognizing individual rights while providing legal authority that enables the protection of vulnerable parties in the social structure (Hostovsky Brandes, 2020).

Within its conceptual framework, legal protection serves to integrate and coordinate various interests that often conflict with each other in society. Fitzgerald explains that the law limits certain interests in order to protect others, thereby achieving a fair social balance. Thus, legal protection guarantees the rights and obligations of citizens while preventing arbitrary actions by those in power. The main elements of legal protection include guarantees from the government, clear legal certainty, recognition of citizens' rights, and the application of sanctions for any form of violation of the law (Hostovsky Brandes, 2020).

However, various reports and news stories still show that there is violence between prisoners in correctional institutions in Indonesia. This violence can take the form of beatings, intimidation, extortion, control of residential blocks by certain groups, and various forms of social pressure that place other prisoners in vulnerable conditions. This phenomenon indicates structural weaknesses in the supervision system, security management, and inmate protection mechanisms within correctional institutions. In addition, overcapacity, limited staff resources, and weak internal control systems often exacerbate the potential for violence among inmates.

This situation creates a gap between the normative guarantees stipulated in Law No. 22 of 2022 and the reality of its implementation in the field. From a legal perspective, violence among inmates can be understood not only as individual criminal acts, but also as reflecting the

state's failure to fulfill its obligation to protect the human rights of individuals under its supervision. Therefore, a doctrinal legal analysis is needed to examine how the legal framework for correctional institutions in Indonesia regulates the protection of prisoners from acts of violence and the extent to which the law provides adequate mechanisms to prevent violence in correctional institutions.

In modern penology studies, various theories of punishment have developed to explain the purpose and function of punishment in the criminal justice system. The theory of retribution views punishment as proportionate to the offense committed so as to restore moral balance in society. This approach places justice as the main objective of punishment. The theory of deterrence emphasizes that punishment must be able to prevent future crimes by creating a deterrent effect, both for society in general and for the perpetrator individually. The theory of incapacitation focuses on protecting society by limiting the freedom of criminals through detention or imprisonment so that they cannot commit crimes while serving their sentences. Meanwhile, the theory of rehabilitation emphasizes the importance of addressing the factors that cause crime, such as addiction, trauma, or limited skills, through education, therapy, and job training programs. This approach aims to prepare prisoners to return to society as individuals who are able to live productive lives and not repeat their crimes (Petrich et al., 2021).

The theory of *the rule of law* asserts that the exercise of governmental power must be limited by clear legal rules that are known to the public and applied consistently to everyone without exception. This principle aims to prevent the arbitrary use of power and ensure justice for all citizens. Within this framework, the law serves to balance the authority of the state with effective accountability mechanisms, so that every government action must be subject to the principle of legality and the oversight of an independent judiciary.

In practice, the principle of *the rule of law* is manifested through several fundamental elements in the modern legal system. The law must be accessible to the public, have certainty and consistency, and be clearly formulated so that its application can be predicted. This principle also demands equality before the law without exceptions for certain groups. In addition, a constitutional state system requires the separation of powers between the legislative, executive, and judicial branches to prevent excessive concentration of power. The independence of the judiciary is an important element in ensuring a fair adjudication process that is not influenced by political pressure. In the procedural dimension, the principle of *the rule of law* asserts that a person cannot be punished based on retroactive rules or through the discretion of power that exceeds the law. Meanwhile, in the substantive dimension, this principle also emphasizes the protection of fundamental human rights as part of a fair and democratic legal system.

Through this approach, this study seeks to examine in depth the relationship between the correctional system, state responsibility, and the protection of human rights in the context of violence among prisoners. This analysis is important for assessing the effectiveness of existing legal norms and for formulating legal recommendations that can strengthen the protection of prisoners in the correctional system in Indonesia.

Violence among prisoners in Indonesian correctional institutions is a legal issue directly related to the protection of human rights. Although the Indonesian correctional system has normatively recognized the protection of prisoners' rights through Law No. 22 of 2022 on Corrections, various incidents of violence that have occurred in correctional institutions show that this protection has not been fully realized in practice.

Various forms of violence such as beatings, intimidation, extortion, and domination by certain groups within correctional institutions indicate a potential failure of the system to guarantee the safety of prisoners. This situation is a serious concern because prisoners are under the direct supervision of the state while serving their sentences. Thus, the state has a legal responsibility to ensure that every prisoner is protected from threats of violence and inhumane treatment.

The enactment of Law No. 22 of 2022 aims to strengthen the correctional system by emphasizing the principles of guidance, respect for human dignity, and protection of prisoners' rights. However, the existence of legal norms does not automatically guarantee effective protection if these provisions are not accompanied by adequate prevention, supervision, and accountability mechanisms. Therefore, the continuing occurrence of violence among prisoners raises questions about the extent to which the existing legal framework is capable of providing effective protection for prisoners.

From a doctrinal legal perspective, there are several important issues that need to be examined. First, how does correctional law in Indonesia interpret the state's responsibility in preventing violence among prisoners? Second, do the provisions contained in Law Number 22 of 2022 regulate adequate protection mechanisms for prisoners from acts of violence? Third, are there normative weaknesses in correctional regulations that have the potential to cause violence in correctional institutions?

These issues highlight the importance of a comprehensive legal analysis of the correctional legal framework in Indonesia, particularly in relation to the protection of human rights. Without an in-depth legal study, it is difficult to assess whether the existing regulations have been able to overcome the problem of violence among prisoners or whether there are still normative loopholes that need to be addressed through legal reform.

According to research by Permatasari et al (2026), this study poses several research questions: How does Law No. 22 of 2022 on Corrections regulate the protection of human rights for prisoners in Indonesian correctional institutions? What are the normative obligations of the state in preventing violence among prisoners based on correctional law and international human rights standards? What are the gaps, inconsistencies, or normative weaknesses in Law Number 22 of 2022 and related regulations in preventing violence among prisoners? What doctrinal legal recommendations can be formulated to strengthen the protection of human rights in the correctional system in Indonesia? These questions are particularly relevant considering that correctional law requires the state to ensure the protection of prisoners' fundamental rights and personal security in accordance with human rights principles and international standards governing the treatment of prisoners.

According to research by Paikah (2023), this study aims to conduct a doctrinal legal analysis of violence among prisoners in Indonesian correctional institutions from a human rights protection perspective. Specifically, the purpose of this study is to analyze the legal framework governing the protection of human rights for prisoners based on Law Number 22 of 2022 concerning Corrections. It examines the normative obligations of the state in preventing violence in correctional institutions. It identifies gaps, inconsistencies, or weaknesses in Law Number 22 of 2022 and related regulations concerning violence among inmates. It formulates doctrinal legal recommendations to strengthen the protection of human rights in correctional institutions. This objective is consistent with contemporary correctional law scholarship emphasizing that the state remains responsible for guaranteeing prisoners' rights, safety, dignity, health, and protection from violence throughout the period of incarceration (Gupta, 2025).

Based on UNICRI (2024), this research is expected to contribute to the development of legal studies, particularly in the field of correctional law and human rights protection. Theoretically, this research can enrich the academic discourse on the relationship between the correctional system, state responsibility, and the protection of human rights for individuals whose freedom has been deprived. Through an analysis of Law No. 22 of 2022 from a human rights perspective, this research provides a deeper understanding of how correctional law norms should be implemented to protect prisoners. Such a contribution is important because contemporary human rights scholarship increasingly recognizes that imprisonment does not eliminate an individual's inherent dignity and that correctional institutions remain legally bound to uphold human rights standards and ensure humane treatment.

According to research by Reuters (2024), in practical terms, the results of this study are expected to provide input for policymakers, law enforcement officials, and correctional facility managers in strengthening mechanisms to protect prisoners from acts of violence. The identification of weaknesses in regulations and the supervisory structure can form the basis for the formulation of more effective policies to prevent violence in correctional facilities. Recent studies have shown that weaknesses in supervision, staffing, accountability mechanisms, and institutional governance may increase the risk of violence and undermine the protection of prisoners' rights.

Based on Republic of Indonesia (2022), in addition, this research can also provide policy recommendations aimed at improving the quality of correctional governance in Indonesia. These recommendations include strengthening legal protection for prisoners, improving the correctional institution monitoring system, and integrating human rights principles into correctional operational standards. Thus, this study is expected to support the creation of a more humane and secure correctional system that is in line with human rights protection principles. This orientation is consistent with international correctional standards that require prison administrations to maintain safety, security, accountability, and respect for human dignity while preventing violence and other forms of ill-treatment within correctional institutions.

RESEARCH METHODS

This study employs a qualitative normative (doctrinal) legal research approach that analyzes legal norms, doctrines, and regulatory frameworks governing violence among prisoners and human rights protection in correctional institutions. Normative legal research examines legal principles, concepts, and the coherence of legal norms to assess whether the legal framework adequately protects prisoners' rights and ensures the state's responsibility in preventing violence in correctional institutions (Theil, 2025). The research design prioritizes doctrinal analysis of legal texts rather than empirical data, focusing on constitutional provisions, legislation, and international human rights instruments regulating correctional institutions, while evaluating the consistency between human rights principles and operational obligations within the Indonesian legal system (Poort & Jan Kortleve, 2020).

The study applies several analytical perspectives typical of doctrinal legal research, including legislative analysis, conceptual analysis of legal doctrines on prisoners' rights and state responsibility, comparative reasoning with international human rights standards, and interpretation of court decisions concerning correctional governance and prisoner violence. This approach aims to develop a systematic understanding of how legal norms regulate violence prevention and reflect the state's human rights obligations (Majeed et al., 2023).

Instead of empirical variables, the research identifies four main legal elements for analysis: (1) substantive human rights law derived from the 1945 Constitution of the Republic of Indonesia, Law No. 39 of 1999 on Human Rights, and Law No. 22 of 2022 on Corrections; (2) the institutional framework of correctional institutions and their responsibilities in ensuring security, supervision, and humane treatment; (3) normative compliance between legislative mandates and institutional implementation mechanisms; and (4) legal protection mechanisms within the correctional legal framework that require the state to prevent violence and safeguard prisoners' safety and dignity (Poort & Jan Kortleve, 2020).

The study relies on three categories of legal materials. Primary legal materials include constitutional provisions, legislation, government regulations, criminal law provisions, and court decisions relating to prisoners' rights and correctional administration. Secondary legal materials consist of scholarly literature, journal articles, legal commentaries, and analytical reports from institutions such as the National Human Rights Commission, the Ombudsman of the Republic of

Indonesia, and civil society organizations. Tertiary legal materials include legal dictionaries, encyclopedias, and indexes that clarify legal concepts and terminology (Theil, 2025).

Data analysis uses a doctrinal qualitative method through statutory interpretation, legal hermeneutics, conceptual analysis, systematic interpretation, and comparative analysis. These techniques examine the meaning, scope, and purpose of legal provisions, analyze key concepts such as human dignity, prisoners' rights, state responsibility, and institutional accountability, and assess normative consistency between correctional law and human rights law, including comparative perspectives from other jurisdictions (Poscher, 2020).

Because the study is normative, it does not involve human participants. The research population consists of all legal norms, regulatory frameworks, institutional guidelines, and judicial interpretations governing correctional administration and prisoners' rights. From this population, the study selects a focused legal corpus comprising relevant laws, legal doctrines, court decisions, and institutional guidelines, particularly those related to prisoners' rights, state obligations, violence prevention mechanisms, and reforms introduced by Law No. 22 of 2022 on Corrections to evaluate the adequacy of existing legal norms and formulate doctrinal recommendations for strengthening human rights protection in the Indonesian correctional system.

RESULTS AND DISCUSSION

Legal Recognition of Prisoners' Human Rights in Indonesian Correctional Law

An analysis of the legal framework for corrections in Indonesia shows that the recognition of prisoners' human rights has gained a relatively strong normative foundation in the national legal system. This recognition is primarily reflected in the 1945 Constitution of the Republic of Indonesia, Law No. 39 of 1999 on Human Rights, and Law No. 22 of 2022 on Corrections.

These three legal instruments form a normative foundation that affirms that individuals who have been deprived of their liberty still have fundamental rights that must be respected and protected by the state. Law No. 22 of 2022 explicitly states that the correctional system is organized based on the principles of respect for human dignity, the rehabilitation of prisoners, and the protection of human rights.

This norm reinforces the modern correctional paradigm, which no longer views correctional institutions solely as places to serve sentences, but rather as rehabilitation institutions that aim to prepare prisoners to return to society with dignity.

From an international human rights law perspective, this normative framework is also in line with the principles contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). These instruments affirm that the state has an obligation to ensure that every person deprived of their liberty continues to receive protection for their physical safety, personal integrity, and human dignity. These findings show that, normatively, Indonesian correctional law has integrated human rights principles into its regulatory structure.



Figure 1. Strengthening Correction Policy for Human Rights Protection

International human rights standards alone do not guarantee effective protection for prisoners if institutions fail to translate those standards into concrete operational practices. Governments must therefore transform the principles embedded in correctional legislation and international human rights instruments into clear and enforceable institutional procedures. Correctional authorities should formulate detailed Standard Operating Procedures that explicitly regulate the prevention of violence among prisoners. Institutions must also incorporate the standards articulated in the United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly known as the Nelson Mandela Rules, particularly those concerning prisoner classification, supervision of residential blocks, and the appropriate ratio between correctional officers and prisoners. Regular human rights training for correctional officers also plays a crucial role in institutionalizing the principle of human dignity, ensuring that human rights protection functions as a daily administrative practice rather than remaining a purely legal norm. Without clear operational procedures that guide institutional conduct, human rights principles will remain declarative commitments that lack effective implementation within correctional institutions (Mou, 2022).

An effective normative framework also requires a robust supervision and accountability system capable of ensuring that correctional institutions implement established standards consistently. Internal monitoring mechanisms alone often fail to guarantee objectivity because they may generate conflicts of interest and institutional bias. Authorities should therefore expand external oversight by granting broader monitoring access to institutions such as the National Human Rights Commission, the Ombudsman, and other independent supervisory bodies so that these entities can conduct routine inspections within correctional facilities.

Correctional institutions must also establish secure complaint mechanisms that allow prisoners to report incidents of violence without fear of retaliation or institutional reprisal. In addition, authorities should mandate the periodic publication of transparent reports that document institutional security conditions, the frequency of violent incidents, and disciplinary measures imposed on correctional officers who violate professional standards. Such mechanisms reflect the principle of state accountability in international human rights law, which requires governments not only to formulate legal norms but also to guarantee compliance with those norms through transparent oversight and enforceable accountability structures (Skeem & Mulvey, 2020).

Structural conditions within correctional institutions also contribute significantly to the persistence of violence and therefore require systematic reform. Many incidents of prisoner violence arise from structural deficiencies rather than solely from legal or regulatory shortcomings. Chronic overcrowding, limited staffing capacity, and ineffective prisoner management systems frequently create environments that increase the likelihood of conflict and

abuse. Governments should address these structural risks by implementing alternative sentencing policies designed to reduce prison overcrowding, including restorative justice mechanisms, probation systems, and other non-custodial sanctions for appropriate categories of offenses (Piza et al., 2024).

Correctional institutions should also implement risk-based prisoner classification systems that separate individuals with high-risk behavioral profiles from vulnerable prisoner groups in order to reduce opportunities for violence. At the same time, authorities must increase both the number and professional capacity of correctional officers so that institutions can supervise prisoner interactions more effectively and maintain stable security conditions. Without comprehensive structural reform that addresses these systemic factors, correctional systems will face substantial difficulties in consistently applying international human rights standards in everyday institutional practice (Piza et al., 2024).

State Obligations to Prevent Violence in Correctional Institutions

Research findings indicate that, from a human rights perspective, the state bears a positive normative obligation to prevent violence within correctional institutions. This obligation extends beyond the prohibition of torture or inhumane treatment committed by state officials and includes the responsibility to prevent acts of violence that occur between prisoners.

Human rights doctrine conceptualizes this principle as the positive obligation of the state, which requires governments to adopt reasonable and effective measures that safeguard individuals from threats to their fundamental rights. Within the correctional context, this obligation requires authorities to establish effective surveillance systems, implement risk-based prisoner classification, and develop institutional security mechanisms that prevent the domination or coercive control of particular prisoner groups within the correctional environment.

An examination of the Indonesian legal framework demonstrates that Law No. 22 of 2022 has formally recognized the principle of state responsibility. However, the statute articulates this principle in general terms and does not comprehensively define operational standards that regulate mechanisms for preventing violence among prisoners. This condition indicates the need to strengthen derivative regulations that can translate the state's normative obligations into concrete institutional practices aimed at ensuring the protection of prisoners within correctional facilities.



Figure 2. Strengthening Regulations to Safeguard Prisoners

The government must formulate derivative regulations that explicitly govern mechanisms for preventing violence within correctional institutions. These regulations may take the form of Government Regulations, Regulations of the Minister of Law and Human Rights, or operational technical guidelines that clearly articulate the state's obligations to protect prisoners. Effective regulatory frameworks should incorporate several essential operational elements. Authorities should establish risk-based classification standards that separate high-risk inmates from

vulnerable prisoner groups. Institutions must also define clear provisions regarding the ratio between correctional officers and inmates to ensure adequate supervision and control within correctional facilities. In addition, correctional authorities should implement comprehensive residential block security procedures, including routine patrol mechanisms and rapid response protocols designed to address conflicts between inmates. Through the development of detailed regulatory provisions, the legal system can convert abstract normative principles into operational guidelines that correctional institutions can implement consistently in practice (Beauregard, 2024).

The existence of detailed legal norms alone does not guarantee effective implementation without a monitoring system capable of ensuring institutional compliance. The state must therefore reinforce monitoring structures and accountability mechanisms within the correctional system. Authorities should grant regular inspection access to independent oversight bodies such as the National Human Rights Commission, the Ombudsman, and other correctional monitoring institutions so that these organizations can evaluate institutional practices objectively. Correctional institutions must also establish secure and confidential complaint mechanisms that enable prisoners to report incidents of violence without facing intimidation or retaliation. In addition, authorities should mandate the publication of periodic reports that document incidents of violence, overall prison security conditions, and disciplinary actions imposed on correctional officers who violate professional standards. Such measures strengthen the principle of state accountability within human rights law, which requires governments not only to establish legal norms but also to guarantee compliance with those norms through effective oversight mechanisms.

Efforts to prevent violence within correctional institutions cannot rely solely on regulatory frameworks because structural conditions frequently contribute to the emergence of conflict among prisoners. Overcrowding, limited staffing capacity, and ineffective prisoner management systems often create environments that facilitate violence and instability. Governments must therefore undertake structural reforms through targeted policy interventions. Authorities should reduce prison overcrowding by implementing alternative sentencing policies, including restorative justice mechanisms, conditional sentences, and other non-custodial sanctions for specific categories of offenses. Correctional institutions should also adopt risk-based inmate management systems that consider both behavioral risk profiles and rehabilitation needs in order to regulate interactions between prisoner groups more effectively. At the same time, the state must increase both the number and professional capacity of correctional officers through recruitment initiatives and specialized training programs in conflict management and human rights protection. These reforms will strengthen institutional capacity and create conditions that enable correctional institutions to maintain order while safeguarding the rights and dignity of prisoners (Brunton-Smith et al., 2024).

Normative Gaps in the Prevention of Prisoner-to-Prisoner Violence

The analysis indicates that, although Law No. 22 of 2022 incorporates the principle of human rights protection within the correctional system, several normative gaps remain that may undermine the effectiveness of safeguarding prisoners from violence. The current legal framework formally acknowledges the protection of prisoners' rights but does not yet provide sufficiently detailed regulatory mechanisms that ensure comprehensive institutional implementation.

One significant limitation concerns the absence of explicit provisions governing mechanisms for preventing violence among prisoners. While the law emphasizes general principles related to the protection of prisoners' rights, it does not specify operational standards for risk-based prisoner classification, procedures for the early detection of potential conflicts among inmates, or clear institutional intervention protocols for managing situations of conflict within correctional facilities.

Another regulatory shortcoming concerns the scope of institutional responsibility when violence occurs within correctional institutions. Existing legal provisions do not adequately define the standards of administrative and legal accountability that should apply when correctional authorities fail to prevent violence among prisoners. This lack of clarity may weaken the enforcement of institutional responsibility and reduce the effectiveness of legal protection mechanisms.

A further normative deficiency relates to the coordination framework among institutions responsible for supervising the correctional system. Although oversight bodies such as the National Human Rights Commission and the Ombudsman of the Republic of Indonesia possess authority to monitor public services, the existing coordination mechanisms for supervising correctional institutions remain insufficiently structured. Strengthening inter-institutional coordination would enhance oversight capacity and improve the effectiveness of efforts to protect prisoners' rights within the correctional system.



Figure 3. Policy and Institutional Mechanisms for the Protection of Prisoners in Correctional Systems

The government must develop derivative regulations that explicitly regulate mechanisms for preventing violence among prisoners within correctional institutions. Although Law No. 22 of 2022 incorporates the principle of human rights protection in the correctional system, its provisions remain largely principled and require more detailed operational standards to ensure effective institutional implementation. These regulatory instruments should establish comprehensive procedures that include risk-based inmate classification systems designed to separate prisoners according to their potential for violent behavior, mechanisms for the early identification of emerging conflicts among inmates, and clearly defined institutional intervention protocols for addressing conflict situations when they arise. Correctional institutions must also implement systematic internal monitoring mechanisms that support preventive governance. Such mechanisms should involve periodic evaluations of inmate group dynamics and the use of behavioral risk indicators to identify patterns that may signal potential violence. Clearly articulated operational standards will enable correctional officers to respond promptly and consistently, thereby reducing the likelihood of conflict escalation within correctional environments (Russell, 2024).

The state must also clarify the framework of institutional responsibility in situations where violence occurs between prisoners. Regulatory instruments should define explicit standards of administrative and legal accountability applicable to correctional institutions that fail to prevent such incidents. These provisions must specify indicators of institutional failure, including inadequate supervision, the disregard of reported conflicts, or the violation of established security procedures. In addition, the regulatory framework should incorporate mechanisms for institutional performance evaluation that directly connect prison security

outcomes and prisoner protection standards with managerial accountability. Within such a system, correctional officials who demonstrate negligence in fulfilling their protective responsibilities may be subject to administrative sanctions and disciplinary actions. The establishment of this accountability framework reinforces the principle of state responsibility in human rights governance, which requires governments to ensure that institutions operating under their authority effectively uphold and protect fundamental rights (Brunton-Smith et al., 2024).

Effective protection of prisoners' rights also requires stronger coordination among external supervisory institutions responsible for overseeing the correctional system. The government should therefore establish structured coordination mechanisms that facilitate cooperation between supervisory bodies such as the National Human Rights Commission, the Ombudsman of the Republic of Indonesia, and other relevant correctional oversight institutions. Authorities can operationalize such coordination through the creation of joint oversight forums, the development of integrated data exchange systems concerning prison conditions, and the establishment of coordinated response mechanisms for addressing reports of prisoner rights violations. In parallel, the state should develop an integrated monitoring system that allows supervisory institutions to access reliable information regarding prison security conditions, the frequency of violent incidents, and the corrective actions implemented by correctional authorities. Strengthened coordination among supervisory institutions will enhance the effectiveness of external oversight while reinforcing the understanding that the protection of prisoners' rights constitutes a collective responsibility within the broader framework of state supervision (Hamizi, 2025).

The findings of this study indicate that strengthening the protection of prisoners' rights requires both doctrinal and institutional legal reforms. Doctrinal reform should focus on reinforcing legal norms that explicitly define the state's obligation to prevent violence among prisoners within correctional institutions.

Regulatory frameworks governing correctional administration must therefore provide clearer operational standards concerning inmate classification systems, institutional security monitoring mechanisms, and procedural guidelines for managing conflicts within correctional facilities. More precise regulatory provisions in these areas will ensure that the principle of human rights protection functions not merely as a declarative legal commitment but as a set of enforceable operational standards that guide correctional practice.

Legal reform must also enhance institutional accountability mechanisms in cases involving violations of prisoners' rights. Such reforms should include the establishment of independent investigative mechanisms to examine incidents of violence occurring within correctional institutions, as well as the strengthening of prisoners' access to effective and reliable complaint procedures capable of ensuring appropriate institutional responses.

Discussion

The findings show that Indonesian correctional law provides a relatively strong normative foundation for protecting prisoners' human rights through the 1945 Constitution of the Republic of Indonesia, Law No. 39 of 1999 on Human Rights, and Law No. 22 of 2022 on Corrections. These instruments affirm that prisoners remain legal subjects with fundamental rights, even though their liberty has been lawfully restricted (Republic of Indonesia, 2022). From the perspective of Human Rights Theory, imprisonment does not remove inherent human dignity, since rights to security, health, dignity, and protection from inhuman treatment remain attached to every person. Law No. 22 of 2022 also transforms the moral claim of human dignity into a positive legal obligation, confirming a shift from a punitive correctional model toward a more humanistic paradigm based on rehabilitation, guidance, and social reintegration.

This normative orientation is consistent with Penology and Correctional Theory, which rejects the idea of imprisonment as mere physical confinement and instead emphasizes

rehabilitation, behavioural change, and reintegration into society. However, this recognition will lose substantive meaning if correctional institutions remain unsafe, overcrowded, and vulnerable to prisoner-to-prisoner violence. The Indonesian framework is also aligned with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Nelson Mandela Rules, which require the state to protect the dignity, physical safety, and personal integrity of persons deprived of liberty. Yet, national and international legal recognition does not automatically ensure effective protection unless human rights norms are translated into clear institutional procedures, measurable standards, and enforceable accountability mechanisms (Mou, 2022).

The findings strengthen the relevance of Legal Protection Theory because legal protection requires not only formal recognition of rights, but also preventive and repressive mechanisms. In Hadjon's framework, preventive protection seeks to avoid violations before they occur, while repressive protection responds after violations happen. Law No. 22 of 2022 recognizes prisoners' rights normatively, but it does not yet provide detailed operational standards on prisoner classification, early conflict detection, officer-to-prisoner ratios, residential block supervision, or rapid response mechanisms. This creates a gap between legal recognition and institutional implementation. Consequently, the state's duty to prevent prisoner-to-prisoner violence should be understood as a positive human rights obligation. Prisoner violence cannot be reduced to a private conflict among inmates when it results from weak supervision, poor classification, ignored complaints, or institutional negligence.

The findings also show that Law No. 22 of 2022 recognizes state responsibility only in general terms and does not define detailed operational duties for preventing violence. From the perspective of Rule of Law Theory, this weakness affects legal certainty because legal norms must be clear, accessible, predictable, and consistently applied. Derivative regulations are therefore necessary to transform broad legal principles into enforceable institutional duties. These regulations may take the form of Government Regulations, Ministerial Regulations, or technical guidelines covering risk-based prisoner classification, separation of high-risk and vulnerable inmates, minimum supervision standards, residential block security, routine patrols, confidential complaint channels, and rapid response protocols. Such regulations would strengthen preventive legal protection and operationalize the state's human rights obligations within correctional institutions (Beauregard, 2024).

Institutional supervision and accountability also remain central to effective prisoner protection. Internal monitoring alone may be insufficient because correctional institutions may face conflicts of interest, institutional bias, or reluctance to disclose internal failures. External oversight by independent institutions such as the National Human Rights Commission, the Ombudsman, and other monitoring bodies is therefore necessary to ensure transparent, independent, and enforceable accountability (Skeem & Mulvey, 2020). Effective accountability also requires confidential, accessible, independent, and safe complaint mechanisms that allow prisoners to report violence, threats, intimidation, or negligence without fear of retaliation. Such mechanisms function as both preventive and repressive legal protection because they enable early intervention and provide remedies after violations occur.

Structural conditions also explain why violence persists despite formal legal norms. Overcrowding, limited staffing capacity, and ineffective prisoner management increase the risk of conflict, abuse, domination, and insecurity. This supports Penology and Correctional Theory, which views the prison environment as a major determinant of prisoner behaviour. Overcrowding weakens supervision, limits access to services, increases tension, and undermines rehabilitation. Alternative sentencing policies, including restorative justice, probation, conditional sentences, and other non-custodial sanctions, may reduce overcrowding and create more manageable correctional conditions, especially for offenses that can be handled through community-based sanctions (Piza et al., 2024). Risk-based inmate management is also necessary because prisoners

differ in behavioural risk, vulnerability, psychological condition, and rehabilitation needs. This approach supports both security and rehabilitation by reducing opportunities for violence and allowing interventions that match prisoner profiles (Brunton-Smith et al., 2024).

The normative gaps identified in this study also indicate that institutional responsibility remains insufficiently defined. Existing regulations do not clearly determine administrative or legal consequences when correctional authorities fail to prevent prisoner-to-prisoner violence. This weakens legal protection because it becomes difficult to distinguish unavoidable incidents from institutional negligence. The regulatory framework should therefore establish indicators of institutional failure, including failure to classify prisoners by risk, failure to separate vulnerable inmates from high-risk inmates, failure to conduct regular patrols, failure to respond to reported threats, and failure to document violent incidents. These failures should be connected to administrative sanctions, disciplinary procedures, and institutional performance evaluation to prevent human rights protection from becoming merely symbolic (Brunton-Smith et al., 2024).

Weak coordination among supervisory institutions also affects the effectiveness of prisoner protection. Although the National Human Rights Commission and the Ombudsman have authority to monitor human rights and public service issues, correctional supervision remains insufficiently coordinated. Fragmented monitoring may create overlapping authority, inconsistent data, and delayed responses. Structured coordination through joint oversight forums, integrated data systems, coordinated inspections, and shared reporting procedures would improve transparency and strengthen external oversight. An integrated monitoring system would also allow supervisory bodies to access reliable information on prison security, violent incidents, complaint handling, and corrective actions, reinforcing the idea that prisoner protection is part of broader state accountability in human rights governance (Hamizi, 2025).

Overall, Law No. 22 of 2022 provides a meaningful normative basis for protecting prisoners' human rights, but this recognition remains incomplete without derivative regulations, preventive mechanisms, institutional accountability, external oversight, and structural reform. The findings show that prisoner protection requires the integration of Human Rights Theory, Legal Protection Theory, Penology and Correctional Theory, and Rule of Law Theory. Human Rights Theory explains why prisoners remain entitled to dignity and security, Legal Protection Theory explains the need for preventive and repressive mechanisms, Penology and Correctional Theory explains why safe and humane institutions are necessary for rehabilitation, and Rule of Law Theory explains the importance of legal certainty, accountability, and enforceable standards. Therefore, prisoner protection should not be understood merely as legal recognition, but as a combination of normative clarity, institutional capacity, structural reform, and accountability that translates human rights principles into daily correctional practice.

CONCLUSION

This study confirms that violence among prisoners represents a major challenge in the administration of correctional institutions and raises critical concerns regarding the protection of human rights within custodial environments. International human rights law establishes that the state bears a positive obligation to safeguard individuals deprived of liberty from violence, intimidation, and any treatment that compromises human dignity. Global human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Standard Minimum Rules for the Treatment of Prisoners, affirm that the state must actively ensure the safety and physical integrity of prisoners during the period of incarceration.

The analysis further indicates that the Indonesian legal framework governing corrections, particularly Law No. 22 of 2022 concerning Corrections, has incorporated the principle of human rights protection within the structure of correctional administration. At the normative level, the legislation reflects the state's commitment to safeguarding prisoners' rights and demonstrates consistency with internationally recognized human rights standards. Nevertheless, the findings reveal that the existing regulatory framework still contains several normative shortcomings that may limit the effective implementation of prisoner protection within correctional institutions.

One major limitation lies in the absence of detailed regulatory provisions governing operational mechanisms designed to prevent violence among prisoners. Although the legislation recognizes the general principle of protecting prisoners' rights, it does not sufficiently regulate essential operational standards such as risk-based inmate classification, early detection systems for potential conflicts among inmates, and institutional procedures for responding to violent incidents within correctional facilities. Another limitation concerns the lack of clearly defined standards of institutional responsibility when violence occurs inside correctional institutions. Existing regulations do not comprehensively specify the administrative and legal accountability of correctional authorities in circumstances where institutional negligence contributes to violent incidents. A further concern relates to the relatively weak coordination among institutions responsible for supervising and monitoring the correctional system.

These findings indicate that strengthening the protection of prisoners' rights requires both doctrinal and institutional reforms within the correctional system. The state should formulate more detailed derivative regulations that translate human rights principles into concrete operational practices, including standardized inmate classification mechanisms, effective monitoring systems, and clearly defined procedures for conflict prevention and management. The legal framework must also reinforce accountability mechanisms by clarifying the responsibilities of correctional institutions and by establishing effective monitoring and complaint systems capable of addressing violations of prisoners' rights. In addition, stronger coordination among supervisory institutions, including the National Human Rights Commission and the Ombudsman, is necessary to improve the effectiveness of external oversight over correctional institutions. The implementation of these reforms would enable the correctional system to better achieve its fundamental objectives by ensuring the protection of human rights, strengthening institutional security, and supporting the rehabilitation and social reintegration of prisoners.

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