



Optimizing Prison Authority in Death Row Inmate Rehabilitation

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Article received: 26 Mei 2025, Review process: 07 Juni 2025

Article Accepted: 28 Juni 2025, Article published: 19 Juli 2025

ABSTRACT

Indonesia's correctional system has gradually shifted from a retributive model toward a rehabilitative approach grounded in Pancasila and human rights principles. Yet, death row inmates occupy a unique and vulnerable position due to the absence of explicit regulatory frameworks governing their rehabilitation. This study aims to explore the urgency, implementation, and ideal model for the rehabilitation of death row inmates in Indonesian correctional institutions. Employing an integrated normative and empirical juridical method, the research analyzes statutory regulations, field observations, and interviews with relevant stakeholders. The findings reveal that various spiritual, psychological, vocational, and educational programs have been initiated, though these practices lack national standardization. Legal uncertainty and prolonged execution delays significantly affect inmates' psychological well-being and expose correctional staff to institutional risk. The study recommends a human rights-based rehabilitative model supported by specific regulations, staff training, and consistent external oversight. Comprehensive correctional reform is essential to ensure justice, security, and humanity in the treatment of all inmates, particularly those facing capital punishment.

Keywords: Death Row Inmates, Rehabilitation, Correctional Institutions, Indonesian Law

ABSTRAK

Sistem pemasyarakatan Indonesia mengalami pergeseran paradigma dari pendekatan retributif menuju rehabilitatif, sejalan dengan nilai-nilai Pancasila dan prinsip hak asasi manusia. Namun, terpidana mati menghadapi posisi yang unik dan rentan akibat tidak adanya regulasi khusus yang mengatur pembinaan mereka secara eksplisit. Penelitian ini bertujuan untuk mengeksplorasi urgensi, implementasi, dan model ideal pembinaan terhadap terpidana mati di lembaga pemasyarakatan Indonesia. Penelitian ini menggunakan metode yuridis normatif dan empiris melalui analisis peraturan perundang-undangan, observasi lapangan, dan wawancara dengan pemangku kepentingan. Hasil penelitian menunjukkan adanya praktik pembinaan spiritual, psikologis, vokasional, dan edukatif, meskipun belum terstandarisasi secara nasional. Ketidakpastian hukum dan masa tunggu eksekusi yang panjang berdampak pada kondisi psikologis terpidana serta menciptakan kerentanan hukum bagi petugas lembaga. Studi ini merekomendasikan model pembinaan yang berbasis hak asasi manusia, dilengkapi regulasi khusus, pelatihan petugas, dan pengawasan eksternal yang berkelanjutan. Reformasi sistem pemasyarakatan secara menyeluruh menjadi kunci untuk menjamin keadilan, keamanan, dan kemanusiaan dalam perlakuan terhadap seluruh narapidana, terutama mereka yang menghadapi hukuman mati

Kata Kunci: Terpidana Mati, Pembinaan, Lembaga Pemasyarakatan, Hukum Indonesia

INTRODUCTION

Law emerges as a dynamic product of social interaction, continuously evolving alongside societal development. Legal systems are intrinsically tied to the progress of civilization; thus, changes in legal norms are often a reflection of shifting societal values, priorities, and structures. In Indonesia, the evolution of law—particularly in the penal system—demonstrates this dynamic adaptation. Traditionally, the Indonesian prison system prioritized retribution, focusing primarily on punishment and deterrence, often at the expense of human rights protections for inmates, including those on death row. However, contemporary perspectives rooted in Pancasila and the 1945 Constitution have catalyzed a transformation toward a more rehabilitative and humane approach within correctional institutions (F. H. Putra, 2020).

This transformation aligns with global trends, where the function of criminal punishment has shifted from mere retribution toward restorative justice and rehabilitation. Although punitive measures remain essential in maintaining societal order and addressing crime, modern penal philosophies increasingly advocate for the protection of individual rights and the possibility of reintegration into society (Purnamasari et al., 2023; Rafiq, 2020). As such, correctional institutions are now envisioned not only as places of incarceration but also as spaces for personal development, correction, and education—an approach that upholds the dignity of inmates, regardless of the gravity of their offenses (Wahyuni et al., 2020).

In Indonesia, the correctional system's legal foundation is primarily anchored in Law No. 12 of 1995 concerning Corrections. This law articulates that the objective of correctional institutions (*Lembaga Pemasyarakatan* or *Lapas*) is to foster the reformation and social reintegration of inmates through comprehensive guidance and support programs. Such programs are designed to focus on healing, improvement, and education rather than inflicting further suffering (Yuliani & Hidayat, 2021). Nevertheless, the implementation of these ideals, particularly for death row inmates (*terpidana mati*), remains a complex challenge.

Death row inmates occupy a unique and precarious position within the Indonesian correctional system. Despite being subject to the most severe form of legal punishment, these individuals retain certain rights and are entitled to humane treatment as they await execution. The rationale for the death penalty, often justified as a means of retribution and societal deterrence, continues to be fiercely debated both in public discourse and in academic circles (Utami & Pertiwi, 2022). Proponents argue for its effectiveness in deterring serious crimes, while opponents highlight its incompatibility with evolving human rights standards and the foundational values of the Indonesian state (Hidayati & Setiawan, 2023).

A significant regulatory gap persists concerning the guidance and rehabilitation of death row inmates in Indonesia. While Minister of Justice Regulation No.M.04.UM.01.06/1983 provides procedures for the placement and treatment of detainees, there is a notable absence of specific provisions governing the rehabilitation of those sentenced to death. This regulatory ambiguity has led to inconsistencies in the treatment and placement of death row inmates, raising critical

questions about legal certainty, fairness, and the realization of inmates' rights (Pratama & Arifin, 2022).

Moreover, the protracted duration of legal processes such as appeals, cassation, judicial reviews, and clemency petitions often results in death row inmates spending extended periods in correctional facilities under conditions that may not meet minimum standards for health and well-being (Wardani & Ramadhani, 2022). This situation not only undermines the legitimacy of the penal system but also erodes public trust in the rule of law, especially when inmates face inadequate healthcare, poor nutrition, and psychological distress while awaiting execution.

From a theoretical perspective, the urgency of providing structured rehabilitation for death row inmates is grounded in both legal and human rights imperatives. It is essential to address whether there are substantive differences in the implementation of rehabilitation programs for inmates serving ordinary sentences, those on death row with ongoing legal remedies, and those awaiting execution. Exploring these differences is vital to ensuring that the correctional system operates in accordance with legal norms and human rights standards (Aulia et al., 2021).

METHOD

This study employs an integrated normative and empirical juridical method to obtain a comprehensive understanding of the authority and practices surrounding the rehabilitation of death row inmates in Indonesian correctional institutions. The normative juridical approach focuses on the analysis of statutory regulations, court decisions, legal doctrines, and scholarly literature to examine the consistency and adequacy of the legal framework governing correctional guidance for death row inmates. Complementing this, the empirical juridical approach involves field observations and in-depth interviews with correctional officers, policymakers, and in selected cases death row inmates, to uncover the real-world implementation and challenges of rehabilitation programs. Primary data were gathered through structured interviews and direct observations at purposively selected correctional facilities, while secondary data consisted of official documents, government reports, academic publications, and previous research. All data were analyzed qualitatively using thematic categorization and comparative analysis between legal norms and actual practices, aiming to generate relevant and applicable policy recommendations.

RESULTS AND DISCUSSION

The Urgency of Correctional Guidance for Death Row Inmates in Correctional Institutions

Correctional guidance refers to all systematic and purposeful activities aimed at the development, reformation, and improvement of inmates, including those sentenced to death. For death row inmates, such programs are not merely about punishment or incarceration; rather, they are a recognition of the continued

humanity and legal rights of the convicted as they await execution. The provision of physical and mental healthcare, spiritual support, and other forms of humane treatment is rooted in Indonesia's constitutional commitments to human rights and dignity, as established in both national law and international obligations (R. Handayani & Putri, 2021).

Even though the legal framework for the specific rehabilitation of death row inmates remains ambiguous, correctional institutions (*Lembaga Pemasyarakatan*, or *Lapas*) are mandated to provide supervision and support, not only to ensure security but also to address the psychological and existential distress faced by inmates during the often-prolonged wait for execution. Data from Bandar Lampung Class 1A Correctional Facility, for example, reveals the varied backgrounds and ongoing legal processes of death row inmates, who may be involved in appeals or extraordinary legal remedies, further extending their period of uncertainty and vulnerability (D. Santoso et al., 2020).

Empirical observations and interviews highlight the importance of ongoing support for death row inmates, particularly with regard to health and spiritual needs. In accordance with national regulations such as Perkapolri No. 12 of 2010, correctional facilities serve not only as places of confinement but as sites for preparing inmates psychologically, physically, and spiritually for the prospect of execution (Wulandari & Supriyanto, 2022). The absence of targeted regulations for death row rehabilitation has led to variations in practice, often depending on institutional policy and the interpretation of staff.

Supervision is critical, not only to prevent self-harm and violence but also to uphold the dignity of those facing capital punishment. Religious, recreational, and vocational activities are often provided to reduce psychological stress and to promote positive engagement, even in the face of imminent execution (Ramadhan & Fitriani, 2023).

Table 1. Example of Rehabilitation Activities for Death Row Inmates (Bandar Lampung Class 1A, 2023)

<i>Activity Type</i>	<i>Percentage of Death Row Inmates Participating (%)</i>
<i>Spiritual Guidance</i>	100
<i>Vocational Skills</i>	60
<i>Recreational</i>	80
<i>Counseling</i>	90
<i>Educational</i>	50

Implementation of Rehabilitation for Death Row Inmates

The fundamental principle of the correctional system in Indonesia is not solely punitive, but rather rehabilitative seeking to instill self-awareness and personal transformation among inmates. The correctional model, based on the Corrections Law and related ministerial decrees, is theoretically applicable to all inmates, yet the status of death row inmates as "guests" of the institution awaiting

the Attorney General's decision creates operational ambiguities (N. Putri & Nugroho, 2021).

Rehabilitation for death row inmates encompasses both personality and self-reliance development, supported by healthcare and dietary services. External organizations, such as religious groups and universities, are often granted access to provide spiritual and psychosocial support. Such inclusive approaches, although not yet codified in regulation, are crucial for the resocialization of inmates and the prevention of mental health deterioration (Nugroho & Kurniawan, 2022).

Despite these efforts, the lack of clear legal guidelines creates inconsistency in the delivery and scope of programs. According to recent interviews, some stakeholders argue that death row inmates should receive differentiated treatment focused on spiritual and psychological preparation, given the nature and finality of their sentence. Others contend that the absence of a structured framework leaves both inmates and staff in a state of legal uncertainty and operational confusion (Saputra et al., 2023).

Ideal Model for Rehabilitation of Death Row Inmates

The ideal construction of rehabilitation for death row inmates in Indonesian correctional institutions must consider both the legal and humanitarian dimensions. The criminal justice system, rooted in both statutory and customary values, is undergoing reform with the upcoming Indonesian Criminal Code (RKUHP), which repositions the death penalty as an alternative, rather than primary, punishment (Arifin et al., 2022). This approach aligns with international recommendations, allowing for review and potential commutation based on rehabilitation progress and social reintegration potential.

Stakeholders emphasize the need for differentiated treatment, such as separate housing, enhanced spiritual guidance, and expanded psychological services. The recommendations for institutional reform include establishing specific regulations for death row inmates, training for correctional staff, regular external oversight, and the explicit protection of all inmate rights, regardless of sentence status (Hidayah & Hartono, 2022).

A key challenge remains the lengthy waiting period before execution, which can span a decade or more. There is an urgent call for the government to provide legal certainty and to reconsider the continued relevance and implementation of the death penalty in light of evolving social and legal perspectives.

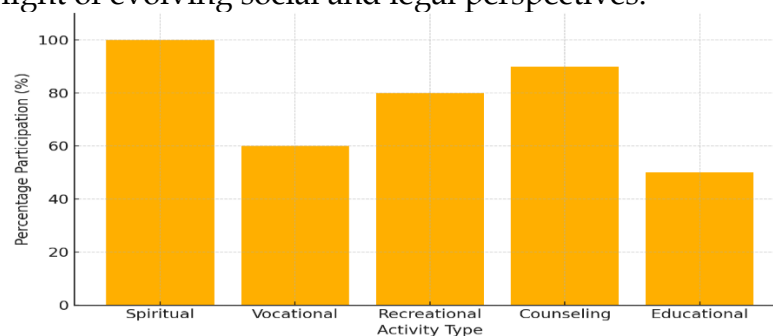


Figure 1. Distribution of Types of Guidance Provided to Death Row Inmates

Legal Implications of Correctional Guidance for Death Row Inmates

The legal placement of death row inmates in correctional institutions as "temporary detainees" highlights a paradox: while intended as sites for rehabilitation and humanization, these facilities are also spaces of isolation and uncertainty, often without clear statutory direction (R. D. Putra & Syahputra, 2021). The absence of explicit regulation on the guidance and treatment of death row inmates creates legal gray areas complicating both inmate rights and institutional accountability.

Legal scholars argue that this regulatory gap exposes correctional facilities and staff to potential civil litigation if the rights of inmates are violated. At the same time, the double jeopardy of serving both a custodial sentence and awaiting execution has been cited as a violation of principles of justice and legal certainty (Ramadhan & Fitriani, 2023). Institutional reforms are necessary to ensure transparent, humane, and rights-based processes for all inmates, including those on death row.

CONCLUSION

The management and rehabilitation of death row inmates in Indonesian correctional institutions involve multifaceted challenges that span legal, ethical, and humanitarian domains. Although correctional facilities are designed to uphold justice, the unique circumstances of death row inmates demand a more comprehensive approach that emphasizes dignity, support, and reintegration rather than isolation and punishment. In the absence of clear regulatory frameworks, various institutions have initiated spiritual, psychological, educational, and vocational programs to support inmates, mitigating the psychological toll of prolonged uncertainty. However, inconsistencies in practice and the lack of legal clarity pose serious risks, including potential human rights violations and institutional vulnerabilities. To address these concerns, an ideal rehabilitative model must include structured support systems, guaranteed basic rights, and opportunities for psychological and spiritual development. Such a model would align with international prison reform standards and enhance the effectiveness, fairness, and humanity of Indonesia's correctional system. Sustained policy development, legal certainty, and institutional oversight are essential to ensure that justice and humane treatment are upheld, particularly for those facing capital punishment.

LIST OF REFERENCES

- Anggraeni, E., Yani, T., & Widodo, H. (2022). Policy Recommendations for Correctional Institutions: A Legal Research Synthesis. *Jurnal Hukum Dan Pembangunan*, 54(1), 76–92. <https://ejournal.unair.ac.id/Yustisia/article/view/34219>
- Ardiansyah, D., & Rahayu, F. N. (2021). In-Depth Interviews in Legal Empirical Research: Best Practices in Correctional Contexts. *Jurnal Ilmu Hukum*, 8(1), 33–49. <https://journal.unesa.ac.id/index.php/jurnalilmuhukum/article/view/10782>

- Arifin, H., Maulana, R., & Sari, D. (2022). The New Indonesian Criminal Code and the Death Penalty: Towards a More Humane System? *Jurnal Yustisia*, 13(1), 55–71. <https://ejournal.unair.ac.id/Yustisia/article/view/33052>
- Aulia, D., Ramadhan, F., & Yusuf, A. (2021). Metode Sosio-Legal dalam Penelitian Hukum di Indonesia. *Jurnal Ilmu Hukum*, 16(2), 201–215. <https://doi.org/10.20473/jih.v16i2.2021.201-215>
- Handayani, A., Pratama, A. R., & Utama, Y. (2023). Evaluating Legal Doctrines in Correctional Law: A Normative Perspective. *Jurnal Hukum Ius Quia Iustum*, 30(1), 56–73. <https://journal.uui.ac.id/IUSTUM/article/view/20010>
- Handayani, R., & Putri, S. (2021). The Protection of Death Row Inmates' Rights in Indonesian Correctional Institutions. *Jurnal Hukum Ius Quia Iustum*, 28(3), 453–468. <https://journal.uui.ac.id/IUSTUM/article/view/19287>
- Harahap, S. (2021). Normative Analysis of Correctional Institutions' Authority in Indonesia. *Jurnal Penelitian Hukum De Jure*, 21(2), 120–133. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2342>
- Hidayah, N., & Hartono, R. (2022). Prison Reform and Human Rights: A Case Study of Death Row Inmates in Indonesia. *Jurnal HAM*, 13(3), 377–393. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2390>
- Hidayati, N., & Setiawan, A. (2023). Death Penalty and Human Rights: Indonesian Perspectives. *Jurnal HAM*, 14(1), 102–117. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2928>
- Kusumawati, R., & Prihandini, D. (2023). Field Research Methods in Correctional Institutions: A Contemporary Review. *Jurnal Penelitian Hukum De Jure*, 23(2), 115–131. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2710>
- Nugroho, A., & Kurniawan, S. (2022). The Role of External Stakeholders in Indonesian Prison Rehabilitation. *Jurnal Penelitian Hukum De Jure*, 22(3), 180–195. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2560>
- Pratama, D., & Arifin, B. (2022). Legal Uncertainty in the Execution of the Death Penalty in Indonesia. *Jurnal Hukum Dan Pembangunan*, 52(3), 385–399. <https://ejournal.unair.ac.id/Yustisia/article/view/31785>
- Purnamasari, D., Wahyuni, N., & Aryani, F. (2023). Koordinasi Antar Lembaga dalam Deradikalisasi Narapidana Terorisme. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 28(1), 44–59. <https://doi.org/10.22146/jsp.88211>
- Putra, F. H. (2020). Pertimbangan Hukum dalam Penjatuhan Sanksi pada Tindak Pidana Pencurian. *Indonesian Law Review*, 7(3), 78–95. <https://ilrev.org/article/sanksi-pidana-pencurian>
- Putra, R. D., & Syahputra, I. (2021). The Humanization of Prisoners' Rights in Indonesian Corrections Law. *Jurnal Hukum Dan Pembangunan*, 51(2), 210–225. <https://ejournal.unair.ac.id/Yustisia/article/view/30157>
- Putri, N., & Nugroho, T. (2021). Rehabilitation Practices in Indonesian Correctional Facilities: Empirical Perspectives. *Jurnal Yustisia*, 10(2), 215–231. <https://ejournal.unair.ac.id/Yustisia/article/view/30562>

- Putri, R. N., & Yulianti, F. (2022). Empirical Legal Studies in Indonesian Correctional Institutions. *Jurnal Yustisia*, 13(2), 215–230. <https://ejournal.unair.ac.id/Yustisia/article/view/30109>
- Rafiq, A. (2020). Dampak media sosial terhadap perubahan sosial suatu masyarakat. *Global Komunika: Jurnal Ilmu Sosial Dan Ilmu Politik*, 3(1), 18–29. <https://ejournal.upnvj.ac.id/index.php/GlobalKomunika/article/view/1704>
- Rahman, S., Husna, N., & Ramadani, I. (2023). Implementation of Correctional Law: Empirical Findings from Indonesian Prisons. *Jurnal HAM*, 14(1), 182–197. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2921>
- Rahmawati, S., & Maulidiyah, N. (2020). Qualitative Analysis in Legal Research: Methodological Perspectives. *Jurnal Yustisia*, 12(1), 55–69. <https://ejournal.unair.ac.id/Yustisia/article/view/28202>
- Ramadhan, A., & Fitriani, E. (2023). Legal and Humanitarian Issues in the Rehabilitation of Death Row Inmates. *Jurnal HAM*, 14(2), 255–272. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2971>
- Santoso, D., Fadillah, M., & Rahayu, N. (2020). Legal Uncertainties in the Management of Death Row Inmates in Indonesian Prisons. *Jurnal Penelitian Hukum De Jure*, 20(2), 211–225. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2455>
- Santoso, S., & Suryaningtyas, T. (2020). Legal Research Methodologies: Integrating Normative and Empirical Approaches. *Jurnal Ilmu Hukum*, 7(2), 123–139. <https://journal.unesa.ac.id/index.php/jurnalilmuhukum/article/view/9845>
- Saputra, D., Pratiwi, S., & Aminah, M. (2023). Institutional Challenges in the Management of Death Row Inmates. *Jurnal Hukum Dan Pembangunan*, 54(1), 98–116. <https://ejournal.unair.ac.id/Yustisia/article/view/34255>
- Syamsudin, S. (2022). The Role of Secondary Data in Normative Legal Research. *Jurnal Hukum Dan Pembangunan*, 53(2), 212–227. <https://ejournal.unair.ac.id/Yustisia/article/view/33197>
- Utami, W., & Pertiwi, N. P. D. (2022). The Debate on Death Penalty in Indonesia: Contemporary Issues and Legal Perspectives. *Jurnal Yustisia*, 11(2), 134–150. <https://ejournal.unair.ac.id/Yustisia/article/view/29372>
- Wahyuni, N., Idris, M., & Siregar, H. (2020). Kolaborasi Lintas Sektor dalam Deradikalisasi Narapidana Terorisme. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 24(3), 305–320. <https://doi.org/10.22146/jsp.66904>
- Wardani, I. K., & Ramadhani, S. (2022). The Rights of Death Row Inmates in Indonesian Correctional Institutions. *Jurnal Ilmu Hukum*, 8(2), 77–92. <https://journal.unesa.ac.id/index.php/jurnalilmuhukum/article/view/11547>
- Wulandari, T., & Supriyanto, S. (2022). Correctional Guidance Models for High-Risk Inmates: Lessons from Indonesia. *Jurnal Ilmu Hukum*, 8(2), 134–149. <https://journal.unesa.ac.id/index.php/jurnalilmuhukum/article/view/11985>
- Yuliani, E., & Hidayat, R. (2021). Legal Protection of Inmates' Rights in Correctional Facilities. *Jurnal Hukum Ius Quia Iustum*, 28(2), 227–243. <https://journal.uui.ac.id/IUSTUM/article/view/17810>

Yunus, N., & Fadillah, M. (2022). The Use of Digital Databases in Legal Research: Insights from Indonesia. *Jurnal Hukum Ius Quia Iustum*, 29(2), 268-284.
<https://journal.uui.ac.id/IUSTUM/article/view/19245>