


Type: Research Article

# Implementation of Restorative Justice as an Alternative to Overcome Prison Overcapacity at Bagan Siapi-api Prison

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## ABSTRACT

Prison overcapacity has become a structural issue within Indonesian correctional institutions, including Bagan Siapi-api prison. The excessive number of inmates affects institutional effectiveness, rehabilitation programs, and the protection of prisoners' rights. This study examines how restorative justice may function as an alternative legal mechanism to mitigate prison overcapacity in Bagan Siapi-api Prison. Employing normative and empirical juridical approaches, this research analyses both regulatory frameworks and their practical implementation. The findings demonstrate that restorative justice, particularly in cases involving minor offenses, contributes to reducing the influx of inmates into correctional facilities. Nevertheless, its application is not yet optimal due to regulatory constraints, limited institutional capacity, and the dominance of a retributive perspective among law enforcement authorities. Strengthening legal policies and institutional readiness is therefore necessary. Ultimately, restorative justice offers a sustainable approach that balances legal certainty, social restoration, and institutional efficiency.

## KEYWORDS

Restorative Justice; Prison Overcapacity; Correctional System; Criminal Law Policy; Bagan Siapi-api Prison



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## INTRODUCTION

Prison overcapacity remains a persistent structural problem within the Indonesian correctional system.<sup>1</sup> Bagan Siapi-api prison, as one of the correctional institutions under the Ministry of Law and Human Rights, experiences similar challenges. Excessive inmate populations significantly undermine the effectiveness of correctional services and negatively affect security, order, healthcare, and the protection of inmates' fundamental rights.<sup>2</sup> At the national level, prison overcapacity is primarily driven by the extensive reliance on custodial sentences, limited correctional infrastructure, and the insufficient use of non-custodial alternatives within the criminal justice system. A penal policy that remains predominantly imprisonment-oriented further exacerbates institutional overcrowding.<sup>3</sup>

Restorative justice offers an alternative framework by emphasizing dialogue between offenders and victims, voluntary agreements, and the restoration of harm without resorting to incarceration. In Indonesia, this approach has gradually become part of law enforcement policy, particularly through Police Regulation No. 8 of 2021 and policies issued by the Attorney General's Office concerning case settlement through restorative justice mechanisms.<sup>4</sup> The implementation of restorative justice at the stages of investigation, prosecution, and adjudication provides a significant opportunity to divert minor offenders from custodial sentences, thereby reducing the number of inmates entering correctional institutions.<sup>5</sup> In recent years, the institution has faced serious capacity issues due to high crime rates, the predominance of minor offenses, and judicial decisions that continue to favor imprisonment. Moreover, a retributive sentencing paradigm that prioritizes punishment over rehabilitation further intensifies institutional pressure.

National data indicate that many prisons and detention centers in Indonesia operate far beyond their intended capacity, often accommodating three to four times the ideal number of inmates.<sup>6</sup> Such conditions increase the risk of infectious diseases, limit effective supervision, heighten the potential for violence, and overburden correctional staff. These circumstances demonstrate the urgent need for legal reform and alternative sentencing policies to reduce reliance on imprisonment and to ensure the effective realization of correctional objectives.<sup>7</sup>

Restorative justice, as defined under Supreme Court Regulation No. 1 of 2024, constitutes a process that actively involves victims, offenders, their families, and

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<sup>1</sup> Jihan Humaira & Cupian, "Implementasi Program Corporate Social Responsibility dalam Mendukung Pencapaian Sustainable Development Goals (Studi Kasus Pada Program CSR PT Bio Farma Persero)" (2023) 3:3 J Ilmu Sos.

<sup>2</sup> Eko Purwanto, "Pengaruh Corporate Social Responsibility dalam Rangka Sustainable Development Goals terhadap Profitabilitas" (2023) 5:1 Econ Prof Action E-Profit 46-52.

<sup>3</sup> Badan Keahlian DPR RI, *Prospek perekonomian nasional dan persiapan pelaksanaan keserentakan pemilu 2024 ditengah ketidakpastian global* (Badan Keahlian DPR RI, 2023).

<sup>4</sup> Aloisius Arizendy Nugraha, "Strategi Penyelesaian Masalah Over Kapasitas Lapas di Indonesia" (2025) 11:2 Law Res Rev Q, online: <<https://journal.unnes.ac.id/journals/snh/article/view/28141>>.

<sup>5</sup> Ahmad Sirad & Basyarudin, "Peran Restorative Justice dalam Pengurangan Overcrowding di Lembaga Masyarakat Kelas I Makassar" (2025) 1:1 Corpus Juris J Ilmu Huk.

<sup>6</sup> Haris Bin Riduan, "Pretrial Hearing in Indonesia (terjemah)", (2014).

<sup>7</sup> Gevan Naufal Wala & Hery Firmansyah, "Konsep restorative justice untuk mengurangi over capacity pada perkara pidana" (2024) 12:2 J Kertha Semaya 247-254.



other relevant stakeholders in order to achieve restoration rather than mere retribution.<sup>8</sup> The regulation permits the application of restorative justice in cases involving minor offenses, limited material loss, or circumstances that allow for reconciliation between the parties.<sup>9</sup> By providing an alternative mechanism for dispute resolution, this approach reduces reliance on custodial punishment and contributes to lowering the number of inmates within correctional institutions and decreasing the likelihood of recidivism through dialogue and the restoration of social relationships.

Bagan siapi-api prison has experienced a severe level of overcapacity, accommodating approximately 980 inmates despite having an official capacity of only 98.<sup>10</sup> Such conditions have resulted in serious structural challenges, including inadequate sanitation, limited access to rehabilitation programs, and a significant decline in inmates' living standards.<sup>11</sup> Although the construction of a new and more modern correctional facility designed to comply with human rights standards is currently underway, infrastructure expansion alone cannot fully resolve the underlying systemic problem. In this context, the effective implementation of restorative justice may serve as a strategic and immediate legal response to reduce inmate populations without relying exclusively on physical development measures.<sup>12</sup>

Despite the increasing recognition of restorative justice within Indonesia's criminal justice framework, empirical analysis concerning its effectiveness in addressing prison overcapacity at the local institutional level remains limited. Most existing discussions focus on normative or national-level policy developments, with insufficient attention to specific correctional institutions experiencing extreme overcrowding. The situation at Bagan siapi-api prison, therefore, presents a critical case for examining whether restorative justice can function not merely as a theoretical alternative, but as a measurable and practical mechanism for reducing inmate populations. This issue is significant because persistent overcapacity directly undermines human rights protection, correctional objectives, and institutional sustainability. Accordingly, this study aims to analyze the implementation of restorative justice as a strategic response to prison overcapacity at Bagan Siapi-api Prison and to evaluate its potential effectiveness in supporting a more balanced and rehabilitative criminal justice policy.

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<sup>8</sup> Aditya Dwi Rahman & Ersi Sisdianto, "Peran Corporate Social Responsibility (CSR) dalam Mewujudkan Nilai-Nilai Pancasila di Dunia Bisnis" (2024) 1:4 J Ilm Ekon Manajemen, Bisnis dan Akunt.

<sup>9</sup> Deni Pramono et al, "Penyelesaian Tindak Pidana Ringan melalui Upaya Non-penal" (2023) 12:1 Legitimasi J Huk Pidana dan Polit Huk 68-87, online: <<https://jurnal.ar-raniry.ac.id/index.php/legitimasi/article/view/17966>>.

<sup>10</sup> Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (UNC Press Books, 2017).

<sup>11</sup> Jalaluddin, Syaibatul Hamdi & Dasmiyana, "Kewenangan Rumah Tahanan di Indonesia dalam Kebijakan Penanganan Kelebihan Kapasitas (Overcrowded)" (2024) 3:2 CONSTITUO J Ris Huk Kenegaraan dan Polit 138-147, online: <<https://garuda.kemdiktisaintek.go.id/documents/detail/4772966>>.

<sup>12</sup> Salsabila Ayu Pramita, "Penerapan Restorative Justice dalam Penologi Modern: Alternatif Pemidanaan di Era Reformasi Hukum" (2025) 2:2 J Kaji Huk dan Kebijak Publik 899-912.



## METHOD

This research employs a combined normative juridical and empirical juridical approach. The normative approach is used to examine statutory regulations and legal policies related to restorative justice and the correctional system in Indonesia. This includes the analysis of relevant laws, government regulations, and institutional policies governing the implementation of restorative justice mechanisms. The empirical approach is conducted to assess the practical implementation of restorative justice at Bagan Siapi-api Prison. The study is located at Bagan Siapi-api Prison, which currently experiences severe overcapacity conditions. Empirical data were collected through field research, including direct observation and semi-structured interviews with correctional officers, law enforcement officials, and inmates. The data sources consist of primary and secondary data. Primary data were obtained from interviews and field observations, while secondary data were derived from legislation, policy regulations, academic books, scientific journals, and prior research related to restorative justice and correctional management. Data were analyzed using qualitative analysis by integrating normative legal findings with empirical field data to produce a comprehensive understanding of the effectiveness of restorative justice in addressing prison overcapacity.

## RESULT & DISCUSSION

Field data obtained from Bagan Siapi-api Prison indicate that the institution has an official capacity of 90 inmates. However, at the time of the study, the total inmate population reached 1,220 individuals, reflecting an overcapacity rate of approximately 1,200%. This extreme disparity demonstrates a critical overcrowding condition and illustrates a structural imbalance within the correctional system, where institutional resources are no longer proportional to the number of individuals subjected to incarceration. The primary contributing factor to this condition is the high rate of custodial sentencing for minor offenses, including petty theft, minor assault, and narcotics use. Interviews with correctional officers confirm that approximately 50–60% of the inmate population consists of narcotics-related offenders, including both users and distributors.<sup>13</sup> This dominant case composition significantly contributes to excessive inmate intake and indicates that imprisonment remains the primary penal response, even for offenses that could potentially be addressed through non-custodial or rehabilitative measures.<sup>14</sup>

The consequences of overcrowding extend beyond numerical excess. Correctional officers reported that rehabilitation programs cannot be implemented optimally due to limited space, insufficient personnel, and inadequate supporting facilities. Excessive inmate density reduces effective supervision, increases the risk of internal conflict and disciplinary violations, and heightens vulnerability to the spread of infectious diseases. From a human rights perspective, these conditions

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<sup>13</sup> Eris Rivaldi Juliansyah, *Analisis Eektivitas pembinaan narapidana narkoba* Panca Budi University, 2021) [unpublished].

<sup>14</sup> Aryadi Almau Dudy, Suheflihusnaini Ashady & Ahwan, "Penegakan Hukum terhadap Tindak Pidana Narkotika Berdasarkan UU No. 35 Tahun 2009 dan Pedoman Jaksa Agung No. 11 Tahun 2021" (2026) 7:1 *Indones Berdaya* 279–290.



raise serious concerns regarding inmates' fundamental rights, particularly the right to humane treatment and adequate living standards.<sup>15</sup>

Within the Indonesian criminal justice system, restorative justice has gained formal legal recognition through Police Regulation No. 8 of 2021 and Attorney General Guideline No. 15 of 2020, as well as judicial decisions accepting reconciliation-based settlements.<sup>16</sup> These regulatory instruments provide discretionary authority for law enforcement officials to terminate criminal proceedings when restorative requirements are fulfilled. In principle, this mechanism allows minor offenders to be diverted from formal judicial processes, thereby preventing their entry into correctional institutions.

Empirical findings suggest that a significant portion of inmates in Bagan Siapi-api Prison originates from minor criminal cases that could potentially qualify for restorative settlement. Restorative justice offers several systemic advantages: it diverts minor offenders from formal prosecution, avoids custodial sentences that increase prison overcrowding, accelerates case resolution, reduces state expenditure, and provides more satisfactory outcomes for victims through compensation or reconciliation.<sup>17</sup>

However, implementation remains limited. Narcotics cases, particularly those involving distribution, are generally excluded from restorative mechanisms, except for users eligible for rehabilitation based on integrated assessment results. Structural constraints include limited understanding among law enforcement officials, reluctance to exercise discretionary authority in terminating cases, insufficient mediation facilities, and weak inter-agency coordination between police, prosecutors, courts, and correctional institutions. These limitations reflect the persistence of a retributive sentencing paradigm that prioritizes imprisonment over restorative alternatives.<sup>18</sup>

Sociologically, Bagan Siapi-api possesses communal traditions rooted in deliberation and reconciliation, which align with restorative justice principles. Community leaders, religious figures, and customary institutions could function as facilitators or guarantors in restorative processes, strengthening legitimacy at the grassroots level.<sup>19</sup> Operationally, restorative justice could be optimized at two critical stages: first, at the pre-adjudication stage through diversion mechanisms initiated by police and prosecutors; and second, at the correctional stage by integrating restorative-based rehabilitation programs, including mediation

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<sup>15</sup> I Nyoman Trisna Wahyu Raharja Meranggi, Komang Adi Sastra Wijaya & Gek Aris Veratiani, "Implementasi Fungsi Pengawasan dalam Perspektif Pemberdayaan Petugas di Lembaga Masyarakat Kelas IIA Kerobokan" (2025) 2:5 Socio-political Commun Policy Rev, online: <<https://ijespgjournal.org/index.php/shkr/article/view/280>>.

<sup>16</sup> Wulan Dwi Yulianti, "Upaya Menanggulangi Over Kapasitas Pada Lembaga Masyarakat di Indonesia" (2020) 18:2 Al-Qisthu J Kaji Ilmu-Ilmu Huk, online: <<https://ejournal.iainkerinci.ac.id/index.php/alqisthu/article/view/806>>.

<sup>17</sup> Muhammad Rif'an Baihaky & Muridah Isnawati, "Restorative Justice: Pemaknaan, Problematika, dan Penerapan yang Seyogianya" (2024) 8:2 Unes J Swara Justisia 276-289, online: <<https://swarajustisia.unespadang.ac.id/index.php/UJSJ/article/view/477>>.

<sup>18</sup> Muhammad Arafat, "Paradigma Pidana Baru dalam KUHP 2023: Alternatif Sanksi dan Transformasi Sistem Peradilan Pidana Indonesia" (2025) 2:1 J Ilmu Huk 33-46.

<sup>19</sup> Dayinta Hutabarat & Christian Samuel Pangaribuan, "Revitalisasi Hukum Adat melalui Pendekatan Restorative Justice terhadap Kriminalisasi Modern di Indonesia" (2025) 13:6 Causa J Huk Dan Kewarganegaraan 101-110.



participation as a positive indicator for parole or conditional release considerations.<sup>20</sup>

If implemented consistently and supported by broader diversion policies, restorative justice could reduce inmate inflow and gradually alleviate overcrowding. Its impact extends beyond numerical reduction: it may lower recidivism rates, decompress the criminal justice system, redirect institutional resources toward serious offenses, and generate tangible socio-economic benefits for victims and communities.<sup>21</sup> Nevertheless, successful implementation requires strategic mitigation of existing barriers. Cultural resistance rooted in positivistic legal traditions must be addressed through education and training. Institutional capacity must be strengthened through the development of mediation facilities and certified facilitators.<sup>22</sup> Victim protection must remain central, ensuring that restorative processes are voluntary and non-coercive. Finally, sustainable implementation depends on coordinated inter-agency collaboration supported by clear standard operating procedures and local policy frameworks.

Therefore, addressing prison overcapacity in Bagan Siapi-api requires more than infrastructural expansion. It demands a systemic shift in penal policy orientation from imprisonment-centered punishment toward proportional, rehabilitative, and restorative approaches. Restorative justice should not be perceived merely as a normative discourse, but as a strategic legal instrument capable of transforming the structural dynamics that produce chronic overcrowding within correctional institutions.

## CONCLUSION

This study demonstrates that prison overcapacity at Bagan Siapi-api Prison is not merely an administrative issue, but a structural consequence of a punishment-oriented criminal justice policy that continues to prioritize imprisonment for minor offenses. Within this context, restorative justice emerges as a strategic legal instrument capable of reducing inmate inflow, particularly in cases that do not require custodial sanctions. Although restorative justice has been formally recognized within the Indonesian legal framework, its practical implementation remains limited due to institutional reluctance, inadequate infrastructure, and weak inter-agency coordination.

Therefore, reducing overcrowding requires not only regulatory support but also a systemic shift in penal policy orientation from retributive enforcement toward proportional and restorative approaches. The application of restorative justice in Bagan Siapi-api should be institutionalized through clear diversion mechanisms at the stages of investigation and prosecution, strengthened mediation

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<sup>20</sup> Alfemba Ramadhan & Hudi Yusuf, "Keadilan yang Memulihkan: Restorative Justice sebagai Alternatif Penegakan Hukum Pidana yang Humanis dan Efisien" (2025) 2:5 JICN J Intelek dan Cendekiawan Nusant 9161-9179.

<sup>21</sup> Thimoty Dwi Felix Barus & Johannes Mangpaul Turnip, "Implementasi Restorative Justice sebagai Alternatif Pemidanaan dalam Sistem Peradilan Pidana untuk Menangani Fenomena Over Kapasitas di Rutan Berdasarkan Teori Efektivitas Hukum pada Rumah Tahanan Negara Kelas I Labuhan Deli" (2025) 6:7 J Huk Lex Gen, online: <<https://rewangrencang.com/ojs/index.php/JHLG/article/view/1815>>.

<sup>22</sup> Is Susanti, *Pembangunan Kelembagaan dalam Administrasi Publik* (Penerbit Berseri, 2025).



facilities, certified facilitators, and structured collaboration among law enforcement agencies and local government. Integrating local social values rooted in deliberation and reconciliation may further enhance its legitimacy and effectiveness. Ultimately, addressing prison overcrowding cannot rely solely on expanding correctional capacity. Sustainable reform depends on transforming the logic of sentencing itself. Restorative justice, when consistently implemented and supported by coordinated policy measures, has the potential to function not only as an alternative dispute resolution mechanism but as a structural solution to chronic overcrowding within correctional institutions.

### **DECLARATION OF CONFLICTING INTERESTS**

The authors state that there is no conflict of interest in the publication of this article.

### **FUNDING INFORMATION**

None.

### **ACKNOWLEDGMENT**

None.

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