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Reintegrating Inmates in Indonesia: A Constitutional and Statutory Analysis of the Correctional System

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ABSTRACT: Crime in Indonesia remains relatively high. Individuals who have been sentenced to prison serve their sentence in a correctional facility. After serving their sentence, the inmate will reintegrate and carry out their social function in society, a process known as social reintegration. One emerging approach to support this process is community-based correction. This article aims to examine how social reintegration arrangements are implemented in the Indonesian correctional system and examine the role of the community in this process. This research is a doctrinal legal study with a legislative and conceptual approach. The results of the study indicate that social reintegration rests on a strong constitutional foundation in the 1945 Constitution of the Republic of Indonesia and is already stipulated in several laws, namely, the Correctional Law, the SPPA Law, and the Social Welfare Law. In this social reintegration process, the community plays a crucial role in the successful recovery of individuals after serving a sentence.

KEYWORDS: social reintegration, community participation, correctional system, social function restoration, Community-based corrections

I. INTRODUCTION

The crime rate in Indonesia has remained relatively high in recent years, and this has undoubtedly led to feelings of insecurity among members of society (Kesaulya dkk. 2025). Imprisonment has long been the primary sanction imposed on criminals. Punishment of criminals, commonly referred to as convicts, is an effort to achieve the goals of integrative punishment, which focuses on redressing individual and social harm within society. The goals of punishment, according to integrative theory, include prevention, community protection, maintaining community solidarity, and recompense (Muladi dan Arief 2010).

A person who has been found guilty by a court and sentenced to prison, then serves his sentence in a correctional institution. Correctional Institutions, hereinafter referred to as Lapas, are institutions or places that carry out the function of providing guidance to prisoners ("Undang Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan," t.t.). The development undertaken by prisoners is an activity organized to improve the quality of the personality and independence of prisoners. The development of prisoners in the correctional system is essentially oriented towards the development of the whole person, which means there is a close relationship with the Community Education Program (Package A Study Group and Business Study Group) and aims so that after completing their sentence they will no longer violate the law and can participate in development ("Undang Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan," t.t.), in addition to improving prisoners so that they can be accepted back into society.

According to the criminal justice system, it states that the existence of prisons does not only function as a place of punishment for people who break the law, but also as a place for convicts to resolve their psychological problems experienced by themselves so that they can carry out the courage in taking criminal acts. It can also be said that prisons are a means of education for people who do not yet understand how the dynamics of the law are enforced to harmonize the environment between humans in the social order, so that prisons are a part for prisoners to improve themselves through developing abilities in the positive realm so that prisoners' return to the community can be recognized and accepted in life (Deanisa dkk. 2024).

The process of reintegrating individuals into society is a crucial part of the correctional process. The social reintegration of former inmates poses a serious challenge in the modern correctional system. After serving their sentences, former inmates often face obstacles in their reintegration into society due to social stigma, limited access to employment, and minimal social support (Kesaulya dkk. 2025). Many former inmates experience double punishment, where social punishment continues even after their sentence has ended. After leaving prison, they often face rejection from their families, difficulty finding employment or accessing

education, and a lack of adequate counseling and support services. Without appropriate intervention, this situation can lead to feelings of disappointment, frustration, and social isolation, which can ultimately lead them to relapse into crime (Maruna dan Immarigeon 2013).

In this social reintegration process, one emerging approach to support this process is Community-Based Correction, a system of guidance that actively involves the community in the rehabilitation of inmates outside prison walls (Arief 2010). This approach focuses on the importance of social support, community acceptance, and active community participation in rebuilding the individual's social identity. Successful social reintegration depends not only on the guidance programs within the prison but also on the level of community readiness to accept and provide space for former inmates to return and actively contribute to society. Lack of community understanding is often a factor that hinders the success of the social reintegration process. Therefore, this study will further explore how social reintegration policies are implemented in Indonesia and the role and legal obligations of the community in social reintegration. This article presents a normative legal perspective in the study of the social reintegration of former inmates, emphasizing the role and legal obligations of the community.

II. METHODS

This study constitutes a form of doctrinal legal research. Doctrinal research is a methodical examination of the laws controlling a certain legal category, analyzes the interrelations among legislation addressing regional issues, and forecasts future developments. The methodologies employed are the legislative approach and the conceptual approach. The conceptual framework is based on perspectives and principles that have developed within the discipline of legal science. Two legal research sources are used: primary legal materials consisting of statutory regulations, and secondary legal materials in the form of legal writings, both books and journals (Marzuki 2007).

III. RESULTS AND DISCUSSION

A. Social Reintegration Policies Implemented in the Correctional System in Indonesia

Social reintegration is the process of reintegrating previously separated or marginalized individuals or groups into society, with the goal of rebuilding disrupted social trust and norms. Social reintegration occurs when existing integration is disrupted by conflict. Conceptually, social reintegration in the context of criminal law can be understood as a multidimensional process encompassing three main aspects. First, the social aspect, namely the restoration of social relations and community acceptance. Second, the economic aspect, which includes access to employment and financial independence. Third, the psychological aspect, namely the restoration of self-identity and self-esteem.

Indonesia's social reintegration policy rests on a strong constitutional foundation. This is stated in Article 27 paragraph (1) of the 1945 Constitution, which states that Indonesia guarantees equal status for all citizens before the law and government. Furthermore, Article 28D paragraph (1) guarantees the right of every person to recognition, guarantees, protection, and fair legal certainty, and Article 28H paragraph (2) explicitly states that every person has the right to receive facilities and special treatment to obtain equal opportunities and benefits to achieve equality and justice. In the context of social reintegration, this "equality of status" serves as a reference that former prisoners also have the same rights as the wider community to access work, education, and public services. These three articles form the basis for former prisoners' rights to fair treatment and can be the subject of affirmative policies to overcome the social, economic, and psychological obstacles they face when returning to society.

The transformation of Indonesia's penal philosophy began with the idea of Dr. Sahardjo, S.H., Minister of Justice of the Republic of Indonesia, who in 1963 introduced the concept of 'corrections' to replace the colonial prison system. This concept was then confirmed in the Directorate of Corrections Service Conference in Lembang, Bandung (1964), which decided that the implementation of imprisonment in Indonesia was carried out through the correctional system, a statement that besides being a goal, imprisonment could also be a way to guide and develop (Suwarto 2007). Furthermore, the remarks of the Minister of Justice of the Republic of Indonesia at the opening of the limited working meeting of the Directorate General of Community Development for the Disadvantaged in 1976 reiterated the principles for guidance and development of the correctional system that had been formulated in the Directorate of Corrections Service Conference in Lembang, West Java. The main principles concerning the treatment of prisoners and correctional students include ten principles. These ten principles are enough to show which direction the correctional system should go (Suwarto 2007), one of which is that the state has no right to make prisoners worse or eviller than before they entered prison.

Law Number 22 of 2022 states that Corrections are an integral part of the integrated criminal justice system organized by the government as part of the law enforcement process in the context of services, guidance, and mentoring for social reintegration. It can be seen that Law Number 22 of 2022 strengthens the shift in the concept of treatment of prisoners to focus more on the concept of social reintegration in the present day which emphasizes the creation of justice, balance, restoration of relationships,

legal protection, and guarantees of the human rights of prisoners, children, prisoners, foster children, victims, and the community. This new Corrections Law seeks to restore the dignity of prisoners and child prisoners in society and be accepted back by the community and victims. This Corrections Law prioritizes coaching efforts to return prisoners to a full awareness of their mistakes (Poluan dkk. 2024). The embodiment of this social reintegration is then seen in Article 10 paragraph (1) of Law Number 22 of 2022 concerning Corrections which reads, "In addition to the rights as referred to in Article 9, prisoners who have met certain requirements without exception are also entitled to: a. remission; b. assimilation. This program aims to help prisoners adapt to life in society, reduce stigma, and prevent recidivism. Assimilation helps them adjust to societal norms and values, while remission can shorten sentences and provide a faster opportunity to adapt (Kesaulya dkk. 2025).

Ideally, assimilation is carried out by employing inmates through educational activities, independent work, and social work with the assistance of third parties, namely the community, non-governmental organizations, non-governmental legal entities, and local governments. Inmates are employed inside and outside correctional institutions, receiving various job skills training related to various fields, such as agriculture, fisheries, and plantations. Inmates are released from the correctional institution in the morning and returned in the afternoon. The implementation of this assimilation is monitored and supervised directly by correctional officers to maintain order and regularity. This is certainly in line with the goal of correctional institutions, namely to enable inmates to adapt and be accepted back into society (Riolinardi 2023).

Further regulations, based on Government Regulation of the Republic of Indonesia Number 31 of 1999 concerning the Guidance and Mentoring of Correctional Inmates, reintegration itself comes from the word integration, which means a restoration of life and livelihood, with the unity of the relationship between prisoners or correctional students and the community. This regulation is the main implementing regulation that technically regulates the reintegration process at the operational level. Article 1 of this regulation defines guidance as activities to improve the quality of piety, intellectual, attitude and behavior, professional, physical and spiritual health. Meanwhile, the scope of guidance includes, among others, "healthy reintegration with society" as one of the explicit components that must be fulfilled in the process of developing personality and independence. In various explanations and derivative norms in Government Regulation Number 31 of 1999, social reintegration is positioned as one of the main objectives of guidance and guidance which is operationalized through assimilation programs, pre-release leave (CMB), conditional release (PB) and guidance by Bapas in the final stage with a focus on preparing inmates to face norms, social demands, and economic challenges in society. Through this guidance process, the reintegration process does not stop when the inmate is released from the prison, but continues in the form of supervision, guidance and support so that the client is able to adapt and avoid recidivism.

The concept of guidance and social reintegration was then adopted and specifically adapted for children through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). The juvenile criminal justice system in Indonesia is specifically regulated to protect the rights of children in conflict with the law. The approach used in child criminalization no longer only focuses on the punishment aspect but also prioritizes the rehabilitation and social reintegration aspects (Putri dan Suherman 2025). The substance regulated in the SPPA Law includes placing children undergoing the judicial process in a Special Institution for Children (LPKA) as well as strict regulations regarding Restorative Justice and Diversion. Diversion in the SPPA Law is the transfer of the settlement of juvenile cases in the criminal justice process to a process outside the court. Diversion is implemented at the level of investigation, prosecution, and examination in court through deliberation involving all components involved in the legal process. The objectives of this diversion include Achieving peace for children outside the judicial process; Resolving juvenile cases outside the judicial process; Preventing children from being deprived of liberty; Encouraging community participation; Instilling a sense of responsibility in children; Protection of children in conflict with the law is stated in the law (Birokrasi, t.t.).

Within a broader framework, the restoration of the social function of former convicts is stipulated in the Social Welfare Law, namely Law Number 11 of 2009 concerning Social Welfare. This Social Welfare Law requires the government to implement four main pillars: social rehabilitation, social security, social empowerment, and social protection. First, social rehabilitation is a process of refunctionalization and development to enable a person to carry out their social function properly in community life. This rehabilitation is provided in the form of motivation and psychosocial diagnosis, care and foster care, vocational training and entrepreneurial development, mental and spiritual guidance, physical guidance, social guidance and psychosocial counseling, accessibility services, social assistance and assistance, resocialization guidance, further guidance and referrals. Second, Social Security is an institutionalized scheme to ensure that all citizens can meet their basic needs for a decent life. Third, Social Empowerment is all efforts aimed at empowering citizens experiencing social problems to meet their basic needs. Fourth, Social Protection is all efforts aimed at preventing and addressing the risks of social shocks and vulnerabilities. Thus, considering the four pillars of social welfare implementation, they provide a comprehensive intervention framework: psychosocial recovery, livelihood support, capacity building, and a social safety net to prevent relapse into deviant behavior. Furthermore, social reintegration is not merely a correctional program, but rather part of the national social welfare development mandate.

B. The Role and Legal Obligations of the Community in Social Reintegration According to Statutory Regulations Code

The role and obligations of society in social reintegration play a crucial role in the successful recovery of individuals after undergoing criminal proceedings. From a legal perspective, society is not merely a passive party awaiting the results of correctional institutions or other law enforcement agencies, but rather a part of the justice ecosystem responsible for preventing stigmatization, discrimination, and social exclusion of former criminals. Community obligations can be understood as a form of social participation that supports the goals of correctional institutions, namely restoring relationships between individuals, victims, families, and the social environment. These obligations also include respecting the basic rights of former inmates, providing fair opportunities for employment and education, involvement in community-based supervision, and support for ongoing development programs organized by the government, social institutions, and religious organizations. Furthermore, to determine the success of a social reintegration process, it is also important to examine how society accepts former inmates back.

Former inmates face pressures from various sources, including themselves, their families, and their social environments, all of which can influence their overall perception. They also experience prejudice from various parties, including society. In some cases, they can also be infected by their own family members who are reluctant to accept their presence because of their status as former inmates. As a result, former inmates can lose self-confidence, feel anxious and stressed, and even confused by their surroundings. Although they want to return and adjust to themselves and their environment to become part of society as before, due to various factors, they experience various difficulties that cause them to not want to try and resign themselves to the situation or, worse, they worsen and even repeat their criminal acts (Deanisa dkk. 2024).

The community serves as an environment where criminals return after undergoing the criminal process. In the Corrections Law, the community is not merely an object to be protected but also a subject that participates in the development and reintegration of inmates. Regulations regarding this community participation are normatively regulated in Chapter IX of the Corrections Law. Article 89 explains that in the context of implementing Corrections duties, the minister/head of the institution may collaborate with ministries, regional governments, institutions and individuals whose activities are in accordance with the implementation of the Corrections System.

Community participation in the implementation of correctional functions is carried out by submitting proposals for correctional programs, assisting in the implementation of correctional programs, participating in mentoring former prisoners and foster children and/or conducting research on Corrections ("Undang Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan," t.t.). The social reintegration process can be said to be successful if there is community participation, which can be seen from how social acceptance, family support and the role of religious and traditional institutions that serve as moral references for the community (Masni dan Asriadi 2025).

In this context, it is important to identify community groups actively involved in the process, given that participation dynamics can differ among social actors at the community level. Based on this role, researchers will examine several community stakeholders who actively contribute to the social reintegration process. First, families. Inmates who receive emotional, material, informational, and social support from their families tend to have better adaptation skills. The presence of family, whether through in-person visits or long-distance communication, significantly impacts inmates' psychological stability. In-person visits are one of the most effective forms of support because they provide a sense of being appreciated, loved, and accepted. For inmates, face-to-face meetings motivate them to maintain positive behavior during their rehabilitation. Long-distance communication via telephone, letters, and digital messages also serves as an important channel for maintaining inmates' connections with their families. Inmates who have access to regular communication report lower levels of stress and anxiety. In addition to providing practical support, families also play a crucial role in mitigating the impact of social stigma on former inmates. Unconditional acceptance and active family involvement facilitate the development of an identity. new which is more positive (Apriliansyah dan Butar 2025). A UNODC report shows that prisoners who feel accepted have lower levels of social anxiety and higher levels of social participation after leaving prison (UNODC 2023).

Second, Community Counselors, Community Counselors are functional officials at the Correctional Center who are mandated by the Correctional Law to conduct community research, mentoring, guidance, and supervision of correctional clients outside of prisons/detention centers. Community counselors also act as interpreters of the correctional philosophy that emphasizes recovery, rehabilitation, and social reintegration. The participation of Community Counselors is crucial in determining whether social reintegration programs, such as assimilation, pre-release detention, and parole, are merely administrative formalities or truly constitute a social recovery process. The forms of Community Counselor participation are as follows:

1. Community Research (Litmas) and initial assessment

   In the initial stage, the community counselor's participation involves conducting a community survey (Litmas) to assess the client's background, family circumstances, environment, and risk factors before the reintegration process begins. Litmas then serves as the basis for the prison, the correctional officer, and the Correctional Observation Team

(TPP) to assess the feasibility of granting integration rights, including whether the family can act as a guarantor for the inmate and the readiness of the social environment.

2. Guidance on Independence and Personality
   Community Counselors are involved in fostering independence and personality development through Bapas programs and in collaboration with community groups concerned with correctional care (Pokmas Lipas). These activities include job training, religious guidance, legal education, and social activities provided at reintegration centers such as Griya Abhipraya.
3. Supervision and monitoring in the community
   During the reintegration period, community counselors are present to carry out a supervisory function to ensure that clients comply with the provisions of assimilation and conditional release, for example, not leaving certain areas, reporting regularly, and not committing new crimes.

The third form of community participation is the Community Group Concerned with Corrections (Pokmas Lipas). The Community Group Concerned with Corrections (Pokmas Lipas) was established based on the Directorate General of Corrections' policy requiring every Correctional Facility to have a community group concerned with the implementation of the correctional system outside of prisons/detention centers. The goal of its formation is to increase community participation so that Correctional Facility Inmates (WBP) and Correctional Facility clients can become whole human beings, recognize their mistakes, improve themselves, refrain from repeating crimes, and ultimately be accepted back into society and able to play an active role in development. The formation of the Pokmas Lipas has qualification standards, such as having to consist of parties deemed potential, namely individuals/families, correctional observers, academics, community organizations, business/entrepreneurial organizations, and other community-based organizations. In addition, several criteria that must be met include having a concern for corrections, being committed and responsible, being willing to be a correctional work partner, and having resources that are beneficial to corrections (Setyawan dan Muhammad 2021). The values that must be upheld by members of the Lipas Community Group (Pokmas Lipas). The acronym for these values is AKRAB, consisting of the words active, creative, responsive, accountable, and beneficial. The hope is that all members of the Lipas Community Group can act, create, and participate creatively and harmoniously to implement correctional programs that are optimal, accountable, and financially and socially beneficial to correctional clients ("Undang Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan," t.t.).

Fourth, community leaders, religious leaders, and traditional leaders. These leaders act as social bridges, calming, mediating, and guiding the collective attitudes of the community so that the social reintegration process of former inmates is accepted and does not trigger new conflicts. One form of participation that religious leaders/traditional leaders can take is providing moral legitimacy that someone who has served their sentence and repented deserves a second chance and should not be continuously stigmatized. Religious leaders/traditional leaders can also act as mediators if community resistance to the presence of former inmates arises. Substantially, religious and traditional leaders help reduce community resistance to state-driven social integration programs (prisons, correctional facilities, community groups) by providing normative justifications that are readily accepted by the community. They are also important partners in ensuring that reintegration is not only administratively legal, but also socially and culturally legitimate in the eyes of the community.

The social reintegration process cannot exist in isolation; it is the result of a dynamic interaction between the government and community participation. The government, through its legal provisions, plays a formal role as a facilitator, but its successful implementation depends heavily on the community's readiness to welcome reintegrated former inmates. Although in practice, unequal roles, conflicts of interest, and stigma often arise, which only hinder the reintegration process, it is crucial to recognize the community's role in contributing to the process. A more integrative, adaptive, and participatory approach needs to be prioritized so that the reintegration process does not stop at the normative level but produces real social change. Without reflective efforts and continuous improvement, social reintegration risks becoming merely discourse, rather than a substantive solution.

IV. CONCLUSION

Social Reintegration applied in the correctional system is a process that facilitates the re-acceptance of the individual by society after leaving the correctional institution. The transformation of the philosophy of punishment in the form of incarceration gave birth to the principles of incarceration, one of which is that the state does not have the right to make prisoners worse or evil ler than before they entered prison. This social reintegration policy is based on a strong constitutional foundation, namely in Article 27 paragraph (1), Article 28 D paragraph (1), and Article 28 paragraph (2) of the 1945 Constitution. In the correctional system, this social reintegration is regulated in Law Number 22 of 2022 concerning correctional institutions, the manifestation of which is seen in Article 10 paragraph (1). Furthermore, it is regulated in Government Regulation Number 31 of 1999, social reintegration is

placed as one of the main objectives of guidance and guidance which is operationalized through assimilation programs, pre-release leave (CMB), conditional release (PB) and guidance by Bapas. This social reintegration policy was also adopted in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). Furthermore, the restoration of the social function of former inmates is also guaranteed by the state through Law Number 11 of 2009 concerning Social Welfare. In this social reintegration process, the role of the community occupies a very important position in the success of individual recovery after undergoing the criminal process. The community in the Correctional Law is not only considered an object to be protected but also as a subject that participates in the guidance and reintegration of inmates. A more integrative, adaptive, and community-based approach needs to be prioritized so that the reintegration process does not stop at the normative level, but produces real social change, so that former inmates can return to society in accordance with their social function.

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