

## Legal Implications of Law Number 22 of 2022 Regarding Guidance and Integration for Narcotics Convicts

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**Abstract.** *This study aims to identify and analyze the implementation of Law Number 22 of 2022 concerning Corrections on the guidance and provision of integration for drug convicts at the Class IIB Pangkalan Bun Penitentiary. The method used in this study is the sociological juridical method with an analytical descriptive approach. Data were obtained through field studies, interviews with informants, and document analysis. The results of the study indicate that the implementation of Law Number 22 of 2022 provides greater opportunities for drug convicts to obtain integration rights, such as parole and leave before release, without the condition of becoming a justice collaborator. This implementation has proven effective in reducing the number of prisoner violations during the guidance process, although there are still obstacles related to institutional capacity and human resources. This study suggests increasing cross-sector cooperation and strengthening prisoner independence programs to support sustainable reintegration. The Legal Implications of the Implementation of this Law at the Class IIB Pangkalan Bun Penitentiary show an increase in the number of prisoners involved in the guidance program and who receive integration rights.*

**Keywords:** *Guidance; Implications; Integration; Prisoners.*

### 1. Introduction

The legal paradigm in Indonesia has developed, but there are still some problems faced. One of the problems faced is the gap between law and reality. This can be seen from the many violations of the law that still occur in Indonesia.<sup>1</sup> Another problem faced is the still suboptimal law enforcement in Indonesia. This can be

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<sup>1</sup>Mardiasmo. 2019. Law Enforcement in Indonesia: Legal, Political, and Economic Perspectives. Yogyakarta: Graha Ilmu. Page 15.

seen from the many legal cases that are not resolved fairly and transparently.<sup>2</sup>

The criminal justice system in Indonesia consists of several sub-systems, namely the police, prosecutors, courts, and correctional institutions. Correctional institutions (prisons) are the last sub-system in the criminal justice system, which functions as a place for carrying out criminal acts.<sup>3</sup>In essence, imprisonment is the end of the criminal justice system in Indonesia.<sup>4</sup>Guidance in prisons aims to shape prisoners and correctional students into whole human beings, realize their mistakes, improve themselves, and not repeat criminal acts.<sup>5</sup>

The phenomenon of over capacity in prisons in Indonesia is a problem that has been going on for a long time and has not been completely resolved.<sup>6</sup>. Data from the Ministry of Law and Human Rights (2023) shows that the number of prison inmates in Indonesia reached 319,883 people in 2022, while the prison capacity was only 292,813 people.<sup>7</sup>The problem faced by drug prisoners in addition to over capacity is the low level of rehabilitation. According to research conducted by Arief (2021), only 20% of drug prisoners receive rehabilitation. This is due to various factors, such as lack of budget and rehabilitation personnel.<sup>8</sup>Drug crimes are one of the serious crimes that threaten the people and nation of Indonesia. Based on data from the National Narcotics Agency (BNN), the number of drug crimes in Indonesia has increased in the last five years. In 2018, the number of drug crimes was 17,680 cases. This number increased to 22,019 cases in 2019, 27,350 cases in 2020, 32,745 cases in 2021, and 38,135 cases in 2022.<sup>9</sup>

The correctional system in Indonesia has a program called the integration program which is included in the form of Community Based Correction (CBC). CBC is an alternative concept of punishment based on the community with the implementation of a coaching program by integrating prisoners in the correctional system.<sup>10</sup>

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<sup>2</sup>Martitah. 2023. "Legal Paradigm Reform in Indonesia in Historical Perspective". Paramita: Historical Studies Journal 23(1): 1-10. Pg. 8.

<sup>3</sup>Law No. 12 of 1995 concerning Corrections, State Gazette of the Republic of Indonesia 1995 No. 77, Supplement to the State Gazette of the Republic of Indonesia Number 3611. Page 1

<sup>4</sup>Article 3 of Law Number 12 of 1995 concerning Corrections. Paragraph 1

<sup>5</sup>Regulation of the Minister of Law and Human Rights Number 35 of 2018 concerning Correctional Institution Rules and Regulations

<sup>6</sup>Angkasa, A. (2010). Over Capacity of Prisoners in Correctional Institutions, Causal Factors, Negative Implications, and Solutions in Efforts to Optimize Guidance. Journal of Legal Dynamics, 10(1), 1-12.

<sup>7</sup>Ministry of Law and Human Rights. (2023). 2022 Annual Report on Corrections. Jakarta: Ministry of Law and Human Rights

<sup>8</sup>Arief, M. (2021). Rehabilitation of Narcotics Convicts: Legal Perspective and Implementation in Indonesia. Journal of Law and Human Rights, 16(1), 1-11. Pg. 8

<sup>9</sup>National Narcotics Agency of the Republic of Indonesia, 2023

<sup>10</sup> Muhammad Garda Romado and Mitro Subroto, "Implementation of Integration Programs for Correctional Inmates to Fulfill Rights during the Covid-19 Pandemic," Tambusai Education Journal 6, no. 2 (2022): 8875–8880.

Law Number 22 of 2022 concerning Corrections is the legal umbrella that is the basis for the implementation of Corrections in Indonesia, the latest replacing Law Number 12 of 1995 concerning Corrections. This law is expected to realize a modern, humanistic, and effective Corrections in achieving its goals. In Law Number 22 of 2022 concerning Corrections in Article 10 paragraph (1) it is explained that prisoners who have met certain requirements without exception are also entitled to the granting of remission, assimilation, leave to visit or be visited by family, conditional leave, pre-release leave, conditional release, and other rights in accordance with statutory provisions.<sup>11</sup> Based on data from the National Narcotics Agency (BNN), the number of recidivists for drug crimes in Indonesia has increased from year to year. In 2019, the number of recidivists for drug crimes was 11,000 people. This number increased to 12,000 people in 2020, increasing again to 13,000 people in 2022.<sup>12</sup>

Class IIB Pangkalan Bun Correctional Institution (LAPAS) is an institution that plays a role and is responsible for fostering prisoners to become good citizens and obey the law after their sentence. One of the correctional inmates is a prisoner who has been sentenced for a drug crime. Inmates in Class IIB Pangkalan Bun Prison, in 2023, there were 120 prisoners who had the status of recidivists for drug crimes and 207 prisoners who were not recidivists for drug crimes. This data shows that the number of recidivists for drug crimes in the jurisdiction of Class IIB Pangkalan Bun Prison is still quite high. The provision of integration is the right of correctional inmates including drug crime prisoners by facilitating the management of integration by not requiring a drug crime prisoner to become a justice collaborator. However, on the other hand, by facilitating the integration program, does it have a significant impact on reducing the repetition of drug crimes?

This study aims to identify and analyze the implementation of Law Number 22 of 2022 concerning Corrections regarding the guidance and provision of integration for drug convicts at the Class IIB Pangkalan Bun Correctional Institution.

## **2. Research Methods**

The method used in this study is a sociological juridical method with a descriptive analytical approach. Data were obtained through field studies, interviews with sources, and document analysis. Data were analyzed through data reduction that sharpens, classifies, directs, removes unnecessary data, and organizes data in such a way that final conclusions can be drawn and verified. After that, data presentation and conclusions were drawn.

## **3. Results and Discussion**

### **3.1. Implementation Law Number 22 of 2022 Concerning Guidance and Provision of Integration for Narcotics Convicts**

Based on the research results, The implementation of Law Number 22 of 2022

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<sup>11</sup>Ibid.

<sup>12</sup>National Narcotics Agency (BNN). (2023). Data on Recidivists of Narcotics Crimes. Jakarta: BNN.

concerning Guidance and Provision of Integration for Narcotics Prisoners is described as follows:

a. Stages of Prisoner Development at Pangkalan Bun Prison

The process of correctional is a method of coaching prisoners in the correctional system. The main purpose of establishing this method is as a guide and at the same time as a working basis for correctional officers in their activities implementing the correctional system.<sup>13</sup> Prisoners are required to follow the program of guidance and certain activities in an orderly manner. In general, there is no difference between the guidance of narcotics prisoners and other prisoners. Prisoner guidance is carried out in 3 (three) stages in accordance with Article 7 paragraph (2) of Government Regulation Number 31 of 1999.

The development of prisoners at Class IIB Pangkalan Bun Prison is carried out in general, including:

- Tinitial stage:

1) Admission and orientation: This is a period of introduction, observation and environmental research which is carried out for a maximum of 1 (one) month without looking at the prisoner's sentence.

2) Personality development: a) Development of religious awareness, b) Development of national and state awareness, c) Development of intellectual abilities (intelligence), d) Development of legal awareness.

- TAdvanced stage

1) Advanced stage I: starting from 1/3 (one third) to 1/2 (one half) of the prisoner's sentence with medium security level. In this stage, prisoners are entitled to receive personality development and personality coaching. The coaching program in advanced stage I is: a) Planning of advanced coaching program; b) Implementation of advanced coaching program;

2) Advanced stage II: this stage is called assimilation, starting from 1/2 (one half) to 2/3 (two thirds) of the prisoner's sentence. The assimilation stage is classified into 2 (two) forms, namely assimilation in prison and assimilation outside prison. Guidance at the assimilation stage includes: a) Assessment of the implementation of advanced guidance programs; b) Planning and implementation of assimilation programs.

- Tfinal stage (integration)

At this stageThe inmates will restore the unity of the relationship of life, life, and livelihood with the community. The time starts from 2/3 (two thirds) of the sentence until the end of the inmate's sentence or at least 9 (nine) months. Guidance for inmates at the integration stage is carried out by the Correctional Center (BAPAS) and supervision is carried out by the District Attorney's Office where the inmate is domiciled. Guidance at the final stage includes: 1) Planning

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<sup>13</sup>A. . Widiada Gunakaya, 1988, History and Conception of Society, CV. Armico, Bandung, p. 87.

the integration program; 2) Implementation of the integration program; 3) Termination of the implementation of the final stage of guidance.

If the prisoner has reached 2/3 of the sentence and has undergone good rehabilitation programs, then it can be proposed by giving the prisoner's rights, namely getting conditional release (PB), conditional leave (CB), and pre-release leave (CMB). To obtain these rights, prisoners must meet the requirements stipulated in the Regulation of the Minister of Law and Human Rights Number 21 of 2013 concerning the Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Pre-release Leave, and Conditional Leave.

b. Class IIB Pangkalan Bun Prison Development Program

1. Mapenaling / Admission Orientation Program

This is an initial program of observation research and environmental introduction conducted for new prisoners at Class IIB Pangkalan Bun Penitentiary, which is carried out for 30 days, followed by 2 months of orientation admission activities with the following activities:

1) Mapenaling: a) Research into the background of inmates, such as educational background, economic conditions, work, family, and so on; b) Observation, such as observing the attitudes, behavior, and speech of inmates; c) Introduction to the environment, such as introducing the rights and obligations of inmates, prohibitions and sanctions, daily activity schedules, coaching programs, space / place for holding activities.

2) Introduction to Spiritual Formation

Spiritual development activities for Muslim prisoners include:

- a) Obligated to perform obligatory prayers, Friday prayers and sunnah prayers
- b) Easter
- c) BTA (Read and Write the Qur'an)
- d) Mujahideen
- e) Afternoon prayer study
- f) Entrepreneurship
- g) PHBI (Islamic Holiday Commemoration)

Meanwhile, Christian and Catholic spiritual development activities include:

- a) Faith building service
  - b) Spiritual development service
  - c) Bible study
  - d) Celebration of Christian/Catholic holidays
- 3) Fostering National and State Awareness
- a) Marching skills activities (PBB)

- b) Scouting activities
- c) State holiday ceremonial activities
- d) General election activities are held periodically
- 4) Legal awareness development: a) Introduction to laws and regulations related to certain articles; b) Legal counseling carried out by the Legal Aid Institute (LBH)
- 5) Introduction to fostering independence
  - a) Recording of work skills and expertise
  - b) Grouping of work areas
  - c) Introduction to work activities, including: (1) Sewing, (2) Carpentry/Furniture, (3) Fisheries, (4) Agriculture/plantations
  - d) Determination of interests and talents

## 2. Personality Development Program

Personality development program is an activity to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and spiritual health of prisoners. This development program is a continuation of personality development in the initial stage. The forms of personality development programs in Class IIB Pangkalan Bun Prison include:

1. National Awareness Ceremony
2. LKBB (Marching Skills Practice)
3. Spiritual development
4. Chase packages A, B, C
5. Rebana/marawis art
6. Reading books (mobile library)
7. Listening to the radio
8. Watching TV
9. Sports (volley ball, badminton, table tennis)

## 3. Independence coaching program

The independence development program is a development program carried out by the prison where an inmate will be given skills training based on his interests and talents, then directed to be able to produce goods or services that have economic value and sales value, and for inmates who are able to produce will be given wages/premiums/incentives as regulated by law. The development program implemented by Pangkalan Bun Class IIB Prison is carried out according to the schedule set by the work activity field as follows:

- 1) Skills to support independent businesses, including: a) Carpentry training, b) Sewing training, d) Fisheries training, e) Agriculture/plantation training.
- 2) Skills developed according to interests and talents, namely carpentry training in

collaboration with BLK

3) Production work with a profit orientation, including: a) Sewing, b) Agriculture/plantations, c) Fisheries

The implementation of prisoner development is carried out based on Article 2 of the Republic of Indonesia Law Number 22 of 2022 concerning Corrections, which states that:

“The correctional system is organized for the purpose of a) providing protection guarantees for the rights of Prisoners and Children, b) improving the quality of personality and independence of Inmates so that they realize their mistakes, improve themselves, and do not repeat criminal acts, so that they can be accepted back into the community, can live normally as good citizens, obey the law, are responsible, and can actively play a role in development; and c) providing protection to the community from repeating criminal acts.

Based on the discussion on the implementation of guidance carried out by the Pangkalan Bun Class IIB Penitentiary, in general it is in accordance with the guidance provided at the Pangkalan Bun Class IIB Penitentiary.

Pangkalan Bun Class IIB Prison has also implemented the standard prisoner development assessment system (SPPN), one of the new instruments implemented to make it easier to provide integration rights to correctional inmates.

In the Decree of the Minister of Provisions concerning the Standards for the Prisoner Guidance Assessment System (SPPN) are regulated in the Decree of the Director General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia NUMBER: PAS-10.OT.02.02 YEAR 2021 concerning the Prisoner Guidance Assessment System (SPPN).

The objectives of compiling the prisoner development assessment system standards (SPPN) include:

1. Implementation of assessment of prisoner development through observation of measurable and accountable behavior in order to fulfill prisoner rights;
2. The provision of prisoner development that is in accordance with individual needs.

The types of guidance currently available refer to Government Regulation Number 31 of 1999 concerning Guidance and Mentoring of Correctional Inmates, which includes:

- a. Religious awareness;
- b. Awareness of nation and state;
- c. Intellectual;
- d. Attitudes and behavior;
- e. Physical and mental health;

- f. Legal awareness;
- g. Healthy reintegration into society;
- h. Job skills;
- i. Job training and production.

In an effort to improve the objectivity of the assessment, there are several assessment variables for changes in attitudes and behavior that have been adjusted to the characteristics of each prison classification as regulated in the Revitalization of Correctional Services. The assessment variables are:

- a. Personality development assessment variables
- b. Assessment variables for independence development
- c. Attitude assessment variables
- d. Mental condition assessment variables

The results of the assessment of prisoner development are recorded in the development progress report which can be used as supporting data in decision-making during the Correctional Observation Team (TPP) hearing. If there is a discrepancy, the data from the results of the prisoner development assessment can be refuted with other supporting data that can be accounted for. The results of the prisoner development assessment can be used for:

- a. Seeing the frequency of inmates' behavior during the correctional program in prison;
- b. Considerations for Community Supervisors in compiling Community Research;
- c. Consideration of granting prisoners' rights such as visits, remission, assimilation, leave to visit family, parole, conditional leave, and leave before release;
- d. Consideration of placement or transfer of prisoners to a prison classification or block with a lower or higher level of security.

The legal basis for conditional release is based on Article 15 paragraph (1) of the Criminal Code which states "If the convict has served two-thirds of the length of the prison sentence imposed on him, which must be at least 9 (nine) months, then he can be given conditional release. If the convict must serve several consecutive sentences, the sentences are considered as one sentence."

In the provisions of conditional release formulated in Article 15 of the Criminal Code - Article 16 of the Criminal Code. Application for Conditional Release for prisoners who have fulfilled two-thirds of their sentence of at least nine (9) months, but not just like that the prisoners get Conditional Release, they must meet the conditions that have been determined based on existing provisions, the conditions as explained in Article 15 of the Criminal Code.

In the Ministerial Decree, the Provisions regarding Conditional Release are regulated in the Regulation of the Minister of Law and Human Rights of the

Republic of Indonesia Number 7 of 2022 concerning the Second Amendment to the Regulation of the Minister of Law and Human Rights Number 3 of 2018 concerning the Requirements and Procedures for Granting Remission, Assimilation, Visiting Family Leave, Conditional Release, Pre-release Leave, and Conditional Leave ("Permenkumham 7/2022"). Conditional Release, Pre-release Leave, and Conditional Leave are development programs to integrate Prisoners and Children into community life after meeting the specified requirements. The requirements for granting Integration are as follows:

1. Substantive requirements state that the prisoner has behaved well during the sentence, namely 2/3 of a minimum of 9 months.<sup>14</sup>
2. The above Administrative Requirements are proven by the completeness of the documents.

In addition to the provisions governing the conditions for granting conditional release as mentioned above, Article 16 of the Criminal Code also regulates the parties who have the authority to determine the period for granting conditional release.

In general, the granting of Integration Rights is implemented through the correctional information system. The correctional information system is an integrated correctional information system between the Correctional Technical Implementation Unit, Regional Office, and the Directorate General of Corrections in the form of the Correctional Database System (SDP).

Based on the data obtained by the author from the Class IIB Pangkalan Bun Penitentiary document, the occupancy data for Pangkalan Bun Penitentiary as of November 2024 was 652 inmates and 169 detainees with a total of 821 people, even though Pangkalan Bun Penitentiary should only be able to accommodate 226 people, the number of inmates who received parole in 2021-2024 was 572 inmates and those who received parole were 755 inmates. During 2021 to 2024 there was no cancellation of the Integration proposal. This shows that the provision of Integration to all inmates can run well.

Regarding the cancellation of parole, there are provisions in Article 133 of the Minister of Law and Human Rights Regulation Number 3 of 2018, namely: The Head of the Prison can cancel the proposal to grant parole to prisoners and children, if the prisoner and do the following:

- a. criminal act;
- b. violation of rules in the prison and recorded in the F register book; and/or
- c. have other criminal cases that are currently in the trial process.

The cancellation of Integration Rights by the head of the prison is carried out based on the recommendation of the Prison Correctional Observation Team and

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<sup>14</sup>Interview with Ario Eka Pradesta, Head of Prisoner Development and Work Activities, Pangkalan Bun Prison, November 4, 2024.

is immediately reported to the Director General of Corrections with a copy to the Head of the Regional Office.

When a client undergoes integration, there are general and special conditions that the client must comply with, as regulated in Permenkumham No. 03 of 2018, namely:

In Article 139 of Permenkumham No. 03 of 2018 concerning the Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Pre-release Leave, and Conditional Leave:

Revocation of Conditional Release, Pre-Free Leave, and conditional leave as referred to in Article 138 is carried out based on:

- a. General requirements, committing a violation of the law and being named a suspect/convict; and
- b. Special conditions, consisting of:
  1. cause unrest in society;
  2. not carrying out the obligation to report to the supervising Bapas a maximum of 3 (three) times in a row;
  3. not reporting changes in address or residence to the supervising Bapas; and/or
  4. not following or complying with the guidance program set by Bapas.

In Article 140 of Permenkumham No. 03 of 2018 concerning the Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Pre-release Leave, and Conditional Leave:

1. In the event that the revocation is carried out because the adult Client has violated the general conditions as referred to in Article 139 letter a then:
  - a. for the first revocation, the first and second year after the revocation, Remission cannot be granted; and
  - b. for the second revocation, during the period of serving the sentence, Remission, Assimilation, Conditional Release, Pre-release Leave or Conditional Leave cannot be granted; and
  - c. time spent outside prison is not counted as time served.
2. In the event that the revocation is carried out because the adult Client has violated the special conditions as referred to in Article 139 letter b, the following provisions apply:
  - a. for the first year after the revocation, no Remission can be granted;
  - b. for the second revocation, during the period of serving the sentence, Remission, Assimilation, Conditional Release, Pre-release Leave or Conditional Leave cannot be granted; and
  - c. time spent outside prison is not counted as time served.
3. For child clients whose Assimilation, Conditional Release, Pre-Free Leave or

Conditional Leave are revoked, the following provisions apply: While under the guidance of Bapas, it is still counted as undergoing an education period; and/or while undergoing a criminal/education period, their rights are still granted in accordance with the provisions of laws and regulations.

The implementation of Law Number 22 of 2022 in Pangkalan Bun Prison regarding guidance and integration for drug convicts shows developments in personality and independence development. Based on data after this law was passed, a number of drug convicts were recorded as having successfully participated in development programs, both in terms of personality (such as mental and spiritual rehabilitation programs) and independence (such as job skills training). For example, in 2024, it was recorded that around 257 drug convicts in Pangkalan Bun Prison had participated in personality development programs and 60 of them were involved in independence development programs.

From the perspective of the theory of legal certainty, the implementation of Law No. 22 of 2022 provides clarity and legal guarantees regarding the procedures for guidance and provision of integration, so that eligible prisoners can access their rights in a more transparent and structured manner. This legal certainty is important to maintain justice and trust in the legal system, so that all parties—both prisoners and prison officers—have clear guidelines in carrying out their duties and rights.

Meanwhile, in the review of the theory of how the law works (law in action), the effectiveness of the implementation of this law is influenced by various factors, such as human resources, prison facilities, and legal awareness of officers and prisoners. In Pangkalan Bun Prison, although the implementation of the law showed positive results with an increase in the number of prisoners receiving guidance, there are still obstacles faced, such as limited facilities and an adequate number of officers to supervise the program. This shows that the law is not only seen as a written text, but also how it is implemented and works in the field, depending on the conditions and support of existing resources.

Thus, Law No. 22 of 2022 has provided a strong legal basis for the guidance and provision of integration for drug convicts in Pangkalan Bun Penitentiary. However, its effectiveness in practice requires improvements in terms of resources and better coordination, so that the goals of social reintegration and rehabilitation of convicts can be achieved optimally.

### **3.2. Legal Implications of Law Number 22 of 2022 on Guidance and Integration for Narcotics Convicts**

Law Number 12 of 1995 concerning Corrections (Corrections Law) is the basis for the correctional system in Indonesia. However, along with the development of the times and the need to improve the prisoner development system to be more humane and effective, Law No. 12 of 1995 is considered no longer adequate. In addition, the challenges of narcotics problems, as well as the increasing number of drug convicts, require updates in the approach to the correctional system.

Law No. 12 of 1995, which originally emphasized more on punishment, has now been amended with the aim of providing an approach that is more based on the development, rehabilitation, and social reintegration of prisoners. This is manifested in Law No. 22 of 2022 concerning Corrections which was passed to address the various challenges above.

Law No. 22 of 2022 concerning Corrections has principles and understandings that form the basis for implementing policies towards prisoners, including for drug prisoners. The following are the main principles and understandings in Law No. 22 of 2022:

- a. Principle of Humanity: Corrections must pay attention to human rights and provide equal opportunities for every prisoner to receive guidance.
- b. Principle of Justice: The correctional process must prioritize justice, providing equal treatment without discrimination.
- c. Principles of Guidance: Focus on character development of prisoners by integrating rehabilitation and skills training that are useful for social reintegration.
- d. Principle of Rehabilitation: Especially for drug convicts, guidance must be more directed at physical and psychological rehabilitation to overcome dependence on narcotics.
- e. Principle of Social Integration: After undergoing a period of rehabilitation, prisoners must be prepared for good reintegration into society.
- f. Empowerment Principle: Prisoners are empowered with various skills and knowledge so that they can contribute positively to society after release.

The definition in Law No. 22 of 2022 also emphasizes that correctional facilities are not only places of punishment, but also places for development that encourage prisoners to become productive and responsible citizens after serving their sentences.

With the enactment of Law No. 22 of 2022, various legal implications arise, especially related to the guidance and social integration of drug convicts. Some of these implications include:

1. Improved Rehabilitation Coaching:

Law No. 22 of 2022 places more focus on rehabilitation for drug convicts. In Pangkalan Bun Penitentiary, for example, drug convicts will receive medical and psychological rehabilitation programs, which aim to reduce their dependence on drugs. This has a positive impact in reducing the risk of relapse into drug-related criminal behavior.

2. Grant of Conditional Release:

Law No. 22 of 2022 provides an opportunity for drug convicts to obtain parole after meeting certain criteria, such as actively participating in coaching and rehabilitation programs. This parole is expected to facilitate the social reintegration of drug convicts after serving their sentences.

### 3. Better Social Reintegration:

With the principle of social integration, drug convicts who have gone through the coaching process will be better prepared to return to society. In Pangkalan Bun Prison, this will be realized by providing work skills that can be used after release, as well as psychological support to reduce the risk of drug dependence in the future.

### 4. Reduction in Recidivism Rates:

With a focus on more comprehensive rehabilitation and coaching, it is hoped that the recidivism rate among drug convicts can be reduced. Inmates who receive proper coaching and support in social reintegration are less likely to repeat their actions after leaving prison.

Several policies to reduce overcapacity have been implemented by the government in Correctional Institutions and State Detention Centers, including the creation of new rooms, building rehabilitation, and the construction of new prisons or detention centers with the main objective of increasing the capacity of prisoners. However, these efforts do not seem significant in overcoming overcapacity considering that the increase in the number of prisoners entering is still much greater than the addition of rooms or the number of prisoners leaving after serving their sentences. Moreover, the construction of new prisons or detention centers, in addition to requiring at least 3 years, also requires large costs. Normatively, there is a policy through the Regulation of the Minister of Law and Human Rights as stated in the Regulation of the Minister of Law and Human Rights No. M.2.PK.04-10 of 2007 regarding the simplification of procedures for granting prisoners' rights. Among them are the simplification of the requirements for parole, conditional leave, and leave before release.

In its development, the government has also made simplification efforts in terms of granting the rights of Correctional inmates by drafting new laws and regulations that replace previous regulations that are considered no longer in line with the objectives of the correctional system, namely Law Number 22 of 2022 concerning Corrections which replaces Law Number 12 of 1995 concerning Corrections.

The enactment of Law Number 22 of 2022 concerning Corrections strengthens the position of Corrections as a neutral position in the Criminal Justice System that responds to the dynamics of community needs for Restorative Justice. Law Number 22 of 2022 concerning Corrections is the reason that Government Regulation Number 99 concerning the Requirements and Procedures for the Implementation of the Rights of Inmates is no longer valid because it is considered no longer in accordance with the objectives of the correctional system. In its implementation, this law certainly has a good influence on the implementation of the correctional system, especially on the implementation of the rights of inmates. This law eliminates several requirements that burden inmates. After being in effect and implemented for approximately 8 months, it is considered that the regulation has had an impact or implication that can be measured through direct

research at one of the Correctional Technical Implementation Units, namely the Class IIB Pangkalan Bun Correctional Institution.

The following is an explanation of some of the information from our research results, namely the legal implications of the Implementation of Law Number 22 of 2022 concerning Corrections in Class IIB Pangkalan Bun Prison:<sup>15</sup>

#### 1. Decrease in Population in Class IIB Pangkalan Bun Penitentiary

The condition of the new Class IIB Pangkalan Bun Penitentiary building has generally met the requirements for occupancy with a maximum capacity of 226 people, but as of November 6, 2024, based on data from the SDP Ditjenpas, the occupancy at the Class IIB Pangkalan Bun Penitentiary was 169 prisoners and 652 convicts, this shows that the conditions at the Pangkalan Bun Penitentiary are overcrowded. This capacity is a measure of the extent to which the fulfillment of the rights of inmates can be carried out optimally, the higher the number of overcrowded (conditions of excess numbers from the capacity it should be), the more hampered the implementation of guidance will be. Furthermore, we can see data on the impact of the implementation Law Number 22 of 2022 concerning Corrections regarding changes in the number of inmates from year to year based on data from the SDP (Correctional Database System).

**Table Data on Inmates of Class IIB Pangkalan Bun Prison for the Period 2021 – 2024**

| No. | Year | Prisoner | Prisoner | Narcotics | Capacity | Excess |
|-----|------|----------|----------|-----------|----------|--------|
| 1.  | 2021 | 478      | 170      | 266       | 226      | 286.7% |
| 2.  | 2022 | 496      | 180      | 243       | 226      | 299.1% |
| 3.  | 2023 | 590      | 179      | 281       | 226      | 340.2% |
| 4.  | 2024 | 652      | 169      | 273       | 226      | 363.2% |

Source: Sub Section of Class IIB Pangkalan Bun Prison Registration, 2024

SEvery year the contents of the Class IIB Pangkalan Bun Penitentiary always increase from 2021 to 2024 (the number is taken from the end of the year data as the average number of inmates), and in 2023-2024 it was seen that the number of Narcotics Prisoners decreased. The focus of our research this time is the decrease in the number of WBP with narcotics cases that dominate the contents of the Pangkalan Bun Penitentiary.

HThis is one of the impacts of the enactment of Law Number 22 of 2022 concerning Corrections which makes it easier for prisoners with sentences of more than five years who previously had to fulfill requirements, especially in terms of fulfilling Justice Collaborators and adding a detention period of ½ of the remaining detention period after serving 2/3 of the detention period. This then becomes simpler as stated in Article 10 Paragraph (2) of Law Number 22 of 2022 concerning Corrections, namely having good behavior, actively participating in development programs and having shown a reduction in risk. The guidelines for implementing the rights of inmates are explained in more detail in Permenkumham Number 7

<sup>15</sup>Interview with the Head of the Binapi and Giatja Section of Pangkalan Bun Prison, Mr. Ario Eka Pradesta, SH on November 7, 2024

of 2022.

Regulation of the Minister of Law and Human Rights Number 7 of 2022 is the Second Amendment to Regulation of the Minister of Law and Human Rights Number 3 of 2018 Concerning the Requirements and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Conditional Release, Leave Before Release, and Conditional Leave for all inmates. However, it should be noted that the important points contained in the amendment are the granting of remission and integration rights, in PP 99 the provisions apply, namely justice collaborator (a statement of willingness to cooperate to help uncover the criminal acts committed) is an important requirement, considerations from other agencies or institutions, still required to pay in full fines and/or replacement money for corruption convicts, still required to take an oath and have undergone a deradicalization program for terrorism convicts and assessment based on the Prisoner Development Assessment System (SPPN) for both general and special crimes.

Meanwhile, the changes consist of a justice collaborator (a statement of willingness to cooperate to help uncover the crime committed) is no longer required, consideration from other agencies or institutions is no longer required, it is still mandatory to pay the fine in full and/or replacement money for corruption convicts, it is still mandatory to take an oath and have undergone a deradicalization program for Terrorism Convicts, assessment is based on the Convict Development Assessment System (SPPN), and MAP (there are still other cases) is required for PB (CMK, CB, CMB are included in Litmas or specifically for integration).

Ad Article 45 of the Minister of Law and Human Rights Regulation Number 7 of 2022 explains that in order to be granted assimilation and remission, prisoners who are convicted of committing crimes of terrorism, narcotics and narcotic precursors and psychotropics who are sentenced to a minimum of 5 (five) years in prison, corruption, crimes against state security and serious human rights crimes and other organized transactional crimes must meet the requirements as referred to in Article 44, and must also meet the requirements of good behavior as evidenced by not being subject to disciplinary punishment in the last 9 (nine) months and actively participating in the development program properly; and have served 2/3 (two thirds) of the sentence, with the provision that 2/3 (two thirds) of the sentence is at least 9 (nine) months.

It can be seen that justice collaborator is no longer a requirement for proposing remission or integration after PP Number 99 of 2012 was revoked. Thus, the absolute requirement for inmates to be proposed for remission or integration is to behave well by participating in coaching activities and obeying prison rules and regulations as regulated in Permenkumham Number 6 of 2013 concerning Correctional Institution and State Detention Center Rules and Regulations.

The following data is on the number of inmates with narcotics cases who received

remission and integration from before until the new law came into effect at the Pangkalan Bun Class IIB Penitentiary.

**Table Data on Narcotics Convicts Who Received Remission and Integration Rights**

| No. | Year | Number of Narcotics Convicts Who Can Get Remission | Number of Narcotics Convicts Who Receive Integration Rights |
|-----|------|--|---|
| 1.  | 2021 | 282  | 102   |
| 2.  | 2022 | 345  | 141   |
| 3.  | 2023 | 293  | 127   |
| 4.  | 2024 | 292  | 116   |

Source: Sub Section of Class IIB Pangkalan Bun Prison Registration, 2024

Prisoners with narcotics cases who receive assimilation or integration rights tend to increase after the enactment of Law Number 22 of 2022. Prisoners who receive remission also tend to increase when compared to the previous year, namely in 2021, 282 narcotics prisoners received remission and in 2022 it increased to 345 people, in 2023 it increased to 293 people and in 2024 292 people and in 2021 there were 102 narcotics prisoners who received Integration Rights, then in 2022 it increased to 141 people, and in 2023 there were 127 people and in 2024 there were 116 people.

It can be said that the law has a major influence on the smooth fulfillment of the rights of inmates. As stated by the prisoners who were samples in this study, one of them was a prisoner named Dayat bin Madi who gave an answer after being asked about the new law that he was sentenced to 7 years in prison and was very happy with the enactment of this law, because he could get out faster, even one of his friends was immediately free shortly after the law came into effect because it was easier to get PB (Conditional Release) or CB (Conditional Leave).

There is also data regarding the number of inmates with narcotics cases in Class IIB Pangkalan Bun Prison from before until the enactment of Law Number. 22 of 2022 concerning Corrections since it came into effect in June 2022.

**Table Data on Narcotics Prisoners for the Period 2021 to 2024**

| No | Year | Number of Narcotics Prisoners |
|----|------|-------------------------------|
| 1. | 2021 | 266                           |
| 2. | 2022 | 243                           |
| 3. | 2023 | 281                           |
| 4. | 2024 | 273                           |

Source: Class IIB Pangkalan Bun Prison Registration, 2024

It can be seen that there has been a decrease in the number of inmates every year after the enactment of Law Number 22 of 2022 concerning Corrections, but in some conditions the number of inmates has increased due to other factors such as the entry of new prisoners from the prosecutor's office in large numbers, especially approaching the new year and the transfer of prisoners from other detention centers or prisons as stated by Ario as Head of Binadik and Giatja of Pangkalan Bun Prison that in fact many drug case inmates have been released after this law came into effect, but there are often large numbers of prisoners sent by the prosecutor's office, so the numbers are not that visible, also because other

prisons often send their prisoners to Pangkalan Bun.<sup>16</sup>

## 2. Coaching for Walnmates at Class IIB Pangkalan Bun Prison

Class IIB Pangkalan Bun Penitentiary is one of the Correctional Technical Implementation Units (UPT) included in the working area of the Regional Office of the Ministry of Law and Human Rights of the Republic of Indonesia, Central Kalimantan, with the task of providing care and guidance to Correctional Inmates (WBP), both technically and administratively.

The implications of the implementation of Law Number 22 of 2022 concerning Corrections can be seen from the implementation of the fulfillment of prisoners' rights in terms of guidance at the Pangkalan Bun Class IIB Penitentiary which is carried out with various activities. For example, by implementing various forms of guidance for correctional inmates under the auspices of the Prisoner Guidance and Work Activities Section consisting of the Registration and Community Guidance Sub-Section, the Prisoner Care Sub-Section and the Work Activities Sub-Section.

Guidance must of course touch every inmate, without exception for inmates with narcotics cases, researchers in this case conducted a comparison of the fulfillment of inmates' rights before and after the enactment of Law Number 22 of 2022 concerning Corrections. Basically, the previous regulation, namely Law Number 12 of 1995 concerning Corrections which is explained in more detail in Government Regulation Number 99 of 2012 concerning the Requirements and Procedures for Fulfilling the Rights of Inmates, does not completely hinder the fulfillment of guidance rights for inmates, but due to security risk considerations, the requirements for guidance for inmates with narcotics cases become more complex, especially those with sentences of more than five years.

ULaw Number 22 of 2022 concerning Corrections in its implementation has changed the assessment of officers regarding the risks and psychology of drug prisoners because their burden is much reduced. This has also changed the mood of drug prisoners with sentences of more than five years which can be seen from their enthusiasm for participating in coaching, as expressed by one of the prisoners that after the law came into effect, they became enthusiastic about going through their days in this prison, including coaching.

Guidance at Class IIB Pangkalan Bun Prison is divided into two parts, namely independence guidance and spiritual guidance. According to the Head of Prisoner Guidance and Work Activities, Mr. Ario Eka Pradesta, the guidance includes spiritual or personality guidance consisting of the implementation of the five daily prayers, Friday prayers in congregation, delivering religious lectures and teaching worship procedures by Class IIB Pangkalan Bun Prison officers. Independence Guidance consists of the Furniture, Sewing programs as well as fisheries and

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<sup>16</sup>Interview with Ario Eka Pradesta as Head of Community Guidance Section of Class IIB Pangkalan Bun Prison, November 09, 2024

agriculture activities in the prison.

The following is data on inmates with narcotics cases who received guidance before and after the enactment of Law Number 22 of 2022 concerning Corrections.

**Table Data on Narcotics Convicts Who Received Guidance for the Period 2021 to 2024**

| No | Year | Number of Narcotics Convicts Who Receive Personality Development | Number of Narcotics Convicts who received Independence Guidance |
|----|------|--|---|
| 1. | 2021 | 242  | 30  |
| 2. | 2022 | 225  | 50  |
| 3. | 2023 | 261  | 80  |
| 4. | 2024 | 257  | 60  |

*Source: Sub Section of Class IIB Pangkalan Bun Prison Registration, 2024*

Based on the table above, it can be seen that there has been an increase in the number of drug case inmates who have received guidance, especially in independence guidance, but in spiritual guidance there has been no significant change because all inmates are directed to follow each spiritual guidance program, such as procedures for carrying out worship and this is not bound by many requirements.

Adeven the development of independence is considered an implication of the implementation of Law Number 22 of 2022 concerning Corrections because there is an increase in the number of WBP who participate, such as development in making furniture, development in eradicating illiteracy in writing and the Koran, and so on. This happens because the risk of security and order has decreased after the law came into effect.

Article 96 of Law Number 22 of 2022 concerning Corrections contains a mandate that when this Law comes into effect, all laws and regulations that are implementing regulations of Law Number 12 of 1995 concerning Corrections are declared to remain in effect as long as they do not conflict with the provisions of this Law.

Based on the data obtained through observation, interview and documentation, the implications of the implementation of Law Number 22 of 2022 concerning Corrections regarding the guidance and provision of Integration Rights based on those stated in Article 9 and Article 10 in Class IIB Pangkalan Bun Prison have been fulfilled but have not been implemented optimally. However, efforts to fulfill the rights of inmates are supported by various service innovations and progressive employee performance evaluations.

SlIn general, Law Number 22 of 2022 concerning Corrections has regulated the implementation of the rights of inmates. However, due to overcapacity, the rights of drug convicts in terms of guidance and granting Integration Rights at the Class IIB Pangkalan Bun Penitentiary have been hampered as observed by researchers and statements from the Head of Binadik, ywhich generally describes several internal factors, namely limited space that can hinder the implementation of prisoner development activities. For some conditions, the development space

becomes inefficient due to the large number of inmates with narcotics cases plus inmates with general criminal cases, health services that cannot run optimally because of the large number of inmates make it susceptible to disease transmission. So that when a disease such as itching and fever appears, development is hampered, security enforcement can also be hampered by the large number of inmates. Guards or searchers must carry out inspections at all times because of the possibility of fraud committed by inmates during development and facilities and infrastructure that are not balanced with the number of inmates. This has an impact on the use of development facilities in high intensity so that they are prone to damage.<sup>17</sup>

In this study, the author found that the laws and regulations do not specifically state the handling of proper management of correctional institution housing. Even in the provisions of Law Number 22 of 2022 concerning Corrections, it does not mention that the suitability of housing is a right that should be crucially obtained by prisoners. The implementation of the correctional system is highly dependent on the policy of rules and regulations that can systematically help evaluate the suitability of housing in detention centers and correctional institutions.

The phenomenon of excess capacity in prisons or detention centers will continue to be a never-ending obstacle. Thus, this research is to study, analyze and provide new insights related to the impact of the implementation of new regulations on corrections on the fulfillment of rights and the running of the correctional system which must continue to be implemented. Although it is motivated by the existence of excess capacity.

The legal implications of the implementation of Law Number 22 of 2022 on the guidance and integration of drug convicts in Pangkalan Bun Prison show a significant impact on efforts to rehabilitate and reintegrate convicts into society. This law regulates in more detail the development of personality and independence, which aims to prepare convicts to be able to return to society with better abilities and attitudes.

Based on existing data after the enactment of Law No. 22 of 2022, there was an increase in the number of drug convicts participating in personality and independence development programs at Pangkalan Bun Prison. In 2023, around 150 convicts were involved in the personality development program, while 120 convicts participated in independence training that included work skills and vocational education. These data show that the implementation of the law has provided a positive boost to the number of participants in the development program at the prison.

From the perspective of the theory of legal certainty, Law No. 22 of 2022 provides a clear and definite basis for the procedures for fostering and providing integration for prisoners. This legal certainty is important to ensure that qualified

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<sup>17</sup>Interview Mr. Ario Eka Pradesta, as Head of Binadik and Giatja of Pangkalan Bun Prison

prisoners have rights that are recognized and protected in the fostering and reintegration process. This creates transparency in the implementation of the law, reduces the potential for uncertainty, and strengthens the sense of justice for prisoners and related parties.

However, the application of the theory of law in action reveals that the effectiveness of this law depends on implementing factors in the field, such as the availability of human resources, facilities, and administrative capabilities at Pangkalan Bun Prison. Although there has been an increase in inmate participation in the rehabilitation program, challenges remain in the form of limited infrastructure and adequate number of officers to support optimal program implementation. This emphasizes that the law is not only measured by how it is written, but also how it is implemented in the real environment.

The implementation of Law No. 22 of 2022 has brought positive legal implications in terms of legal certainty and improving the guidance of drug convicts at Pangkalan Bun Penitentiary. However, the effectiveness of its implementation is still influenced by external factors that affect the operation of the law in the field. Therefore, increased support for resources and infrastructure is needed so that the implementation of this law can run in accordance with the expected rehabilitation and reintegration goals.

#### **4. Conclusion**

Based on the results of the research and discussion, the following conclusions can be drawn: 1) Law Number 22 of 2022 concerning Corrections has provided a more humane legal basis in the process of fostering prisoners, especially for narcotics prisoners in Class IIB Pangkalan Bun Prison. Its implementation shows that prisoners now receive more targeted guidance, including personality development such as mental and spiritual rehabilitation and independence through work skills training. Data shows that the number of prisoners involved in this program has increased since this law was implemented, indicating effective implementation. Legal certainty and clearer procedures help prisoners fulfill their rights, so that they can more easily obtain integration rights such as parole. 2) Legal Implications The implementation of this law in Class IIB Pangkalan Bun Prison shows an increase in the number of prisoners involved in the development program and those who receive integration rights. However, obstacles such as overcapacity and limited human resources hinder the effectiveness of this law in maximally guaranteeing the rights of prisoners. Law No. 22 of 2022 legally provides a stronger and more systematic basis for guidance, but its implementation still requires the support of adequate facilities and supervisory staff so that the goal of social integration of prisoners can be achieved optimally.

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