

# Implementing Restorative Justice as an Alternative to Addressing Overcrowding in Prisons Bagan Siapi Api

Mulkanuddin<sup>1</sup>, Risdalina<sup>2</sup>, Kusno<sup>3\*</sup>

<sup>1,2,3</sup>Faculty of Law, Labuhanbatu University, Labuhanbatu, Indonesia

\*Corresponding Author:

Email: [kusno120485@gmail.com](mailto:kusno120485@gmail.com)

---

## Abstract.

*Overcrowding is a pressing issue facing correctional institutions in Indonesia, including Bagan Siapi-api Prison. This situation impacts the quality of guidance, security, health, and the rights of inmates. Restorative justice, an approach that emphasizes restitution and peaceful conflict resolution through agreements between perpetrators, victims, and the community, offers an alternative that can reduce the burden of conventional criminal punishment. This study aims to analyze the implementation of restorative justice as an effort to reduce overcrowding in Bagan Siapi-api Prison. The research method uses a normative and empirical juridical approach. The results show that restorative justice can play a significant role in reducing the number of inmates, especially for minor crimes, although its implementation is still hampered by regulations, resources, and the understanding of law enforcement officials. Key challenges include the need for a shift in the mindset of law enforcement officials, strengthening regulations, providing trained facilitators, and ensuring a voluntary approach for victims. By addressing these challenges through multi-stakeholder commitment, restorative justice can be a transformative solution that not only eases the burden on prisons but also creates more meaningful justice and strengthens social cohesion in Rokan Hilir Regency.*

**Keywords:** Restorative Justice; Overcrowding; Correctional Services and Bagan Siapi-api Prison.

---

## I. INTRODUCTION

The problem of overcrowding is a classic issue that continues to recur in the Indonesian correctional system. Bagan Siapi-api Prison, a correctional facility under the Ministry of Law and Human Rights, also faces similar issues. Overcrowding not only leads to a decline in the quality of correctional services but also impacts security, order, health, and the fulfillment of inmates' rights. Nationally, overcrowding occurs due to several factors, including the high use of prison sentences in the criminal justice system, limited prison facilities, and the limited implementation of alternative sentencing options outside of prison. Criminal policies that are still oriented toward imprisonment increase pressure on the capacity of correctional institutions. *Restorative justice* It presents an alternative solution by prioritizing peaceful conflict resolution, dialogue between perpetrators and victims, and restitution without imposing prison sentences. This approach has also become the direction of law enforcement policy in Indonesia, as reflected in Police Regulation No. 8 of 2021 and the Indonesian Attorney General's Office policy regarding case resolution through restorative justice. The application of restorative justice at the investigation, prosecution, and judicial levels offers a significant opportunity to reduce the number of minor criminals serving sentences in prison, thus directly reducing overcrowding. Therefore, this study is crucial to assess the extent to which restorative justice implementation can address overcrowding at Bagan Siapi-api Prison. Bagan Siapi-api Prison is one of the correctional institutions that has experienced overcrowding in recent years.

The high crime rate, the prevalence of minor criminal offenses, and the predominance of prison sentences in court decisions are the main factors contributing to the increasing number of inmates. Furthermore, the retributive (revenge)-oriented sentencing policy, which ignores alternatives outside of prison, further increases pressure on prison capacity. This situation results in correctional facilities and infrastructure not functioning optimally, thus hindering optimal rehabilitation. Nationally, overcrowding has been cited as a crucial problem hindering the achievement of the correctional system's objectives. Data from the Ministry of Law and Human Rights shows that the majority of prisons and detention centers in Indonesia

are occupied three to four times their ideal capacity. The impacts include an increased risk of infectious diseases, difficulties in supervision, increased violence, and overwhelmed correctional staff in managing inmates. In this context, legal breakthroughs are needed to reduce the reliance on imprisonment. *Restorative justice* Restorative justice has emerged as an alternative solution in the modern criminal justice system to reduce the burden of punishment. This approach emphasizes reparation for victims' losses, direct accountability for perpetrators, and the restoration of social relations through dialogue, mediation, and peace agreements. Restorative justice is believed to be an effective mechanism that not only prioritizes humane punishment but also prevents perpetrators—especially in cases of minor crimes—from lengthy prison sentences. Since the enactment of regulations regarding restorative justice at the police level through Police Regulation No. 8 of 2021, Attorney General's Guidelines No. 15 of 2020 for the prosecutor's office, and judicial support for case resolution through penal mediation, this approach has gained increasing legitimacy within the Indonesian legal system.

Its implementation offers significant opportunities for peaceful resolution of cases without increasing the number of inmates in prisons, including Bagan Siapi-api Prison. Thus, a study on the implementation of restorative justice as an alternative to reduce overcrowding inmates is highly relevant. This research is crucial for analyzing the extent to which restorative justice can be optimally applied in specific cases that have the potential to lead to overcrowding, as well as identifying the supporting and inhibiting factors in the Bagan Siapi-api jurisdiction. *Restorative justice* According to Supreme Court Regulation Number 1 of 2024, it is a process that involves the victim, perpetrator, family, and related parties to achieve recovery, not just revenge. This regulation stipulates that restorative justice can be applied to minor crimes with relatively small losses or cases that meet the requirements for reconciliation. This approach provides space for alternative case resolution, reduces the burden on prison inmates, and minimizes recidivism through reconciliation and social reconciliation. The old Bagansiapiapi prison is severely overcrowded, with an inmate population of approximately 980, compared to a capacity of only 98. This situation has led to various problems such as poor sanitation, limited correctional facilities, and a declining quality of life for inmates. Construction of a new, more modern and human rights-friendly prison is underway to address this, but a restorative justice approach can be an effective temporary solution to reduce the prison population by not relying solely on physical construction.

## II. METHODS

1. Research Approach: The research uses normative and empirical juridical approaches. The normative approach is used to analyze laws and regulations related to restorative justice and correctional facilities. The empirical approach is used to observe their implementation at Bagan Siapi-api Prison through field data and interviews.
2. Data Source:
  - a. **Primary data:** results of interviews with correctional officers, law enforcement officers, and inmates.
  - b. **Secondary data:** laws, regulations, policies, books, journals, and related research.
3. Data Collection Techniques: literature study, field observation, and interviews.
4. Data Analysis: using qualitative analysis by combining normative and empirical findings to produce comprehensive conclusions.

## III. RESULT AND DISCUSSION

### 1. Overview of Overcrowding at Bagan Siapi-api Prison

Bagan Siapi-api Prison has experienced significant overcrowding in recent years. The primary cause is the high rate of convictions for minor offenses such as petty theft, minor assault, and drug-related offenses. This situation has led to overcrowding, inadequate facilities, and increased potential for conflict between inmates.

## 2. Restorative Justice in the Indonesian Criminal Justice System

Restorative justice is an approach that focuses on resolving conflicts through dialogue, with the goal of restoring the well-being of victims, perpetrators, and the community. In Indonesia, the application of restorative justice has been legally based through.

- a. Police Regulation No. 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice;
- b. Attorney General's Guidelines No. 15 of 2020;
- c. Court decisions that accept settlement through peace.

Based on this, law enforcement officers have the authority to stop a case if it meets the requirements, thus preventing the perpetrator from going to prison.

## 3. The Role of Restorative Justice in Reducing Overcrowding

*Restorative justice* potentially reduce excess capacity because:

1. Diverting perpetrators of minor crimes from the formal justice process.
2. Avoiding perpetrators from prison sentences so as not to increase the burden on prisons.
3. Speed up case resolution and save law enforcement costs.
4. Increase victim satisfaction through more personalized resolutions.

At Bagan Siapi-api Prison, many inmates have committed minor crimes that could actually be resolved without prison if restorative justice were applied more widely from the investigation and prosecution stages.

## 4. Obstacles to the Implementation of Restorative Justice

Some of the obstacles encountered include:

1. Lack of understanding among law enforcement officers regarding restorative justice mechanisms.
2. Investigators and public prosecutors are concerned about their courage in taking the decision to terminate the case.
3. Lack of mediation and assistance facilities for victims and perpetrators.
4. There is no optimal synergy between the police, prosecutors, courts and correctional institutions.

## 5. Efforts to Improve the Implementation of Restorative Justice

To maximize its effectiveness in addressing overcrowding, it is necessary to:

1. Training and capacity building of law enforcement officers.
2. Provision of mediation facilities at the police and prosecutors' levels.
3. Preparation of SOPs for case resolution based on restorative justice.
4. Collaboration between institutions including Bagan Siapi-api Prison to provide data on the types of cases that have the potential to be diverted.

By implementing restorative justice, a number of minor criminal cases can be resolved through peace mechanisms, sparing the perpetrators from detention. This can reduce the number of inmates confined to prisons. Furthermore, restorative justice can be implemented to strengthen the development and social reintegration of inmates. This approach also opens up opportunities for revising criminal policy to better accommodate non-custodial and alternative rehabilitation programs to address prison overcrowding and improve the quality of correctional services. The implementation of Restorative Justice (RJ) as a solution to the overcrowding problem at Bagan Siapiapi Prison is not merely an administrative step, but rather a paradigm shift in how we view justice and punishment. This discussion will elaborate in depth on the contextualization of RJ in Bagan Siapiapi, its operational mechanisms, impact analysis, and the path to implementation.

## 1. Contextualization and Opportunities for Restorative Justice in Bagan Siapiapi

Bagan Siapiapi, with its community characteristics that may still be strongly rooted in family values and deliberation, is actually fertile ground for the application of RJ. Local wisdom in resolving disputes (local wisdom) can be integrated into the formal RJ framework.

- a. **Social Capital:** Community, traditional and religious leaders can act as facilitators or guarantors in the RJ process, providing legitimacy and a sense of security for the conflicting parties.

b. **Relevant Case Types:**The majority of cases congesting Bagan Siapiapi Prison involve minor crimes, such as theft with minor damages, minor assaults, or narcotics cases for personal use. This category of cases is most ideal for diversion through RJ. The formal court process for these cases often results in short prison sentences that are counterproductive: they cost the state significant money, expose offenders to the criminal environment of overcrowded prisons, and leave victims dissatisfied because their losses are not addressed.

## 2. Operational Mechanisms: From Concept to Practice at the Ground Level

For RJ to be effective in reducing the prison population, its implementation must address two critical points in the criminal justice system:

### a. At the Pre-Sentence Stage (Diversion)

This is the greatest leverage point for preventing the entry of new inmates. The mechanism requires synergy:

1. **Police (Rokan Hilir Police):**A Diversion/Restorative Justice Unit can be established. Once a minor case is identified, investigators will consult with the perpetrator and victim (if any are available and willing). Agreements can include compensation, community service, cleaning places of worship or public facilities in Bagan Siapiapi, or participation in a development program provided by the Social Services Agency. Case files do not need to be submitted to the prosecutor's office.
2. **Prosecutor's Office (Rokan Hilir District Attorney's Office):**For cases that have reached the prosecution stage, the prosecutor can issue a Letter of Decision to Terminate Prosecution (SKPP) on the grounds of diversion through RJ, after seeing the results of the process and the agreement reached.

### b. At the Criminal Implementation Stage

For inmates who are already in prison:

1. **Conditions for Parole and Leave Before Release (CMB):**Correctional institutions can use voluntary participation in RJ programs (if possible and agreed to by the victim) as an indicator of seriousness in rehabilitation and a sense of responsibility. This will be a positive consideration for the BAPAS and the courts when granting parole.
2. **Special Development Program:**Bagan Siapiapi Prison could design a RJ-based development module that teaches empathy, responsibility, and conflict resolution skills. Inmates approaching release could also be facilitated in developing a symbolic reparation plan for the community.

## 3. Impact Analysis: Unraveling the Overcrowding Knot

Implementation of RJ has a systematic impact on the root causes of overcrowding:

- a. **Direct Impact (Quantifiable):**Reducing recidivism rates. Offenders who undergo RJ have statistically lower rates of reoffending than those who serve conventional prison sentences. This breaks the cycle of "in-out-in-back" to prison.
- b. **Impact on the System:**RJ "decompresses" the criminal justice system. By diverting minor cases, the workload on police, prosecutors, courts, and, ultimately, prisons will be reduced. Existing resources can be redirected to handling serious cases that actually require imprisonment.
- c. **Socio-Economic Impact:**Community work or compensation, as a result of RJ, provides direct "added value" to the community or the victim, unlike imprisonment, which merely burdens the state budget. From the victim's perspective, RJ offers a more personal and concrete satisfaction than simply seeing the perpetrator "locked up."

## 4. Challenges and Mitigation Strategies

The potential for RJ success must be balanced with an awareness of its challenges:

- a. **Legal Culture Resistance:**The "positivistic legal" culture, which assumes justice exists only in the courts, remains strong. Strategy: Massive education and outreach about the success of RJ in other regions, as well as intensive training for officers.

- b. **Infrastructure and Human Resource Limitations:** Competent RJ facilitators are key. Strategy: Collaborate with universities (such as the University of Riau) for facilitator training and certification. Leverage local and national NGO networks working in the RJ field.
- c. **Victim Protection:** The RJ process must not be used as a tool to coerce reconciliation against victims. Strategy: The principle of absolute voluntariness. Victims must be accompanied by a trained victim advocate and given the option to refuse the RJ process at any time without consequence.
- d. **Inter-Agency Coordination:** RJ will fail without collaboration. Strategy: Establishment of the Rokan Hilir Regional Restorative Justice Forum, initiated by the Regency Government, involving the Police, Prosecutor's Office, Courts, Prisons, BAPAS, Social Services, community leaders, and academics. This forum will develop joint SOPs and monitor implementation.

#### 5. Policy Recommendations and Conclusion

To start implementing RJ in Bagan Siapiapi, concrete steps that can be taken are:

1. **Internal Institutional Policy:** The Rokan Hilir Police Chief and District Attorney can issue Circulars or Internal Regulations that regulate the RJ-based diversion mechanism for certain cases.
2. **Local regulation:** The Rokan Hilir Regency Government can draft a Regional Regulation that supports the resolution of social conflicts through a family and restorative approach, while allocating a budget for training and mentoring.
3. **Pilot Project:** Select one or two sub-districts/villages in Bagan Siapiapi as pilot projects for implementing RJ, with strict evaluation to be used as replication material.

#### IV. CONCLUSION

*Restorative justice* Restorative justice is an effective alternative to reduce overcrowding at Bagan Siapi-api Prison, especially for minor crimes that do not require imprisonment. While this policy has a strong legal basis, its implementation still faces various obstacles, such as a lack of understanding among officials, limited facilities, and suboptimal coordination between institutions. Comprehensive and sustained efforts are needed to ensure the effectiveness of restorative justice and support the achievement of the goals of a humane criminal justice and correctional system.

The success of this strategy depends heavily on several key factors:

1. **Paradigm Shift** law enforcement officers from punishment (retributive) to recovery (restorative).
2. **Synergy and Coordination** strong partnership between the Police, Prosecutor's Office, Courts, Prisons, Regional Governments, and civil society within a collaborative framework.
3. **Utilization of Social Capital** and local wisdom of the Bagan Siapiapi community, which can strengthen the legitimacy and effectiveness of the RJ process at the grassroots level.
4. **Provision of Supporting Infrastructure**, especially trained facilitators and clear regulations at the regional level.

#### REFERENCES

- [1] Dewi, Ikama, Setia Triana, Eti Mul Erowati, Wijayakusuma University Purwokerto, Wijayakusuma University Purwokerto, Article Info, Restorative Justice, and Border Areas. "*Jurnal Locus Delicti*" 3 (2022): 213–21.
- [2] Egiana, Annisyakira, Faculty of Law, Udayana University, Bima Kumara, Dwi Atmaja, Faculty of Law, and Udayana University. "Restorative Justice" 13, no. 22 (2025): 1787–1804.
- [3] Law, Faculty, and Prima University. "Rewang Rencang: *Jurnal Hukum Lex Generalis*. Vol.6. No.7 (2025) Theme/Edition: Criminal Law (Seventh Month) <https://jhlg.rewangrencang.com/>" 6, no. 7 (2025): 1–20.
- [4] Humaira, Jihan. "Implementation Of Corporate Social Responsibility Program In Supporting Achievements (Case Study On Pt Bio Farma Persero's Csr Program)" 3, No. 3 (2023): 343–58.
- [5] Street, Address, Lieutenant Colonel, H Jl Endro, Sukarame District, And Bandar Lampung. "The Role Of Corporate Social Responsibility (Csr) In Realized Pancasila Values In The Business World" 1, No. 4 (2024): 239–52.
- [6] Prisons, Overcapacity, and DI Indonesia. "*Jurnal Pacta Sunt Servanda*" 3, no. September (2022): 42–48.

- [7] National, Seminar, and Call FOR Paper. "National Seminar & Call for Paper Hubisintek 2024 Issn 2987-484x," 2024, 829–36.
- [8] Number, Corrections in Accordance with Law. "The Effectiveness of Restorative Justice in Addressing Overcrowding in Correctional Institutions in Accordance with Law Number 22 of 2022 Concerning Corrections," 2025.
- [9] November, No. "*Jurnal Juridisch*" 1, no. 3 (2023): 244–57.
- [10] Nugraha, Aloisius Arizendy. "Strategies for Solving the Problem of Prison Overcapacity in Indonesia" 11, no. 2 (2025): 329–58.
- [11] Search, In. "The Influence of Corporate Social Responsibility in the Framework of Sustainable Development Goals on Profitability" 22, no. 1 (2023): 232–38.
- [12] As, Proposed, One, of, the, Requirements, for, Obtaining, a, Bachelor, of, Social, Science, Degree, in, the, Public, Administration, Study Program, Faculty of Economics, and Science. "No Title," 2025.
- [13] Tarihoran, Enjel Romauli, Muhammad Armada, Asep Suherman, Faculty of Law, University of Bengkulu, and Correctional Institution. "1 , 2 , 3 , 4" 11, no. 8 (2025).
- [14] Wala, Gevan Naufal, Faculty of Law, Tarumanagara University, Hery Firmansyah, Faculty of Law, and Tarumanagara University. "Restorative Justice Concept To Reduce Over Capacity In Cases" 12, no. 2 (2024): 247–54.
- [15] Yulianti, Wulan Dwi. "Efforts to Address Overcrowding in Correctional Institutions in Indonesia" 11, no. 1 (2021): 163–78.