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# The Relevance of Criminology and Penology in the Criminal Justice System

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**ABSTRACT:** The case of Nenek Minah was a criminal matter that shocked the Indonesian public in 2009. Nenek Minah was sentenced by the Purwokerto District Court to a conditional prison term of 1 month and 15 days, with a 3-month probation period, based on Article 362 of the Criminal Code (KUHP). This research was conducted using a normative juridical method, questioning two primary issues regarding the relevance of criminology and penology within the criminal justice system. First, what is the relevance between criminology and penology in the criminal justice system; and second, what is the pattern of relevance between criminology and penology based on empirical cases within the criminal justice system (SPP). The results of the study show that criminology serves as a provider of scientific databases regarding the root causes of crime and perpetrator profiles, while penology formulates handling strategies that are applicative, educative, and rehabilitative. The synergy between these two disciplines is crucial for achieving the goals of public protection and the improvement of inmate behavior. Furthermore, the retributive paradigm must be shifted toward a progressive paradigm that is more humanist and rehabilitative within the framework of the new criminal justice system.

**KEYWORDS** Criminology, Penology, Criminal Justice System

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## INTRODUCTION

The case of Grandma Minah is one of the criminal cases that shocked the Indonesian public in 2009, highlighting the injustice in the application of criminal law against the poor. Grandma Minah, an elderly woman aged 53, was accused of stealing three cocoa fruits from a plantation owned by PT Rumpun Sari Antan in Kutunggalih Village, Ajibarang District, Banyumas Regency, Central Java. The incident began when Grandma Minah, who worked as a farm laborer at the plantation, saw three ripe cocoa fruits ready to be picked. She intended to take the fruits to be used as seeds on her own land and temporarily stored them under the tree where she was working. Shortly after, the plantation supervisor found the cocoa and reprimanded her. She did not deny her actions; instead, she immediately admitted her mistake and apologized. However, a week later, Grandma Minah received a police summons for alleged theft under Article 362 of the Indonesian Criminal Code (KUHP). The three cocoa fruits weighed a total of only 3 kilograms, with a total loss valued at Rp6,000 (Rp2,000 per kilogram). The case eventually proceeded to the Purwokerto District Court, and Grandma Minah was given a conditional sentence of 1 month and 15 days, with a 3-month probation period.

Consequently, the criminal justice system has become ineffective, one manifestation of which is the overcrowding of correctional institutions (prisons). According to Reynhard

Silitonga, the Director General of Corrections (Dirjen PAS) at the Ministry of Law and Human Rights, as of June 12, 2023, overcrowding reached 92 percent. Furthermore, data from the correctional database system across 526 prisons and detention centers in Indonesia shows a maximum capacity of 140,424 people, while the actual number of inmates reached 269,263 in 2023. Overcrowding impacts services and rehabilitation programs, leading to suboptimal outcomes, declining health quality among inmates, and an increased risk of security disturbances (Mulya, 2023).

Crime statistics from the National Crime Information Center (Pusiknas) of the Indonesian National Police reflect this dynamic (Pusiknas Polri, 2025). In 2023, a total of 431,041 criminal offenses were recorded, dominated by conventional crimes with 370,138 cases, where theft with aggravating circumstances (*curat*) emerged as the most prominent type with 63,109 cases. Although there was a decrease in 2024 to 408,169 total cases (with 340,568 conventional crimes and 52,030 cases of theft with aggravating circumstances), these figures still represent a heavy burden on the justice system. This decline, amounting to approximately 5% overall, does not necessarily diminish the urgency of the problem. Conversely, it highlights the need for criminological analysis to understand the factors causing fluctuations, as well as penological approaches to design sentencing that is adaptive to digital crime trends.

Based on data from the Directorate General of Corrections (DJP) in February 2020, out of a total of 268,001 detainees and prisoners, 18.12% (approximately 48,500 people) were recidivists. Specifically for prisoners, this proportion of recidivism reflects broader systemic challenges. For instance, when the Ministry of Law and Human Rights issued a decree regarding assimilation and integration programs for more than 30,000 prisoners in response to the COVID-19 pandemic, public concern escalated, particularly with news reports of former inmates re-offending. Nonetheless, the recidivism rate in Indonesia remains within the global ratio range of 14-45%, indicating that this issue is not merely a local concern but a universal challenge in penology (Arif, 2020).

Thus, various issues ranging from injustice in handling simple cases like that of Grandma Minah and high crime rates to overcrowding and recidivism in correctional institutions demonstrate the need for a more comprehensive approach to understanding and addressing crime. To that end, this study will examine two primary research questions: (1) what is the relevance between criminology and penology within the criminal justice system, and (2) what is the pattern of relevance between criminology and penology based on empirical cases within the Criminal Justice System (SPP). This discussion is expected to provide a complete overview of the synergy between the two fields in strengthening the effectiveness of law enforcement and the fulfillment of responsive justice within the Indonesian criminal justice system.

## RESEARCH METHOD

This research is a normative legal research aimed at examining the relationship between criminology and penology within the criminal justice system through the study of legal norms, legal principles, and relevant theoretical concepts. The approaches employed include the statute approach, the conceptual approach, and the case approach, by analyzing the case of Grandma Minah as an illustration of the application of criminal law in minor offenses. The legal materials used consist of primary, secondary, and tertiary legal materials

collected through a literature study, which are then analyzed qualitatively using a descriptive-analytical method to address the research problems.

## **ANALYSIS AND DISCUSSION**

### **The Rationality of the Relevance of Criminology and Penology in the Criminal Justice System**

The criminal justice system in Indonesia is a complex mechanism in crime prevention efforts through a structured and systematic approach involving various law enforcement agencies (Sudewo, 2022, p. 1). In performing its functions, the criminal justice system requires support from various auxiliary disciplines, particularly criminology and penology, which hold strategic roles in providing both theoretical and practical foundations for the law enforcement process (Sudewo, 2022, p. 2). Criminology, as a science that comprehensively studies crime, encompasses the processes of making laws, breaking laws, and reacting toward the breaking of laws; meanwhile, penology, as a branch of criminology, focuses on aspects of punishment, rehabilitation, and the management of inmates (Sudewo, 2022, pp. 4-5).

These two disciplines are closely interrelated, forming an essential foundation for realizing a law enforcement process that is not only procedurally effective but also provides substantive justice for all parties involved (Sudewo, 2022, p. 5). A profound understanding of the relationship between criminology and penology within the criminal justice system is crucial for creating a justice system that is fair, humane, and oriented toward social recovery and crime prevention (Sudewo, 2022, p. 3).

The relevance between criminology and penology in the criminal justice system is complementary and functional, where both fields reinforce and support each other in comprehensive crime prevention efforts (Sudewo, 2022, p. 5). Penology is defined as a part of criminological science that studies the principles of sentencing and the management of prison affairs within correctional units; thus, the two are coherent and inseparable disciplines (Sudewo, 2022, p. 4).

From a modern-positivist paradigm perspective, criminological theories explaining the reality of crime serve as the basis for the forms and methods of punishment or rehabilitation for lawbreakers studied in penology (Sudewo, 2022, p. 5). W.A. Bonger explained that criminology, as a science aimed at investigating crime in its broadest sense, includes practical criminology with seven divisions, one of which is penology, which focuses on crime control (Sudewo, 2022, p. 13). Criminology plays a vital role as a diagnostic science investigating the causality or roots of crime, offender characteristics, as well as economic, social, and psychological factors that trigger tension and criminal potential to provide a complete picture of the root causes of crime (Fitriah, 2024, p. 2).

Differences in the objects of study between criminology and penology demonstrate their specific, mutually reinforcing functions within the criminal justice system (Sudewo, 2022, p. 10). The objects of criminological study include crime as a social phenomenon, concrete crimes occurring in society, and the individuals who commit them; meanwhile, the objects of penology include lawbreakers, convicts or inmates, and recidivists (Sudewo, 2022, p. 10).

The objective of criminology is to derive concepts of crime and methods of crime prevention, including the understanding of punishment; whereas penology focuses more on

social reactions by studying the development of punishment and its benefits related to the control of crime (Sudewo, 2022, p. 11). The application of criminological theories in the Indonesian criminal justice system has a significant impact on understanding and handling criminal cases more accurately and contextually, where theories such as strain theory, social control theory, and labeling theory provide a more comprehensive framework for understanding criminal behavior and its social background (Fitriah, 2024, p. 5).

Penology, as a branch of criminology, focuses on the goals and effectiveness of sentencing, particularly regarding the rehabilitation and social reintegration of inmates by examining the types, objectives, and efficacy of punishments, as well as assessing how the sentencing system can provide deterrence, rehabilitation, and social protection (Alfaris et al., 2024). The position of penology in criminal law is strategic because it determines the success of imposing sanctions on offenders, including determining appropriate sanctions and their implementation within the criminal law system (Sudewo, 2022, p. 13). Penology is always associated with crime, specifically matters concerning inmates serving sentences or imprisonment based on court decisions and the criminal acts committed (Sudewo, 2022, p. 4).

In its development, penological studies have expanded to include policies that do not merely punish offenders but also examine probation, medical treatment, and education aimed at the recovery or rehabilitation of inmates (Sudewo, 2022, pp. 11-12). The criminal justice system outlined in the 1981 Criminal Procedure Code (KUHAP) is an integrated criminal justice system requiring synchronization between the subsystems of the police, prosecution, courts, and correctional institutions within a unified mechanism to control crime (Sudewo, 2022, p. 13). Criminology contributes broadly to the criminal justice system, primarily through research on the causes of crime, while penology ensures that the criminal sanctions imposed are not purely retributive but also oriented toward rehabilitation and social reintegration (Danapala, 2025).

The operational success of the criminal justice system in Indonesia highly depends on strong integration between the criminological-penological theoretical foundations and integrated procedural mechanisms, supported by adequate legislation (Sudewo, 2022, p. 18). Implementing the relationship between criminology and penology in the criminal justice system is the key to minimizing purely retributive sentencing approaches and replacing them with approaches that emphasize rehabilitation and social reintegration (Alfaris et al., 2024). Synergy between the understanding of criminal behavior from criminology and the management of punishment from penology will yield criminal policies that are more humane, targeted, and oriented toward recovery and the prevention of recidivism. The greatest challenge in applying penological principles is the dominance of retributive punishment approaches that lack sufficient space for the mental and social recovery of inmates, as well as the lack of integration of rehabilitation programs within the sentencing system (Alfaris et al., 2024).

Criminal law reform must go beyond merely touching upon written rules and structural aspects; it must also build an integrative sentencing system by strengthening the role of correctional institutions and rehabilitation policies to achieve more humane and effective sentencing objectives (Sudewo, 2022, pp. 5-6).

## **The Relevance of Criminology and Penology Based on Empirical Cases within the Criminal Justice System**

Crime and sentencing data in Indonesia present a structural paradox. Although the criminal justice system from the police to correctional institutions (Lapas) operates extensively, its effectiveness in suppressing crime and rehabilitating offenders is at a critical point. Key findings based on official reports from the Indonesian National Police (Polri) show that the number of recorded national crimes in the first semester of 2025 reached 287,951 cases, a 3.65% increase compared to the same period the previous year. Meanwhile, the correctional system has reached its capacity limits. National overcrowding in prisons (Lapas) and detention centres (Rutan) reached 92% as of June 12, 2023, far exceeding ideal capacity. This critical condition is exacerbated by a fundamental issue: a high recidivism rate, where 18.12% of the total 268,001 inmates returned to crime as of February 2020.

These figures clearly demonstrate the absolute dominance of imprisonment as the state's primary response to crime. Ironically, prison sentences are applied uniformly, even for minor offenses. The system continues to produce inmates without a proportional decrease in crime. This reinforces the thesis that the current sentencing system focuses solely on retributive mechanisms (punishment/retaliation) and fails to perform its reformatory and protective functions for society.

Prison overcrowding is not merely a logistical problem; it is a criminological failure. Studies indicate that overcrowded prison environments fundamentally destroy the primary goals of corrections: guidance and rehabilitation (Patras, 2020).

From a criminological perspective, overcrowding in correctional institutions creates an environment that triggers criminal recurrence. Congested environments with limited space, poor sanitation, and a loss of privacy cause prolonged pressure and stress, triggering conflict instead of providing the tranquility needed for reflection and repentance (Suryanto, 2025). This condition is worsened by the paralysis of rehabilitation programs; limited human resources and time cause skill-based, mental, and spiritual guidance programs to become impersonal, leaving thousands of inmates with little attention. Furthermore, prisons transform into "Schools of Crime," where the phenomenon of inmate subculture assimilation occurs. This forces minor offenders to mix with dangerous criminals, allowing them to learn new criminal strategies and build effective criminal networks, directly increasing the likelihood of recidivism (Kurniansyah, 2022).

This failure is rooted in a narrow systemic view. The system is oriented only toward the final outcome of punishment without attempting to address the social factors triggering crime. Fundamental issues such as structural poverty, unemployment, and inequality in access to education/healthcare which drive individuals toward crime are ignored. Prisons function merely as containers for social problems without providing substantive solutions or effective rehabilitation.

The relationship between recidivism and prison failure is both causal and sociological. Prisons do not only punish; they create conditions that worsen an individual's future prospects. After serving a sentence, former inmates do not return to a neutral social condition but rather to the same or even worse circumstances. This is exacerbated by the social stigma attached to the label of "ex-convict." This label often blocks access to basic civil rights:

- **Employment Access:** Many companies reject ex-convicts, closing the only path to a legitimate livelihood.
- **Social Access:** They are often ostracised by the community.

Isolated and lacking resources for survival, former inmates are pushed back into the environments and old behavioral patterns that triggered their initial crimes, only to become part of the overcrowding statistics once again. Instead of rehabilitating, prisons produce a secondary criminalisation effect.

Statistical analysis must be brought into a humanitarian context, and no case illustrates the system's irony more clearly than the Case of Grandma Minah (2009). Grandma Minah, an elderly plantation worker in Central Java, picked three cocoa fruits worth a total of approximately Rp2,000 to Rp3,000 from the plantation where she worked. Socially, her position was vulnerable, and the resulting loss was minuscule. Although the goods were returned and she apologised, the legal process continued.

There is a striking contrast between the factual loss in the case and the formality of the legal chronology pursued. In terms of action, the harm caused was minor, resulting in almost negligible material loss. However, the criminal process was heavy and protracted; the case had to pass through police investigation, prosecution, and a long trial. Ultimately, the offender was sentenced to 1 month and 15 days with a 3-month probation period, demonstrating an imbalance between the small value of the loss and the complexity of the activated justice mechanism.

The processing of this case reflects a formalistic and socially insensitive legal approach. Law enforcement officials (APH) blindly applied the text of criminal articles without considering the social context, intent, or the impact of the action on the broader community. The massive use of state resources (investigators, prosecutors, judges, trial costs) for such a small case is a tragic waste and evidence that the system tends to target vulnerable offenders, while corporate crimes or other major crimes often find legal loopholes.

This gap between formal law and substantive justice demands a philosophical intervention, as advocated by progressive legal values. The core of this idea is that law should protect humans and the sense of justice, not merely execute the text of an article or satisfy administrative formalities. Law should not be an end in itself; it must be a tool to achieve a just and dignified social order (Fenadian, 2022).

If these progressive values were applied, minor cases involving vulnerable offenders like Grandma Minah would never end in prison or even in court. Implementing these values would directly alleviate overcrowding and allow prisons to focus on truly dangerous criminals while providing justice that is felt by the community.

The penological rationalisation of Grandma Minah's case reveals the weaknesses of retributive sentencing in Indonesia's criminal justice system. In 2009, Grandma Minah, a 53-year-old impoverished woman, was given a 1 month and 15 day conditional sentence with 3 months of probation for stealing 3 kg of cocoa worth Rp6,000 at the Purwokerto District Court. This sentence was considered disproportionate because she only took ripe fruit for seeds on her own land, not for sale (Pusiknas Polri, 2024). Data from Pusiknas Polri recorded 431,041 criminal cases in 2023, decreasing to 408,169 in 2024, with aggravated theft dominating (63,109 cases in 2023 to 52,030 cases in 2024). Recidivism according to the DJP reached 18.12% (48,500 out of 268,001 inmates in 2020), and prison overcrowding

stood at 92% (269,263 inmates vs. a capacity of 140,424 as of June 2023). Penology recommends a combined approach integrating rehabilitation and restorative justice to address these issues (Silitonga, 2023, p. 2).

Penology defines sentencing as the actual punishment following a criminal threat. Moeljatno distinguishes between *pidana* (the threat) and *pemidanaan* (the act of sentencing) (Moeljatno, 1985, p. 40). In Grandma Minah's case, the judge applied absolute theory (Kant-Hegel), focusing solely on the act of theft under Article 362 of the KUHP. This approach ignored subjective factors such as poverty and the offender's confession. Pusiknas data shows that aggravated theft is often caused by structural poverty (Muladi & Arief, 1992, p. 16; Purwokerto District Court Decision, 2009, p. 3).

Absolute theory fails because it does not consider prevention or rehabilitation, thereby increasing the burden on overcrowded prisons. Director General of Corrections Reynhard Silitonga stated that overcrowding leads to a decline in services and security (DJP Kemenkumham, 2023, p. 8).

Relative theory (utilitarianism) justifies punishment for prevention. Bentham divided prevention into general (society) and specific (the offender). Muladi and Barda Nawawi Arief emphasize that punishment must protect society (Bentham, cited in C. Ray Jeffery, p. 72). In this case, a minimal sentence or a dispensation under Article 363 (1) of the KUHP would have been more appropriate. However, high recidivism indicates a failure in practice because overcrowded prisons hinder rehabilitation. The positive school (Ferri) views the offender as a subject for rehabilitation rather than an object of punishment. The 5% decrease in aggravated theft indicates partial deterrence, but the 18.12% recidivism rate requires better intervention (Ferri, cited in Hamzah, 1991, p. 83).

Combined theory integrates retribution and prevention. Andi Hamzah asserts a balance between the two. Muladi proposes an integrative theory based on Pancasila: humanitarian, educative, and just. Grandma Minah's case pushed for restorative justice (RJ), which restores the relationship between the offender, victim, and community through dialogue and restitution. Law No. 1/2023, Article 51, covers prevention, rehabilitation, restoring balance, and acquittal. RJ aligns with the Juvenile Justice System Law (UU SPPA) and the Narcotics Law. Overcrowding data rationalises RJ as a means to reduce imprisonment. The COVID-19 assimilation program (30,000 inmates) failed to prevent recidivism due to a lack of monitoring. Romli Atmasasmita adds victim vindication and proportionality. Barda Nawawi Arief suggests a double track system (Atmasasmita, 1995, p. 83; Arief, 2005, p. 44).

Statistical data reinforces this rationalisation. Pusiknas shows that fluctuations in conventional crime require criminological analysis and restorative penology. The 92% overcrowding is a result of the dominant use of imprisonment per Article 10 of the KUHP. High recidivism is similar to global rates (14-45%), but Indonesia can mitigate this with RJ. Grandma Minah's case highlights social injustice: the rigid punishment of the poor. Following this case, Mahfud MD pushed for national RJ through Supreme Court Regulation (PERMA) No. 2/2012. The new KUHP strengthens this approach.

## CONCLUSION

Criminology and penology share an inseparable functional relationship in supporting the effectiveness and fairness of the criminal justice system. Criminology serves as the

provider of a scientific database regarding the root causes of crime and offender profiles, while penology formulates handling strategies that are applicative, educative, and rehabilitative. The synergy between these two disciplines is crucial for achieving the goals of public protection and the correction of inmate behavior. Without strong integration, the justice system risks producing unbalanced verdicts and failures in the rehabilitation process, which ultimately triggers an increase in recidivism rates.

Criminological and penological analysis of national crime data and the Case of Grandma Minah leads to the conclusion that the retributive paradigm must be shifted toward a progressive paradigm that is more humane and rehabilitative within the framework of the new Criminal Code. This necessitates policy reforms in the form of strengthening restorative justice, expanding non-custodial sanctions (non-prison penalties), sentencing guidelines that consider the social vulnerability of offenders, and the internalisation of progressive legal values in the education and training of law enforcement officials. By integrating criminological and penological studies within a progressive legal framework, the criminal justice system is expected to respond to crime not merely by punishing, but also by addressing root social issues and preventing crime more effectively in the future.

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