

ACTUALIZATION OF THE MAQĀSID AL-SHARĪAH IN INDONESIA: A CASE STUDY OF THE SPIRITUAL COUNTING OF PRISONERS IN JUDICIAL INSTITUTIONS



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Abstract

Correctional institutions are undergoing a transformative shift from punitive spaces to acknowledging the humanity of inmates. This study delves into Indonesian correctional facilities' religious-based coaching programs prioritizing inmate protection, reintegration, and dignity. Analyzing these through Islamic law and Maqasid al-sharīah principles, it explores personality development models and identifies limitations in current approaches. While initial findings showcase positive outcomes—behavioural changes and reduced distress—the study highlights the predominance of lecture-based programs, signalling the need for more comprehensive Islamic law-based models. Different inmate categories, especially those in serious crimes, display varying spiritual indicator weights. Spiritual development correlates positively with behavioural adjustments. Overcapacity issues in certain facilities, like Salemba and Jakarta Women's Correctional Institutions, pose severe challenges—from limited resources to inadequate staff ratios and hindrances in providing proper medical and psychological support, notably impacting drug abuse victims. The study underscores the urgency of restorative justice in sentencing, emphasizing rehabilitation and societal reintegration.

Abstrak

Lembaga pemasyarakatan mengalami perubahan transformatif dari ruang hukuman menjadi pengakuan akan kemanusiaan narapidana. Dengan memprioritaskan perlindungan narapidana, reintegrasi, dan martabat, studi ini meneliti program pelatihan berbasis agama di fasilitas pemasyarakatan Indonesia. Dengan menganalisisnya melalui prinsip hukum Islam dan Maqāsid al-Sharīah, penelitian ini mengeksplorasi model pengembangan kepribadian dan mengidentifikasi batasan dalam pendekatan yang ada saat ini. Meskipun temuan awal menunjukkan hasil positif—perubahan perilaku dan penurunan tekanan psikologis—studi ini menyoroti dominasi program berbasis ceramah, yang menandakan perlunya model yang lebih komprehensif berbasis hukum Islam. Terutama, berbagai kategori narapidana, terutama yang terlibat dalam kejahatan serius, menampilkan bobot indikator spiritual yang berbeda. Pengembangan spiritual berkorelasi positif dengan penyesuaian perilaku. Masalah kelebihan kapasitas di fasilitas tertentu, seperti Salemba dan Lembaga Pemasyarakatan Wanita Jakarta, menimbulkan tantangan serius—dari sumber daya terbatas hingga rasio staf yang tidak memadai dan hambatan dalam memberikan dukungan medis dan psikologis yang tepat, yang berdampak signifikan pada korban penyalahgunaan obat. Studi ini menekankan urgensi keadilan restoratif dalam penjatuhannya hukuman, dengan menekankan rehabilitasi dan reintegrasi sosial.

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INTRODUCTION

Correctional institutions were once seen as mere places for imposing sentences and suspending the autonomy of criminal suspects (Drake, 2012). However, public and legal institutions should perceive prisoners differently, recognizing their humanity and



deserving humane treatment. These institutions should prioritize the protection and preparation of inmates for reintegration into society (Soedjono, 1972, p. 86). Acknowledging that prisoners have the right to be treated with dignity is crucial (Al–Fijawi et al., 2019).

Therefore, reducing their detention period or granting remissions can be achieved by encouraging active and well–behaved prisoners to participate in social support programs facilitated by prison staff and the community. Regularly implementing these programs enhances prisoners' quality of life and psychological well–being, fostering self–improvement and preventing recidivism (Pettus–Davis et al., 2011). Inmate coaching through social support programs (Hamsir et al., 2019) is integral to prison rehabilitation efforts (Zwick, 2018, p. 8), preparing them for successful reintegration into society (Sumpter et al., 2021) as responsible citizens.

Remissions in the form of reduced detention periods or granting them for good behavior, carrying out various activities, and participating in rehabilitation programs and interventions are not unique to Indonesia. This practice has been prevalent in correctional institutions throughout history and in multiple countries. Even prisoners have become familiar with receiving gifts or awards through remissions. Elbers et al. (2022) agree that prisoners who exhibit good behavior, such as maintaining cleanliness and participating in work or activities, should be rewarded with reduced sentences. Giving sentence cuts to long–term prisoners with good behavior has existed for some time. Giving awards for good behavior is believed to be effective in managing and changing the behavior of convicts in various countries, including Canada (Serin & Hanby, 2009), the United States of America (Corrections, 2020), England, Wales (Liebling, 2008), Romania (Morar et al., 2019), the Netherlands (Service, 2013), Ireland (Irish Prison Service, 2012), and Indonesia (Awaludin, 1997). Gendreau et al. (2018) also emphasized that rewards are more effective in changing individual (antisocial) behavior than efforts to change behavior with the threat of punishment.

Johnson and Stageberg (2014) and Steiner and Cain (2019) added that giving gifts to convicts who participate in both running prison programs and activities does not have a negative effect and even, according to Sloas et al., (2019), can reduce stop indications of recidivism after the release of convicts. According to Ainscough et al., (2017) and Davis et al., (2016), giving awards to prisoners who carry out prison activities can encourage them to be actively involved in rehabilitation and keep them away from indications of using addictive substances again. In addition, Carroll (2012) explains that awards are not only in the form of awards and reductions in detention periods; prizes for prisoners who behave well can also be in the form of money. Properly fostering and motivating convicts by prison officers to participate in various planned jobs and activities has been proven by multiple studies to improve prisoners' quality of life and psychological well–being, encourage self–improvement, and prevent recidivism. According to Morse et al. (2022), Jang et al. (2019), Flynn et al. (2019) and South et al. (2017), activities that can be offered to prisoners to encourage them to behave well are also very diverse; one activity that is very suitable for encouraging self–improvement (Osman, 2014), quality of life (Hefner & Prabowo, 2021), and psychological well–being inmates is a religious–based program, intellectual, and social (Ajouaou & Bernts, 2015; Seo, 2013).

In Indonesia, correctional institutions no longer torture inmates. Since 1962, penitentiaries have prioritized inmate protection for reintegration. Both genders have equal rights to guidance (Juklia & Padmono, 2021). Islam, based on *maqāsid al-sharī'ah* principles, protects inmates' fundamental rights, including religion, life, family, property,

and intellect. These universal rights transcend race, religion, and gender (Qur'an 4:29). Islam values human life's sanctity, regardless of faith, protecting individuals from harm, including abuse (Qur'an, Surah al-Maida verse 32) (Hathout et al., 2006).

This study analyzes religious-based coaching programs for prisoner personality development in Indonesia. Previous studies showed positive outcomes, such as changes in behavior, reduced anxiety and depression, and decreased suicidal tendencies (Suto & Arnaut, 2010). Currently, religious programs in correctional institutions are limited to lectures and mosque activities. Despite positive outcomes reported in prior research, notably behavioral changes, reduced anxiety, depression, and lower suicidal tendencies resulting from religious-based coaching programs in Indonesian correctional institutions, the current scope of these initiatives remains confined primarily to lectures and mosque activities. This study aims to assess the effectiveness of social support programs in modifying prisoner behavior, improving psychological well-being, and deterring recidivism within correctional institutions. The main objective is to evaluate their impact on preparing inmates for successful reintegration into society as responsible individuals.

Additionally, this study investigates the possibility of enhancing inmates' personalities through religious-based programs based on Islamic law principles and *maqāsid al-sharī'ah*. The analysis also examines how these programs can overcome obstacles and challenges in spiritual development using a *qawaid al-fiqhiyyah* approach. This inquiry aims to determine how personality development models can address obstacles within Indonesian correctional institutions. The study also proposes enhancements for these models to foster more impactful implementation within the disciplinary framework.

This Islamic law study is carried out through an interdisciplinary socio-legal approach. The study draws on Islamic jurisprudence, related sciences, and social sciences to provide a societal perspective. The research was conducted in three prisons: The Women's Correctional Institution Class IIA in Bandar Lampung, the Jakarta Women's Correctional Institution Class IIA, and the Salemba Correctional Institution Class IIA Jakarta. These three prisons were selected as research subjects for several reasons:

1. They are located in different geographical areas, namely Bandar Lampung and Jakarta, to reflect the variations in regional and cultural contexts that influence prisoner development.
2. They belong to class IIA, providing insight into similar policies and practices in forming prisoners.
3. These prisons are under the jurisdiction of the Ministry of Law and Human Rights.

Therefore, this research can provide an understanding of implementing policies and programs to develop existing convicts. These factors enable a comprehensive perspective on the development of prisoners in Indonesia. The main problem faced by the three prisons is the number of prisoners exceeding their capacity. Additionally, the three prisons are located in areas with high crime rates and dense populations. High crime rates and limited facilities and resources are the main causes of overcapacity in the three prisons, leading to an increase in the number of prisoners being processed and sentenced. This research is significant as it concerns the lives of convicts and the sustainability of the criminal justice system in Indonesia. This study used an integrated methodology, including qualitative analysis (Bouma, 2000, p. 23) of *awrad al-fiqhiyyah* in Indonesia's Islamic law and legal policies, as well as semi-structured interviews. The

interviews were conducted at three selected prisons: Women's Correctional Institution Class IIA in Bandar Lampung, Jakarta Women's Correctional Institution Class IIA, and Salemba Correctional Institution Class IIA in Jakarta. The study involved interviews with three correctional officers and three inmates representing different cases and institutions (Holstein, 2002, p. 4) Each interview lasted approximately 30 minutes and was conducted by the Research Team at each institution. Data were also collected through documentation of legal documents, laws, government policies, and analysis of *qawaid al-fiqhiyyah* and *maqāsid al-sharī'ah* by Syathibi and Ibn Asyur (Parray, 2012). This study employed a comprehensive approach combining qualitative analysis, interviews, and document analysis to gain insights into implementing coaching for prisoners in Indonesia's correctional institutions.

The study aims to provide empirical insights into the implementation of coaching for prisoners in prisons, as perceived by practitioners. The phenomenon content analysis approach analyzes regulatory documents and policies related to fostering prisoners in jail (Altheide & Schneider, 1996; Patton, 1999). Data were collected from various sources, including semi-structured individual interviews with informants from the three prisons and online manuscript documentation accessed through the internet, such as the Scopus account from the University of Indonesia. Relevant documents included Government Regulation Number 31 of 1999 concerning the Guidance and Guidance of Correctional Inmates, as well as regulations below it, and online guidance on the Guidance Module at Detention Centers or Correctional Institutions. The study was conducted from January 2021 to May 2022.

THE DEVELOPMENT OF *MAQĀSID AL-SHARĪ'AH* AND ITS POSITION IN PUNISHMENT ('*UQUBAH*)

In the early stages of Islamic legal thought, the significance of *maqāsid al-sharī'ah* was initially overlooked and considered peripheral. *Usul al-Fiqh* scholars mainly addressed it in supplementary writings on the laws of a specific school of thought. Initially, the study of *maqāsid al-sharī'ah* was commonly referred to as *jalb al-manafi'* from the concept of *maslahah*. The exploration of *maslahah* by *Usuliyun* (experts in *Usul al-Fiqh*) focused on the wisdom and reasons behind the enactment of a law. It was Imam al-Haramain, Abu al-Ma'ali Abd al-Malik ibn Abdillah ibn Yusuf al-Juwaini (478 H), who first emphasized the importance of understanding *maqāsid al-sharī'ah* in establishing Islamic law. Al-Juwaini asserted that one can only develop Islamic law with a proper understanding of Allah's intentions underlying His commands and prohibitions (Ibn Hirz Allah, 2007, p. 173). Al-Ghazali (505 H), a student of al-Juwaini, developed this idea further.

Izz ibn Abd al-Salam from the Shafi'i school and al-Syatibi from the Maliki school are notable Islamic legal thinkers who specifically discuss *maqāsid al-sharī'ah*. Izz ibn Abd al-Salam emphasizes the concept of *maslahah*, rejecting harm and seeking benefit (Masud, 1995). Al-Syatibi, in his book *al-Muwafaqat*, dedicates a significant portion of his discussion to *maqāsid al-sharī'ah*, including the consideration of benefits (al-Juwaini, 1997, p. 4). He asserts that Allah's primary purpose in establishing laws is to realise the benefits of human life. In the 20th century, Muhammad Tahir Ibn 'Asyur from Tunisia emphasized that maintaining human nature is part of *maqāsid al-sharī'ah*, ensuring that Islamic law does not contradict human reason under normal circumstances (al-Dibagh, 2005, p. 57).

In Islamic jurisprudence, punishments are classified into three categories: *Qisas*, *Hudud*, and *Ta'zir*, depending on the nature of the crime committed. As previously explained, *maqāsid al-sharī'ah* delineates the intent behind the revelation and application of Sharia, namely the pursuit of human benefit. This framework is also pertinent to executing punishments (*'uqubah*), where the *maqāsid al-sharī'ah* strives to safeguard human lives and forestall harm. Islamic teachings guide the protection of five fundamental aspects: the soul, religion, mind, property, and progeny. Thus, in the context of punishments, encompassing *qisas*, *hudud*, and *ta'zir*, the *maqāsid al-sharī'ah* necessitates several considerations: (1) Upholding societal order and communal benefit, (2) Curbing and deterring criminal behaviour and its repercussions, (3) Ensuring fairness and equity in execution, (4) Adherence to divine directives, (5) Shielding society from calamity or divine retribution, (6) Redemption through expiation of sins and errors, (7) Abolishing the inclination toward retribution and gratification in inflicting harm, (8) Aiding in tempering emotions.

Distinctive punitive measures are instituted to safeguard these five fundamental aspects (*daruriyyat al-khams*) and fortify societal resilience by preventing criminals and closing avenues to transgression and harm (Audah, 1998, p. 384). Islamic Sharia strives for holistic betterment across all spheres of life, with justice and compassion as its cornerstone. Criminal acts contradict to the principles of justice and mercy that Sharia seeks to establish and uphold. Justice and kindness do not connote leniency toward wrongdoers but demand that punitive measures stay within bounds and remain.

Prominent scholars within the Malikiyah, Shafi'i, Hanbali, and Zahiri schools underscore that implementing punishments liberates transgressors from worldly retribution while serving as a pathway for absolution and liberation from punishment in the Hereafter. Considering the quintessential *maqāsid al-sharī'ah* regarding punitive measures, it becomes evident that their implementation encompasses three primary facets, including preventive, corrective, and rehabilitative. The preventive aspect aims to deter potential offenders and recurrent offences, while the punitive facet seeks legal redress against perpetrators in line with the gravity of their crimes. Rehabilitation endeavors strive to prevent recidivism in surviving offenders or dissuade non-offenders from transgression. These dimensions operate symbiotically in all legal contexts: repressive measures accompany preventive measures in the event of a crime and extend into rehabilitative efforts for living perpetrators.

The intricate framework of *maqāsid al-sharī'ah* serves as a guiding beacon in the multifaceted realm of Islamic jurisprudence, delineating the underlying intent behind implementing punitive measures. As expounded upon, these measures, comprising *Qisas*, *Hudud*, and *Ta'zir*, are intricately intertwined with the preservation of societal order, fairness in execution, and the safeguarding of fundamental aspects such as life, property, and justice. Within penal implementation, the *maqāsid al-sharī'ah* champions a comprehensive approach encompassing preventive, punitive, and rehabilitative dimensions, all orchestrated to deter transgression, uphold justice, and curtail recidivism among offenders.

This scholarly investigation aims to shed empirical light on the execution of coaching programs within correctional institutions, offering insights from practitioners. Furthermore, it delves into the potential augmentation of inmates' personalities through religious-based initiatives grounded in Islamic law principles and *maqāsid al-sharī'ah*. The examination navigates through the avenues of spiritual development using the lens of *qawaid al-fiqhiyyah*, unraveling pathways to overcome barriers. By analyzing

religiously oriented coaching programs for prisoner personality development in Indonesia, this study attempts to bridge the gap between theoretical underpinnings and pragmatic implementations, thereby contributing to the discourse on effective rehabilitation within correctional facilities.

CONTROVERSIAL DISCOURSE ON IMPRISONING PRISONERS

Prisons, for the first time, appeared during people's lives to function as confinement places for lawbreakers, debtors, prisoners of war, political dissidents, religious heretics (or what can be called denial of the revealed truths taught by the church), and others. Prisons emerged thousands of years ago before the Christian era (or before the birth of Jesus). Robert states (Robert & Frigon, 2006) that from 3000 BC to 400 BC, the Babylonian Empire maintained prisons for misdemeanors and debtors. In addition, numerous accounts of ancient prisons appear in the New Testament and the Old Testament of the Christian Bible. For example, in the book First Kings, the Bible states that people can be imprisoned for various offences. However, the prison system did not consider reform and rehabilitation for incarcerated prisoners. The prison system of the past did not prepare prisoners for reintegration into society (Broadly, 1938, p. 131).

Prisons initially served as labor recruitment centers but later became associated with punishment. However, prison reform (DeLacy, 1986) efforts emerged, shifting the focus from punishment to rehabilitation. In the 18th century, the purpose of imprisonment transformed, aiming to rehabilitate offenders. Frank Morn, as argued by Williamson (Williamson, 1911), highlights that the prison system experimented with different approaches to rehabilitation, including education and clinical care for all prisoners. The goal shifted from sentencing to rehabilitation and reform, centered on prisoners. This shift aimed to prepare prisoners for successful reintegration after their prison term (Morn, 1980, p. 554). Correctional education emerged in the Western world (Messemer, 2011, pp. 91 – 100), particularly in the United States, in 1789. Initially called 'Sabbath School,' it aimed to teach inmates how to read the Bible, fostering knowledge, self-awareness, and cognitive skills for better decision-making upon release. Over time, the philosophy of imprisonment evolved beyond brutal corporal punishment as a means of redemption and transformation (Johnson et al., 2005).

In Islamic criminal law, prison is referred to as *al-sijnu* or *al-habsu*, meaning to restrain or prevent. It is synonymous with *al-hash*, mentioned in the Qur'an as "We have made Hell a prison for those who do not believe" (Surah *al-Isra* verse 8). Prisons in Islam are not narrow spaces but places where individuals are detained and prevented from acting according to their desires, whether at home, in a mosque, or under supervision. According to Shaykh Abdurrahman al-Maliki, imprisonment restricts an individual's self-regulation and limits their freedom to what is necessary as a human being. The existence of prisons dates back to ancient times, as evidenced by the story of Prophet Yusuf (Joseph) in the Qur'an (Surah Yusuf verse 33), where expulsion from the country is interpreted as imprisonment (Al-Zayla'i & Muhammad, 2000, p. 179).

Prisons have existed in Islam since Prophet Muhammad, his companions, and their successors. While there is wisdom behind the prohibition of prisons in Islam, it is acknowledged that prisons serve beneficial purposes. They prevent criminals from repeating offences and ensure the accused cannot escape until their case concludes. Initially, the Prophet and Abu Bakr did not establish dedicated prisons; detainees were confined at home or near the mosque. However, as the Muslim community grew and

spread under Umar ibn Khattab's caliphate, he purchased a house in Mecca for 4,000 dirhams, becoming Islam's first recorded prison.

INTEGRATION OF ISLAMIC LAW PRINCIPLES AND HUMAN RIGHTS IN INMATE REHABILITATION PROGRAMS IN INDONESIA

Prison procurement aims to rehabilitate and rectify social issues among inmates, ensuring their human rights and freedoms as outlined in the Universal Declaration of Human Rights. The United Nations Principle emphasizes the protection of prisoners from violence, such as assault, rape, and torture, with the state bearing the responsibility for their care and prevention of torture (Porpora et al., 2010). Islamic law also prohibits mistreatment or torture, emphasizing the state's duty to protect citizens' fundamental rights. Every prisoner can pursue moral and spiritual development according to their religion (Hathout et al., 2006, p. 8). The principles of human rights and Islamic law align in emphasizing fair treatment and protection of prisoners' well-being, prohibiting any form of mental or physical torture, humiliation, or coercion. State authorities have a crucial role in upholding these principles and ensuring the welfare and rights of all individuals within the prison system.

Spiritual and moral guidance is an essential aspect of prison that must be considered. After the inmates leave prison, they will return to their respective communities. If a rehabilitation scheme does not exist, prisoners who have been imprisoned for crimes will re-engage in crime (Stewart, 2008, p. 4). Prisons must provide coaching and training facilities for inmates as a form of moral and spiritual healing therapy. The spiritual skill allows the inmates to improve their conditions and morals and acquire skills valuable for their future lives when released. Despite the challenges in guiding inmates, many communities and elements of other government institutions have started to provide training for inmates (Hawley et al., 2013, p. 7).

In Indonesia, inmates are entitled to guidance and support as stipulated in Government Regulation 31 of 1999. This regulation focuses on fostering their devotion, intellectual and behavioral improvement, and physical and spiritual health. The Community Education Program plays a crucial role in the holistic development of inmates, aiming for their successful reintegration into society and positive contribution to community development (Law no. 31 of 1999). The Directorate General of Corrections provides a structured coaching module that ensures systematic and measurable programs with scheduled assessments and scores. This module outlines specific indicators for personality and independence programs, guiding mandatory programs and activities for each inmate.

Table 1.
Indicators of Fostering Fostered Citizens in Indonesia

No.	Personality	Self-reliance Program
1.	Faith in God Almighty	Fisheries
2.	Physical and Spiritual	Health Services
3.	Recreational	Skills
4.	Intellectuals	Environmental
5.	National and State Awareness	Agriculture
6.	Course	Plantation
7.	Attitudes and Behavior	Industrial
8.	Scouting Materials	Animal
9.	Legal Awareness and Extension	Production Skills training

Each indicator of this program also has a particular weight value determined by the Directorate General of Corrections, which serves as the minimum standard of achievement of the coaching program for all inmates. Then, each of these coaching indicators also has standard derivative activities that the inmates must follow. When analyzing the first indicator, 'Faith to God Almighty,' from the perspective of *maqāsid al-shariah*, it is essential to assess how this particular aspect aligns with the higher objectives of Islamic law. The *maqāsid al-shariah* framework emphasizes preserving and protecting critical values, and faith in God Almighty constitutes a fundamental aspect.

Fostering faith among inmates can be viewed as serving the *maqāsid*, specifically the preservation of religion (*hifz al-din*). The development of faith and spiritual growth among inmates aims to preserve their religious identity and ensure adherence to religious principles, contributing to their reformation and rehabilitation. It aligns to facilitate their successful reintegration into society as responsible and morally conscious individuals. Additionally, instilling faith and promoting spiritual development can impact other *maqāsid*, such as the preservation of life, property, and intellect (*hifz al-nafs, hifz al-mal, hifz al-aql*) by promoting psychological well-being and inner. Furthermore, faith may contribute to enhancing social justice by fostering a sense of accountability, ethical behavior, and respect for other's rights and dignity. However, it is essential to note that while faith and spiritual development are integral components within the *maqāsid* framework, the other indicators in the coaching program may not explicitly fall under the scope of *maqāsid al-shariah*. A detailed analysis is required to determine how each indicator corresponds with the *maqāsid* and contributes to preserving essential values and objectives within Islamic law.

THE GUIDANCE PROGRAM AT THE WOMEN'S PENITENTIARY CLASS IIA IN BANDAR LAMPUNG, JAKARTA WOMEN'S PENITENTIARY CLASS IIA, AND THE SALEMBA CORRECTIONAL INSTITUTION

Coaching at Women's Penitentiary Class IIA in Bandar Lampung involves direct familial interaction to change inmates' behavior through exemplary treatment. Fairness from correctional officers and supervisors inspires prisoners to strive for commendable actions (Rahayu, *Interview*, 2021). Additionally, inmates are treated as individuals with potential and self-respect, having equal rights and obligations. Gradual development is pursued to comprehensively enhance inmates' progress, following the Directorate General of Corrections guidance module. The approach includes personality development (top-down) and fostering independence activities (bottom-up).

Then, the Jakarta Women's Correctional Institution Class IIA also carries out coaching with two types, namely personality development and independence coaching. However, at the Jakarta Women's Correctional Institution Class IIA, personality development is divided into five types of coaching: (1) spiritual awareness development; (2) fostering national and state awareness; (3) intellectual ability development; (4) development of legal intelligence; and (5) fostering self-integration with the community; (6) Sports; (7) Arts; (8) Scouting (Candrawati, *Interview*, 2021).

Guidance at Jakarta Women's Correctional Institution Class IIA aims to prevent recidivism and prepare inmates for reintegration. It shapes their personality, fosters remorse, and promotes active participation in community development. Salemba

Correctional Institution Class IIA focuses on Personality and Independence Development, transforming inmates for a better future. Self–reliance development prepares inmates with future skills to produce valuable work post–release. Personality development at Salemba Penitentiary Class IIA aims to rehabilitate prisoners' selves and souls. It helps narcotics convicts resist temptation and regain control over their addiction (Daniel, *Interview*, 2021).

Table 2.
Guidance at the Salemba Penitentiary Class IIA

No.	Description of Personality	Development of Independence
1	Development of Spiritual	Skills in producing
2	Scouts	Agricultural
3	Education of Equality	Plantation
	a. Pursue Package A	Livestock
	b. Pursue Package B	
	c. Pursue Package C	
4	Computer Course	
5	English Course	

1. Personality Development

Personality development at the Women's Correctional Institution Class IIA in Bandar Lampung involves coaching materials provided by the staff. Inmates receive predetermined coaching packages and actively participate in the activities. Inmates must undergo the personality development program provided by the institution.

a. Religious Development

Islamic spiritual development is integrated into the Women's Correctional Institution Class IIA in Bandar Lampung. Inmates called "prison students," participate in extracurricular activities, including coaching in the prayer room. The guidance aims to increase religious awareness and encourage inmates to perform good deeds and leave their past mistakes behind. This coaching fosters a sense of religion among all elements of the correctional institution, leading to a realization of the wrongfulness of their past actions. Spiritual activities, such as sleeping with fellow inmates more knowledgeable in religion, having cells near the prison mosque, and daily prayers, contribute to this transformation. Correctional officers also organize large–scale spiritual activities in collaboration with the community and other institutions.

At the Women's Correctional Institution Class IIA in Bandar Lampung, routine recitation activities and religious lectures are conducted to foster spiritual awareness among inmates. Recitation sessions are held twice weekly and focus on teaching Quranic reading and writing using the Iqro method. Correctional officers with Quranic skills lead these sessions and impart basic religious knowledge. Religious lectures are organized during religious holidays such as Ramadan and Isra' Mi'raj, bringing joy and deepening inmates' understanding of their faith. While routine recitation is optional for all Muslim inmates, religious lectures are mandatory for everyone. The Jakarta Women's Correctional Institution Class IIA also emphasizes personality development through congregational prayers, One Day One Juz (ODOJ) events, and religious lectures conducted by external community leaders or institutions. Data from 2017 to 2020 reflect the number of inmates benefiting from this spiritual personality development based on their religious differences.

Table 3.
 Total Narapidan Receiving Coaching Personality Religious Awareness Based Religious Diversity

Description	2017	2018	2019	2020
Religious				
Islam	179	186	340	285
Catholic	29	36	30	29
Christian				
Protestant	55	61	62	65
Hindu	–	–	–	–
Budha	11	9	28	8
Kombucha	–	–	–	–

Salemba Penitentiary Class IIA has worship spaces for inmates' spiritual development, including mosques, churches, and monasteries. In-house Ustadz guides Muslim prisoners, while non-Muslims receive visits from external religious figures. Financial support is from the institution and community contributions. Activities include prayers, Quranic study, Arabic learning, and spiritual lectures. COVID-19 minimized external coaching. Houses of worship have restricted hours for safety. Muslim students join "Darul Ilmi" pesantren in a separate hall near the mosque. Participation is voluntary, without coercion. Many students have a history of narcotics cases. Additional financial aid is needed for spiritual development.

b. Fostering National and State Awareness

The Women's Penitentiary Class IIA in Bandar Lampung conducts counseling and scouting coaching to foster national awareness. Inmates participate in character-themed scouting activities to appreciate life and serve the nation. Inmates receive uniforms, pocketbooks, and scouting equipment; external scout coaches are involved. The community also contributes to the coaching activities as support to the inmates. On the other hand, the Jakarta Women's Correctional Institution Class IIA divides the development of national and state awareness into only three activities: (1) national insight, which is implemented through ceremonies; (2) The attitude of love for the homeland; and (3) Pancasila Values. Usually, the last two activities can be carried out by holding counseling initiated by other institutions outside the Institute or through the daily attitudes of the assisted members. The following is data regarding the number of correctional inmates who received this guidance from 2017 to 2020.

Table 4.
 Number of Correctional Inmates Receiving National and State Awareness Development

National and State Awareness	Description	Year			
		2017	2018	2019	2020
	National Insight	–	26	15	–
	Patriotism	–	–	–	–
	Pancasila Values	–	–	–	–

c. Development of Intellectual Ability

Inmates in correctional institutions have the right to intellectual development. The Women's Correctional Institution Class IIA in Bandar Lampung facilitates inmates with reading materials and educational activities to enhance their knowledge and skills. External communities provide academic counseling, and the program has been

implemented since 2017. Inmates are encouraged to improve their reading and writing abilities, preparing them for reintegration into society and contributing to community development.

Table 5.

Number of People Receiving Correctional Patronage Fostering Intellectual Ability

	Description	Year			
		2017	2018	2019	2020
Intellectual Ability	Intellectual Ability				
	a. Legal Education A	2	4	2	2
	b. Legal Education B	5	7	12	8
	c. Legal Education C	9	14	12	8
	Courses				
	Computer	15	20	49	15
	English	10	11	20	16
	Personality Class	11	12	15	Scouting
	Scouting	0	10	10	0

Due to the pandemic, social restrictions impacted the Women's Penitentiary Class IIA, resulting in a lack of collaboration and coaching implementation with external institutions. The Jakarta Women's Penitentiary Class IIA offers inmates courses in computer and English, providing certificates issued by the Regional Job Training Center. Inmates pay for these activities, which are part of their personality and intellectual development. Salemba Correctional Institution Class IIA also provides computer and English courses to prepare inmates for their post – release period.

Table 6.

Residents Patronage Correctional Receiving More Personality Coaching

	Description	Year			
		2017	2018	2019	2020
Other Personality Development	Sports				
	Volleyball	7	20	23	28
	Gymnastics	136	93	116	105
	Table Tennis	3	5	9	8
	Yoga	0	31	0	30
	Art				
	Sound Art	15	20	54	48
	Dance	10	21	49	26
	Music Arts	0	10	13	9

2. Independence Development

Independence development is the implementation of coaching with a bottom – up approach. A bottom – up approach to implementing self – reliance development provides

inmates with material and training about skills. This training can be followed by all prisoners who want to develop their abilities and talents. Thus, it is hoped that the coaching process will run smoothly and fulfill the desired target, that the inmates have skills that can be honed to be ready to return to contribute to their environment after serving a criminal period.

Self-reliance development activities are facilitated by the Women's Correctional Institution Class IIA in Bandar Lampung for the various types of inmates in prison. These activities include (1) Laundry Independence Training Activities, (2) Culinary Independent Training Activities, (3) Activities of Self-Step and Reflection Training, (4) Fisheries Independence Training Activities, (5) Handicraft and Sewing Training Activities, (6) Livestock and Agricultural Activities. In the Women's Correctional Institution Class IIA in Bandar Lampung, the development of independence skills is widely followed by its inmates. Therefore, the development of independence has a relatively large portion of time and duration compared to personality development. The prisoners receive and follow instructions regarding the development of autonomy almost every day. Correctional inmates usually follow this independence development activity in one skill room. Then, the inmates practice it under the guidance of a supervising officer or the community who can contribute to conducting training.

At the Jakarta Women's Correctional Institution Class IIA and the Salemba Correctional Institution Class IIA, self-reliance development is carried out by holding training programs skills and practical work directly. The skills acquired aim to support independent businesses, such as handicrafts, industry, households, machine repair, and electronic equipment. The skills activities at the Jakarta Women's Penitentiary Class IIA can be divided into two parts: skills that can support small industrial businesses, such as managing raw materials from the plantation, and fisheries sectors, such as mushroom cultivation rooms and catfish farming ponds. The facilitated skills are adapted to the talents of each inmate in prison, such as sewing, catering, salons, embroidery, and others.

Table 7.

Number of Inmates Participating in the Independence and Skills Program

No	Description	2017	2018	2019	2020
1	Fishery	–	–	2	4
2	Livestock	–	–	–	–
3	Plantation, Orchids, and Fruits	–	20	6	4
4	Industry and Services	–	–	20	3
	Furniture	–	–	–	–
	Barber/Barbershop/Beauty salon	3	10	20	25
	Car wash	–	–	–	–
	Sewing	4	20	10	88
	Catering Skills	4	20	20	35
	Embroidery Skills	–	–	–	20
	Batik Skills	–	–	–	20
	Soapmaking Skills	–	–	–	20
	Skills Screen printing	–	–	–	20
5	Later guidance and environmental work	–	–	–	–

THE ANALYSIS OF *MAQĀSID AL-SHARĪ'AH* IN MORAL-SPIRITUAL GUIDANCE IN CORRECTIONAL INSTITUTIONS

1. Percentage of Low Spiritual Indicator Scoring Weight

Each correctional institution accommodates inmates in several categories, including adult, memorable, and child prisoners. Based on the regulation of the Government of the Republic of Indonesia Number 28 of 2006 on the Amendment of PP Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Inmates and the Correctional Guidance Module, the score of spiritual indicators for devotion to God Almighty for prisoners in prison in criminal cases Drugs are only 20%. Physical and spiritual health indicators are only 20%, even though many studies agree that spiritual drug addicts can recover well. Furthermore, inmates with a background in criminalizing criminal acts of terrorism are also only charged with a very low score indicator of Faith in God Almighty, which is 5%, and the Spiritual Health indicator is 15%. Residents who are prisoners of corruption crimes also have a very low –scoring burden on the Faith to God Almighty indicator, 10%, and the Spiritual Health indicator, 5%. However, both are extraordinary crimes that are very dangerous. *Qawa'id al-fiqhiyyah* also read,

الأمر بمقاصدها

"Every matter depends on its purposes."

Inmates who commit serious crimes often lack fear or belief in a higher power. Therefore, it is crucial to prioritize the restoration of gratitude towards God as a fundamental step. Numerous studies demonstrate that spiritual recovery can positively influence behavior, restraining negative tendencies through a belief in God (Nima & Somboon, 2019, p. 14). Research by Deuchar et al. highlights the significant role of religious leaders, such as priests and ustadz, in providing appropriate guidance and support to encourage inmates to learn from their past experiences and recognize their growth potential (Deuchar et al., 2015). Giordano et al. and Nurden confirm that interactions with religious figures offer inmates a safe space to feel heard and respected (Giordano et al., 2008, pp. 99–132), fostering their humanity despite their sentences (Nurden, 2010, pp. 121–132).

According to Haris, people with an addiction, abusers, and victims of narcotics require a spiritual approach to recovery due to the damage caused by drugs (Haris, 2017). Spirituality plays a stable role in increasing awareness and preventing narcotics crimes. However, the current guidance module focuses on limited religious activities such as congregational prayers, lectures, and Quranic studies. It is essential to prioritize the five principles of *maqasid shari'ah*, including preserving faith and intellect. Religious training should be emphasized to instil values that inmates can practice even after release. Mears highlights the significance of religion –based programs in prisons (Mears et al., 2006), tracing back to the first penitentiaries in history that were founded on religious principles to encourage repentance. Spiritual indicators should be strengthened for effective inmate rehabilitation (O'Connor & Perreyclear, 2002).

2. Capacity of Sources of Various Disadvantages in Correctional Centres

Prisons and detention centers in Indonesia need to be improved, including inadequate facilities and overcapacity (Walmsley, 2018, p. 2). Data from the Ministry of Law and Human Rights in 2019 revealed that out of 522 institutions, only 113 could accommodate prisoners within their capacity. The remaining 407 facilities were overcrowded, with varying levels of density. Ideally, prisons should house 126,837

inmates, but in February 2019, they had to accommodate 257,851 prisoners. Only three out of 33 provinces, namely Yogyakarta, Maluku, and North Maluku, did not experience overcapacity, while the rest faced the issue (Usman & Seregar, 2020).

Salemba Correctional Institution Class IIA and Jakarta Women's Correctional Institution Class IIA face severe overcapacity issues. The actual capacity of Salemba is 250–500 prisoners, but it currently houses over 2000 inmates. Similarly, Jakarta Women's Institution, with a capacity of 208, houses 361 inmates. Overcapacity contradicts the goals of the law and Sharia. The state must address this problem urgently to prevent future harm as responsible for managing and mentoring inmates. As qawa'id al – fiqhiyyah reads,

لا ضرر ولا ضرر

"Do not experience harm, and do not cause harm."

The derived rule also reads that,

الضرر يزال

"The harm must be eliminated."

Overcapacity in prisons significantly impacts the limitations of sleeping rooms and detention cells, as well as the availability of funds for meals and coaching activities. Despite being a state – owned institution, the Salemba Correctional Institution Class II A relies on external and community sponsorship for support. While various donors have provided coaching for personality development and independence, more funds are needed. The reliance on non – permanent external donors or sponsors exacerbates the problem, posing challenges to the well – being of the inmates. Nichols also states that education for inmates in prison will not be able to improve if the constraints on the availability of teachers or coaches in correctional institutions are not balanced, financial problems and policies that are not in harmony with the needs of reality on the ground are not resolved (Nichols, 2016). Illat of this problem is *dharar* the reluctance of the government, in this case, the Ministry of Justice and Human Rights and its staff, for discipline and obedience to the distribution of inmates in prisons. Comparing 500 capacities and the realisation of 2000 inmates being forced to be accommodated in one is unnatural.

Overcapacity can also cause various other derivative problems, such as an imbalance between the number of correctional and functional officers such as coaches, pharmacists, doctors, psychologists, psychiatrists, and others with the number of inmates. This problem will encourage the emergence of various dilemmas, such as the officer's lack of maximum attention to all inmates. Silencing the problem of overcapacity is logically the same as opening up multiple disadvantages in the future. These problems, in the end, clearly hinder the realisation of the principles of maqasid shari'ah, including *hifzu al Nafs*. One example is the Darul Ulum Islamic Boarding School inmates, the Salemba Penitentiary Class IIA, who must sleep and rest in the hall. The number reached 200 people due to overcapacity.

Due to limited space, inmates with a history of narcotics involvement cannot be accommodated in detention cells or rooms. Rehabilitation for drug addicts and victims of abuse is a complex issue that requires proper guidance and support, similar to those provided in the National Narcotics Agency's rehabilitation centers. However, prison – based rehabilitation is often compulsory and lacks adequate facilities and financial resources. This multi – layered problem poses challenges for the future, including

potential issues arising from forced rehabilitation without sufficient infrastructure and support. The following derivative, *qawa'id al-fiqhiyyah*, also emphasises that,

الضرر لا يكون قديما

"*There was a beginning for harm.*"

The problem of overcapacity comes from both the realm of practice and upstream or policy sources regarding the procedures and implementation of coaching and mentoring in correctional institutions. If the policy on overcapacity is not harmonized with the law or the management policies under it, then this problem will continue to undermine every penitentiary in Indonesia. The guidance of the inmates will be hampered, and this challenge will continue to be a shadow of the threat of recidivist prisoners due to the non – fulfilment of comprehensive guidance.

The Correctional Law was born after the reformation to provide punishment for violations that harm victims. The state tries to avoid a colonial approach that only focuses on retaliatory punishment through this law. The government has changed the implementation of penitentiaries into coaching and improvement so that penitentiary residents can return to society. Although there are international rules regarding the treatment of prisoners, such as the Guidelines for Minimum Standards for the Treatment of Prisoners, the Universal Declaration of Human Rights, and others, neither the Correctional Law nor government regulations in Indonesia explicitly regulate the availability of prison rooms or proper facilities for all prisons. These standard rules state that sleeping accommodation, lighting, sanitation, and bathing must meet health and feasibility requirements. However, the existence of this international standard has not been fully implemented in Indonesia. Regulations of the Minister of Law and Human Rights of the Republic of Indonesia relating to Correctional Institutions and State Detention Centers have not followed this international standard. In addition, in Indonesia, the stigma that convicts are former criminals still exists and is difficult to remove. The community must be more open and empathetic towards the coaching process so that penitentiary members can more easily reintegrate into society. In conclusion, Correctional Law aims to punish violations and encourage development and improvement for convicts. However, the lack of implementation of international standards in government regulations and the social stigma against inmates are challenges that need to be overcome to achieve a more just and humane correctional system in Indonesia.

3. The Dilemma of Limitations and Absence of Functional Officer

According to the institution's annual report in 2020, The Jakarta Women's Penitentiary Class IIA, which houses 361 inmates, faces a significant shortage of medical staff. With only three general practitioners, pharmacists, and nurses, the facility needs more essential personnel like nutritionists, psychologists, and psychiatrists. This imbalance between the number of inmates and available medical staff requires urgent attention and action to ensure proper coaching, services, and medical care for the incarcerated individuals. Additionally, the shortage of medical officers or infrastructure for detoxification cannot be overlooked, considering the nature of the prisoners, including those in need of forced rehabilitation.

As stated in *qawa'id al-fiqhiyyah*,

المتنع عادة كالممتنع حقيقة

"*Something that is a traditional obstacle is as strong as the essential.*"

Narcotics addicts, abusers, and victims of narcotics abuse in correctional institutions should receive the same comprehensive treatment as those in the National Narcotics Agency's rehabilitation programs. Considering the presence of narcotics dealers within prisons, social rehabilitation becomes crucial. The availability of nutritionists, psychologists, counselors, and psychiatrists is not just a secondary need but a primary one, as it directly affects the well-being and rehabilitation of the 361 inmates. Setting targets for social and medical rehabilitation and providing sufficient staff to meet these targets is an urgent and essential requirement at the Jakarta Women's Penitentiary Class IIA. According to the *qawa'id al-fiqhiyyah* principle,

الحاجة تنزل منزلة الضرورة

"Secondary needs (al-hajjah) can rise to the primary level (al-darūrah)."

This principle emphasizes that specific needs can become necessary, even if initially considered secondary. In correctional institutions, providing nutritionists, psychologists, counselors, and psychiatrists for rehabilitating narcotics addicts and abusers is not just a secondary need but a critical requirement. The well-being and successful rehabilitation of inmates rely on these services, highlighting the importance of addressing this need as a primary concern at the Jakarta Women's Penitentiary Class IIA.

As stated by Nichols, the primary objective of imprisonment extends beyond punishment and confinement. It encompasses fulfilling inmates' right to rehabilitation, enabling their recovery and readiness for reintegration into society (Nichols, 2016). Porpora et al. similarly emphasize that prisons serve as places of confinement and rehabilitation for addressing the social issues of prisoners (Porpora et al., 2010). Furthermore, the fifth United Nations Principle emphasizes that prisoners, apart from necessary restrictions, should be afforded the human rights and freedoms outlined in the Universal Declaration of Human Rights.

Providing adequate staff in correctional facilities is crucial for upholding the principles of *Maqasid Shariah*, such as preserving life and intellect. As individuals serving sentences and undergoing rehabilitation, inmates require professional assistance beyond the scope of correctional officers' roles. Mental and healthcare professionals (Ako et al., 2020) must guide inmates in social and health rehabilitation (Fazel & Baillargeon, 2011). Correctional inmates need access to immediate support facilities, including infrastructure and operational staff assistance, for their social rehabilitation. Ultimately, it is the responsibility of state authorities to ensure that all inmates receive proper care within prisons, enabling them to recover and prevent the recurrence of criminal behavior upon their return to society.

The Director General of Corrections needs to fully exercise his authority to deal with prison problems, such as overcapacity and a shortage of doctors. An evaluation of the implementation of prisons must be carried out and reported to the government, which then brings the evaluation results to the DPR for discussion in legislation and coordination meetings. UU no. 1 of 2023, concerning the Criminal Code, provides an alternative punishment other than imprisonment. Imprisonment, surveillance, fines, and social work can be applied as the primary punishment for the accused. The implementation of sentencing must involve all relevant state institutions, especially judges, to seek alternative penalties for defendants other than imprisonment. For instance, perpetrators of non-violent crimes should not be imprisoned, and drug offenders who are not dealers can undergo rehabilitation at the National Narcotics Agency (BNN) with supervision and guidance. It can be a solution to overcome

overcapacity in prisons and provide better advice to defendants, including support from experts, doctors, and spiritual experts available at BNN.

Overcapacity in prisons and a shortage of functional experts are closely related to the judge's view of the sentence for the accused. Supreme Court decision number 28 of 2021 requires correctional institutions to implement the function of restorative justice or social reintegration in sentencing decisions. It means that judges at the district courts and the Supreme Court must provide a type of punishment that is not only oriented towards retaliation but also improves the development of the accused and prepares him to return to the social environment through a different principal penalty.

CONCLUSION

The Correctional Law was established after the reformation to provide punishment for violations that harm victims. The state aims to avoid a colonial approach solely focusing on retaliatory punishment through this law. The government has transformed the implementation of penitentiaries into coaching and improvement programs to facilitate the reintegration of penitentiary residents into society. Implementing coaching in correctional institutions centers around three key areas: *hifz al-din* (spiritual development), national and state awareness (implemented in 3 other *maqasid*: *Hifz al-Nafs*, *Hifz al-Nasl*, and *Hifz al-Mal*), and *Hifz al-'Aql* (intellectual ability development). Spiritual development (*Hifz al-Din*) activities involve providing inmates access to houses of worship and religious guidance. However, financial support is required for these activities. National and state awareness (which refers to *Hifz al-Nafs*, *Hifz al-Nasl*, and *Hifz al-Mal*) is fostered through counseling and scouting activities, with external institutions and the community contributing to the coaching. Intellectual ability development (*Hifz al-'Aql*) involves reading, writing, and education, focusing on increasing knowledge and skills. Independence development emphasizes self-reliance through training programs and practical work. However, the issues caused by overcapacity in correctional institutions affect the availability of resources and funding, making effective inmate rehabilitation difficult. Therefore, it is essential to address overcapacity and strengthen spiritual indicators. Indonesian correctional institutions face significant challenges that hinder effective inmate rehabilitation and reintegration. The low weighting of spiritual indicators and severe overcapacity undermines holistic prisoner development. This study aims to enhance personality development models using religious-based programs and a *qawaid al-fiqhiyyah* approach, which aligns with addressing these challenges. Resolving overcapacity issues, addressing the shortage of medical staff, and implementing enhancements proposed in this study are pivotal for a more just and humane correctional system in Indonesia. These actions align with *maqasid shari'ah* principles and foster impactful implementation within correctional frameworks. Rectifying these challenges will facilitate inmate rehabilitation and prepare them for successful reintegration into society.

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Interview

- Interview with Daniel, Warder of Salemba Correctional Institution Class IIA, October 19th, 2021, 11:30 a.m.
- Interview with Herlin Candrawati, Bc.I.P., S.H., M.H., Head of Women's Penitentiary Class IIA in Bandar Lampung, Oktober 19th, 2021, 11:00 a.m.
- Interview with Leader of MUI, KH. Maruf Amin, at MUI Office Centre of Jakarta on September 15th, 2016.
- Interview with Putranti Rahayu, Bc, IP, S.H, Head of Women's Penitentiary Class IIA in Bandar Lampung, April 8th, 2021, 10:00 a.m.