

IMPLEMENTATION OF GUIDANCE FOR FOREIGN PRISONERS (PAPUA NEW GUINEA) AT THE CLASS II A NARCOTICS PRISON IN JAYAPURA



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ABSTRACT

This study examines the implementation of rehabilitation programs for foreign inmates from Papua New Guinea (PNG) at the Class IIA Narcotics Prison in Jayapura, focusing on their preparation for social reintegration as responsible and independent individuals. Using a descriptive qualitative approach, data were collected through interviews, observations, and documentation, and analyzed with the support of NVivo software to identify key themes. The findings reveal that rehabilitation programs for PNG inmates have not been implemented optimally. Most available programs are limited to personality development activities such as religious guidance, sports, and health services, while access to vocational training remains very limited. Several obstacles were identified, including language and cultural differences, limited facilities, differences in legal systems, and security concerns related to previous escape cases. In addition, the lack of support from the Papua New Guinea Consulate poses a significant barrier to fulfilling the integrative rights of foreign inmates. The study concludes that more adaptive and inclusive rehabilitation programs are needed, particularly those that consider cultural and linguistic differences. Strengthening coordination with the consulate and improving institutional support are also essential to ensure more effective rehabilitation and successful reintegration of foreign inmates into society.

Keywords: *Rehabilitation; Foreign Inmates; Papua New Guinea; Rehabilitation Barrier; Social Reintegration*

INTRODUCTION

The correctional system represents a fundamental component of the integrated criminal justice system in Indonesia, implemented by the government as a means of upholding the law while simultaneously fulfilling a rehabilitative function. Rather than merely serving as a punitive mechanism, Indonesia's correctional system is built upon the principle of social reintegration, ensuring that inmates are no longer regarded solely as objects of punishment but as human beings who deserve opportunities for rehabilitation and reintegration into society. This paradigm shift marks a departure from a purely retributive approach, placing greater emphasis on human rights, restorative justice, and rehabilitation programs that foster moral, intellectual, and vocational development. Through these measures, the correctional system seeks to rebuild the inmates' connection with God, their social environment, and their livelihood, thereby preparing them for a more productive role in society upon release.

The Indonesian correctional philosophy is firmly grounded in the 1945 Constitution of the Republic of Indonesia (UUD 1945), which enshrines fundamental rights for all citizens, including inmates. Article 28D affirms that every individual has the right to recognition, guarantees, protection, and legal certainty, as well as the right to work and receive fair and proper treatment in the workplace. These constitutional guarantees underline that inmates, including foreign nationals, are entitled to humane treatment, fair legal processes, and access to correctional programs without discrimination. Law No. 22 of 2022 on the Correctional System further reinforces these principles, stipulating that correctional activities must be carried out in accordance with the principles of humanity and non-discrimination. Likewise, Government Regulation No. 31 of 1999 specifies that correctional guidance aims to improve inmates' faith in God, intellectual capacity, professional skills, mental and physical health, and overall behavior, so that they may successfully reintegrate into society as law-abiding citizens.

These national legal frameworks align with international human rights standards, particularly the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which prohibit discrimination based on race, color, sex, language, religion, political opinion, national or social origin, property, birth, or other status. In the context of Indonesia, these rules demand equal treatment for all prisoners including foreign nationals and the provision of correctional programs that uphold their dignity and human rights. Such principles are especially relevant as Indonesia becomes an increasingly significant destination for foreign nationals, driven by globalization, cross-border migration, business opportunities, tourism, and educational exchanges.

As a result of this increased mobility, there has been a notable rise in legal violations involving foreign nationals across Indonesia, from Sabang to Merauke. Data from the Directorate General of Immigration in 2024 recorded 5,434 foreign nationals subjected to administrative immigration measures, a 150% increase from the previous year. Furthermore, 130 foreign nationals were prosecuted for immigration-related crimes in 2023, rising to 228% in 2024. Among these, foreign prisoners from Papua New Guinea (PNG) form a significant proportion, particularly in the easternmost province of Papua, which directly borders PNG. Statistical data from 2022 indicate that there were 102 PNG nationals incarcerated across Indonesia, and this number has since grown. As of February 2025, the Class IIA Narcotics Prison (Lapas Narkotika Kelas IIA) in Jayapura housed 105 inmates from PNG, consisting of 96 convicted prisoners and 9 detainees. The majority of these cases are related to cannabis trafficking and other general crimes committed within the territory of Indonesia.

The geographical proximity between Papua and PNG creates unique challenges for

law enforcement and correctional management. Transnational crimes such as drug trafficking, smuggling, and illegal border crossings have become increasingly prevalent, facilitated by porous borders and close kinship ties between cross-border communities. As Hiarjie (2009) explains, transnational crimes involve criminal conduct that spans multiple jurisdictions, requiring states to apply territorial jurisdiction to prosecute offenders. Under Article 2 of the Indonesian Criminal Code (KUHP), Indonesian criminal law applies to any punishable act committed within its territory, regardless of the nationality of the perpetrator. Consequently, PNG nationals apprehended in Indonesia are subject to Indonesian law and must undergo the same judicial and correctional processes as Indonesian citizens.

Nevertheless, the implementation of correctional programs for PNG nationals in Papua presents multiple layers of complexity. Although these inmates are provided with basic religious activities such as Christian and Catholic worship services under the personality development program, their participation in other forms of correctional guidance including vocational training, legal awareness programs, civic education, and social reintegration activities remains limited. Several obstacles contribute to this gap, including legal-system differences, cultural factors, language barriers, limited consular support, and the absence of specific policies addressing the needs of foreign inmates.

From a legal perspective, PNG operates under a mixed legal system combining English Common Law and customary law (*kastom*), which differs significantly from Indonesia's civil law system. Many legal matters in PNG are resolved through customary practices, which can create confusion for PNG inmates when navigating Indonesia's highly structured criminal justice process, from investigation to trial to correctional guidance. This confusion is further compounded when foreign inmates attempt to access their rights to parole, conditional leave, remission, or other reintegration mechanisms, which often require supporting documents such as a national identity card (KTP) or a family guarantor documents that many foreign inmates cannot provide. Additionally, the limited involvement of PNG's consular representatives in facilitating reintegration processes exacerbates this issue, leaving inmates in prolonged detention or awaiting deportation at immigration detention centers after serving their sentences.

Cultural differences also play a significant role in shaping inmate behavior and creating tension within the prison environment. PNG society is characterized by high levels of patriarchal norms, frequent tribal conflicts, and a widespread culture of violence, including the open use of cannabis and firearms. When these cultural patterns are carried into the prison setting, PNG inmates are often perceived as instigators or "provocateurs," inciting violent altercations with local inmates, smuggling drugs into the facility, or orchestrating prison escapes. These behaviors not only disrupt prison order but also hinder the effectiveness of correctional programs aimed at rehabilitation and social reintegration.

The language barrier further complicates daily interactions between PNG inmates, prison staff, and local inmates. PNG is one of the most linguistically diverse countries in the world, with over 850 local languages, in addition to English, Tok Pisin, and Hiri Motu as national languages. The inability of PNG inmates to speak Indonesian coupled with the limited English or Tok Pisin proficiency of prison staff severely restricts communication. This makes it difficult to deliver legal counseling, provide guidance on rehabilitation programs, or resolve conflicts, thereby weakening the overall rehabilitative process.

Moreover, the limited support from foreign embassies or consulates leaves many foreign inmates without proper legal assistance, family contact, or reintegration planning. The absence of adequate consular involvement also means that foreign inmates

often lack the guarantors required for conditional release, parole, or assimilation programs. This situation leads to a prolonged stay in prison or detention centers, increasing frustration and the risk of escape attempts.

The lack of specific correctional policies and programs tailored to foreign inmates poses an additional challenge. In practice, foreign inmates are required to participate in the same programs designed for local prisoners, despite differences in language, culture, and social background. This “one-size-fits-all” approach results in low participation rates and reduces the intended rehabilitative impact of correctional programs.

Given these multidimensional issues, this study addresses the implementation of correctional guidance for foreign inmates, specifically PNG nationals, at the Class IIA Narcotics Prison in Jayapura. The research seeks to analyze the extent to which legal, cultural, linguistic, and institutional factors affect the participation of foreign inmates in correctional programs, as well as to explore potential policy innovations that could enhance rehabilitation outcomes. This study is significant because it fills a gap in existing literature, which rarely focuses on the correctional treatment of foreign inmates in Indonesia, particularly in border regions like Papua where transnational crime rates are high. It also contributes to the broader discourse on human rights, ensuring that all individuals regardless of nationality receive equal access to rehabilitation opportunities in line with both national and international standards.

Ultimately, this study aims to generate actionable insights that can inform the formulation of more inclusive correctional policies, strengthen coordination among key stakeholders (including the Directorate General of Corrections, Immigration, and foreign diplomatic missions), and improve the effectiveness of rehabilitation programs for foreign inmates. By addressing the unique challenges faced by PNG inmates, this research aspires to advance the development of a more humane, equitable, and globally responsive correctional system in Indonesia.

LITERATURE REVIEW

Several previous studies have examined the implementation of health and food service policies for foreign prisoners in correctional institutions. Tajuddin found that the implementation of health and food service policies in Class I Surabaya Correctional Facility faced serious obstacles, including limited medical personnel, minimal health facilities, language barriers that hindered communication between foreign inmates and officers, and food that often did not meet nutritional standards or inmates’ dietary preferences. This study focused on evaluating policy implementation and identifying systemic issues that hinder the fulfillment of inmates’ rights.

Theory of Rule of Law (A.V. Dicey)

The concept of the “Rule of Law” was first introduced by A.V. Dicey in 1885 as a response to the absolutist governments of Europe, which centralized power in the hands of monarchs. Dicey argued that the law, not the ruler, should hold the highest authority in the state. He formulated three core principles: supremacy of law, equality before the law, and the recognition and protection of human rights (BPHN, 2023). The first principle, supremacy of law, asserts that no one neither citizens nor government may act arbitrarily, and all actions must be grounded in law (Rumiarta, 2022). The second principle, equality before the law, guarantees that all individuals are treated equally without discrimination, whether they are citizens or government officials (Rusnain, 2013). The third principle emphasizes the protection of human rights, ensuring that the state is obligated to safeguard individual freedoms through its legal system.

Wade later expanded Dicey's concept into five dimensions, including the requirement that all government actions be legally grounded, independent judicial review of government decisions, and a balance between state power and individual rights. In the Indonesian context, this theory aligns with the Constitution (UUD 1945), which establishes Indonesia as a *rechstaat* a state based on law and with Pancasila, which enshrines justice as a fundamental value, particularly in the fifth principle: "Social Justice for All Indonesian People." This theoretical framework guides the present research by framing correctional policies as legal obligations that must respect equality before the law and protect the rights of all inmates, including foreign nationals.

Social Reintegration Theory (Braithwaite)

Braithwaite's Reintegrative Shaming Theory (1989) highlights that punishment should not merely isolate offenders but also offer them opportunities to reintegrate into society. Braithwaite distinguishes between disintegrative shaming, which stigmatizes offenders and excludes them from society, and reintegrative shaming, which combines accountability with opportunities for rehabilitation and acceptance back into the community.

This perspective underlines that correctional systems should be rehabilitative and restorative rather than purely punitive (Sari, 2021). Successful reintegration requires support from multiple actors, including the government, families, and communities, to encourage offenders to participate actively in educational, spiritual, and vocational programs during incarceration. Visher and Travis (2003) identified four dimensions that affect successful reintegration: individual characteristics, family relationships, community context, and national policy.

Applied to this research, social reintegration theory provides a framework for examining how personality and vocational development programs in correctional facilities especially for foreign nationals from Papua New Guinea can be tailored to accommodate cultural differences and prepare inmates for eventual reintegration, either into Indonesian society or back to their home country.

METHOD

This study adopts a qualitative research approach, which is considered most appropriate for exploring the implementation of personality and independence development programs for foreign nationals from Papua New Guinea in correctional institutions. The qualitative method was chosen because it provides a deep understanding of the experiences of inmates, the challenges they face, and the institutional responses to those challenges.

Data were collected through in-depth interviews with correctional officers, staff responsible for inmate coaching, and selected PNG inmates, as well as through field observations within the Class IIA Narcotics Prison in Jayapura. Document analysis was also conducted using relevant regulations, statistical reports, and institutional records. The research design used is a case study, allowing the researcher to focus intensively on a single correctional facility and capture the complexity of the phenomenon in its real-life context.

Guided by Dicey's Rule of Law theory and Braithwaite's Social Reintegration theory, this research seeks to interpret how the principles of equality before the law and social rehabilitation are applied to foreign inmates in practice. Concentrating on one correctional facility enables a comprehensive and contextual examination of how cultural, linguistic, and legal factors influence the effectiveness of rehabilitation

programs. Primary data were obtained from interviews with key stakeholders including the Head of the Prison, correctional officers, and PNG inmates. Secondary data were drawn from academic literature, previous studies, government regulations, and institutional documents to strengthen the validity of findings.

Data collection techniques consisted of observation, semi-structured interviews, and document study. Data analysis employed a descriptive qualitative method with a thematic analysis approach, involving data reduction, categorization into key themes, data presentation, and conclusion drawing. This process allows the researcher to identify patterns and formulate insights regarding the challenges and opportunities in providing effective rehabilitation programs for foreign nationals. The results are expected to contribute both theoretically, by enriching the discussion on correctional treatment of foreign inmates, and practically, by offering recommendations for policy improvements that promote equality and human rights within Indonesia's correctional system.

RESULTS AND DISCUSSION

Implementation of Personality and Vocational Development Programs

The results of the study show that the implementation of personality and vocational development programs for foreign nationals from Papua New Guinea (PNG) at the Class IIA Narcotics Prison in Jayapura remains partial and limited in scope. Personality development is primarily concentrated on religious activities, with most PNG inmates regularly attending Christian and Catholic worship services on Sundays. These programs help maintain spiritual well-being and provide moral guidance consistent with the goals of correctional rehabilitation.

However, participation in other personality development activities, such as legal awareness sessions, civic education, and intellectual capacity-building, is very low. Language barriers and the absence of program materials translated into English or Tok Pisin make it difficult for PNG inmates to fully understand and engage in these sessions. Vocational development programs are even less accessible, with very few PNG inmates taking part in skills training or work activities.

This lack of participation stems from communication difficulties, cultural differences, and the absence of specialized programs tailored to their background, resulting in prolonged idleness and missed opportunities to gain productive skills. These findings suggest a gap between the legal mandate for comprehensive rehabilitation, as stipulated in Law No. 22 of 2022, and the reality experienced by foreign inmates in Papua.

Supporting and Inhibiting Factors

Several factors support the partial implementation of personality development for PNG inmates. Religious institutions, particularly local churches, play a significant role in facilitating worship services and spiritual counseling, providing a sense of belonging and emotional support for inmates. Correctional officers also consistently uphold the principle of non-discrimination, ensuring that PNG inmates have access to basic services, including health care and meals, equal to local inmates.

Nevertheless, these positive elements are overshadowed by multiple challenges that hinder effective rehabilitation. Legal and administrative barriers prevent PNG inmates from accessing reintegration programs such as parole, remission, and conditional leave, as these require supporting documents such as identity cards and guarantors, which they cannot provide. The lack of consular involvement further complicates their situation, leaving them with limited external support. Language barriers are one of the most significant obstacles, as most prison staff do not speak

English or Tok Pisin, while PNG inmates rarely speak Indonesian, resulting in miscommunication and misunderstanding in daily interactions and program delivery.

Cultural differences add another layer of difficulty, as the social norms and behavior of PNG inmates sometimes conflict with those of local inmates, causing tension and occasional violence. Finally, resource constraints, such as the shortage of trained personnel and the absence of culturally appropriate training materials, limit the capacity of the prison to deliver effective and inclusive rehabilitation programs.

Human Rights Perspective

From the perspective of human rights, these findings raise concerns regarding the fulfillment of the rights of foreign inmates as guaranteed by national and international frameworks. Article 28D of the 1945 Constitution explicitly guarantees legal protection and equality before the law for all individuals, without exception.

The limited participation of PNG inmates in correctional programs suggests that these guarantees are not being fully realized in practice. The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) also emphasize the principle of non-discrimination, which requires equal access to education, vocational training, and rehabilitation for all prisoners regardless of nationality.

The marginalization of PNG inmates risks perpetuating cycles of crime and recidivism, as they are released without adequate skills or preparation for reintegration into society. This underscores the need for a more inclusive and rights-based approach to correctional programming in Indonesia.

Comparative and Policy Implications

When compared with previous research on the treatment of foreign inmates in Indonesia, this study confirms many of the same structural and operational challenges, such as insufficient medical resources, limited communication strategies, and a lack of program customization.

However, it contributes uniquely by highlighting the situation of PNG nationals in a border-region prison, where cross-cultural dynamics and transnational crime are especially pronounced. The findings have important policy implications, suggesting the need for a formal framework for managing foreign inmates. This includes providing language access through interpreters, adapting vocational training modules to reflect cultural and educational backgrounds, and increasing collaboration with diplomatic representatives to assist with administrative and legal needs. Implementing these measures would enhance the effectiveness of correctional programs, reduce potential security risks within the prison, and contribute to successful reintegration outcomes, which ultimately align with Indonesia's correctional philosophy centered on rehabilitation and social reintegration.

CONCLUSION AND SUGGESTIONS

The findings of this study indicate that the implementation of rehabilitation programs for foreign inmates from Papua New Guinea (PNG) at the Class IIA Narcotics Prison in Jayapura has not been fully optimal. Although Indonesia's correctional system guarantees that all prisoners, regardless of nationality, are entitled to rehabilitation programs, PNG inmates do not enjoy equal access to personality and vocational development activities.

While basic personality development programs such as religious services, sports, and healthcare are provided, they remain limited in scope. Participation in vocational training is even more restricted, largely due to security concerns stemming from past

escape attempts, the use of sharp tools during training, and institutional policies that limit foreign inmates' participation. These challenges highlight a significant gap between the normative objectives of the correctional system and their actual implementation for foreign nationals.

The main obstacles to effective rehabilitation are rooted in language barriers, cultural differences, and administrative and immigration-related challenges. PNG inmates struggle to communicate with officers and understand training materials, resulting in low engagement and poor comprehension of correctional programs. Cultural differences further complicate their adjustment to the prison environment, leading to a sense of isolation and psychological stress that negatively affects the rehabilitation process. Additionally, the limited involvement of PNG's diplomatic representatives significantly hampers administrative processes required for parole, remission, assimilation, and conditional leave.

The lack of consular support leaves inmates unable to fulfill the necessary documentation requirements, which prolongs their incarceration and limits their chances for reintegration. In light of these findings, it is recommended that the Class IIA Narcotics Prison in Jayapura adopt more inclusive and culturally sensitive rehabilitation programs tailored to the specific needs of PNG inmates. This includes providing training materials in basic English, employing visual communication methods, and offering capacity-building programs for correctional officers on managing foreign prisoners. Stronger coordination with the PNG consulate is also essential to ensure the fulfillment of administrative rights and to facilitate reintegration processes.

Furthermore, policymakers should consider providing additional facilities, tools, and human resources to address the current limitations in program delivery. By implementing these measures, correctional institutions can enhance participation, improve rehabilitation outcomes, and align more closely with the goals of Indonesia's correctional system, which emphasizes rehabilitation and social reintegration for all inmates.

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