

# The Carceral Family Responsibility Gap: Legal Uncertainty in Prisoners' Family Maintenance in Gorontalo

<sup>1</sup>Fadhilah Paneo, <sup>2</sup>Nur Mohamad Kasim, <sup>3</sup>Fitran Amrain

<sup>1,2,3</sup>Universitas Negeri Gorontalo, Gorontalo, Indonesia

Email: fadhilahpaneo@gmail.com

## **Abstract**

*This study examines the legal uncertainty surrounding the fulfillment of family maintenance obligations by incarcerated husbands in Gorontalo, Indonesia. While Indonesian family law maintains the continuity of maintenance obligations, the correctional context imposes structural constraints that hinder their practical realization. Employing a socio-legal approach, this research combines normative legal analysis with empirical data collected through interviews with inmates, their families, and correctional officers, as well as institutional observations. The findings reveal a persistent gap between normative obligations and actual capacity, exacerbated by the absence of institutional mechanisms within the correctional system to facilitate the fulfillment of family responsibilities. This condition reflects a structural disjunction between family law and correctional governance, resulting in what this study conceptualizes as the carceral family responsibility gap. The study further demonstrates that this gap not only undermines legal effectiveness but also shifts the economic burden to prisoners' families, increasing their social vulnerability. This research contributes to the development of socio-legal scholarship by introducing a novel analytical framework that integrates legal responsibility with structural constraints in carceral settings. It argues that ensuring legal effectiveness requires not only normative clarity but also institutional integration and adaptive legal approaches to address the socio-economic realities of affected families.*

**Keywords:** Family Maintenance; Prisoners; Legal Uncertainty; Corrections; Legal Responsibility.

## **Abstrak**

Penelitian ini mengkaji ketidakpastian hukum dalam pemenuhan kewajiban nafkah oleh suami yang menjalani pidana penjara di Gorontalo, Indonesia. Meskipun hukum keluarga Indonesia mempertahankan keberlanjutan kewajiban nafkah, konteks pemasyarakatan menghadirkan keterbatasan struktural yang menghambat realisasinya secara praktis. Penelitian ini menggunakan pendekatan sosio-legal dengan mengombinasikan analisis hukum normatif dan data empiris yang diperoleh melalui wawancara dengan narapidana, keluarga mereka, serta petugas pemasyarakatan, disertai dengan observasi kelembagaan. Hasil penelitian menunjukkan adanya kesenjangan antara kewajiban normatif dan kapasitas faktual, yang diperparah oleh ketiadaan mekanisme institusional dalam sistem pemasyarakatan untuk mendukung pemenuhan tanggung jawab keluarga. Kondisi ini mencerminkan adanya ketidaksinergian antara hukum keluarga dan tata kelola pemasyarakatan, yang dalam penelitian ini dikonsepsikan sebagai carceral family responsibility gap. Kesenjangan ini tidak hanya melemahkan efektivitas hukum, tetapi juga mengalihkan beban ekonomi kepada keluarga narapidana serta meningkatkan kerentanan sosial mereka. Penelitian ini berkontribusi dalam pengembangan kajian sosio-legal dengan menawarkan kerangka analitis baru yang mengintegrasikan konsep tanggung jawab hukum dengan keterbatasan struktural dalam konteks pemidanaan. Temuan ini menegaskan bahwa efektivitas hukum tidak hanya ditentukan oleh kejelasan norma, tetapi juga oleh integrasi kelembagaan dan pendekatan hukum yang adaptif terhadap realitas sosial keluarga yang terdampak.

**Kata Kunci:** Nafkah Keluarga; Narapidana; Ketidakpastian Hukum; Pemasyarakatan; Tanggung Jawab Hukum.

## **Intoduction**

The obligation to provide maintenance within the Indonesian family law system constitutes one of the primary legal consequences of marriage, positioning the husband as the principal provider responsible for the household's economic sustainability. This obligation is not only regulated under positive law but is also reinforced by Islamic legal norms, which emphasize its continuous nature throughout the duration of the marital bond. Within this framework, maintenance is constructed as a normative and unconditional obligation, thereby remaining binding despite changes in the husband's subjective circumstances (Law No. 16 of 2019 on Marriage, 2019; Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law (Kompilasi Hukum Islam), 1991).

However, this normative construction faces significant challenges when the husband is subjected to imprisonment as a convicted offender. The condition of incarceration structurally restricts mobility, economic access, and productive capacity, thereby factually hindering the fulfillment of maintenance obligations. In this context, the law encounters a fundamental dilemma between preserving an absolute normative obligation and confronting the empirical reality of the subject's inability to comply. This tension reflects a clear gap between law in the books and law in action in the practice of family law in Indonesia.

In contemporary criminological and criminal law scholarship, attention has increasingly shifted beyond offenders to include the families of prisoners as indirectly affected parties. Empirical studies demonstrate that incarceration often generates significant social and economic consequences for families, including the loss of primary income sources, increased financial burdens, and the emergence of social stigma (Christian et al., 2006). These impacts indicate that prisoners' families constitute a vulnerable group occupying a marginal position within the legal system.

Furthermore, international literature highlights that prisoners' families are frequently regarded as "invisible victims" of the penal system, due to the absence of clear institutional responsibility on the part of the state to safeguard their interests (Catuara, 2025). This condition underscores the tendency of criminal justice systems to focus predominantly on offenders, while the broader social impact on families as fundamental social units remains

insufficiently integrated into legal policy. In this sense, incarceration produces not only individual consequences but also structural effects on family welfare.

In Indonesia, legal scholarship on maintenance obligations in family law remains largely centered on divorce or domestic disputes under normal circumstances. Studies specifically addressing the fulfillment of maintenance obligations in the context of incarceration remain limited and underdeveloped. Conversely, research on correctional systems tends to emphasize rehabilitation and prisoners' rights, without adequately linking these aspects to prisoners' legal responsibilities toward their families (Pradipta & Rahayu, 2025). This reflects a fragmentation of scholarship between family law and correctional law.

This limitation has resulted in the absence of a clear legal framework governing the mechanisms for fulfilling maintenance obligations for prisoners' families. Normatively, the obligation remains recognized; however, operationally, there are no legal instruments or policy mechanisms capable of facilitating its implementation under conditions of incarceration. Consequently, the economic survival of prisoners' families largely depends on informal arrangements, such as extended family support or social networks, which are inherently uncertain and uneven.

This phenomenon reflects a form of legal uncertainty that is not merely normative but also structural. The law fails to provide clarity on how such obligations can be fulfilled under exceptional circumstances, while simultaneously offering insufficient protection to those affected, namely, prisoners' families. From a socio-legal perspective, this condition reveals a misalignment between legal norms and social realities, ultimately producing systemic vulnerability for certain groups within society.

Against this background, this study aims to analyze legal uncertainty in the fulfillment of family maintenance obligations among prisoners, using an empirical case study at the Class IIA Correctional Institution in Gorontalo. This research not only examines the gap between normative frameworks and practical realities but also offers a conceptual contribution through the introduction of the carceral family responsibility gap, defined as the structural disparity between normative legal obligations and the absence of institutional mechanisms to ensure their implementation in a carceral context. Accordingly, this study seeks to advance socio-legal scholarship by positioning prisoners' families as legal subjects deserving recognition and protection within the Indonesian legal system.

## Research Method

This study employs a socio-legal approach that integrates normative legal analysis with empirical inquiry to examine how law operates within social practice. This approach is selected for its capacity to bridge the gap between law in the books and law in action, particularly in the context of fulfilling maintenance obligations by incarcerated individuals (Tamanaha, 2010). Accordingly, the study does not merely focus on statutory analysis but also explores the social dynamics that influence the effectiveness of legal norms in society.

The research adopts an empirical legal design with a qualitative orientation. The study is conducted at the Class IIA Correctional Institution in Gorontalo as the primary research locus, based on the consideration that this institution reflects the factual conditions of prisoners within the Indonesian correctional system. The site is selected purposively to ensure the relevance of the data to the research focus, namely the fulfillment of maintenance obligations by prisoners toward their families. Within legal research, this approach enables a deeper exploration of law as a contextualized social practice (Amalia et al., 2016; Soekanto, 2008)

Data collection is carried out through multiple techniques, including interviews, limited observation, and document analysis. Interviews are conducted purposively with prisoners, their families, and correctional officers to capture diverse perspectives on the practice of maintenance fulfillment. Observation is undertaken to understand the correctional environment and its impact on prisoners' economic capacity, while document analysis is used to examine relevant legal frameworks, including the Law on Corrections and other related regulations (Law No. 22 of 2022 on Corrections (Penitentiary System/Correctional Services), 2022). The use of triangulation aims to enhance the validity and reliability of the research findings.

The collected data are analyzed using thematic analysis by identifying key patterns emerging from interviews, observations, and documentary sources. The analytical process is conducted interactively through stages of data reduction, data display, and conclusion drawing, allowing for a comprehensive interpretation of the phenomenon under study (Ridder et al., 2014). Through this approach, the research produces not only empirical descriptions but also a critical analysis of legal uncertainty in the fulfillment of prisoners' family maintenance obligations and its implications for social justice and legal protection.

## Results and Discussion

### *Normative Persistence and Practical Constraints: The Impossibility of Fulfilling Family Maintenance during Incarceration*

The obligation to provide maintenance within the Indonesian family law system constitutes a legal consequence inherent in the institution of marriage, positioning the husband as the primary party responsible for the economic sustainability of the family. This obligation is firmly established in positive law, particularly through the Marriage Law and the Compilation of Islamic Law, which recognize maintenance as a continuous duty throughout the duration of the marital relationship (H. Abdurrahman, 1995; Law No. 16 of 2019 on Marriage, 2019; Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law (Kompilasi Hukum Islam), 1991). Within this normative framework, maintenance is understood as an obligation that cannot easily be set aside, even in the face of changes in the husband's subjective circumstances (Manan, 2006; Rofiq, 2000).

However, this normative construction encounters significant challenges when applied in the context of incarceration. Prisoners are structurally situated in conditions that restrict access to economic resources, both through limitations on mobility and the lack of productive employment opportunities within correctional institutions (Law No. 22 of 2022 on Corrections (Penitentiary System/Correctional Services), 2022). In this context, the persistence of maintenance obligations at the normative level becomes misaligned with the factual capacity of legal subjects to fulfill them effectively.

Empirical findings from the Class IIA Correctional Institution in Gorontalo indicate that the majority of prisoners lack sufficient income to consistently meet their families' needs. Based on interviews with prisoners and their spouses, it emerges that the provision of material support by incarcerated husbands is generally unfulfilled. This condition is shaped by the limited scope of prisoners' activities within the correctional environment, as well as the regulatory framework governing their conduct during incarceration, which significantly constrains opportunities to generate income (Personal communication with several prisoners, May 2025).

This condition reflects a tension between legal norms and social realities, which in socio-legal terms is understood as the gap between law in the books and law in action (Tamanaha, 2010). As argued by Tamanaha, law cannot be understood solely as a system of

norms but must also be analyzed within the social contexts that shape its operation. When the law maintains obligations without accounting for the actual capacity of legal subjects, such norms risk losing their effectiveness in practice and failing to achieve substantive justice.

Furthermore, this situation reveals the dominance of a legal formalism approach, in which law is maintained as a rigid and inflexible system of rules, insufficiently responsive to social dynamics (Benda-Beckmann & Turner, 2018; Hart, 1961). Within this framework, normative consistency is often prioritized over practical effectiveness. As a result, maintenance obligations continue to be upheld as ideal norms, despite their empirical impracticability in the context of incarceration. This illustrates how legal formalism can produce a disjunction between normative expectations and practical realities.

Interestingly, within Indonesian legal practice, there is an observable tendency to address the limitations of formal norms through more progressive forms of legal interpretation, particularly within judicial settings. Studies on disparities in marriage dispensation rulings demonstrate that judges frequently employ progressive law approaches to align legal norms with social realities in pursuit of substantive justice (Kurniawan, Sumanto, et al., 2025). This approach suggests that law is not inherently static but can evolve through interpretative practices that respond to concrete conditions. In the context of prisoners' maintenance obligations, this perspective underscores that normative limitations should not justify the neglect of substantive justice for affected families.

The findings of this study further indicate that some prisoners attempt to fulfill their maintenance obligations through limited means, such as engaging in informal work within correctional institutions or relying on support from extended family networks. However, these mechanisms remain sporadic and unstructured, rendering them insufficient to ensure the continuity of family support. This condition highlights that the fulfillment of maintenance obligations depends more on individual capacity than on systemic legal or institutional support.

The implications of this condition extend beyond prisoners themselves and significantly affect the families left behind. Empirical studies reveal that prisoners' families experience declining economic welfare, limited access to resources, and social pressures that exacerbate their vulnerability (Christian et al., 2006). In many cases, wives and children bear

the direct consequences of unmet maintenance obligations, without adequate legal protection.

Accordingly, the persistence of maintenance obligations in the context of incarceration reflects a form of normative continuity that is not accompanied by practical adaptability. The law maintains such obligations as ideal norms, yet fails to provide the flexibility necessary for their realization under constrained conditions. This situation demonstrates that legal uncertainty in the fulfillment of maintenance obligations arises not only from normative gaps but also from the law's inability to respond adaptively to social realities, thereby creating structural challenges within the legal system.

### ***The Absence of Institutional Mechanisms: Structural Legal Vacuum in Correctional Governance***

The inability of prisoners to fulfill maintenance obligations cannot be understood merely as an individual issue but must be situated within a broader structural framework, namely the absence of institutional mechanisms that systematically regulate and facilitate the implementation of such obligations. Within the Indonesian legal system, maintenance obligations remain formally recognized as binding norms under family law; however, this recognition is not accompanied by technical regulations that connect these obligations to the realities of incarceration (Law No. 16 of 2019 on Marriage, 2019; Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law (Kompilasi Hukum Islam), 1991). This condition reflects a misalignment between legal norms and the institutional design required to support their effective implementation.

Empirical findings from the Class IIA Correctional Institution in Gorontalo reveal the absence of specific policies explicitly governing the fulfillment of maintenance obligations by prisoners toward their families. Interviews with correctional officers indicate that existing rehabilitation programs primarily focus on individual reform and skill development, without incorporating provisions related to prisoners' economic responsibilities toward their families (Interview with correctional officers, May 2025). This suggests that family responsibility has not been integrated into the core design of correctional policies.

Observations of work programs within the correctional institution further demonstrate that, although productive labor activities are available, their outputs are not structured as income streams that can be systematically allocated to prisoners' families. While

some prisoners receive compensation for their participation, such remuneration remains minimal and lacks a structured distribution mechanism (Hanafi, 2023; Law No. 22 of 2022 on Corrections (Penitentiary System/Correctional Services), 2022; Waluyo, 2023). Consequently, these work programs function more as instruments of individual rehabilitation rather than as mechanisms for fulfilling prisoners' social and familial responsibilities as household heads.

From a theoretical perspective, this condition may be categorized as a structural legal vacuum, defined as a situation in which the law formally establishes an obligation but fails to provide the institutional instruments necessary for its effective implementation (Duxbury, 1986; Zebrowski & Unger, 1977). In this context, family law and correctional law operate in isolation, without sufficient policy integration. As a result, maintenance obligations remain confined to the normative level, lacking concrete mechanisms for enforcement or facilitation.

The absence of such mechanisms also reflects a broader phenomenon of legal fragmentation between different legal regimes that should otherwise be interconnected. Family law imposes maintenance as a continuing obligation, while correctional law does not provide institutional space or schemes to accommodate such obligations under conditions of incarceration (Kabir, 2019; Tamanaha, 2010). This fragmentation demonstrates the legal system's limited capacity to address the complex interplay between legal norms and social realities in a comprehensive manner.

Furthermore, interviews with prisoners' families reveal the absence of direct state intervention to support their economic needs during the period of incarceration. Most families rely on informal employment, extended family support, or irregular social assistance to sustain their livelihoods (Interview with prisoners' families, May 2025). This condition indicates that the economic burden is effectively transferred entirely to the family, without adequate legal protection, thereby exacerbating their social and economic vulnerability (Christian et al., 2006; Wakefield, 2009).

In this context, it is important to recognize that the absence of institutional mechanisms is not solely a matter of regulatory gaps but also relates to how law is interpreted in practice. Studies on the shift from judicial discretion to *maqāṣid al-sharī'ah*-based reasoning in marriage dispensation cases demonstrate that when legal norms lack operational clarity, judges tend to adopt more contextual approaches to bridge the gap

between formal rules and social realities (Kurniawan, Muhammadromli Samae, et al., 2025). This perspective highlights the potential of law to evolve adaptively through interpretations oriented toward substantive justice.

However, such studies also reveal that interpretative practices do not always produce consistency, and may instead lead to disparities in legal outcomes. This indicates that legal uncertainty arises not only from normative gaps or institutional weaknesses but also from variability in legal interpretation itself. In the context of prisoners' maintenance obligations, this suggests that even where interpretative flexibility exists, the absence of clear institutional mechanisms continues to hinder the effective realization of legal obligations.

Accordingly, legal uncertainty in the fulfillment of maintenance obligations by prisoners can be understood as the result of a combination of factors, including the absence of institutional mechanisms, legal fragmentation, and inconsistencies in interpretative practices. This condition reflects a structural legal vacuum that is not only normative but also institutional and operational in nature, thereby reinforcing the gap between legal norms and social realities within the correctional system.

### ***The Carceral Family Responsibility Gap: Rethinking Legal Responsibility and Social Justice***

The findings of this study indicate that the inability of prisoners to fulfill maintenance obligations is not merely a practical or administrative issue, but reflects a deeper structural gap within the legal system. This gap arises when the law continues to impose maintenance responsibilities on prisoners as legal subjects without accounting for the structural constraints inherent in conditions of incarceration. In this context, this study proposes the concept of the carceral family responsibility gap as an analytical framework to explain the misalignment between legal obligations and the factual capacity of legal subjects within the correctional system.

This concept refers to a condition in which legal responsibility is normatively maintained but is not accompanied by structural support or institutional mechanisms that enable its fulfillment. From the perspective of legal responsibility theory, an obligation attains legitimacy only when it is supported by the capacity to perform (Hart, 2008). When the law disregards this aspect of capacity, legal obligations risk becoming unrealistic normative burdens that lack moral justification (Gardner, 2003).

Empirical findings further demonstrate that prisoners' families, particularly wives and children are the most affected by this structural gap. Interviews with prisoners' families reveal that many are compelled to assume the role of primary breadwinners without support from the state or correctional institutions (Interview with prisoners' families, May 2025). This condition illustrates that legal responsibility, which is formally individual in nature, is informally redistributed within the family structure.

From the perspective of vulnerability theory, this condition reflects the failure of law to recognize and protect vulnerable groups emerging as a consequence of penal policies (Albertson Fineman, 2008; Gordon-Bouvier, 2021). As argued by Fineman, vulnerability is not merely an individual condition but is produced by unequal social and institutional structures (Fineman, 2016). In this context, prisoners' families constitute invisible vulnerable subjects who are not explicitly recognized within the legal system, despite bearing the direct consequences of its structural deficiencies.

Moreover, this gap can also be analyzed within the framework of access to justice, which emphasizes that law must not only exist formally but must also be accessible and provide tangible benefits to society (Möller, 2025). In this regard, prisoners' families effectively lack access to meaningful legal protection concerning maintenance obligations, despite the formal recognition of such duties. This demonstrates that access to justice extends beyond procedural availability to encompass the law's capacity to respond substantively to social needs.

From a law and society perspective, this condition illustrates that law does not operate in a vacuum but is shaped by the social and institutional structures that influence its implementation (Horwitz et al., 1977; Nonet & Selznick, 2017). When these structures fail to support the enforcement of legal norms, the law risks losing its effectiveness and may even generate new forms of injustice. In this sense, the carceral family responsibility gap represents a concrete manifestation of the legal system's failure to reconcile normative frameworks with social realities.

Additionally, the legal realism approach reinforces the argument that law in practice does not always function as prescribed in formal legal texts (Llewellyn, 1951). Empirical reality demonstrates that the effectiveness of law is contingent upon the surrounding social, economic, and institutional conditions. In the context of incarceration, the structural

limitations faced by prisoners render maintenance obligations practically unenforceable, despite their continued normative validity.

From a human rights perspective, this condition may also be interpreted as a failure of the state to fulfill its obligation to protect family welfare as a fundamental social unit (International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966). When prisoners' families are left without adequate protection, the state indirectly perpetuates structural injustice affecting vulnerable groups. Accordingly, the carceral family responsibility gap extends beyond issues of family law or correctional governance and intersects with broader concerns of social justice and human rights protection.

Therefore, the concept of the carceral family responsibility gap should be understood not only as an empirical finding but also as a theoretical contribution that offers a new perspective on the relationship between legal responsibility and social justice. It underscores that the effectiveness of law depends not merely on the imposition of obligations but also on the existence of structural conditions that enable their fair and realistic implementation. Without such conditions, the law risks becoming not only ineffective but also complicit in reproducing social inequality.

## **Conclusion**

The findings of this study affirm that the persistence of maintenance obligations under conditions of incarceration is not accompanied by the factual capacity of prisoners to fulfill them. While legal norms continue to impose such obligations as binding responsibilities, their effective realization is constrained by structural limitations inherent in the correctional system. Consequently, legal uncertainty in the fulfillment of maintenance obligations cannot be attributed solely to individual behavior, but rather to the misalignment between normative demands and the actual capacity of legal subjects.

Further analysis reveals that this misalignment is exacerbated by the absence of institutional mechanisms linking family law with the correctional system. Fragmentation across legal regimes results in maintenance obligations lacking operational support, thereby remaining at the normative level without adequate implementation. This condition reflects a structural deficiency within the legal system, which not only undermines the effectiveness of legal norms but also shifts the economic burden onto prisoners' families without proportional protection.

Based on this synthesis, the study confirms the existence of the carceral family responsibility gap as a form of disparity between legal responsibility and factual capacity in the context of incarceration. This concept contributes to the advancement of family law analysis by incorporating structural and institutional dimensions as key determinants of legal effectiveness. Accordingly, strengthening the law requires more than the reaffirmation of obligations; it necessitates policy integration and implementative mechanisms capable of bridging normative frameworks with social realities, in order to prevent the reproduction of injustice affecting prisoners' families as indirectly impacted subjects.

## References

- Albertson Fineman, M. (2008). The Vulnerable Subject: Anchoring Equality in the Human Condition. *Yale Journal of Law & Feminism*, 20.
- Amalia, N., Marzuki, P. M., Nasution, S., Harefa, B. D. S., Jehani, L., Ali, Z., Djulaeka, Rahayu, D., Bambang, R. J., Soedarmoko, R., Setiawan, R., Jhonny, I., Efendi, J., Djumialdi, F. X., Harimurti, Hernoko, A. Y., Djumadi, Intansari, A. I., J Satrio, ... Djumialdi, F. X. (2016). Metode Penelitian Hukum: Sebagai Suatu Pengantar. In *Lex Privatum* (Vol. 2, Issue 1).
- Benda-Beckmann, K. von, & Turner, B. (2018). Legal pluralism, social theory, and the state. *Journal of Legal Pluralism and Unofficial Law*, 50(3). <https://doi.org/10.1080/07329113.2018.1532674>
- Catuara, L. G. (2025). The Side-Effects of Imprisonment: Harm to the Family. *Criminal Law and Philosophy*, 19(1). <https://doi.org/10.1007/s11572-024-09734-7>
- Christian, J., Mellow, J., & Thomas, S. (2006). Social and economic implications of family connections to prisoners. *Journal of Criminal Justice*, 34(4). <https://doi.org/10.1016/j.jcrimjus.2006.05.010>
- Duxbury, N. T. (1986). Look Back in Unger: A Retrospective Appraisal of Law in Modern Society. In *The Modern Law Review* (Vol. 49, Issue 5). <https://doi.org/10.1111/j.1468-2230.1986.tb01709.x>
- Fineman, M. A. (2016). Equality, autonomy, and the vulnerable subject in law and politics. In *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics*. <https://doi.org/10.4324/9781315547862>
- Gardner, J. (2003). The Mark of Responsibility. *Oxford Journal of Legal Studies*, 23(2). <https://doi.org/10.1093/ojls/23.2.157>
- Gordon-Bouvier, E. (2021). The vulnerable subject: Anchoring equality in the human condition (martha fineman). In *Leading Works in Law and Social Justice*. <https://doi.org/10.4324/9780429287572-16>

- H. Abdurrahman. (1995). *Kompilasi Hukum Islam di Indonesia*.
- Hanafi, H. (2023). Upaya Regulatif Pemenuhan Hak-Hak Narapidana Pada Sistem Masyarakat di Indonesia. *Al-Adl : Jurnal Hukum*, 15(2). <https://doi.org/10.31602/al-adl.v15i2.7286>
- Hart, H. L. A. (1961). *The Concept of Law*. Clarendon Press.
- Hart, H. L. A. (2008). *Punishment and Responsibility: Essays in the Philosophy of Law*. Oxford University Press.
- Horwitz, A., Friedman, L. M., Nelson, W. E., & Unger, R. M. (1977). The Legal System: A Social Science Perspective. *Contemporary Sociology*, 6(3). <https://doi.org/10.2307/2064787>
- International Covenant on Economic, Social and Cultural Rights (ICESCR), (1966).
- Kabir, S. (2019). A Realistic Theory of Law (Book Review). *Bramijaya Law Journal*, 6(2). <https://doi.org/10.21776/ub.blj.2019.006.02.09>
- Kurniawan, A., Muhammadromli Samae, S. Bin, & Arbi, H. (2025). From Judicial Discretion to Maqasid al-Shari'ah Reasoning: The Case of Marriage Dispensation at the Muara Bulian Religious Court, Indonesia. *Islamic Law and Social Issues in Society*, 1(1). <https://doi.org/10.64929/ilsis.v1i1.11>
- Kurniawan, A., Sumanto, D., Ramadhona, A., & K, H. (2025). Judicial Disparities in Legal Interpretation: The Application of Progressive Law in Marriage Dispensation Rulings. *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)*, 7(2), 203–222. <https://doi.org/https://doi.org/10.20885/mawarid.vol7.iss2.art1>
- Law No. 16 of 2019 on Marriage, (2019).
- Law No. 22 of 2022 on Corrections (Penitentiary System/Correctional Services), (2022).
- Llewellyn, K. N. (1951). *The Bramble Bush: On Our Law and Its Study*. Oceana Publications.
- Manan, A. (2006). *Reformasi Hukum Islam di Indonesia*. Grafindo Persada.
- Möller, G. C. (2025). O Florence Access-to-Justice Project E O Global Access to Justice Project: Panorama Geral Sobre Os Projetos Globais De Acesso À Justiça. *Revista Eletronica de Direito Processual*, 26(3). <https://doi.org/10.12957/redp.2025.90150>
- Nonet, P., & Selznick, P. (2017). Law and society in transition: Toward responsive law. In *Law and Society in Transition: Toward Responsive Law*. <https://doi.org/10.4324/9780203787540>
- Pradipta, B., & Rahayu, M. (2025). Family Survival of Prisoners as an Impact of Punishment. *Journal of Management SMEs*, 18(1), 581–591.
- Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law (Kompilasi Hukum Islam), (1991).

- Ridder, H. G., Miles, M. B., Michael Huberman, A., & Saldaña, J. (2014). Qualitative data analysis. A methods sourcebook. *Zeitschrift Fur Personalforschung*, 28(4).
- Rofiq, A. (2000). *Hukum Islam di Indonesia*. RajaGrafindo Persada.
- Soekanto, S. (2008). *Pengantar Penelitian Hukum*. UI Press.
- Tamanaha, B. Z. (2010). *A General Jurisprudence of Law and Society*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199244676.001.0001>
- Wakefield, S. (2009). Doing Time Together: Love and Family in the Shadow of the Prison. *Contemporary Sociology: A Journal of Reviews*, 38(2). <https://doi.org/10.1177/009430610903800243>
- Waluyo, B. (2023). Sistem Pemasarakatan di Indonesia. In *Sinar Grafika: Vol. VIII* (Issue I).
- Zebrowski, M. K., & Unger, R. M. (1977). Law in Modern Society: Toward a Criticism of Social Theory. *The Western Political Quarterly*, 30(1). <https://doi.org/10.2307/448220>