



Digital Rehabilitation for Prisoners: A Utilitarian Approach

Muhammad Oscar Dharma Putra Mulya^{1*}

¹ Faculty of Law, Universitas Negeri Yogyakarta, Indonesia

* Corresponding email: oscar.dharma@uny.ac.id

Article

Keywords:

correctional institution; digital rehabilitation; digital society; prisoner; utilitarian

Article History

Received: June 15, 2025;

Reviewed: July 28, 2025;

Accepted: Oct 15, 2025;

Published: Dec 28, 2025;

Abstract

This research aims to review the implementation of the concept of digital rehabilitation as a model of prisoner rehabilitation to support the reintegration of prisoners into digital society from a utilitarian perspective, in particular by using Jeremy Bentham and John Stuart Mill's theory of utilitarianism. The purpose of digital rehabilitation is to leverage the efficiency of prisoner rehabilitation by utilizing digital technologies. Such efficiency can be measured by the success of prisoner reintegration, in which one of the indicators is the reduction of the recidivism rate. The idea of digital rehabilitation is relevant to be considered based on the social fact that correctional institutions in Indonesia are experiencing overcrowding situation, and one of the contributing factors is the high number of recidivists. On the other hand, the currently applied Law Number 22/2022 on Correctional Institution does not recognize the concept of digital rehabilitation, which illustrates the legal gap between the law and the development of science and technology. This research is classified as normative research conducted by integrating philosophical and conceptual approaches. The result of this research shows that digital rehabilitation benefits not just prisoners for supporting their reintegration, but also society as a whole for creating a safer environment. In other words, the incorporation of the digital rehabilitation concept in statutory regulation is in line with the essence of the utilitarian theory, that is to realize "the greatest happiness for the greatest number", and also to serve as a means to resolve the issue of correctional institution overcrowding in Indonesia.



Copyright ©2025 by Author(s); This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions.

INTRODUCTION

This research aims to review the implementation of the concept of digital rehabilitation as a model of prisoner rehabilitation through the lens of Jeremy Bentham and John Stuart Mill's utilitarian theory. This writing presents two main discussions, which are (1) the comprehensive discussion on Bentham and Mill's utilitarian theory, and (2) the implementation of the concept of digital rehabilitation reviewed from the perspective of Bentham and Mill's utilitarian theory.

Human civilization is currently in Society 5.0, a phase marked by massive technological development resulting from the 4.0 Industrial Revolution (Bungin et al., 2021). According to Angela Merkel, Industrial Revolution 4.0 is "a whole transformation of the production sector in the industrial world through the integration of digital technology and the internet with traditional industrial technology (Ashar, 2020). This discussion on the Industrial Revolution cannot be alienated from the discussion on digital transformation, as the existence of one of those indicates the existence of the other (Suleiman et al., 2022). Val defines digital transformation as "a process which aims to elevate a certain organization, to produce a significant change in its characteristics through the combination of information technology, computation, communication, and connectivity" (Oktaviani et al., 2023).

Correctional Institution is also affected by the process of digital transformation, which this digital transformation in correctional institution is caused by the rapid development of information and communication technology, as well as the high demand for improvement in the aspects of efficiency, accountability, and transparency in the service of correctional institutions (Meranggi & Lukman, 2024). The concept of digital transformation in correctional institution in Indonesia is manifested in Law No. 22/2022 on Correctional Institution, with the incorporation of the clause "*the obligation to provide the facilities and infrastructures in the management of Correctional Institution, including the correctional institution technology and information system*". However, this concept of digital transformation in Law No. 22/2022 has not yet accommodated the concept of digital rehabilitation as a model of prisoner rehabilitation aimed at supporting the reintegration of prisoners into digital society. This concept of digital rehabilitation is a form of rehabilitation carried out with the utilization of digital technology (Knight & Ross, 2024).

Most of the results of previous research on correctional institutions showed that prisoner rehabilitation is still carried out in the traditional method, or in other words, has not yet implemented the concept of digital rehabilitation (Wicaksana, 2022) (Fatimah & Hartini, 2023) (Equatora, 2018). This discussion on digital rehabilitation is also related to the topic of digital correctional institutions or digital prisons, that is, the contemporary correctional institutions that have been integrated with information and communication technology, as well as Artificial Intelligence (AI) (McKay, 2022). Digital prison, in other literature, is also referred to as smart prison, which is an innovative approach in the prison system, emphasizing the utilization of digital services in the process of rehabilitation, education, and reintegration (Imandeka et al., 2024). The integration of digital technology in the system of correctional institutions, or to be precise, in the enforcement of prisoner rehabilitation, is crucial to be considered and undertaken, since, based on research, Correctional Institutions are not yet functioning to support the reintegration of prisoners into digital society, as the prisoners have limited opportunities to use digital technology while in prison (Zivanai & Mahlangu, 2022). Prisoners in this situation are experiencing a phenomenon called digital exclusion (Zivanai & Mahlangu, 2022). This situation of digital divide or digital exclusion becomes a vital issue as technology at present cannot be separated from the lives of society (Zivanai & Mahlangu, 2022). Wessels and Van Dijk define this phenomenon of digital exclusion as "a phenomenon in which the gap in digital literacy, information, and chance among those with access to digital technology and those who do not, widens" (Hofinger & Pfliegerl, 2024).

The utilization of digital technology can elevate the digital literacy of prisoners, aid them in finding jobs after release, and has been proven to reduce disciplinary offenses in prison as well as the rate of recidivism in 1 year after the prisoners reintegrate into society (Jarvelainen & Rantanen, 2020). Meanwhile, prisoners who do not possess sufficient experience or access to digital technology will face difficulty once they go back to the community (Zivanai & Mahlangu, 2022). Prisoners in this situation will face discrimination and have worse career potential compared to other individuals, which shows that the digital exclusion situation may cause other situations called social exclusion (Zivanai & Mahlangu, 2022).

Digital rehabilitation, which is said to be able to reduce the recidivism rate, will be crucial to be implemented due to the high recidivism rate in Indonesia. According to the Correctional Institution Work Report of 2024, it can be seen that the rate of recidivism is still high, and although there is a decrease from the previous year, such a decrease is not significant. The rate of recidivism indeed experiences a decline from 2023 to 2024 (15,62% to 8,34%, from 20.065 to 11.471 recidivists). However, it is important to note that this decline is not consistent if the data on the recidivism rate from 2020 to 2024 is referred to. It is reflected by the rate of recidivism that rose from 2020 to 2021 and from 2022 to 2023, and declined from 2021 to 2022 and from 2023 to 2024 (Direktorat Jenderal Pemasyarakatan Kementerian Hukum dan HAM RI, 2024).

Based on the facts presented above, the writer argues that the justification for the implementation of the concept of digital rehabilitation as a form of prisoner rehabilitation is an intriguing topic to be covered, considering the advantages or utilities that it may provide. The writer will search and analyze the justification through the lens of Bentham and Mill's utilitarian theory, as the theory also highlights the issue of utility. Therefore, the writer argues that utilitarian theory is suitable to be used as a tool to analyze the idea of the implementation of the concept of digital rehabilitation. This research presents two main discussions: (1) the essence of Bentham and Mill's utilitarian theory, and (2) the implementation of the concept of digital rehabilitation viewed through the lens of Bentham and Mill's utilitarian theory. This research also aims to fill the research gap in the relevant field of law, in particular, criminal procedure law, as the topic of digital rehabilitation for prisoners in Indonesia, as well as that which refers to utilitarian philosophy and theory, is still narrowly explored.

METHOD

This research is conducted by integrating a normative legal approach with a philosophical and conceptual approach. The normative legal approach is undertaken by reviewing the currently applied Law No. 22/2022 on Correctional Institution, regarding matters related to the issue of digital rehabilitation. Then, the philosophical approach is conducted by assessing the utilitarian philosophy and theory proposed by Jeremy Bentham and John Stuart Mill. Finally, the conceptual approach is employed by exploring the concept of digital rehabilitation. The integration of these 3 approaches aims to discuss the merit of the implementation of the digital rehabilitation concept in Correctional Institutions in Indonesia, by referring to utilitarian philosophy and theory as the bases. The findings of this research will serve as a framework for relevant stakeholders, in particular legal drafters, to consider adopting the concept of digital rehabilitation in existing or future regulations to support the reintegration of prisoners into digital society.

RESULTS AND DISCUSSION

Introduction to the School of Utilitarianism

The school of utilitarianism discusses matters that are without a doubt vital in human lives, that is, the search for happiness (Mochtar & Hiariej, 2024). The school of classic utilitarianism assumes that an action is ethically correct if such an action is aimed toward happiness and eradicates pain (Scarre, 1996). This school of utilitarianism has a close connection with the tradition of legal positivism, which emphasizes the separation of metaphysical matter and human reason (Mochtar & Hiariej, 2024). However, the school of utilitarianism demands the aspect of utility produced by the law (Mochtar & Hiariej, 2024). Further differences between the school of utilitarianism and legal positivism can be seen from the pattern of legal reasoning (although the legal reasoning pattern of the school of utilitarianism is also based on the legal reasoning pattern of the school of legal positivism), in which the pattern of legal positivism legal reasoning is top-down, while the pattern for utilitarianism is bottom-up (Mochtar & Hiariej, 2024). According to Sidharta, within the model of top-down legal reasoning, the enforcement of a legal norm is still valid, even though such enforcement does not produce utility for the majority of the people affected by the norm (Mochtar & Hiariej, 2024). This pattern of legal reasoning is different from that of a bottom-up pattern of legal reasoning used by the followers of the school of utilitarianism, which holds that positive law shall not only be reviewed from its enforcement, but also from its factual evaluation (Mochtar & Hiariej, 2024). In the school of utilitarianism, some basic concepts are interrelated, which distinguishes it from other schools of thought. There are some main concepts of the school of utilitarianism: welfare, consequentialist, aggregative, and maximizing (Scarre, 1996). These concepts can be elaborated as follows.

First, utilitarian theory is related to the concept of utility. The term ‘utility’, which means benefit emphasized by the followers of the school of utilitarianism, is generally connected with the matter of human welfare. However, this view of utility or welfare varies. One of the followers of the 18th-century school of utilitarianism, Jeremy Bentham, identifies welfare in the context of pain and pleasure, in the sense that life is assumed to be well-lived if the sensation of pleasure is more than that of pain (further explanation on this will be provided in section B). This view contradicts the view of Aristotle, who separates pleasure and happiness. According to Aristotle, happiness or *eudaimonia* consists in worthwhile activities (specifically activities related to human intellect), rather than in exciting entertainment. Furthermore, the term happiness is more suitable to be used to address the whole aspect of life, that is, a well-structured life aimed at a certain purpose, instead of only a specific phase in that life. On the contrary, pleasure refers more to a momentary experience. This opinion of Aristotle differs from that of Bentham, which puts the definition of the term ‘utility’, ‘benefit’, ‘profit’, ‘pleasure’, ‘virtue’, and ‘happiness’ in an equal position (Scarre, 1996).

Second, utilitarian theory is consequentialist in nature. According to Philip Pettit, ‘consequentialism is a theory which determines whether a choice is the correct choice to be made by a person by analyzing the consequence which may occur as the result of the choice: to see the impact on the world’ (Qizilbash, 2022). There are two typologies of consequentialism, which are act consequentialism and rule consequentialism, which can also be referred to as act utilitarianism and rule utilitarianism. The act consequentialism typology has a principle that states that an act is proper if such an act can be predicted logically to cause a situation that is at least equally good as the alternative situation that may be caused by another act. On the other side, rule utilitarianism typology has a principle stating that acts are assumed to be proper if those acts are in line with the rules by which if the rules are obeyed, can be predicted to

result in a group of situations that are at least equally good with a group of situations produced by the implementation of other rules (Scarre, 1996). It can also be proposed that act utilitarianism typology highlights the aspect of utility of an act in its individual context, whereas rule utilitarianism typology highlights the aspect of utility of general rules that regulate various kinds of actions (Ikegbu & Diana-Abasi, 2017). It is also important to note that this concept of consequentialism is different from that of deontologists, which holds that some actions should or should not be committed without referring to the consequences that may happen by committing or not committing those actions. The follower of this deontologist theory may argue that breaking a promise or stealing another person's property is not a proper act to commit, as it contradicts moral law, or because such an act violates the rights of another person to obtain the truth, or their rights to defend their property. The follower of utilitarian theory, on the other hand, will agree that the act of breaking a promise or stealing in a normal situation is not proper, but the objection towards the act refers to the negative effect that may generally be produced for the welfare of the society, and not to the flaw consisted within the act itself (Scarre, 1996).

Third, utilitarian theory is aggregative. Utilitarian theory argues that it is possible to sum the value of utility of each person for the total utility value. Utility in this context is viewed as a commodity that can be measured and distributed to different individuals. A situation can be evaluated based on the result or the per capita average of the sum. This conception can be seen later from the working mechanism of Bentham's 'hedonic calculus'. In addition, the utility, which can be measured with pleasure, is considered to be a commodity that can be obtained through various sources, in greater or lesser numbers. The pleasure experienced by an individual can be equalized to the pleasure experienced by another individual, and this pleasure can be summed. In Bentham's view, if a person is faced with some choices of act, the most appropriate course of action that should be undertaken is to count the estimate of the pleasure that will be produced and choose one act that can be predicted to produce the highest amount of pleasure. Furthermore, the utilitarian theory holds that an evaluation of morality, even the matter of morality that can cause a great dilemma, can be solved by quasi-algorithmic calculation, that is, by calculating the consequences that may be produced by existing choices and choosing one choice that logically can produce the best result. However, this method of calculation causes moral difficulty. According to Amartya Sen, this idea of calculation does not provide an answer to the question of how the utility itself is distributed. Another more complex issue that arises is at the point where the utility of an individual is faced with the utility of many individuals, in which in this case a problem called *interpersonal comparisons of utility* will surface, that is the comparison of the value of utility of different subjects, as a result of the difficulty in knowing what is consisted in other person's mind as well as the preference and aspiration that they may have (Scarre, 1996).

Fourth and last, utilitarian theory is related to the concept of maximization, in the sense that if something is good, then it is not logical to choose another thing that produces less amount of goodness than that which produces more. However, there is a different view between the followers of the classical utilitarian school and the followers of the 20th-century utilitarian school regarding the object that shall be maximized, in which the first group holds that it is the total utility that shall be maximized, whereas the latter group argues that it is the average per capita utility that shall be maximized. John Harsanyi defines social welfare as the "arithmetical average of total individual utility based on decision theory in which a selfish individual instructed to choose from two kinds of social policies without knowing how their position will be in the social system afterward, will logically choose a policy which produces a higher amount of average utility". This difference in views becomes relevant when it comes to the question of whether it is correct or not to increase utility in this world by increasing the human population, even

if it means reducing the average living standard of the people who are then forced to share the limited resources available within the world. On one side, perhaps 10 billion people with low living standards, but still tolerable, will get a higher amount of total utility compared to 5 billion people with higher living standards. However, is a world with a higher number of populations with higher total utility but lower average utility more desired than one with a lower number of populations and lower total utility but higher average utility? Unfortunately, the school of utilitarianism does not have any basis to determine if it is the total utility or average utility that is more proper to be maximized (Scarre, 1996).

Jeremy Bentham's Individual Utilitarian Theory

This section begins with a glimpse of exposition on how Bentham originally found his renowned concept of utilitarianism, which was when he found a copy of a newly published pamphlet written by Joseph Priestley with the title 'Essay on Government', in which Bentham found the phrase "*the greatest happiness of the greatest number*". Starting from this point, Bentham decided to offer a new structure for legal science and legislation related to the principles regarding the implementation of the law as well as its binding power for society, influenced by Bentham's feeling of disappointment towards the law at that time. That disappointment then caused Bentham to produce writings while also criticizing and giving recommendations on how to reform the law. Later on, in 1781, Bentham published a work titled "*Introduction to the Principles of Morals and Legislation*", which became the basis of his utilitarian theory (Pratiwi et al., 2022). In Chapter I of the work, Bentham defined the principle of utility as "a principle which justifies or does not justify each action based on its tendency, whether it will increase or reduce, supports or rejects an interested person or a group of people's happiness" (Ogan, 2018).

Bentham's utilitarian theory consisted of 3 principles, which are the principle of pleasure, the principle of consequentialism, and the principle of utility (Lu, 2020). The first principle, that is the principle of pleasure and pain, consists of 2 basic arguments, which are (1) the pursuit of happiness and the avoidance of pain, which is the final objective of human behavior, and (2) the calculation of pleasure and pain itself. The pleasure and pain of an act are also the only bases to determine whether an act is a good act or not. However, the pleasure and pain resulting from different behaviors, according to Bentham, only differ in the matter of their quantities, and not in their qualities. There is the same type of pleasure in the children's thumbtack game as the poet obtained by adults. In other words, according to Bentham, happiness is only a matter of quantity and not quality, and there is great significance in the calculation of happiness resulting from an act (Lu, 2020).

The second principle, which is consequentialism, decides the goodness or badness of behavior based on the question of whether such behavior will produce good results or not. As long as a behavior can produce a pleasurable result, then such behavior is considered ethical behavior. Bentham stated that the motive of each person in behaving is to pursue happiness (Lu, 2020). The third principle, that is the principle of utility, consists of two aspects, which are (1) individual pleasure or happiness, and (2) greatest happiness for the greatest number of people. Regarding the first aspect, in Bentham's view, utility refers to each act that tends to produce happiness as utility, and in contrast, each act that tends to avoid happiness is considered pain. Then, in regard to the second aspect, the greatest happiness for the greatest number of people refers to the public interest, which is the sum of individual interests, and if every person tries to maximize their happiness, then that will also maximize public happiness (Lu, 2020).

According to Bentham, human is controlled by 2 types of rulers, which are the king of pleasure and the king of pain (Tanya et al., 2019). This king of pleasure is reflected in the form of authority, wealth, good action, knowledge, and in its final form, happiness, which governs all human behavior.

The king of pain, on the other hand, is the opposite. In the context of law, the law has to be aimed at supporting the king of pleasure and shackling the king of pain, in the sense that the law has to be based on the value of utility for the happiness of the people. Furthermore, according to Bentham, the law can support the realization of happiness by giving maximum freedom and security for individuals so that those individuals can obtain maximum happiness. The law has to be aimed at giving maximum happiness to each individual (Tanya et al., 2019). In regards to the pursuit of maximum happiness for individuals, to prevent the happening of a phenomenon referred by Thomas Hobbes as *homo homini lupus*, Bentham introduced the concept of 'self-awareness', by drawing a line connecting the rights of a person with the needs of another person, with the assumption that each person will understand the limit of tolerance which shall be protected to achieve happiness and avoid hardship (Wijanarko & Riyanto, 2021). This way, it is believed that the public interest, which in essence is constructed from individual interests, will be guaranteed. Therefore, the law has to be able to support each person with sufficient materials, promote equality, protect security, and achieve rights of ownership (Tanya et al., 2019).

In later development, Bentham developed a social school of positivism. This social positivism then transformed into a school called utilitarianism, or to be precise, individual utilitarianism. This school of individual utilitarianism is based on individual belief, which puts belief in individual initiative and fair competition. This individual initiative and fair competition is viewed by Bentham through the lens of the economic aspect, in which this concept of fair competition is supported by 4 main principles, which are: (1) the rights to life, (2) the rights to freedom, (3) the rights to own, and (4) the rights to pursue happiness. Furthermore, according to Bentham, the size of happiness of one individual with the other is equal. This is stated by Bentham with the phrase "*everybody to count for one, nobody to count more than one*", which resulted in the equality of happiness among the worker and noble classes (Mochtar & Hiariej, 2024).

The principle of pleasure and pain proposed by Bentham affected the choice made by a person, by which a person will consider the consequence that will be produced by the choice, whether the choice will produce the maximum amount of happiness or not. Bentham also believes in the process of maximizing usefulness, in the sense that he considered this process the same as the process of maximizing utility, happiness, pleasure, and profit for the greatest number of people, while also minimizing pain for the greatest number of people (Pratiwi et al., 2022). The question that may arise then is, how does someone calculate the amount of happiness or pleasure produced by a choice? Regarding this question, Bentham introduced the concept of hedonic calculus as a method of calculation. This process of calculation uses 7 variables, which are: (1) Intensity: how much is the pleasure produced, (2) Duration: how long the pleasure will last, (3) Certainty: how certain that the pleasure will be produced, (4) Proximity: how close the pleasure can be realized, (5) Fecundity: how possible that the sensation produced by an act will be followed by the same type of sensation, (6) Purity: how possible that the sensation produced will not be followed by its opposite kind, and (7) Extent: how many people will be affected by the pleasure produced. This method of calculation can also be used to evaluate a legal product, to see whether the law produces more pleasure or pain, or in other words, to see whether the law produces more happiness or pain (Ogan, 2018).

However, it is crucial to note that Bentham's utilitarian theory (and utilitarian theory in general) received criticism. This critique is aimed at the characteristic of utilitarian theory that emphasizes the aspect of maximizing happiness, in which the argument is that if such maximization of happiness is considered as an indicator of an act, then every act that is aimed at maximizing happiness is considered moral. Therefore, institutions are allowed to commit any act or issue any policy that is believed to be

able to maximize happiness, and the follower of the school of utilitarianism will not have any moral basis to object to said act. Furthermore, if Bentham's utilitarian theory is applied, then the following scenario(s) may occur: (1) an act may be classified as a crime if the act is not meant to give the greatest happiness to the majority of people, (2) the degree of punishment will be based on the measurement of happiness, (3) the enforcement of the rights of an individual will depend on hedonistic calculus rather than their own will. It can also be concluded that in the context of Bentham's utilitarian theory, the majority wins over the minority, but the question that can be raised is whether it is justified to protect the happiness of the majority if it results in unhappiness for the minority. This concept, which highlights the greatest happiness for the greatest number of people, has the potential to create discrimination (Raja & Alias, 2024).

John Stuart Mill's Theory

In his work titled '*Utilitarianism*', Mill stated that "*happiness is the sole end goal of human behavior, and every human behavior is tested based on whether such behavior is aimed at pursuing happiness*". This opinion then became the central point of Mill's thoughts, which determines how each individual should behave, whether individually or in a group. Furthermore, Mill argued that happiness, which constructs the utilitarian standard in deciding what is considered correct in an act, does not only refer to the happiness of a specific individual who behaves, but also the happiness of every person involved in the matter. This argument hints that Mill's utilitarian theory consists of the principle of equality, or to be precise, substantive equality. For Mill, the principle of the greatest happiness covers the principle of substantive equality as a moral criterion. (Ogan, 2018). Happiness in the context of Mill's utilitarian theory refers to the happiness of each individual involved in an event, and not only the happiness of a certain individual who perhaps acts as the main actor. In this context, the happiness of a certain individual may not be prioritized over another individual (Mochtar & Hiariej, 2024). An act is considered to be good if the amount of happiness it produces exceeds the amount of unhappiness, and the happiness of all parties involved must be calculated with the same method.

Mill's utilitarian theory is also basically a criticism of Bentham's utilitarian theory. If Bentham assumes that the degree of pleasure for every person is equal, then for Mill, the source of the pleasure also plays a role (Shah, 2021). For Mill, pleasure differs in quality and not only just in quantity: some kinds of pleasures have higher degrees than others. Mill referred to this difference as *higher* and *lower pleasure* (Ogan, 2018). Mill defines higher pleasure as "the pleasure which is obtained from intellectual activities such as reading, writing, researching, and so on". In the context of modern society, the example of pleasure that can be classified as higher pleasure is the pleasure obtained from the fulfillment of fundamental rights, such as the rights to freedom, life, and dignity. An act that is considered a good act is an act that can satisfy the desires of the majority, be it viewed from the degree of importance or the intrinsic value (Ikegbu & Diana-Abasi, 2017). On the other hand, lower pleasure is the pleasure experienced in a short moment, and at one point will cause pain. Examples of acts that can be considered as lower pleasures are shopping, sleeping, and so on, which, if conducted excessively, will not give a lot of utility and instead will just produce individual welfare (Sari & Masykur, 2022).

Mill also criticized Bentham's utilitarian theory regarding the concept of 'self-awareness' by connecting individual interest with the interest of another individual, as well as the concept that equalizes individual happiness with communal happiness. According to Mill, Bentham's utilitarian theory will spark problems when it is faced with a social reality in which the principle of each person's happiness differs. This is because, at one point, a clash will occur between individual and public interests, so

these two kinds of interests must be separated. Mill indeed assumed that individualism might lead to happiness, but that individualism is only one of the many ways to reach such happiness (Mochtar & Hiariej, 2024). Furthermore, Mill assumed that the concept of ‘self-awareness’ proposed by Bentham is a manifestation of a higher value, which is justice. The justice within oneself will cause him to consider other individuals’ interests and even place them high, and because of this feeling of justice, an individual will regret committing bad actions towards another individual. Based on this sense of justice, every thoughtful person will adjust their profits in the interest of other people (Tanya et al., 2019).

Mill’s utilitarian theory was considered an important reference as it places utility in an equal position with morality (Mochtar & Hiariej, 2024). However, this theory also received criticism from John Rawls. Rawls argued that in a society that follows Mill’s utilitarian principle, the dignity of every person will vanish. Furthermore, it is allowed if someone is instructed to sacrifice themselves for the sake of public interest, but it is not allowed if such a sacrifice is demanded from the most unfortunate individuals in society (Tanya et al., 2019). Mill’s utilitarian theory also received other criticism, which stated that a policy that is not desired by society may be justified in certain conditions if such a policy produces a great amount of happiness. Macintyre, in a work titled *‘After Virtue: A Study of Moral Theory’*, defines the greatest happiness for the greatest number of people as ‘an idea with obscure content, and is a pseudo-concept which does not have any use outside of a few ideological benefits’. Mill’s utilitarian theory was also criticized for not giving attention to individual equality, since the issue of whether the greatest happiness for the greatest number of people can be justified by sacrificing an innocent person will arise (Ogan, 2018).

The Concept of Digital Rehabilitation and Its Implementation Viewed from Utilitarian Approach

Digital Rehabilitation is a rehabilitation service administered by the utilization of digital technology. Rehabilitation, in essence, is aimed to provide the prisoners with the skills that they need, through education and vocational training, as well as treating certain causes of crime, such as alcohol and drug dependency, and also violence. The use of digital technology, in this context, can improve the efficiency of such goal. This use of digital technology in the rehabilitation process becomes crucial as technology has become an important part of society’s life. Digital literacy is urgently needed by the prisoners so that they can become functional members of society, and for this reason, the rehabilitation process managed by the correctional institution has to provide the prisoners with said digital literacy. There are 4 models of digital rehabilitation (Knight and Ross, 2024):

1. Computer-based Learning

This digital rehabilitation model is performed by providing education to the prisoners, which includes basic literacy and numeracy, as well as education and training aimed specifically to provide the prisoners with vocational skills. On the other hand, correctional institution officers may also be equipped with such digital training and education.

2. Computer-based Treatment and Behaviour Change Interventions

This model of digital rehabilitation is administered by conducting group and individual interventions to give evaluation, treatment, or support for mental health issues, misuse of drugs and alcohol, and also violence or sexual offence.

3. Digital Reintegration

This digital rehabilitation model is implemented by the utilization of digital applications to provide

support for the prisoners when they reintegrate into society. The applications include those aimed at supervising the prisoners, giving beneficial information, providing the tools needed to access services in society, as well as applications that can sustainably support the treatment of the prisoners.

4. Digital Communication Channels

This model of digital rehabilitation is realized by providing communication technology to support the verbal or written interaction between prisoners, practitioners, and family members. This communication technology includes *e-mail*, messaging, telephone, and video conferencing services.

On the topic of the digital rehabilitation model, a model proposed by Reisdorf and Rikard below may also be consulted.

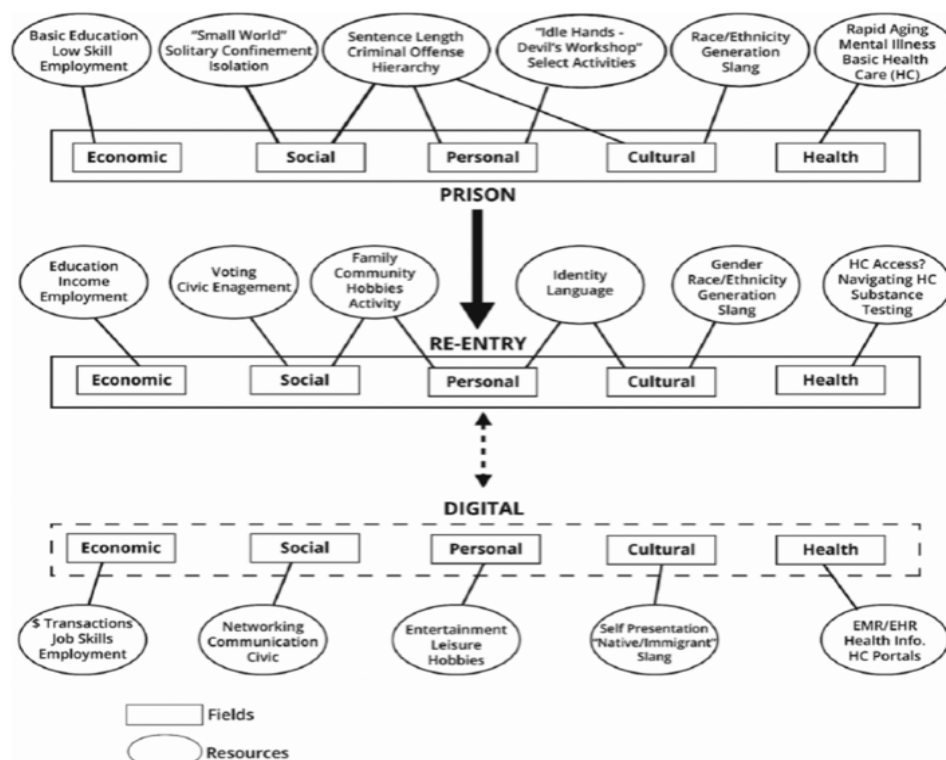


Diagram 1. Concept Reisdorf and Rikard

The diagram above illustrates the flow from a prisoner's entry into the correctional institution to their return to society. In this transition process, a clash between the digital and social realms occurs in some areas and resources, which can prevent prisoners from committing crimes, form social inclusion and involvement for prisoners, and improve their welfare. According to Reisdorf and Rikard, digital exclusion in correctional institutions has a spreading effect on society, which will cause an even wider social exclusion in areas depicted in the diagram. Hence, a coordinated intervention to prevent the digital exclusion phenomenon is needed during prisoners' entry to the correctional institution or during their reintegration into society, as this intervention can support the rehabilitation and reintegration of the prisoners (Morgan et al., 2025).

As it has been elaborated in previous sub-sections, utilitarian theory consists of 4 basic characteristics, which are welfarist, consequentialist, aggregative, and maximizing. The idea of the implementation of the concept of digital rehabilitation as a breakthrough in the model of prisoner rehabilitation at least fulfills 3 of the 4 characteristics, which are welfarist, consequentialist, and maximizing. First, the implementation of the concept of digital rehabilitation fulfills the welfarist nature, in the sense that this implementation is aimed at supporting the reintegration of prisoners into digital society. The success of

this reintegration can be measured by the increase in prisoners' digital literacy, which will help prisoners adapt to the developed civilization. In this context, implementing this concept of digital rehabilitation prevents the occurrence or mitigates the impact of digital exclusion, so that it does not lead to social exclusion.

Second, the implementation of the concept of digital rehabilitation aligns with consequentialism, in which the justification of an act or policy is evaluated by the consequences it may produce. Digital rehabilitation, aside from increasing the level of prisoners' digital literacy, can also reduce the rate of recidivism. In other words, the effect produced by the implementation of the concept is in the form of happiness, and in the context of consequentialism, an act or policy can be justified if it produces more happiness than unhappiness. Third, the implementation of the concept of digital rehabilitation fulfills the nature of maximization, in the sense that it not only gives happiness to prisoners but also to society in general, as it contributes to maintaining security and order by reducing the rate of recidivism.

Then, how is the implementation viewed through Mill and Bentham's theory? As has been discussed before, Bentham uses the indicator of pain and pleasure as the basis of his theory. In the system of correctional institutions, the punishment that is granted to the prisoner can be considered as pain, while the rehabilitation provided for the prisoner can be considered as pleasure. Digital rehabilitation in this context is aimed at elevating the efficiency of such rehabilitation and thus increasing happiness so that it is justified. Then, by using hedonistic calculus, it can be described as follows: (1) Intensity: the pleasure produced by the implementation of the concept of digital rehabilitation gives a great amount of happiness to the prisoners by increasing their level of digital literacy to support their reintegration to digital society, (2) Duration: it cannot be determined yet how long the pleasure produced may last, but if the implementation of the concept indeed provides several utilities, then it is only logical if the pleasure will last for some time, (3) Certainty or uncertainty: according to research, the implementation of the concept of digital rehabilitation in other countries has been proven to be able to reduce the rate of recidivism, but the same cannot be said yet in Indonesia as such implementation has not yet been conducted. (4) Proximity: cannot be determined yet, as how soon the pleasure can be obtained depends on various factors, such as the contribution of all stakeholders to support the application of the concept. (5) Fecundity: the increase in prisoners' level of digital literacy will reduce the difficulties faced during their reintegration into a digital society, which will elevate their living standard, while also increasing security in society by reducing the possibility of reoffending that may be committed by ex-prisoners. (6) Purity: it cannot be determined yet whether there will be disutility or unhappiness produced by the implementation of the concept of digital rehabilitation; however, some issues may arise, to name a few, security issues, ethical concerns, and society's perspective on the implementation of the idea. (7) Extent: as it has been mentioned before, the implementation of the concept not only gives benefits for prisoners but also society, so that it can be said that the extent of the benefit or utility is wide.

Then, from the perspective of Mill's utilitarian theory, as it has been explained previously, what is considered correct in an act refers not only to the happiness of the actor but also to the happiness of every party involved. In this context, the implementation of the concept of digital rehabilitation not only gives happiness to the prisoner who, in essence, is a part of a community, but also to the community as a whole. The conception of rights in Mill's utilitarian theory can also be applied in this context, that is, the right to the principle of normality, which is a right to allow prisoners to use digital technology while in prison, just like other individuals outside of the prison. The indicator of higher and lower pleasure proposed by Mill can also be applied, by which the increase in prisoners' digital literacy, as well as the reduction of the recidivism rate in society, can be classified as higher pleasure. In conclusion,

if referring to the sense of utilitarian theory in general, as well as Bentham and Mill's utilitarian theory, the implementation of the concept of digital rehabilitation is something that can be justified.

CONCLUSION

The utilitarian theory at least has 4 characteristics that distinguish it from the other theories, which are welfarist, consequentialist, aggregative, and maximizing. Bentham uses the variable pleasure and pain as his basis of theory and uses the method of calculation called hedonistic calculus to measure the amount of happiness produced by an act or policy. In Bentham's theory, there is no difference between individual and communal happiness, which is then criticized by Mill, since at some point, individual interest will intersect with communal interest. Criticism towards Bentham's theory is also aimed at the nature of utilitarian theory, which emphasizes the maximization of happiness, for any act that is aimed at maximizing happiness can be morally justified, even though it may cause discrimination towards the rights of a person. On the other hand, Mill's utilitarian theory highlights the aspect of the maximization of happiness for all people involved, and not only for one specific person. Mill uses the variable higher and lower pleasure as a criterion for an act, in which the act that falls into the category of higher pleasure is related to intellectual activity. Mill's utilitarian theory is criticized by John Rawls, as to maximize the happiness of society, it is not justified for the most unfortunate group to sacrifice their happiness. Mill's utilitarian theory also received the same criticism as that given to general utilitarian theory, in which a policy that is not desired by the community may be justified in certain conditions if it produces a great amount of happiness, even though it may end up causing discrimination.

The implementation of the concept of digital rehabilitation can be justified from the perspective of utilitarian theory, since it can produce or at the very least has the potential to produce a great number of utilities, not only for a certain individual, but also for the community as a whole, and as such, fit with the notion of the utilitarian theory that is to realize "greatest happiness for the greatest number of people". Therefore, the writer recommends that all stakeholders, in particular legislators, to consider incorporating the concept of digital rehabilitation in future regulations, due to the benefits or utilities that it may provide, and because the current Law No. 22/2022 on Correctional Institution has not accommodated the concept of digital rehabilitation yet. The adoption of the digital rehabilitation concept might be the solution to overcome the issue of overcrowding in Indonesia, as it can support the prisoners' reintegration into digital society, preventing them from becoming residivists. However, this research is indeed not complete yet, and thus, urges future deeper explorations on the issue that may arise due to the implementation of the concept of digital rehabilitation for prisoners in Indonesia.

REFERENCES

- Ashar, J. (2020). Industry 4.0 and Its Effect on Reorientation of International Trade Patterns. *Islamic Worlds and Politics*, 4(2), 164-177. <https://doi.org/10.18196/jiwp.4251>
- Bungin, B., Teguh, M., & Dafa, M. (2021). Cyber Community Towards Society 5.0 and the Future of Social Reality. *International Journal of Computer and Information System*, 2(3), 73-79. <https://ijcis.net/index.php/ijcis/index>
- Equatora, M. A. (2018). Efektivitas Pembinaan Kemandirian Narapidana di Lembaga Pemasyarakatan Wirogunan Yogyakarta. *EMPATI: Jurnal Ilmu Kesejahteraan Sosial*, 7(1), 19-26. <https://doi.org/10.15408/empati.v7i1.9648>
- Fatimah, H. N., & Hartini, S. (2023). Upaya Pemenuhan Hak Asasi Manusia Narapidana di Lembaga Pemasyarakatan Kelas IIA Yogyakarta. (2023). *AGORA: Jurnal Kajian Pancasila dan*

Kewarganegaraan, 12(1), 61-72. 10.21831/agora.v12i1.20134

- Hofinger, V., & Pfliegerl, P. (2024). A Reality Check on the Digitalisation of Prisons: Assessing the Opportunities and Risks of Providing Digital Technologies for Prisoners. *Punishment and Society*, 26(5), 898-916. <https://doi.org/10.1177/14624745241237190>
- Ikegbu, E. A., & Diana-Abasi, F. I. (2017). Utilitarianism as a Veritable Vehicle for the Promotion of a Just Society. *LWATI: A Journal of Contemporary Research*, 14(2), 121-137. <https://doi.org/10.4314/lwati.v14i2>
- Imandeka, E., Hidayanto, A. N., & Mahmud, M. (2024). Smart Prison Technology and Challenges: A Systematic Literature Reviews. *IAES International Journal of Artificial Intelligence*, 13(2), 1214-1226. <http://doi.org/10.11591/ijai.v13.i2.pp1214-1226>
- Jarvelainen, E., & Rantanen, T. (2020). Incarcerated People's Challenge for Digital Inclusion in Finnish Prisons. *Nordic Journal of Criminology*, 22(2), 240-259, DOI:10.1080/2578983X.2020.1819092
- Knight, V., & Ross, S. Digital Rehabilitation in Prisons. United Nations Interregional Crime and Justice Institute, 2024.
- Laporan Kinerja Masyarakat 2024 (Direktorat Jenderal Masyarakat Kementerian Hukum dan HAM RI, 2024.
- Lu, X. (2020). Utilitarianism of Mill and Bentham: A Comparative Analysis. *Frontiers in Educational Research* 3(4), 34-37. DOI: 10.25236/FER.2020.030408
- McKay, C. (2022). The Carceral Automaton: Digital Prisons and Technologies of Detentions. *International Journal for Crime, Justice, and Social Democracy*, 11(1), 100-119. <https://doi.org/10.5204/ijcjsd.2137>
- Meranggi, I. N. T. W. R., & Lukman, J. P. (2024). Transformasi Digital Layanan Masyarakat di Kantor Wilayah Kementerian Hukum dan Hak Asasi Manusia (Kemenkumham Bali). *Socio-political Communication and Policy Review*, 1(4), 89-95. <https://doi.org/10.61292/shkr.139>
- Mochtar, Z. A., & Hiariej, E. O. S. (2024). *Dasar-Dasar Ilmu Hukum Memahami Kaidah, Teori, Asas, dan Filsafat Hukum*, Depok: Rajawali Pers.
- Morgan, G., Walker, C., & Taxman, F. (2025). Understanding the Access to and Use of Digital Technology by People in the Criminal Legal System: Empirical Findings from Wales. *Health & Justice*, 13(1), 1-15. <https://doi.org/10.1186/s40352-025-00326-8>.
- Ogan, T. V. (2018). John Stuart Mill's Utilitarianism: A Critique. *International Journal of Peace and Conflict Studies (IJPCS)*, 5(1).
- Oktaviani, E., Asrinur, Prakoso, A. W. I., & Madiisriyatno, H. (2023). Transformasi Digital dan Strategi Manajemen". *Jurnal Oikos-Nomos*, 16(1), 16-26. <https://doi.org/10.37479/jkeb.v16i1.20322>
- Pratiwi, E., Negoro, T., & Haykal, H. (2022). Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum atau Metode Pengujian Produk Hukum? *Jurnal Konstitusi*, 19(2), 269-293. DOI:10.31078/jk1922
- Qizilbash, M. (2022). On "Consequentialism" and the Capability Approach. *Journal of Human Development and Capabilities*, 23(2), 161-181. <https://doi.org/10.1080/19452829.2021.1951185>
- Raja, K. M., & Alias, M. S. (2024). Assessing John Stuart Mill's Principle of Utility: Barrier or Bridge to Equality? *International Journal of Research and Innovation in Social Science (IJRISS)*, 8(9), 1973-1983, <https://dx.doi.org/10.47772/IJRISS.2024.8090163>
- Sari, J. D., & Masykur, A. J. (2022). The Meaning of Ultimate Happiness in the Perspective John Stuart Mill (Study on Utilitarianism Ethics). *Spirituality and Local Wisdom*, 1(3).

- Scarre, G. (1996). *The Problems of Philosophy*, New York: Routledge.
- Shah, J. (2021). The Enigmatic Nature of J.S. Mill's Classical Liberalism and Utilitarianism. *Journal of Global and Peace Studies*, 2(1), 48-62. <https://www.pakistanreview.com/index.php/JGPSS/article/view/80>
- Suleiman, Z., Shaikholla, S., Dikhanbayeva, D., Shehab, E., & Turkyilmaz, A. (2022). Industry 4.0: Clustering of Concepts and Characteristics. *Cogent Engineering*, 9(1), 1-26. <https://doi.org/10.1080/23311916.2022.2034264>
- Tanya, B. L., Simanjuntak, Y. N., & Hage, M. Y. (2019). *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*, Yogyakarta: Genta Publishing.
- Undang-undang Republik Indonesia Nomor 22 Tahun 2022 tentang Pemasyarakatan.
- Wicaksana, D. I. N. (2022). Komparasi Pembinaan Keterampilan Kerja Narapidana Tipikor dengan Pidana Umum di Lapas Kelas IIA Yogyakarta. *Jurnal Hukum dan HAM Wicarana* 1(2), 133-149. <https://doi.org/10.57123/wicarana.v1i2.20>
- Wijanarko, R., & Riyanto, F. X. A. (2021). Thomas Hobbes on Human Rights and Its Relevance to Populist Movement in Indonesia. *Politika: Jurnal Ilmu Politik*, 12(2), 272-296. <https://doi.org/10.14710/politika.12.2.2021.272-296>
- Zivanai, E., & Mahlangu. G. (2022). Digital Prison Rehabilitation and Successful Re-entry into A Digital Society. *Cogent Social Sciences*, 8(1), 1-14. <https://doi.org/10.1080/23311886.2022.2116809>