

## The Application of Law Towards The Right to Health Services for Community Inmates (Study of Class II A Binjai Prison)

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### ABSTRACT

*Correctional inmates are members of society who, unable to adapt to life in other communities, commit violations that require isolation and serve their sentences. During this process, they will be placed in a correctional institution (LAPAS). Law No. 22 of 2022 concerning Corrections regulates the right to health services for all inmates. This is a crucial factor for inmates in facilitating all correctional activities in the prison. The research was conducted in Binjai City, specifically at the Class II A Binjai Correctional Institution (Lapas) Office. This study used an empirical juridical approach. Data obtained in the field were presented descriptively using an empirical normative approach. This study aimed to determine the provision of health services to inmates at the Class II A Binjai Prison and the obstacles faced in providing these services to inmates at the Class II A Binjai Prison. Based on the author's research findings, the health services provided are in accordance with applicable laws and regulations. However, overcapacity has resulted in suboptimal services. Obstacles faced in providing health services to inmates come from within the inmates themselves, due to the large number of inmates not yet registered as BPJS Kesehatan holders, a lack of awareness of administrative regulations, and overcapacity, which results in suboptimal health services*

**Keywords:** *Implementation of Law, Health Services, Inmates*

### Introduction

Inmates are members of society who, because they are unable to adapt to the life of the wider community, commit violations that require them to be isolated in order to serve a sentence. During this process, they are placed in Correctional Institutions (LAPAS). Law No. 22 of 2022 concerning Corrections regulates the provision of health services for all inmates. This is an important factor for inmates to facilitate all correctional activities in the prison. Indonesia is a state based on law. A state based on law is a dimension of a democratic state and contains the substance of human rights; otherwise, it risks losing its essence and tends to be used by authorities to oppress the people, as well as an instrument to justify government policies that actually violate human rights.

Talking about law means talking about human relationships. Discussing human relationships is discussing justice, so every discussion about law, whether explicit or implicit, is always also a discussion about justice. Talking about law cannot only be limited to its formal structure but must also be seen as an expression of the ideals of societal justice. The Republic of Indonesia recognizes and upholds human rights and fundamental freedoms as inherent and inseparable rights that must be protected, respected, and enforced for the improvement of human dignity, welfare, happiness, intelligence, and justice. In recent years, Correctional Institutions (LAPAS) in Indonesia have undergone a functional transformation. Initially called prisons, which were intended solely to punish those who committed crimes, their function changed when the name was replaced with Correctional Institution (LAPAS). Now, their role is not merely to punish offenders but to facilitate the rehabilitation of convicts. This means that inmates are genuinely prepared so that after completing their sentences, they can return to society with certain skills they have acquired in LAPAS.

Dr. Sahardjo, during his inauguration as an honorary degree recipient while serving as Minister of Justice, stated in his speech, "Under the protective beringin tree, the purpose of imprisonment is correction." This gave rise to Sipasindo (Indonesian Correctional System). In this system, inmates who have undergone rehabilitation are referred to as Correctional Inmates, forming a key pillar of the correctional system. Previously, the general public often perceived inmates as no longer part of society, and their behavior or actions led to their social rejection. However, within correctional institutions, they still have rights, which serve as a basis for restoring their life, livelihood, and reintegration in accordance with Law No. 22 of 2022 concerning Corrections.

Referring to Article 26 of Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights, all Indonesian citizens have equal legal standing, are entitled to legal protection, are free from discrimination, and are guaranteed social protection. Based on the aforementioned laws, the same terminology applies to all citizens, meaning that those serving sentences also have equal rights, must be treated without discrimination, and have equal status before the law. Correctional officers, as the frontline personnel, must support fair treatment and must not discriminate against inmates. This is stipulated in the Tri Dharma of Correctional Officers.

Abraham Maslow, a theorist in 1943, argued that humans have at least five needs to live, arranged in a hierarchy, where each level flows naturally once the lower-level needs are fulfilled. The five basic needs are: physiological needs, safety and security needs, social needs, esteem needs, and self-actualization needs. Factors influencing these needs include family relationships, illnesses, self-concept (personality), and stages of development.

Based on data from the Correctional Database System (SDP) dated August 11, 2025, there are 1,535 inmates at Class II A Binjai Prison, consisting of 154 detainees and 1,382 convicts. With a capacity of 857, the prison is over capacity. The shortage of healthcare personnel, limited experience, and insufficient health facilities result in suboptimal health service provision at Class II A Binjai Correctional Institution.

Data from the SDP indicates that due to overcrowding, many inmates at Class II A Binjai suffer from skin diseases such as rashes, itching, and scabies, likely caused by limited access to clean water and neglect of personal hygiene, exacerbated by overcrowding. Some inmates do not bathe regularly, which contributes to the spread of contagious skin diseases. According to Law No. 36 of 2009, Article 9 (1), all Indonesian citizens, including inmates, have the right to access health services and improvement. Furthermore, Law No. 39 of 1999 on Human Rights, Article 41 (2), states that elderly people, pregnant women, persons with disabilities, and children are entitled to special treatment and facilities.

Efforts to improve health standards for inmates include fulfilling their health rights through prevention, treatment, and enhanced health services. These efforts include: increasing health standards within the prison, improving the availability of medicines, conducting health education, providing medical facilities, and ensuring adequate and professional healthcare personnel. Based on the background described, the author is interested in conducting research in the form of a thesis journal entitled "The Application of Law Towards The Right to Health Services for Community Inmates (Study of Class II A Binjai Prison)."

## Methods Research

In this study, the approach used to solve the problem is an empirical juridical approach. The intended juridical approach is to view law as a norm (*das sollen*), because in discussing the problem in this study, legal materials are used (both written and unwritten law, or primary, secondary, and tertiary legal materials). Meanwhile, the empirical approach

is to view law as a social and cultural reality (*das sein*) because in this study, primary data is used, obtained directly from the research location. The intended empirical juridical approach in this study is that in analyzing the formulated problem, it is done by combining primary, secondary, and tertiary legal materials (which constitute secondary data) with primary data obtained in the field, namely regarding criminal law policies regarding the provision of health care rights for inmates at the Class II A Binjai Penitentiary.

## Results and Discussion

### Implementation of Law in Fulfilling Health Service Rights for Inmates at Class II A Binjai Correctional Institution

#### 1. Legal Basis for Fulfilling Health Service Rights for Inmates

According to prevailing legislation, correctional institutions are responsible for providing guidance and protection to convicts. Life in a correctional facility is the result of punishment for the unlawful behavior committed by inmates. Life in prison involves various challenges, including significant changes in daily life, loss of freedom, and limitations on certain rights. Although inmates face restricted rights, they still retain specific entitlements as correctional residents.

The provision of health rights in prisons is a state obligation. Failure to meet health rights can be categorized as a violation of human rights. Therefore, it is crucial to consider legal aspects related to health services in correctional institutions. Health services, in any form, are inherently connected to law, whether concerning legal relationships between inmates and correctional officers or regulations governing healthcare services within the facility.

Prisons are facilities authorized to carry out correctional functions. Articles 7 and 9 of the Corrections Law stipulate that inmates must receive healthcare. The correctional system implies that, although inmates are serving sentences, they must not lose their rights. Thus, the law continues to protect the rights of every inmate. Furthermore, the legislation emphasizes the responsibility of the government and correctional institutions to provide healthcare facilities and services. Human rights must be protected during incarceration, even though inmates lose certain freedoms they previously had.

The basic rights of inmates, as stipulated in Article 9 of the Corrections Law, include the right to practice their religion, receive physical and mental care, develop their potential through education and recreation, obtain nutritious food and healthcare, access legal aid, submit complaints, access reading materials and information, follow media developments, receive humane treatment and protection from threats to physical and mental health, receive social services, and accept or refuse visits from family, legal advisors, or the public.

Conditional rights, which may be granted to qualifying inmates, include remission, assimilation, and leave facilities (such as written leave, family visit leave, and pre-release leave). Articles 51 and 52 of Government Regulation No. 32 of 1999 also regulate additional rights, including political rights, voting in elections, and other civil rights. The implementation of these rights follows Government Regulation No. 32 of 1999, amended by Government Regulation No. 99 of 2012 concerning the Procedures for Implementing the Rights of Detained or Incarcerated Inmates. The regulation mandates the Ministry of Law and Human Rights to issue further implementing decisions regarding specific rights. Article 14 of Government Regulation No. 32 of 1999 stipulates that every inmate has the right to adequate healthcare facilities.

Additionally, the Directorate General of Corrections of the Ministry of Law and Human Rights issued the **Standard Health Care Service** for correctional institutions in 2015 through Decision No. PAS-32.PK.01.07.01 of 2016, and further regulated referral healthcare

standards in Decision No. PAS-35.OT.02.02 of 2018 for inmates, detainees, and children at correctional institutions.

## 2. Implementation of Health Service Systems at Class II A Binjai Correctional Institution

Inmates have the right to practice their religion, receive healthcare, visit, and consume proper food. Every inmate is entitled to healthcare services provided by the correctional institution. The government allocates budget funds (APBN) to correctional facilities to enhance the efficiency of medical services, clinic operations, and healthcare financing. However, challenges remain in the availability of healthcare facilities and medications, particularly inconsistent drug supply and insufficient medical equipment. Therefore, healthcare needs of inmates requiring medical attention must be met, and services should be comparable to outpatient clinics outside the prison.

Optimal healthcare delivery requires an integrated healthcare system within the correctional institution. Health personnel are regulated under Law No. 17 of 2023 on Health. Article 1, point 4, defines health resources as individuals actively working in healthcare, whether formally trained or not. Article 1, point 7, defines healthcare personnel as those professionally providing services based on expertise, knowledge, and skills in health.

Availability of healthcare personnel is essential to optimize services. Not all prisons have dedicated healthcare staff. Class II A Binjai Correctional Institution, under the North Sumatra Regional Office, employs healthcare personnel including 2 female doctors, 1 female dental nurse, 1 male general nurse, and 2 male health data processors. This staffing is insufficient given the high number of inmates, highlighting the need for additional nurses.

Beyond doctors and nurses, optimal healthcare services require other professionals such as pharmacists, nutritionists, sanitarians, analysts, and psychologists. Human resource planning should align with the needs of each facility. Monitoring, training, and utilization of healthcare personnel are crucial to optimize the healthcare system in every prison, including Class II A Binjai. Healthcare activities are carried out in health service units, which provide preventive, curative, promotive, and rehabilitative services. The purpose of health service units is to provide adequate infrastructure and facilities, ensuring equitable distribution and benefits for inmate healthcare. While some Puskesmas assist operational healthcare in certain areas, independent prison healthcare remains essential for rapid intervention.

Class II A Binjai has a primary clinic named **Klinik Pratama Lembaga Masyarakat Kelas II A Binjai**, operational since November 1, 2024, with operational license 400.7/001-SIO-K/DPMPSTP/XI/2024. The clinic provides health services including initial health screenings for new inmates and ongoing care for existing inmates, assessing medical history and current conditions. Healthcare services are integrated, continuous, and structured to maintain and improve inmate health. These include education and health promotion (promotive), disease prevention (preventive), medical treatment (curative), and rehabilitation care for those in need. Health services are delivered individually or in groups within the organization. Correctional officers provide routine health promotion and education about potential diseases, emphasizing prevention and awareness. All inmates receive guidance on maintaining health, disease transmission, treatment, and prevention, as well as encouragement to undergo regular check-ups at the prison clinic.

Health officers also conduct **"Healthy Prison" programs**, including health screenings and services in inmate housing units, covering HIV, TB, hypertension, diabetes, and hygiene practices, aimed at monitoring health status and disease prevalence among inmates.

Referral systems are applied when the prison cannot handle specific healthcare needs, involving Puskesmas or hospitals for higher-level care. Article 17 of Government Regulation No. 32 of 1999 outlines that in such cases, the prison doctor recommends the inmate to the Head of the Prison, who issues written permission for hospital treatment, supervised by prison officers and, if necessary, local police. Medical costs are borne by the state, and family members are informed. Referrals at Class II A Binjai include specialist consultations, diagnostic examinations, and hospital treatments. Coordination is maintained with local Puskesmas, municipal health offices, and hospitals to ensure efficient execution. Availability of safe, quality, and affordable medications and medical equipment is crucial to create an optimal healthcare system that improves inmate health.

### **3. Obstacles in Providing Health Services to Inmates at Class II A Binjai Correctional Institution**

Correctional institutions have a philosophical meaning and function different from prisons, aimed at preventing inhumane and discriminatory punishment. As the state acts as the protector of human rights for all Indonesian citizens, integrating the correctional system with human rights protection is crucial. Corrections are designed to help law offenders rehabilitate and reintegrate into society. However, a high population in correctional facilities can lead to overcrowding issues. A comprehensive, inmate-oriented healthcare system at Class II A Binjai has dual objectives. The first is to ensure that inmates' health rights are fulfilled. This involves providing adequate healthcare, psychosocial support, comprehensive education, and access to services equal to those available outside the prison.

The responsibility of the correctional institution is to ensure inmates receive adequate healthcare and treatment during detention. Due to overcrowded conditions in Indonesian prisons, maintaining optimal health care for inmates is challenging. Efforts to provide healthcare are closely linked to upholding human rights, which must always be protected and implemented. An inmate-focused healthcare system also plays a vital role in controlling disease transmission within the prison, thereby safeguarding the health of all inmates at Class II A Binjai. When national prisons and detention centers are overcrowded, healthcare services for inmates are suboptimal, infrastructure is inadequate, and healthcare delivery is hindered. Several factors impede the provision of healthcare services at Class II A Binjai. One major obstacle is overcapacity. The number of inmates directly affects the fulfillment of their rights, including food and healthcare services.

Overcapacity is a widespread issue across Indonesian prisons, including Class II A Binjai, which has a capacity of 857 inmates but currently houses 1,536. This creates serious risks for disease transmission, as overcrowded conditions facilitate the spread of illnesses. Limited physical space makes it challenging to maintain hygienic conditions and deliver effective healthcare services. Overcrowding also increases the risk of infectious diseases, such as upper respiratory infections, tuberculosis, skin diseases, and other communicable illnesses.

Another significant obstacle is the lack of healthcare personnel. The current staff at Class II A Binjai consists of:

- a. General Doctors: 2
- b. Dental Nurse: 1
- c. General Nurse: 1

Given the total inmate population of 1,535 (as of August 11, 2025), these numbers are insufficient, preventing healthcare programs from functioning optimally. Additional staff, including general practitioners, dentists, nutritionists, laboratory personnel, pharmacists, psychologists, laboratory analysts, nurses, and ambulance drivers, are necessary to ensure

effective healthcare delivery. Furthermore, inmates at Class II A Binjai face administrative challenges. Many do not have complete health administration records, such as BPJS Health insurance cards, and demonstrate limited initiative regarding personal health and identity documentation. This administrative gap further hampers the delivery of health services. In conclusion, the main obstacles to fulfilling inmates' healthcare rights at Class II A Binjai are overcapacity, insufficient healthcare personnel, and incomplete health administration records, all of which must be addressed to optimize health service provision within the correctional facility.

## Conclusion

Regulations regarding the fulfillment of inmates' rights are guaranteed under Law Number 22 of 2022 on Corrections and Government Regulation No. 99 of 2012, where, based on Article 14 of the government regulation, every inmate has the right to receive proper health services. This includes access to adequate healthcare facilities and personnel within the correctional institution, as well as the provision of balanced nutrition to support the health of each inmate. Further detailed regulations regarding the fulfillment of health rights are stipulated in Minister of Law and Human Rights Regulation No. PAS-32.PK.01.07.01 of 2016, which regulates the standards of healthcare services in correctional institutions, as well as the provision of healthcare personnel and facilities that must be adhered to by every correctional institution to ensure the fulfillment of inmates' health rights. Additionally, the Directorate General of Corrections Regulation Number: PAS-35.OT.02.02 of 2018 governs the standards of referral healthcare services for prisoners, detainees, and children in Correctional Service Units. Obstacles faced in fulfilling the health service rights of inmates at Class II A Binjai Correctional Institution include overcapacity of inmates, insufficient medical/health personnel, and a lack of concern among inmates regarding civil registration and health administration/BPJS Health insurance. These factors result in suboptimal delivery of healthcare services to the inmates.

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