



EFFORTS TO FULFILL THE HEALTH RIGHTS OF PRISONERS IN PLACES OF DETENTION

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Abstract

One of the rights of prisoners is to receive health insurance, but often detainees' health rights are not fulfilled. This is clearly very contradictory where in the Decree of the Minister of Justice of the Republic of Indonesia Number: M.02-PK.04.10 of 1990 concerning Patterns of Development for Prisoners/Detainees, the Minister of Justice of the Republic of Indonesia states in section C regarding health care. Apart from that, Law Number: 39 of 1999 concerning Human Rights Article 4 emphasizes the importance of fulfilling the health rights of prisoners and one of the rights that prisoners have is contained in Government Regulation Number: 58 of 1999 Article 9, namely regarding responsibility for prisoner care, prisoners have the right to receive prisoner care including physical and spiritual care, in terms of health services. However, its implementation is very difficult if it is carried out in accordance with existing regulations, because the expected conditions are different from the conditions in reality. In reality, we often find various kinds of obstacles faced by the management of places of detention, these obstacles include overcapacity in prisons, there is still a lack of special officers in the health sector in the management of places of detention which is still hampered by the problem of limited budget funds. .

Keywords: *Prisoners, Places of Detention, Rights, Health*

1. INTRODUCTION

Health services are any efforts carried out individually or jointly within an organization to maintain and improve health, prevent and cure disease and restore the health of individuals, families, groups and or communities (Nasution, 2013. There are many forms and types of health services found The type is because all of this is determined by the organization of the service, whether carried out individually or jointly within an organization, whether it only includes health maintenance activities, disease prevention, disease recovery, health restoration or a combination thereof (Rimawati, 2015).). Decree of the Minister of Justice of the Republic of Indonesia Number: M.02-PK.04.10 of 1990 concerning Patterns of Training for Prisoners/Detainees of the Minister of Justice of the Republic of Indonesia is mentioned in section C regarding health care.

1. Every prisoner has the right to receive adequate health care.
2. Health care for detainees in the detention center/Cabrutan is carried out by doctors at the detention center/Cabrutan, in the event that there is no doctor at the detention center/Cabrutan it can be done by medical personnel.
3. Health checks are carried out at least once a month, unless there are complaints, then a doctor can check them at any time.
4. On the advice of the Detention Center/Cabrutan Doctor and with the permission of the party detaining detainees who are sick and cannot be treated at the Detention Center/Cabrutan Clinic, they can be sent to the General Hospital with the permission of the detaining agency with POLRI/CPM escort.

Apart from that, Law Number: 39 of 1999 concerning Human Rights Article 4 states, among other things: the right to life, the right not to be tortured, the right to personal freedom, thought and conscience, the right to religion, the right to be recognized as a person and equality before law, this statement means that every person has the same rights and obligations as a human being, that the implementation of the value of equality and position in society is applied in various fields, including in the field of law. Health is a condition that covers all aspects of human life and consists

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of spiritual, social, emotional and physical aspects. According to the World Health Organization (WHO), health is a perfect state, a state that includes psychological, physical and social conditions and is not only free from various weaknesses or diseases. According to Law Number 39 of 2009, healthy means being physically, spiritually and spiritually healthy so that everyone can live a productive life, both economically and socially. In its realization for prisoners in Indonesia, as we know, providing health assistance in correctional institutions is a process of realizing human rights given by the state to inmates. One of the rights of prisoners is to obtain health insurance, prisoners' rights must be fulfilled not only limited to during the criminal justice process but also during the period of detention so that legal objectives can be achieved in full, this results in the growth of public confidence both nationally and internationally in law enforcement. and Human Rights.

One of the rights that prisoners have is contained in Government Regulation Number: 58 of 1999 Article 9, namely regarding responsibility for prisoner care, prisoners have the right to receive prisoner care including physical and spiritual care, in terms of health services, apart from that based on the decision of the Minister of Justice of the Republic Indonesia Number: M.02-PK.04.10 of 1990 Concerning Prisoner Development Patterns, every prisoner has the right to receive adequate health services, in which every detention center is provided with a polyclinic and its facilities and at least one doctor and one other health worker is provided. In fulfilling the rights above, there are still many things that are limited to recognition in legislation, but their implementation is still far from reality. Detention centers as technical implementation units are required to be able to realize these rights. As a form of protecting prisoners' rights, the Minister of Law and Human Rights even issued special regulations regarding the procurement of food for prisoners and convicts, namely Minister of Law and Human Rights Regulation Number M.Hh-01.Pk.07.02 of 2009 concerning Guidelines for Procurement of Food. For convicts, detainees and correctional students in correctional institutions and state detention centers. Based on this, the aim of this research is to find out how prisoners' rights are implemented and fulfilled in the field of health services for prisoners in places of detention at police stations, detention centers or correctional institutions under review of the law, and what obstacles are faced in implementing them. Detainee's right to health services. This research is more of a normative legal research. The approach in this research uses a normative approach.

2. RESULTS AND DISCUSSION

All humans are born with rights. Humans have rights not because they are given to them by society, but solely based on their dignity as human beings. Human rights are rights that humans have solely because they are human. In this sense, even though each person is born with a different skin color, gender, language, culture and nationality, he or she still has these rights. This is the universal nature of these rights. Apart from being universal, these rights are also inalienable. This means that no matter how bad the treatment someone has experienced or how cruel someone is treated, they will not stop being human and therefore still have these rights. The sovereignty that humans have does not originate from society, but this right is based on their position as living creatures. Even though all humans are born with different skin colors, genders, different languages, different cultures or customs and nationalities, these people still have These sovereignties, in the sense here, no matter how bad the inmates' actions are or how evil the inmates' or detainees' actions are, they are still human beings who have these rights and sovereignty.

One of them is sovereignty to have health care and a balanced diet. Various legal experts state that the provision of health services here means any method carried out individually or as a group within an institution to uphold and improve health, try to prevent and cure disease and restore the health of people, whether families or community members. As regulated in the Corrections Law Number: 12 of 1995 concerning Corrections which also provides a description regarding law enforcement officers who must provide drinks and food. When providing these drinks and food (APH) must also pay attention to the nutritional adequacy value of the food, such as those containing protein, carbohydrates and other nutrients. On any occasion, the inmates can



also get drinking water that has been prepared, and don't forget that when providing food, you must pay attention to its cleanliness so that you can avoid various kinds of infectious diseases. Apart from that, one of the basic regulations regarding the implementation of prisoners' rights in terms of health services is the Decree of the Minister of Justice of the Republic of Indonesia Number: M. 02-Pk.04.10 of 1990 concerning the Pattern of Development of Prisoners/Detainees of the Minister of Justice of the Republic of Indonesia. Rights are guarantees provided by law, their existence is recognized by law and their use is based on a guarantee by law as acceptable and with all its consequences. In general, Notoatmojo (2010), says that these rights can be grouped into 4, namely:

1. Legal and moral rights
2. Special rights and general rights
3. Positive rights and negative rights
4. individual rights and social rights

Based on several basic regulations that regulate various matters regarding the rights to health services for prisoners which have been described previously, to determine in general the specific health service rights for prisoners in health services, the results of the researcher's elaboration determine the rights to health services for prisoners consists of:

1. Prisoners have the right to receive adequate health services.
2. Prisoners have the right to a clean environment.
3. Prisoners have the right to receive information and education about health (Dewi, 2008).

Of the 3 (three) prisoners' rights above, there are 4 (four) indicators of health service efforts that are also applied to each prisoner regarding the methods or efforts taken in terms of implementing health services for prisoners' rights, namely:

1. Promotive Health Service Efforts.
2. Preventive Health Service Efforts.
3. Curative Health Service Efforts.
4. Rehabilitative Health Service Efforts.

However, in realizing the fulfillment of prisoners' rights, there are also obstacles, including:

1. *Overcrowded*

Overclocked What often happens in every place of detention, throughout Indonesia, is that many inmates have excess capacity because some of the inmates who enter are more than the inmates who leave, so what happens creates an imbalance and gives rise to the problem of hoarding of inmates. This situation has an impact on the difficulty of optimizing health requirements. The process of fulfilling the inmates' right to health will be carried out well if the inmates can carry out the enforcement phase in good physical and spiritual condition. The condition of the detention center being over-capacity is certainly a bit complicated to ensure efforts to fulfill the health of the inmates are perfect. With an overabundance of inmates in detention centers, this will result in poor hygiene being maintained, making them vulnerable to disease. The current state of prisons will certainly have various kinds of new problematic effects, such as many inmates becoming younger and suffering from various kinds of diseases inside.

2. The expertise of an officer in the health sector is really needed in dealing with prisoners or inmates who are sick. In correctional institutions, there is still a very lack of workers who have expertise in the field of medical personnel, for example psychologists to help the psychological health of inmates, there is a lack of highly skilled and experienced medical personnel when carrying out health care for inmates who have congenital diseases, which is a priority. very specific treatment such as for example HIV, Tuberculosis, Bronchitis etc. The absence of inmates who are skilled cooks or experts in making culinary delights causes the quality of the culinary services served to inmates to be less good, plus there are no nutrition experts in prisons, such as those contained in food management guidelines in correctional institutions, including methods for satisfying their rights. The right to receive

food in prisons needs to include nutrition experts as controllers of the flow of food supply and work to help the flow of daily nutritional satisfaction for inmates.

3. Limited budget

A limited budget is an obstacle that must be resolved and overcome by the management of the detention center in order to fulfill the rights of prisoners in the detention center, because with limited budget funds, the training process does not run satisfactorily. The budget also results in a way of fulfilling the rights of inmates in receiving health assistance and balanced food which is still not synchronized in using procedures related to fulfilling the rights of correctional inmates who strictly adhere to the rules allocated by the government as executors in training. With this, it can be confirmed that the accommodation in prisons is inadequate to meet the daily needs of prisoners. for example inpatient rooms, polyclinics and other medical equipment. This matter must be handled using budget preparation so that the guidance procedures for correctional institution inmates can continue to use aporisma.

Correctional care for inmates serves to ensure that they are always in good physical and spiritual health, therefore efforts are always made to ensure that they continue to receive sufficient basic needs, namely the need for health services, food, clean water for drinking, ablutions and so on. In order to ensure the smooth implementation of health service programs in prisons, through the Decree of the Director General of Corrections No: E.03.PP.02.10 of 2003, minimum service standards for health and food services for prisoners in prisons have been established, as follows:

1. In terms of health services, the existing health services are still at a simple level, namely first aid services from doctors and clinics.
2. Referral of patients is carried out on an as-is basis, depending on the conditions in each prison.
3. Promotional, preventive, curative and rehabilitative services are carried out systematically.

The right to affordability (Accessibility) Inmates have the right not to be treated with discrimination regarding health services, meaning that even though prisoners are serving sentences in prison, they still have the right to receive health services like the community in general without discrimination against them. Furthermore, they have the right to be able to access health services both physically and economically and access information about health in correctional institutions.

Right to receive or obtain (Acceptability) As a person who is undergoing a sentence, a prisoner still has the right to receive or receive health services, the right to all health services provided must be in accordance with human rights and medical ethics, uphold the honor of patients or respect for clients, and be worthy Culturally, the rights of convicts to receive or receive health services in prison include;

1. Promotive health services. Promotive health services include;
 - a. Communication, information and education (KIE) activities both individually and in groups.
 - b. Counseling activities, both individual and group, Monitoring and maintaining sanitation and personal hygiene.
 - c. Prevention of drug abuse.
 - d. Regular exercise and competitions.
2. Preventive health services, preventive health services which include;
 - a. Initial examination (screening) when first entering prison.
 - b. Periodic examination of prisoners, at least once a month.
 - c. Isolation of prisoners suffering from infectious diseases, provision of immunizations, monitoring and guidance of food management for prisoners so that it is in accordance with food hygiene and sanitation requirements as well as energy and nutritional needs.
 - d. Prevention of infectious diseases and prevention of drug abuse in prisons,
 - e. Monitoring and surveillance of infectious disease incidents in prisons.
 - f. Monitoring and maintaining the health of the prison environment
3. Curative health services. Convicts' rights to curative health services in prison include;



- a. General disease treatment services, including dental health services, according to existing capacity.
- b. Treatment services for special diseases such as tuberculosis, malaria, reproductive tract infections, and sexually transmitted diseases including HIV/AIDS.
- c. Referral health services are appropriate to the health problems experienced by prisoners, either medical referral services or psychosocial referral services.
- d. Rehabilitative health services.
- e. The rehabilitative health services referred to include; Physical rehabilitation services for prisoners who experience physical disorders due to trauma and forced confinement, mental rehabilitation services for prisoners who experience mental health and behavioral problems,
- f. Physical and mental rehabilitation services for prisoners involved in drug abuse.
- g. Mental rehabilitation services for andikpas with risky sexual behavior.

3. CONCLUSION

Based on the explanation above, the author draws the conclusion that the fulfillment of the right to health services for detainees in places of detention has not been implemented optimally. In the law, the right to health services for inmates in correctional institutions includes the right to availability, the right to affordability, the right to receive or obtain (acceptability), the right to quality. The government and correctional services have attempted to create various regulations regarding health services for prisoners in great detail with the aim that these regulations can be used as guidelines in implementing development programs and providing health rights to prisoners in detention. However, its implementation is very difficult if it is carried out in accordance with existing regulations, because the expected conditions are different from the conditions in reality. In reality, we often find various kinds of obstacles faced by the management of places of detention, these obstacles include overcapacity in prisons, the lack of special officers in the health sector in the management of places of detention which is still hampered by the problem of limited budget funds. . In future legal formation, whether in the form of changes to laws and/or the formation of new laws, it is the main focus of the legislative body together with the government or the Ministry of Law and Human Rights to jointly coordinate in forming regulations that regulate more specifically regarding prisoner health services in accordance with the developmental conditions or needs of prisoners in detention centers.

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