

Implementation of Health Standards for Prisoners in Police Detention Center Based on Justice Values (Case Study: Salatiga Police)

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Abstract. *Good health services for prisoners are inseparable from the availability of health facilities and infrastructure. It should be that the implementation of the right to health services for prisoners is carried out in accordance with the review of the law. The purpose of this study was to determine and analyze the implementation of health standards for prisoners in the police detention center based on the value of justice at the Salatiga Police, to determine and analyze the effectiveness of the implementation of health standards for prisoners in the police detention center based on the value of justice at the Salatiga Police. In the research conducted, the writing uses a Sociological Juridical approach, namely research that uses an approach method to problems by looking at the norms or laws that apply as positive provisions, the following are theories that are relevant to this paper by linking its implementation to the facts in the field. The implementation of health standards for prisoners at the Salatiga Police detention center is part of the fulfillment of human rights guaranteed by the constitution and regulated in various national regulations. Health services for prisoners include regular check-ups, drug administration, and further medical referrals that must be carried out fairly and without discrimination. In practice, these services are also supported by the BPJS Kesehatan program through KIS PBI, as a form of social security.*

Keywords: *Center; Detention; Health; Prisoners.*

1. Introduction

The development of the health sector, both now and in the future, is inevitable. Initially, health development was based on efforts to treat diseases and restore health, shifting to the implementation of comprehensive health efforts with an

emphasis on efforts to prevent disease and improve health.¹In order to realize an optimal level of health for every person, serious attention must be continuously paid to the implementation of national development that is health-oriented, with guarantees for health maintenance,² increasing professionalism and decentralizing the health sector. In order to fulfill and realize the rights of every citizen to obtain proper health services and the government's obligations in terms of health as mandated by the 1945 Constitution, intervention from the government is needed regarding this health problem.³

POLRI is a state institution that should have the responsibility to provide protection for the rights of every citizen including the right to receive health services for prisoners. As explained above, the right to life, health and receive the best health services are rights that originate from Human Rights.⁴

In principle, all prisoners and detainees who are sick are given health services and funded by the state with a standard of ability adjusted to the available budget. If according to the diagnosis of the prison doctor, the prisoner or detainee requires further treatment and costs a lot, then considering the limited state budget, the prisoner or the family of the prisoner or detainee concerned is permitted to finance the burden of further treatment themselves.⁵

One of the problems faced in fulfilling the right to health for prisoners in the National Police Detention Center is the limited standard of health services available. For example, in the National Police Detention Center of the Salatiga Police, there are around 25-30 prisoners per day who need access to adequate health services. Unfortunately, the health facilities at the National Police Detention Center have not fully met the standards that should be, both in terms of medical personnel, availability of medicines, and the health financing system for prisoners. Currently, financing for further treatment for prisoners is often a personal responsibility, because the National Police budget structure has not clearly stated the allocation of medical costs for prisoners. This condition indicates a gap in policy that needs further attention to ensure that prisoners' health rights are still fulfilled in accordance with human rights principles.

¹Agusniar Rizka Luthfia and Eka Nada Shofa Alkhajar, Public Service Practices: Health Centers as the Front Guard of Health Services, *Decision: Journal of Public Administration*, Vol. 1, No. 2, 2019, pp. 71-81

²Asri Reni Handayani and Nur Arifatus Sholihah, Implementation of Community Rights to Health Services at the Labuan Badas Sumbawa Health Center, *Innovative Research Journal*, Vol. 2, No. 2, 2022, pp. 383-388.

³Nurul Ragilia Berdame, Government Policy in Health Services for the Underprivileged According to Law Number 17 of 2023 Concerning Health, *Lex Privatum*, Vol. 13 No. 5, 2024, pp. 1-11

⁴Ach. Tahir, Reform and Protection of the Rights of Prisoners and Convicts in Correctional Institutions, *Supremacy of Law*, Vol. 4, No. 2, 2015, pp. 403-428

⁵Jajang Sultonudin, Legal Protection for Inmates in Obtaining the Right to Adequate Food Fulfillment Associated with Financial Management (Study at Class IIA Cikarang Penitentiary), *Jurnal Hukum Media Justitia Nusantara*, Vol. 11, No. 1, 2021, pp. 1-39

As an institution responsible for security and law enforcement, the National Police also has an obligation to ensure that the basic rights of prisoners are respected, including the right to health services. Given that prisoners still have the status of legal subjects who are undergoing a trial process or a sentence, the state still has a responsibility to guarantee their health conditions. Therefore, a clearer policy and more optimal implementation are needed regarding health standards in the National Police Detention Center, especially in the Salatiga Police, so that every prisoner can receive proper health services that are equal to the standards applicable to the general public.

2. Research Methods

According to Soerjono Soekanto, research is a scientific activity related to analysis and construction carried out methodologically, systematically and consistently. Methodological means in accordance with a certain method or way, systematic is based on a system, while consistent means the absence of contradictory things in a certain framework.⁶ According to Vib hute and Ayn alem, 'Research', in simple terms, can be defined as 'systematic investigation towards increasing the sum of human knowledge' and as a 'process' of identifying and investigating a 'fact' or a 'problem' with a view to acquiring an insight into it or finding an apt solution therefor. An approach becomes systematic when a researcher follows certain scientific methods. Legal research is a process of finding legal rules and legal doctrines to answer the legal issues faced.⁷

3. Results and Discussion

3.1. Implementation of Health Standards for Prisoners in the National Police Detention Center Based on Justice Values at the Salatiga Police

As stated in Law Number 36 of 2009 concerning Health, health is a healthy state both physically, mentally, spiritually and socially, which allows everyone to live productively socially and economically. From this meaning, it can be explained that health development basically concerns all aspects of community life, and takes place for every individual, including those in prisons and detention centers as regulated in Article 14 paragraph 1 letter d of Law Number 12 of 1995 concerning Corrections.

Prisoners, Detainees and Children in Prisons and Detention Centers are members of society who have the same rights as other members of society to obtain

⁶Soerjono Soekanto, Introduction to Legal Research, Third Edition, Publisher of the University of Indonesia (UI Press), Jakarta, 2008, p. 42

⁷Salim HS, Application of Legal Theory in Thesis and Dissertation Research, Rajawali Pers, Jakarta, 2014, p. 5

optimal health. Health care for prisoners, detainees and children can be used as one of the efforts to achieve the MDGs (Millennium Development Goals).

In an effort to provide optimal health care to prisoners, detainees and children in prisons, detention centers, Bapas, LPKA and LPAS, the Directorate General of Corrections through the Directorate of Health Development and Care for Prisoners and Detainees has prepared several guidelines, including:

- 1) General Guidelines for Health Services for Prisoners, Detainees and Correctional Students in Correctional Institutions and Detention Centers
- 2) Guidelines for the Implementation of Sanitation and Environmental Health in Prisons and Detention Centers.
- 3) Therapeutic Community Guidelines for Prisoners and Detainees in Correctional Institutions and Detention Centers
- 4) Guidelines for Health Services for Children, Women, the Elderly and the Permanently Ill
- 5) Guidelines for Organizing Food Materials
- 6) National Action Plan for Tuberculosis Control in Prisons, Detention Centers and Bapas
- 7) Technical Guidelines for Prevention and Control of TB Infection in Prisons and Detention Centers
- 8) Guidelines for comprehensive HIV-AIDS and STI services in prisons, detention centers and Bapas

In relation to the guidelines above, it is necessary to prepare Basic Health Care Service Standards for Prisoners, Detainees and Children in Corrections, Detention Centers, Bapas, LPKA and LPAS in order to obtain certainty in health services and care according to standards.

Based on Law No. 40 concerning the National Social Security System (SJSN) and Law No. 24 of 2011 concerning the Social Security Administration Agency, it states that the national social security system is a state program that aims to provide certainty of protection and social welfare for all people. Therefore, BPJS Kesehatan was formed which is responsible for organizing the health insurance program.⁸

⁸Yuditia, Aria, Yusup Hidayat, and Suparji Achmad. "Implementation of National Health Insurance by BPJS Based on Law No. 40 of 2004 Concerning the National Social Security System." *Journal of Master of Law* 6, no. 1 (2021): 43-61.

Article 16 states that every person, other than employers, workers and recipients of contribution assistance, who meets the requirements for participation in the Social Security program must register themselves and their family members as participants with BPJS, in accordance with the social security program they participate in, must provide complete and correct data about themselves and their family members to the government to be submitted to BPJS. The government pays and deposits contributions for recipients of Contribution Assistance to BPJS.

Correctional Inmates (WBP) and Detainees are included in the recipients of contribution assistance through the KIS program as a result of the Coordination Meeting of the Mahkumjakpol, Health, Home Affairs, Social Affairs and BNN and based on the Decree of the Indonesian Ministry of Social Affairs No. 58/HUK/2015 concerning the Determination of the Number of Recipients of Additional Health Insurance Contribution Assistance Phase Two 2015. Prisoners and Detainees are included in the KIS list. The total number of WBP and Detainees in Indonesia who receive PBI is 20% of the contents of each Prison and Detention Center which is 46,309 with the assumption that the number of WBP and detainees in all Prisons and Detention Centers in 2014 is 162,000 people. The amount and procedure for payment of health insurance program contributions are regulated in the Presidential Regulation, the amount of health costs for each prisoner, detainee and child in Prisons and Detention Centers is determined based on the current capitation calculation referring to the calculation of BPJS Kesehatan and the Regulation of the Indonesian Ministry of Finance.⁹

As part of the fulfillment of human rights inherent in every individual, including prisoners, the fulfillment of health service standards is a non-negotiable obligation in the modern criminal justice system. In the environment of the National Police detention center, these health standards are an important indicator in ensuring that law enforcement institutions continue to uphold the principle of substantive justice. One crucial aspect in fulfilling these health rights is the implementation of comprehensive health checks and the provision of appropriate medication according to the prisoners' medical needs.¹⁰ The standard of examination and provision of medication in the National Police detention center, including in the Salatiga Police Detention Center, is an integral part of fulfilling the basic rights of prisoners as mandated in the laws and regulations. Law No. 2 of 2002 concerning the Indonesian National Police states that the National Police as a state apparatus has the responsibility to guarantee security,

⁹Juklia, Idfi, and Padmono Wibowo. "Fulfillment of the Rights of Correctional Inmates (Wbp) According to Law No. 12 of 1995 Concerning Corrections." *Justitia: Journal of Law and Humanities* 8, no. 1 (2021): pp. 185-193.

¹⁰Mahendra, I. Gede Aditya Putra. "Efforts of the Republic of Indonesia National Police in Overcoming Criminal Acts of Theft Committed by Minors by Applying the Principle of Restorative Justice." *Journal of Law Media Justitia Nusantara* 12, No. 1 (2022): pp. 99-145.

order, and protect the rights of citizens, including prisoners. In this context, health services are a basic right that must be provided by the police institution to prisoners under its supervision.

The implementation of health service standards in detention centers, including examinations and drug administration, refers to various internal regulations of the National Police that emphasize the importance of bureaucratic reform within the National Police to realize professional and humanistic service governance. One important instrument is the Decree of the Chief of Police Number: Kep/346/VI/2011 dated June 21, 2011 concerning Police Bureaucratic Reform, which mandates the transformation of public services based on the values of transparency, accountability, and legal certainty, including in health services for prisoners.¹¹

The implementation of health services in detention centers is also part of the priority program or Quick Wins of the Police as regulated in the Telegram Letter of the Chief of Police Number: ST/830/IV/2010 dated April 30, 2010. This document outlines that fast and appropriate health services are one of the leading programs that must be implemented by all police work units, including at the police resort level. Thus, the Salatiga Police Resort Detention Center is required to implement a system of examination and drug administration that is in accordance with the standards set by the Medical and Health Division (Dokkes) of the Police.

Technically, the standard for examining prisoners at the Salatiga Police detention center begins with a medical check-up when someone is first detained. This examination includes a general physical examination, medical history, psychological condition, and examination for the possibility of infectious diseases such as tuberculosis or HIV/AIDS. The goal is to detect early potential health problems that could endanger other prisoners or themselves, and to determine whether someone is medically fit to be detained.

In addition to the initial examination, prisoners at the Salatiga Police detention center must also undergo regular routine examinations. These examinations are carried out to monitor the development of the prisoner's health condition during the detention period. The Salatiga Police Health Center is responsible for ensuring that these activities are carried out on schedule and well documented, and referring to advanced health facilities if there are indications of diseases that require specialist treatment.

The provision of drugs in the prison health service system is carried out based on the results of examinations by medical officers or doctors from Dokkes. The

¹¹Sumenda, Cristi N., Chreisy KF Mandagi, and Febi K. Kolibu. "Study of the Implementation of Health Services for Prisoners at the Health Clinic of the Class IIB State Prison in Kotamobagu City." *KESMAS: Journal of Public Health*, Sam Ratulangi University 6, No. 3 (2017). Pg.

drugs given must be in accordance with a valid medical diagnosis and prescription, not simply based on subjective complaints from prisoners without examination. Distribution of drugs must also be recorded administratively to ensure control of use and prevent drug abuse in prison.

In practice, the Salatiga Police Detention Center faces certain challenges, such as limited medical personnel on standby 24 hours, minimal medical facilities and infrastructure, and fluctuating prisoner capacity. However, a justice-based approach is still prioritized, namely by placing prisoner health as a priority, without discrimination based on legal status, social background, or economic ability.

The value of justice in the standard of health services for prisoners means that every individual must receive equal treatment in accessing examinations and treatment. This requires internal supervision and transparency in recording and reporting health services. Salatiga Prison has attempted to fulfill this through collaboration with the nearest health center or hospital and strengthening the role of the Polres Dokkes in the provision and supervision of health services.

The health education aspect is also an important part of the implementation of this standard. Prisoners are given counseling on personal hygiene, prevention of infectious diseases, and the importance of following the treatment given. This step is not only aimed at maintaining health conditions in the prison environment, but also as part of a rehabilitative approach that respects human dignity.

Overall, the implementation of examination and drug administration standards at the Salatiga Police Detention Center reflects the Police's commitment to carrying out human rights-based service functions. With the support of clear regulations, ongoing supervision, and a fair approach, health services in detention centers are expected to be a model of law enforcement that is not only repressive but also responsive to the basic needs of prisoners.

3.2. Effectiveness of Implementation of Health Standards for Prisoners in the National Police Detention Center Based on Justice Values at the Salatiga Police

It is explained in the Republic of Indonesia Law Number 12 of 1955 that in essence, correctional inmates as human beings and human resources must be treated well and humanely in an integrated guidance system. As intended so that inmates realize their mistakes, and do not repeat criminal acts and live normally as good and responsible citizens and also improve themselves.¹²

¹²Pramudhito, Yoga Adi. "The Effectiveness of Correctional Institutions in Guiding Prisoners in Indonesia: A Literature Review." *Jurnal Yustisiabel* 5, No. 1 (2021): pp. 69-82.

People who are in detention houses (rutan) or correctional institutions (lapas) have very limited freedom of movement, they can only move around the prison walls. So the freedom of the person is very limited, they cannot feel the freedom of life that they should. Humans essentially need freedom of life, as do prisoners and convicts who are languishing in detention houses (rutan) or correctional institutions (lapas).¹³

In situations where a person's physical freedom is severely restricted, such as that experienced by prisoners in detention centers (rutan) or correctional institutions (lapas), the state has an increased responsibility to ensure that other basic rights are fulfilled fairly and humanely. One of the most fundamental rights in these limited conditions is the right to health. Prisoners remain human beings who have the right to live healthily, both physically, mentally, and socially, as guaranteed by Law Number 36 of 2009 concerning Health and the principles of human rights in the constitution. In this context, the fulfillment of health standards is an important indicator of the state's commitment, including the National Police institution, to ensuring fair and dignified treatment for prisoners.

Therefore, the success of implementing effective and equitable health standards is not only determined by existing regulations, but also by the willingness and awareness of all police officers to make the value of justice the basis of every policy and action. The Salatiga Police need to place the fulfillment of prisoners' health rights as part of a more humanistic bureaucratic reform, in line with the spirit of the Police's Quick Wins and the principles of the Pancasila rule of law. This includes increasing the capacity of internal health service structures, strengthening cooperation with external health institutions, and ongoing training for prison officers regarding fair and non-discriminatory treatment of prisoners.

By prioritizing the value of justice as the foundation of implementation, the fulfillment of health standards in detention centers is not only a means to maintain order and institutional stability, but also a reflection of the quality of our legal civilization. Through comprehensive improvements in regulatory, institutional, and cultural aspects, the Salatiga Police have a great opportunity to become an example in the implementation of a legal system that guarantees the basic rights of every individual, including those who are undergoing legal proceedings. Because in the end, the measure of a nation's justice is not only seen from how it treats its free citizens, but also from how it treats those who are losing their freedom.

The effectiveness of implementing health standards for prisoners in the National Police detention center based on justice values at the Salatiga Police can be

¹³Saputra, Suhenry, Amir Faisal, and La Niasa. "Legal Review of Narcotics and Illegal Drugs (DRUTAN) Crimes in Kendari State Prison (A Study at Kendari Class II/A Prison)." *Sultra Law Review* (2020): pp. 1109-1123.

analyzed using the theory of legal effectiveness from Lawrence M. Friedman which includes three main elements, namely legal substance, legal structure, and legal culture. These three components work integrally to determine the extent to which the law can be applied effectively in social life, including in the context of fulfilling health rights for prisoners.

Legal substance refers to norms, rules, and policies that form the legal basis of a system. In this context, the legal substance that regulates the fulfillment of health standards for prisoners comes from a number of regulations, such as Law Number 2 of 2002 concerning the Indonesian National Police, Decree of the Chief of Police Number: Kep/346/VI/2011 concerning Police Bureaucratic Reform, and Telegram Letter of the Chief of Police Number: ST/830/IV/2010 concerning the implementation of the Quick Wins program in the field of Health Services. These regulations explicitly emphasize the importance of health services for prisoners as part of public services based on human rights.

One of the weaknesses of the legal structure in this context is the lack of medical personnel specifically assigned to serve prisoners intensively and on a scheduled basis. Many prisons, including in Salatiga, do not have permanent doctors or health workers with full-time presence. This causes routine checks to not be carried out systematically and are only responsive to complaints from prisoners who are already sick.

In addition, coordination between units within the internal structure of the Polres is still often hampered by bureaucracy that is complicated and less responsive. Prison officers often have difficulty accessing services from the Dokkes unit quickly due to inefficient administrative procedures. This shows that the legal structure has not been running optimally as a supporter of the effectiveness of the implementation of health standards.

From the legal culture side, namely the mindset, attitude, and behavior of the community and the authorities towards the law, there are major challenges in forming a legal culture that respects the basic rights of prisoners, including the right to health. In many cases, prisoners are still perceived as subjects who have lost their rights completely, so that the right to health services is not considered a priority by some officers.

The legal culture within the Salatiga Police has not fully reflected a high level of awareness of the importance of fair and equal health services. Discriminatory practices are still found in the provision of health services, where prisoners with certain social backgrounds have easier access to health services than other prisoners. This shows that the value of justice has not been fully grounded in practice.

Another factor that strengthens the weak legal culture is the lack of training or special education for prison officers regarding the importance of human rights in

handling prisoners. In fact, officers' understanding of the principles of justice greatly determines the success of implementing health standards in prisons.

The absence of effective control or complaint mechanisms is also an indication of a weak legal culture. Prisoners who experience negligence or neglect in health services do not have a safe formal channel to voice their complaints. This causes many violations to go undocumented and potentially become systemic practices that go uncorrected.

Improving the effectiveness of implementation can begin with a revision of the legal substance to detail the examination and drug administration procedures, include minimum service indicators, and establish human rights-based service standards. This is important so that the legal substance is truly operational and becomes a strong reference.

From the structural side, it is necessary to strengthen institutional capacity, both through the addition of medical personnel in prisons and the establishment of special prisoner health service units that work professionally and independently. Integration of referral systems and drug provision must also be managed with efficient logistics management.

Meanwhile, in terms of legal culture, regular training on prisoners' rights and the value of justice is needed for all prison and police personnel. This will encourage changes in the attitudes of officers and build a humanistic legal culture that respects the dignity of each individual.

It is also important to build an effective internal monitoring and complaint system, both through the Propam function and external mechanisms such as cooperation with LPSK or civil society organizations that focus on monitoring prisons. This will strengthen accountability and encourage structural cultural change.

In conclusion, the implementation of health standards at the Salatiga Police Detention Center still faces various challenges in the three main aspects of Friedman's theory of legal effectiveness. Improvement efforts must be comprehensive, covering substance, structure, and culture, so that the value of justice truly becomes the mainstay in the provision of health services for prisoners. Only with a comprehensive and systemic approach can the principles of the rule of law and the protection of human rights be realized in the detention system in Indonesia.

4. Conclusion

The implementation of health standards for prisoners in the National Police Detention Center, especially in the Salatiga Police, is a manifestation of the fulfillment of constitutional human rights and cannot be reduced under any

circumstances. The implementation of health services that include regular check-ups, provision of medication according to medical needs, and referrals to advanced health facilities if necessary, is part of the state's obligation to ensure optimal health for all citizens, including prisoners and detainees. This has been regulated in various national regulations such as Law Number 36 of 2009 concerning Health, Law Number 12 of 1995 concerning Corrections, and various technical instructions from the Directorate General of Corrections and the Ministry of Health. In addition, the involvement of BPJS Kesehatan in the form of the Contribution Assistance Recipient Program (PBI) through the Healthy Indonesia Card (KIS) shows formal recognition that prisoners have the right to social health insurance like other citizens. In its implementation at the Polres level, the implementation must be carried out not only procedurally and administratively, but must also be based on the values of justice derived from Pancasila, namely by ensuring that every prisoner is treated equally, without discrimination, and while still respecting their human dignity. Therefore, health services at the Salatiga Polres Detention Center should not be seen as merely a technical obligation, but must be a concrete manifestation of a humanistic, fair legal system that guarantees the protection of the basic rights of every individual, including those who are in conflict with the law.

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