

The Impact of Over Capacity on the Fulfillment of Health Rights of Inmates (In Class II B Sintang Penitentiary)

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Abstract

This research explores the impact of overcapacity at Class II B Sintang Correctional Institution on the fulfillment of inmates' health rights. Overcapacity is a global issue affecting many correctional facilities in Indonesia, including the Class II B Sintang, where the number of inmates significantly exceeds the intended capacity. Designed to house 100-200 inmates, the facility currently accommodates 533. This study employs a qualitative descriptive method, combining literature review and field research to gather data on overcapacity conditions and their effects on inmates' health rights fulfillment. The findings reveal that overcapacity leads to various health issues, including skin diseases and respiratory illnesses, exacerbated by crowded and unsanitary living conditions. Additionally, the research identifies that the health facilities at the prison, equipped with only one doctor and one nurse, are inadequate to provide effective healthcare services to all inmates. Overcapacity also negatively impacts the implementation of rehabilitation programs and reduces the effectiveness of prison services in preparing inmates for reintegration into society. This study recommends enhancing healthcare facilities and resources at Class II B Sintang Correctional Institution, along with more effective policies to manage inmate numbers to ensure their health rights are adequately met.

Keywords: *Overcapacity, Inmates' Health Rights, Correctional Institutions*

INTRODUCTION

According to the Ministry of Law and Human Rights of the Republic of Indonesia, over capacity in prisons is a condition in which the number of prisoners and detainees placed in one prison exceeds the available housing capacity. a situation in which the number of prisoners and detainees in a prison exceeds the capacity of the prison. over capacity is a condition in which the number of prison inmates exceeds the capacity that has been set. Over capacity can simply be caused by the high number of prisoners entering which is not proportional to the capacity of the correctional institution, the large number of prisoners entering and the number of prisoners leaving is very unbalanced, the number of new prisoners far exceeds the number of prison sentences and the number of prisoners leaving prison.

Basically, overcapacity in Correctional Institutions (Lapas) is caused by the lack of public compliance with the law in a country. In addition to this, there are other factors that can cause overcapacity in a prison, namely state apparatus, where in this case the state apparatus that will be studied is legislation and through related agencies. The perspective of fostering and rights of prisoners discusses the impact of overcapacity regarding the factors and causes of overcapacity and efforts made to overcome overcapacity and the impact of overcapacity on the fulfillment of prisoners' rights. The new aspect offered in this study is the health service system built to fulfill health rights for WBP and the impact of overcapacity on the fulfillment of health rights and the implementation of the health service system in Class II B Sintang Correctional Institution. Health services include health promotion efforts, prevention, treatment and rehabilitation in the health sector, in this case no less important is the role of hospitals where the referral hospital is also responsible for providing health services to inmates in need, health workers are at the forefront in providing guidance and ensuring

that the rights of inmates can be fulfilled by referring to the correctional system. Fulfillment of health rights for inmates in Correctional Institutions should be carried out in accordance with the standards set out in laws and regulations. In the implementation of the basic rights of inmates to receive health services, it often cannot be executed optimally and in accordance with the service standards set out in laws and regulations.

METHOD

This research is a research that combines library research with field research where the qualitative descriptive research method. The qualitative approach method analyzes the results of the study by collecting descriptive data, namely data stated in writing or verbally, as well as real behavior that is researched and studied thoroughly.

This method is used to answer research questions with a focus on a deep understanding of the social, cultural, and subjectivity contexts of individuals. Qualitative research is conducted by collecting data obtained through observation, interviews, document analysis, and field notes. Furthermore, the data is used as analysis material. The results of this analysis are then used to compile findings, understand, and explain the events observed. The data used in this study are primary data which are data obtained directly from sources through interviews. This study also uses data obtained directly from research subjects. While secondary data in the study were obtained from documents, notes, reports, and observation results related to the research conducted.

RESULTS AND DISCUSSION

Over Capacity as a negative impact on inmates at Class II B Sintang Correctional Institution

Correctional Institutions (Lapas) are institutions or facilities that are given the authority to carry out the function of Guidance for inmates. In Articles 7 and 9 of Law Number 22 of 2022 concerning Corrections (Correctional Law), it is stipulated that health services are mandatory services provided to inmates in Correctional Institutions. The Correctional System implies that even though inmates in Correctional Institutions are serving criminal sanctions for their actions, prisoners and inmates may not lose their rights. The basic rights mentioned in Article 9 of the Correctional Law include the right to worship according to the religion and beliefs of each inmate, the right to receive physical and spiritual care while serving a sentence in prison, the right to have the opportunity to develop one's potential (education, teaching, and including recreational activities), the right to receive health services and nutritious food, the right to receive legal aid, the right to submit complaints and grievances, the right to receive reading materials, the right to receive information services, the right to follow media developments, the right to receive humane treatment and protection from various actions that have the potential to threaten physical and mental health, the right to receive social services, and the right to receive (including rejecting) visits from anyone, whether family, legal counsel, or the general public. Life in prison involves many problems, including a changing life, loss of freedom and increasingly limited rights. Limited rights for inmates but still have certain rights as inmates. The implementation of the fulfillment of the right to health in prison is a state obligation that must be implemented. Overcapacity in correctional institutions can also occur due to the detention of prisoners before the trial process is held. Article 20 - Article 31 of the Criminal Procedure Code (KUHAP) regulates the authority of detention by investigators, public prosecutors, District Courts,

High Courts, and Supreme Courts which are part of the trial process. There are 2 processes in the pre-trial stage, namely the investigation and prosecution stages. At the investigation stage, a detention order is given for up to 20 (twenty) days and can be extended for 40 (forty) days. After the files are submitted to the prosecutor's office, the detention can be extended again to 50 (fifty) days. Therefore, if combined, the pre-trial detention of detainees can reach up to 110 (one hundred and ten) days. Excessive pre-trial detention of most detainees at this time is the result of a legal framework that does not provide a viable alternative to pre-trial services. International standards allow prisoners or those awaiting trial to re-integrate into society in accordance with applicable provisions, such as obeying applicable laws and attending court on designated dates. However, many countries do not comply with these regulations, resulting in overcrowding in detention facilities.

Institute for Criminal and Justice Reform (ICJR) said that the authorities must immediately provide solutions related to the existing overcapacity problem. The overcapacity problem has reached a very severe overcapacity condition. It was recorded in September 2018, correctional institutions and detention centers accommodated 248,340 people. Meanwhile, the number of available rooms can only accommodate 125,159 people. This number has continued to increase, then in 2013, the number of overcapacity touched 143%. And in 2017, the number increased to 188%.

Then the problem of consumption for prisoners also became a separate problem, in 2018 this cost grew and grew to Rp. 1.3 trillion, then in 2019 the idea emerged to increase the cost to Rp. 1.67 billion. If divided evenly across correctional institutions in 33 provinces, thus each prisoner gets a quota of Rp. 15,000 per day or around Rp. 5,000 per meal. However, considering the large number of prisoners and detainees, the one-year APBN that will be budgeted can reach trillions of rupiah. Eating three times a day, with various side dishes.

The entire process of fostering prisoners with the correctional system is an integral unit to return prisoners to society with the provisions of abilities (mental, physical, expertise, integration, as much as possible financial and material) needed to become citizens. The impact of overcapacity in the Class II B Sintang Penitentiary has a negative impact on the fulfillment of prisoners' rights, several impacts, including:

1. *Unsuitable housing conditions* With the number of inmates exceeding capacity, the living space in prisons becomes narrow and cramped. This can cause health, hygiene, and comfort problems for inmates.
2. *Suboptimal service* With a large number of inmates, prison officers have difficulty providing adequate services and supervision to each inmate. This can hinder the process of fostering and rehabilitating inmates.
3. *Potential for security issues to arise* Overcapacity can increase the risk of conflict, commotion, or even riots in prisons. This can endanger security and order in the prison environment.
4. *Lack of fulfillment of prisoners' rights* With overcapacity conditions, the fulfillment of basic rights of prisoners such as the right to health, education, and development activities becomes limited and less than optimal.
5. *High workload of prison officers* Overcapacity conditions cause the workload of prison officers to become increasingly heavy, which can affect their performance and welfare.

The Correctional System implies that even though inmates in the Correctional Institution are serving criminal sanctions for their actions, prisoners and inmates should not lose their rights. The Impact of Overcapacity Affects the Comfort of Inmates Due to the Growth Rate of Inmates in Correctional Institutions. Where correctional institutions are required to realize the rights of Inmates. This is due to the era of globalization which allows the development of life in various fields to cause

the development of the quality and quantity of crime to increase, so that the number of Inmates in Correctional Institutions in Indonesia experiences excess capacity, due to the dense population in the Correctional Institution so that the room that should be sufficient to accommodate Inmates in accordance with health standards in the institution, turns out to be filled beyond its proper capacity.

1. The Impact of Overcapacity Affects Access to Health Services and Consumption The role of law enforcement officers in this case correctional officers is very important in implementing services and fulfilling the rights of prisoners, including in terms of health and proper food consumption. Therefore, there is a term no matter how good a legal regulation is, if the mentality of the law enforcement officers themselves is still bad, this problem will hinder the implementation of law enforcement.
2. The Impact of Overcapacity Affects the Psychological Well-being of Prisoners in Prisons The mental health of prisoners is an important thing to pay attention to, because prisoners with a certain sentence have lost many of their rights and obligations that make them whole human beings. Overcapacity in prisons can cause prisoners to become depressed due to the heavy burden of crowding in the prison environment, experience obstacles in determining appropriate behavior due to the environment and information that are too dense, decreased ability to adapt due to crowded and unhealthy environmental factors, and stress caused by an environment that is not conducive due to over capacity.
3. The Impact of Overcapacity on the Security Level of Prisoners and Prison Officers The condition of the number of prisoners that is not ideal with the size of the room is prone to causing individual conflicts that end in fights, although peace usually occurs quickly, this is certainly not a good thing if it continues to happen. In addition, the conflict that occurs is also due to the existence of certain groups that are hostile to each other before they become prisoners.

In situations where the conditions of National Prisons and Detention Centers are overcrowded and the number of detainees and prisoners exceeds capacity, the number of prisoners is a factor that influences how the rights of prisoners in overcrowded prisons are fulfilled, including the right to food and health care. This law emphasizes the responsibility of the government and correctional institutions to provide health facilities and services. To overcome this problem, efforts are needed such as increasing the capacity of prisons, optimizing the development program, and good coordination between the prisons, the Prosecutor's Office, and the Court. Corrections are a system created to help people who break the law improve themselves and be accepted back into society.

Over Capacity as an Impact of Fulfillment of Health Rights of Inmates in Class II B Sintang Penitentiary

The impact of overcapacity certainly has a negative impact on the fulfillment of prisoners' rights, including the right to health. This condition causes problems in maintaining the health and safety of inmates, and disrupts their rehabilitation which should be the main goal of the correctional system. In addition, overcapacity is often triggered by high crime rates related to economic factors and ineffective law enforcement. The standard of health services that must be provided to inmates, including medical services, mental health, and other health aspects. In addition to discussing the rights of prisoners, the UN also makes guidelines on the Standard Minimum Rules for the treatment of prisoners serving sentences (Standard Minimum Rules For Treatment of Prisoners, July 31, 1995), which include:

- 1) Register book;
- 2) Separation of prisoner categories;
- 3) Accommodation facilities must have ventilation;
- 4) Adequate sanitation facilities;
- 5) Obtaining water and toilet supplies;
- 6) Decent clothing and bedding;
- 7) Healthy food;
- 8) The right to exercise in the open air;
- 9) The right to receive general practitioner and dental services;
- 10) The right to be treated fairly according to regulations and to defend oneself if deemed disciplinary;
- 11) Does not allow confinement to dark cells and corporal punishment;
- 12) Handcuffs and prison jackets may not be used by prisoners;
- 13) Have the right to know the applicable regulations and official channels for obtaining information and submitting complaints;
- 14) The right to communicate with the outside world;
- 15) The right to obtain reading materials in the form of educational books;
- 16) The right to receive religious services;
- 17) The right to obtain security for safekeeping of valuables;
- 18) Notification of death, illness, of a family member.

However, the various rights of the inmates above are problematic, currently the most vulnerable occurs in the Class II B Sintang prison regarding the right to health services, this occurs due to the impact of overcapacity that occurs in the Class II B Sintang prison where the Class II B Sintang prison is a prison whose inmates come from Sintang district itself and neighboring districts such as Melawi, Sanggau, Sekadau, and those who moved from Pontianak. This is also what causes the increasing number of inmates, resulting in overcapacity for the Sintang Class II B prison itself, which is actually a prison that is experiencing overcapacity, namely with a standard that should contain 100 to 200 inmates/inmates, while for the Sintang Class II B prison currently has 533 inmates with the availability of health services of 1 doctor and 1 nurse, where this is certainly a problem for the clinic in the Sintang Class II B prison where to fulfill the right to health services for inmates they actually need at least 1 nurse, pharmacist and laboratory staff, while the need for medicines is currently still met for the Sintang Class II B prison. The impact of overcapacity in terms of health is more on infectious diseases such as skin diseases and respiratory diseases. Because with excess capacity, the transmission of disease will be faster to each other, for the level of the most common diseases currently suffered are skin diseases such as Scabies, Pyoderma, Dermatitis and Tinea (Fungus). In addition, there are also upper respiratory tract diseases. Therefore, the prison also routinely invites WBP (prison inmates) to exercise at least 3 times a week and intensively provide counseling related to infectious diseases. The rights of inmates while they are serving their sentences in prison are regulated in the Corrections Law. In Article 9 there are 12 such as basic rights that inmates get while in prison, in Article 10 there are 7 conditional rights that are intended for those who meet certain requirements. The basic rights mentioned in Article 9 of the Corrections Law include the right to worship according to the religion and beliefs of each inmate, the right to receive physical and spiritual care while serving their sentence in prison.

CONCLUSION

1. Correctional services in Indonesia can meet the established standards, including in terms of fulfilling the rights of inmates for, rehabilitation, and proper guidance, in the implementation of basic rights of inmates, often cannot be executed optimally and in accordance with the service standards stipulated in laws and regulations, in this case the correctional institution is responsible for providing guidance and protection to convicts. The number of prison inmates that far exceeds capacity results in cramped, unsuitable housing conditions that do not meet humanitarian standards. This has the potential to cause various problems, both in terms of health, security, and psychological well-being of inmates, in addition to also having a negative impact on efforts to reintegrate inmates into society, due to the non-conducive prison conditions. The government, especially the Ministry of Law and Human Rights, needs to immediately take concrete steps to address the problem of overcrowding in the Class II B Sintang Prison in order to fulfill the basic rights of inmates and support the goals of the correctional system.
2. The Correctional Law regulates the rights of inmates including the right to receive health services, overcapacity in prisons can cause health problems, Class IIB Sintang Prison requires improved health services, because the number of inmates is increasing. Class II B Sintang Prison itself is actually a prison that is experiencing overcapacity which should contain 100 to 200 inmates/inmates currently has 533 inmates. This causes several health problems. Overall, overcapacity in Class II B Sintang Prison has a significant impact on the fulfillment of inmates' health rights, so it requires special attention and efforts from the government to overcome it.

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