

## **Fulfillment of Standard Norms on Health Right for Elderly Assisted Citizens in Serang Penitentiary**

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**Abstract:** *The state has established Standard Norms on Health Right, including for Assisted Citizens and the Elderly through the National Commission on Human Rights Regulation Number 1 facI of 2021 on April 20, 2021. The research problem is how the standard norms on health right of elderly assisted citizens and how to fulfill the standard norms on health right of elderly assisted citizens at the Serang Penitentiary. Normative legal research methods are used by collecting secondary and primary data through document studies and observations at the Serang Penitentiary. The results of the first study, the standard norms on health right of assisted citizens include the state being obliged to use a gender justice perspective in fulfilling the health rights of assisted citizens, must pay attention to each penitentiary there is a service of at least one qualified medical officer who is obliged to pay attention to the physical and mental health of the assisted citizens. Meanwhile, the standard norms for elderly health right, namely the state, are obliged to provide equal access for the elderly to health care and services, must pay attention to increasing the need for special treatment, and must support efforts to promote independence, and accessibility and empowerment of elderly health. The results of the second study, the fulfillment of the standard norms on health right of elderly assisted citizens at the Serang Penitentiary were realized through integrated service post activities (posyandu) with the intention of optimizing health examination and counseling services, the scope of which includes health examinations and counseling (screening and control of hypertension cases), health counseling, and elderly gymnastics.*

**Keywords:** *standard norms, health right, elderly, assisted citizens, penitentiary*

### **Introduction**

Health is one of the important aspects that humans need, including those inmates who are categorized as elderly. Everyone will try to take care of and maintain his state of health so as not to cause the main disturbance of his illness. This is the case with inmates, especially the elderly who are serving sentences in the penitentiary. The state through the government, especially the penitentiary management authority, is responsible for caring for the health of elderly inmates because of their vulnerable condition both due to age factors and factors of their

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status as convicted persons who face restraint or loss of freedom of movement (Damanik, Benny Saputra, & Anwar, Umar, 2022: p.240) and are placed in the penitentiary.

At the international level, attention to health in prisons is given by UNODC and WHO who are of the view that one of the important principles that guide the deprivation of liberty is that prisoners remain bearers of all human rights insofar as they are not lawfully restricted or limited to an extent demonstrably necessitated by the fact of incarceration. This also applies to their right to health which is established on various foundations of fundamental human rights (UNODC-WHO, 2013: p.3-4). Furthermore, With respect to prisoners, there are state parties' obligations as to the right to health by refraining from denying or limiting equal access for all persons, including prisoners or detainees, and obliged to preventive, curative, and palliative health services (UNODC-WHO, 2013: p.4).

At the national level, the penitentiary management authority is bound to comply with the provisions stipulated by the Ministry of Law and Human Rights in the Regulation of the Minister of Law and Human Rights Number 32 of 2018 concerning Treatment for Detainees and Elderly Inmates. Treatment for elderly inmates aims to provide fulfillment of the needs of elderly inmates in order to maintain physical, mental, and social abilities (Kemenkumham, 2018: Article 2 paragraph 1). In addition to these provisions, the State through the National Commission on Human Rights has established Standard Norms on the Health Right, including for Assisted Citizens and the Elderly through the National Commission on Human Rights Regulation Number 1 of 2021 on April 20, 2021.

A penitentiary that has become a pilot for the handling of elderly inmates (also known as Assisted Citizens) is Serang Penitentiary. This Penitentiary inaugurated a special building block for elderly Assisted Citizens with a capacity of 26 (twenty-six) people on October 18, 2018. This block is equipped with mattresses, pillows, blankets, fans, water dispensers, wall handles, and bathrooms with sitting toilets. Supporting facilities include a clinic with one doctor, one dentist, and three nurses (Direktorat Jenderal Pemasyarakatan, 2018). The implementation of this is empirical evidence of the government's efforts in dealing with the problems of elderly Assisted Citizens (Fibiyanto, Kingkin Nendra, & Subroto, Mitro, 2021: p.62).

With the attention from both international and national to the elderly Assisted Citizens who are in the penitentiary, as well as the existence of a pilot penitentiary that handles elderly Assisted Citizens, it is necessary to conduct an assessment of the fulfillment of the standard norms of the health right for elderly Assisted Citizens in Serang Penitentiary. The problems raised in this study are how the standard norms of the health right of elderly Assisted Citizens and how to fulfill the standard norms of the health right of elderly Assisted Citizens at Serang Penitentiary.

## **Literature Review**

Inmates or Assisted Citizens have rights related to health care, namely getting spiritual and physical care, health services, and proper food. On this basis, correctional officers are present to serve Assisted Citizens and provide full service for the health rights of Assisted Citizens. Every resident of the penitentiary must be examined regularly, to maintain the health of the residents and prevent the occurrence of infectious diseases. Regular check-up visits by doctors must always be carried out with the support of the necessary medical facilities. (Subroto, Mitro,

2017). The Ministry of Law and Human Rights defines the elderly as a person who has reached the age of sixty years and above (Kemenkumham, 2018: Article 1 point 1). These elderly require special treatment, namely efforts aimed at providing the convenience of services to assist the elderly in restoring and developing themselves to improve their level of social welfare (Kemenkumham, 2018, Article 1 point 2).

The Elderly is an age group in humans who have entered the final stages of their life phase, where in this group there will be a process called the aging process. The aging process occurs with increasing age resulting in changes in the structure and function of cells, tissues, and organ systems. These changes generally affect the decline in physical and psychological health which ultimately affects the economic and social conditions of the elderly (Subardhini, 2021: p.140). Data on the number of elderly inmates are 4,441 people or 0.018% of all Assisted Citizens in Indonesia. Their presence in the penitentiary with physically weak is a disadvantage because they are with younger Assisted Citizens, and the potential for intimidation and victimization can be a problem (Subardhini, 2021: p.144-145). It takes a strong commitment from the government on the importance of paying attention to elderly Assisted Citizens who need special treatment, because in Indonesia there is only one penitentiary that has become a pilot project for implementing special treatment for elderly Assisted Citizens under the Regulation of the Minister of Law and Human Rights Number 32 the Year 2018 is Attack Penitentiary (Subardhini, 2021: p.146).

Services for the health right for elderly inmates in the penitentiary cannot be avoided by the Government, especially the penitentiary management authority, considering the vulnerable position of the elderly inmates. Prisoners have no alternative but to rely on the authorities to protect and promote their health, to safeguard the health right of prisoners then international law subordinates to the states a legally enforceable duty of care. If the health of any prisoners is harmed, a government trying to escape from its legal accountability must prove that state bodies did not cause the harm directly and that it has taken all reasonable measures of safeguarding and prevention, failing to do so would represent a violation of human rights (UNODC-WHO, 2013: p.5-6).

The state's special duty of care for prisoners has two fundamental implications for the role, mission, duty, and alignment of prison health personnel. The first is a single duty of care. All relevant prison rules state that the sole mission of health personnel in prison is to care for and advocate the health and well-being of prisoners. The second is the highest claims to professional ethics. The relationship between health personnel and patients in prison is not based on free will. This places the highest demands on the professional ethics of prison health personnel. Their duty to care for their patients may often enter into conflict with considerations of prison management and security. (UNODC-WHO, 2013: p.8).

Before further discussion, there are several results of previous studies that have similar topics to this study but there are significant differences, namely:

- Special Treatment of Elderly Inmates in Improving Welfare and Health in Correctional Institutions, by Elang Suryandaru in 2021. With the aim of research to see what the implementation of the treatments of the elderly inmates in the Correctional Database System is like, especially in the maintenance and the improvement of their well-being and health status (Suryandaru, Elang, 2021: p.445)

- Fulfillment of the Rights of Elderly Convicts in the Health Sector at the Class IIA Penitentiary in Banda Aceh, by Adi Hermansyah and Masitoh in 2020. The aim of the study is to explain the fulfillment of the rights of elderly inmates in the health sector, the obstacles faced in fulfilling the rights of elderly inmates in the health sector, and efforts which are done to overcome the obstacles that arise in the fulfillment of the rights of elderly inmates in the health sector (Hermansyah, Adi, & Masitoh, 2020: p.88)
- Efforts to Fulfill the Right to Health Services for Inmates in Correctional Institutions, by Faldi Biaggy and Padmono Wibowo in 2020. With the aim of research to find out the process of fulfilling the rights of inmates to obtain health services and proper food in the review of the law, as well as the obstacles faced by the correctional institution in providing health services and proper food (Biaggy, Faldi, & Wibowo, Padmono, 2020: p.363).

### **Methodology**

Research conducted using normative legal research methods. Normative legal research conceives the law as what is written in laws and regulations or rules or norms that are a benchmark for people's behavior towards what is considered appropriate (Hasmawati, 2019: p.41). Collection of secondary data through document studies, by looking for data from literature and journals that discuss topics related to research (Alrifson, Akbar, 2021: p.1163), and on primary data through observation, by being directly in Serang Penitentiary from August to December 2021.

### **Findings & Discussion**

Regarding the first research problem regarding how the standard norms of the health rights of elderly Assisted Citizens, the results show that according to the National Human Rights Commission there are standard norms where the state is obliged to use a gender justice perspective in fulfilling the health right of Assisted Citizens (Komnas HAM, 2021: item 294, p.57), and the state is obliged to pay attention to the services of at least one qualified medical officer who is obliged to pay attention to the physical and mental health of Assisted Citizens (Komnas HAM, 2021: items 297a and 297g, p.57-58). Furthermore, regarding how the standard norms of elderly health rights, there are standard norms where the state is obliged to provide equal access for the elderly to health care and services (Komnas HAM, 2021: item 206, p.43), the state is obliged to pay attention to increasing special treatment needs (Komnas HAM, 2021: item 207, p.43), and the state is obliged to support efforts to promote independence, accessibility and empowerment of elderly health (Komnas HAM, 2021: item 208, p.43).

Thus, the standard norms for the health rights of elderly Assisted Citizens, namely the state are obliged to:

- use a gender equity perspective in fulfilling the right to health of Assisted Citizens
- pay attention that in each penitentiary there is service at least one qualified medical office who is obliged to pay attention to the physical and mental health of the Assisted Citizens
- provide equal access for the elderly to health care and services
- pay attention to the increasing need for special treatment
- support efforts to promote independence, accessibility, and health empowerment of the elderly

Regarding the second research problem regarding how to fulfill the standard norms for the health rights of elderly Assisted Citizens in Serang Penitentiary, data obtained that the Serang Penitentiary meets the standard norms of the right to health of elderly Assisted Citizens through integrated service post activities (Posyandu). The Posyandu for elderly Assisted Citizens intends to optimize health examination and counseling services, the scope of which includes health examinations and counseling (screening and control of hypertension cases), health education, and elderly gymnastics (Panjaitan, F.M., 2021).

Posyandu for elderly Assisted Citizens is part of an innovative service to care for disabilities and the elderly in Serang Penitentiary to meet the special needs of elderly Assisted Citizens by prioritizing aspects of respect for human values. The realization of caring innovation services, especially for elderly Assisted Citizens, is with Posyandu activities provided by the Serang Penitentiary medical team so that health examination and counseling services for twenty-five elderly Assisted Citizens can be optimal (Panjaitan, F.M., 2021). Data on the implementation of the Posyandu for Elderly Assisted Citizens from August to December 2021 is contained in tables 1, 2, and 3 below.

**Table 1**

*Health Checkup and Counseling for Elderly Assisted Citizens*

Month	Quantity
August	16 persons
September	0 person
October	0 person
November	0 person
December	15 persons

**Table 2**

*Health Counseling for Elderly Assisted Citizens*

Month	Quantity
August	1 person
September	0 person
October	0 person
November	0 person
December	1 persons

**Table 3**

*Gymnastics for Elderly Assisted Citizens*

Month	Quantity
August	23 persons
September	0 person
October	0 person
November	0 person

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December

0 person

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From the description above, it is known that the standard norm of the health right of elderly Assisted Citizens has been fulfilled by Serang Penitentiary through the following things:

- using a gender justice perspective in fulfilling the health right of Assisted Citizens, fulfilled by the existence of health checks and counseling (screening and control of hypertension cases), health counseling, and elderly gymnastics for all elderly Assisted Citizens
- seeing to it that in each penitentiary the services of at least one qualified medical officer are available who is obliged to pay attention to the physical and mental health of Assisted Citizens, fulfilled by the existence of a medical team at Serang Penitentiary
- provide equal access for the elderly to health care and services, fulfilled by the existence of health checks and counseling (screening and control of hypertension cases), and health counseling
- pay attention to increased special treatment needs, fulfilled by health checks and counseling (screening and control of hypertension cases), health counseling, and elderly gymnastics for elderly Assisted Citizens
- supporting efforts to promote independence, accessibility, and empowerment of elderly health, fulfilled by health checks and counseling (screening and control of hypertension cases), and health counseling.

In addition, considering the enactment of the Minister of Law and Human Rights Number 32 of 2018 concerning Treatment for Elderly Detainees and Elderly Inmates, the fulfillment of the norms for the standards of health rights of elderly Assisted Citizens in Serang Penitentiary is in line with efforts to realize the human rights-based treatment of elderly Assisted Citizens based on the minimum rules for the treatment of prisoners (Kemenkumham, 2018).

## **Conclusion**

Based on the results of the research discussion, conclusions can be drawn from the results of the study as follows:

The results of the first study, the standard norms on health rights of Assisted Citizens include the state being obliged to use a gender justice perspective in fulfilling the health rights of Assisted Citizens, must pay attention to each penitentiary there is a service of at least one qualified medical officer who is obliged to pay attention to the physical mental health of the Assisted Citizens. Meanwhile, the standard norms for elderly health rights, namely the state, are obliged to provide equal access for the elderly to health care and services, must pay attention to increasing the need for special treatment, and must support efforts to promote independence, and accessibility and empowerment of elderly health.

The results of the second study, the fulfillment of the standard norms on health rights of elderly Assisted Citizens at the Serang Penitentiary were realized through integrated service post activities (Posyandu) to optimize health examination and counseling services, the scope of which includes health examinations and counseling (screening and control of hypertension cases), health counseling, and elderly gymnastics.

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