

Legal Reform In Handling Inmates With Mental Health Disorders In Correctional Institutions

*Tiur Hasmida Hutagalung, Suparno

Universitas Borobudur, Indonesia

*Email: tiur.htgl@gmail.com, suparno@borobudur.ac.id

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Abstract

The treatment of inmates with mental health disorders remains a persistent challenge within the Indonesian correctional system. Although Law No. 22 of 2022 on Corrections, Law No. 18 of 2014 on Mental Health, and several implementing regulations recognize prisoners' rights to healthcare, they fail to provide explicit mechanisms for the identification, treatment, and rehabilitation of inmates with mental health disorders. This study aims to analyze the extent to which existing legal frameworks accommodate the specific needs of inmates with mental health disorders and to identify legal gaps that hinder the effective protection of their rights. Employing a normative juridical research method with statutory, conceptual, and comparative approaches, this study examines relevant legislation and compares Indonesia's regulatory framework with practices adopted in several other jurisdictions. The findings reveal a significant legal vacuum characterized by the absence of standardized procedures for early identification, inadequate mental health services within correctional institutions, and weak coordination between correctional and health authorities. This condition increases the risk of human rights violations, institutional violence, ineffective rehabilitation, and failed social reintegration. The study concludes that comprehensive legal reform is urgently required to establish clear regulatory standards, strengthen institutional capacity, and integrate a rehabilitation-oriented, health-based approach within the correctional system. Such reforms are essential to ensure the protection of inmates' rights and to realize a humane and effective correctional framework.

Keywords: Legal Vacuum; Prisoners; Mental Health; Correctional Facilities.

Abstrak

Perawatan terhadap narapidana dengan gangguan kesehatan mental tetap menjadi tantangan yang terus-menerus dalam sistem pemasyarakatan Indonesia. Meskipun UU No. 22 Tahun 2022 tentang Pemasyarakatan, UU No. 18 Tahun 2014 tentang Kesehatan Mental, dan beberapa peraturan pelaksana mengakui hak narapidana atas perawatan kesehatan, mereka gagal memberikan mekanisme eksplisit untuk identifikasi, pengobatan, dan rehabilitasi narapidana dengan gangguan kesehatan mental. Studi ini bertujuan untuk menganalisis sejauh mana kerangka hukum yang ada mengakomodasi kebutuhan spesifik narapidana dengan gangguan kesehatan mental dan untuk mengidentifikasi kesenjangan hukum yang menghambat perlindungan efektif hak-hak mereka. Menggunakan metode penelitian yuridis normatif dengan pendekatan undang-undang, konseptual, dan komparatif, penelitian ini meneliti undang-undang yang relevan dan membandingkan kerangka peraturan Indonesia dengan praktik yang diadopsi di beberapa yurisdiksi lain. Temuan ini mengungkapkan kekosongan hukum yang signifikan yang ditandai dengan tidak adanya prosedur standar untuk identifikasi dini, layanan kesehatan mental yang tidak memadai di lembaga pemasyarakatan, dan koordinasi yang lemah antara otoritas pemasyarakatan dan kesehatan. Kondisi ini meningkatkan risiko pelanggaran hak asasi manusia, kekerasan



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kelembagaan, rehabilitasi yang tidak efektif, dan reintegrasi sosial yang gagal. Studi ini menyimpulkan bahwa reformasi hukum yang komprehensif sangat diperlukan untuk menetapkan standar peraturan yang jelas, memperkuat kapasitas kelembagaan, dan mengintegrasikan pendekatan berbasis kesehatan yang berorientasi pada rehabilitasi dalam sistem pemasyarakatan. Reformasi semacam itu sangat penting untuk memastikan perlindungan hak-hak narapidana dan untuk mewujudkan kerangka pemasyarakatan yang manusiawi dan efektif.

Kata Kunci: Vakum Hukum; Tahanan; Kesehatan Mental; Fasilitas Pemasyarakatan.

INTRODUCTION

Prisoners with mental health disorders are a vulnerable group who often face various challenges within the correctional system.¹ Their rights as individuals with specific health conditions are often neglected, both in terms of medical care and within the correctional system as a whole. The right to health is a human right that must be guaranteed by the state, including for those serving criminal sentences.² However, in many correctional institutions, access to mental health services remains very limited, both in terms of available medical personnel and adequate facilities.³ This situation indicates that the correctional system in Indonesia still faces various challenges in managing prisoners with mental health disorders.

The main problem in the correctional system related to the treatment of mental health disorders lies in the lack of attention to the special needs of this group. Many inmates with mental health disorders do not receive a proper diagnosis early on, thus not receiving appropriate treatment.⁴ Furthermore, the correctional system is more oriented towards imprisonment than rehabilitation, so mental health recovery is less of a priority.⁵ The absence of a clear policy for handling inmates with mental health disorders also leads to high rates of violence and discrimination against them within correctional institutions. As a result, not only does their mental health worsen, but the potential for human rights violations also increases.⁶

In terms of human rights, prisoners still have basic rights that must be respected and protected by the state.⁷ One of the fundamental principles of human rights is non-discrimination, which means every individual has the right to equal treatment, including

¹ M. Rizal and M. Subroto, "Tantangan dalam Rehabilitasi Kelompok Rentan di Lembaga Pemasyarakatan: Studi Kasus pada Narapidana Remaja dengan Gangguan Mental," *Jurnal Pendidikan Kewarganegaraan Undiksha* 11, no. 3 (2023): 51–56.

² U. Basuki, "Merunut Konstitusionalisme Hak atas Pelayanan Kesehatan sebagai Hak Asasi Manusia," *Jurnal Hukum Caraka Justitia* 1, no. 1 (2020): 21–41.

³ H.J.P. Manalu and J. Simamora, "Peran dan Hambatan Lembaga Pemasyarakatan dalam Mendukung Pemulihan Mental Warga Binaan Pemasyarakatan: Studi di Kantor Wilayah Kementerian Hukum dan Hak Asasi Manusia Sumatera Utara," *Public Service and Governance Journal* 6, no. 1 (2025): 203–12.

⁴ M.H. Syarif and M. Subroto, "Implementasi Pelayanan Kesehatan Mental untuk Lansia di Lembaga Pemasyarakatan: Sukses dan Hambatan," *Jurnal Intelektualita: Keislaman, Sosial dan Sains* 12, no. 2 (2023).

⁵ M. Subroto and H. U. Mukhlis, "Rehabilitasi Narapidana melalui Pembinaan Berbasis Masyarakat: Analisis Implementasi Teknik Community-Based Corrections dalam Sistem Pemasyarakatan," *Innovative: Journal of Social Science Research* 5, no. 1 (2025): 7035–45.

⁶ C. Carolin et al., "Hukuman bagi Pelaku Kejahatan dengan Masalah Kejiwaan," *Journal of Law and Nation* 4, no. 1 (2025): 82–100.

⁷ F.W. Kosasi, *Deklarasi Universal Human Rights dan Pemenuhan Hak Asasi bagi Narapidana*, vol. 7, no. 4 (Jurnal Ilmu Hukum dan Humaniora, 2020).

access to health services.⁸ Prisoners with mental health disorders should receive special treatment that takes their condition into account, rather than experiencing neglect or inhumane treatment.⁹ This principle of non-discrimination has also been recognized in various international legal instruments, such as the Convention on the Rights of Persons with Disabilities and the UN Basic Principles on the Treatment of Prisoners. However, in practice, this principle is still often ignored in the Indonesian correctional system, particularly regarding the treatment of prisoners with mental health disorders.¹⁰

The right to healthcare for prisoners is part of the legally recognized right to health.¹¹ In the criminal justice system, mental health aspects should be taken into consideration when determining the treatment of prisoners with mental disorders.¹² Several countries have implemented a rehabilitation-based approach for prisoners with mental disorders, which aims to ensure they receive appropriate treatment while serving their sentences. This rehabilitation model involves various medical, psychological, and social interventions to help prisoners recover from their mental disorders.¹³ Unfortunately, in Indonesia, the rehabilitation system for prisoners with mental health disorders is still not clearly regulated in existing regulations, so its implementation remains very limited.

Special treatment for prisoners with mental health disorders should encompass various aspects, from separate placement from other prisoners to the provision of adequate healthcare facilities. Several countries have implemented a system of separating prisoners with mental disorders from other prisoners to prevent violence and discriminatory treatment.¹⁴ This separation aims to provide a more conducive environment for their mental health recovery. Furthermore, appropriate medical and psychosocial interventions are also necessary for them to receive effective treatment.¹⁵ In this context, medical personnel and psychologists must be actively involved in the correctional system to ensure professional and sustainable mental health care.¹⁶

Legal vacancies are one of the main factors causing a lack of protection for prisoners with mental health disorders. Legal vacancy refers to the inaccuracy or absence of legal rules that specifically regulate a particular problem. In the penitentiary system in Indonesia, there are no regulations that explicitly regulate identification, treatment, and

⁸ H.M. Yusuf et al., "Hak Asasi Manusia (HAM)," *Advances in Social Humanities Research* 1, no. 5 (2023): 511–19.

⁹ S. Kristianto, "Pemenuhan Hak Narapidana Anak di Lembaga Pembinaan yang Bukan Khusus Anak," *Jurnal HAM* 12, no. 1 (2021): 95–110.

¹⁰ S.R. Farhan and A. Suherman, "Perlindungan Hukum terhadap Penyandang Disabilitas dalam Perspektif Hak Asasi Manusia di Indonesia," *Jurnal Inovasi Hukum dan Kebijakan* 5, no. 4 (2024).

¹¹ L. Mikhael, "Tanggung Jawab Negara dalam Pemenuhan Hak atas Kesehatan Jiwa Dihubungkan dengan Hak Asasi Manusia," *Journal of Psychiatry* 51, no. 1 (2020).

¹² N.A. Pramestuti and E. K. Poerwandari, "Prevalensi Gangguan Mental dan Layanan Kesehatan Mental Forensik dalam Sistem Peradilan: Sebuah Tinjauan Literatur," *Journal Psikologi Forensik Indonesia* 2, no. 1 (2022).

¹³ L. Enggarati et al., "Urgensi Intervensi Krisis pada Narapidana Remaja dengan Gangguan Mental di dalam Lembaga Pemasyarakatan," *Focus: Jurnal Pekerjaan Sosial* 7, no. 1 (2024): 66–73.

¹⁴ L.S. Widayati, "Rehabilitasi Narapidana dalam Overcrowded Lembaga Pemasyarakatan," *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 3, no. 2 (2016): 201–26.

¹⁵ R.A. Sari, "Literature Review: Depresi Postpartum," *Jurnal Kesehatan* 11, no. 1 (2020): 167–74.

¹⁶ H. Megawati and H. Maulana, *Psikologi Komunitas: Peran Aktif Psikologi untuk Masyarakat* (Bumi Aksara, 2024).

rehabilitation procedures for prisoners with mental health disorders.¹⁷ This causes uncertainty in the implementation of policies, so that many prisoners who experience mental disorders do not receive proper treatment.

The impact of this legal vacuum is significant for the correctional system and the conditions of prisoners themselves. Without clear regulations, prisoners with mental health disorders are often not properly identified, resulting in them being treated like other prisoners without considering their condition. Furthermore, the lack of standards for mental health care in correctional institutions means that the services provided tend to be suboptimal. In many cases, prisoners with mental disorders actually receive worse treatment because they are considered a burden on the correctional system.¹⁸

The legal vacuum in this context also implies unclear state responsibilities in ensuring the rights of prisoners with mental health disorders are met. Without clear regulations, correctional institutions lack specific obligations to treat prisoners with mental health disorders, resulting in sporadic and unsustainable services. Consequently, mental health issues within correctional institutions impact not only the individuals involved but also the overall conditions of the correctional system, which has become increasingly inhumane and far from the principles of rehabilitation.¹⁹

To address this issue, legal reforms are needed to accommodate the needs of inmates with mental health disorders within the correctional system. These reforms could include more detailed regulations regarding the identification and treatment procedures for inmates with specific mental health conditions. Furthermore, improving the capacity of human resources in correctional institutions, particularly in the area of mental health services, is crucial. Clear regulations and structured mechanisms can better ensure the protection of inmates with mental health disorders, thus better realizing the principles of rehabilitation-oriented correctional institutions.

RESEARCH METHODS

This study is normative juridical, an approach that emphasizes the study of applicable legal norms. This approach is used to analyze laws and regulations related to the treatment of prisoners with mental health disorders in correctional institutions. In this study, a statute approach is used to examine existing legal norms, both in laws, government regulations, and other regulations relevant to mental health protection in the correctional system. Furthermore, this study also uses a conceptual approach to understand legal concepts related to the protection of prisoners' human rights, the state's obligations in providing mental health services, and the principles of just correctional justice. The analysis in this study was conducted by examining existing legal norms, identifying weaknesses or inconsistencies in applicable regulations, and identifying potential legal gaps that lead to a lack of protection for prisoners with mental health disorders. Furthermore, this study also conducted a comparative study of the legal systems of several other countries that have been more advanced in addressing mental health issues in correctional institutions. By comparing legal practices in other countries,

¹⁷ N. Waqiah, "Pelaksanaan Pelayanan Kesehatan bagi Narapidana dalam Upaya Pemenuhan Hak atas Kesehatan di Lembaga Pemasyarakatan Kelas IA Makassar," *Journal of Lex Theory (JLT)* 2, no. 2 (2021): 236–50.

¹⁸ F.A. Putra and S. L. Gaol, "Pelaksanaan Pemenuhan Pelayanan Kesehatan bagi Narapidana di Lembaga Pemasyarakatan Narkotika (Studi pada Lembaga Pemasyarakatan Narkotika Kelas IIA Jakarta)," *Lex Laguens: Jurnal Kajian Hukum dan Keadilan* 3, no. 1 (2025): 188–202.

¹⁹ R. Nurrozalina et al., "Tanggung Jawab Negara dalam Memberikan Jaminan Hukum untuk Rehabilitasi dan Reintegrasi Sosial bagi Individu dengan Gangguan Kesehatan Mental," *Iuris Studia: Jurnal Kajian Hukum* 5, no. 3 (2024): 905–15.

this study aims to identify legal models that can serve as references for legal reform efforts in Indonesia. Because this research is normative, the data used comes from secondary sources, such as legislation, legal documents, scientific journals, and literature relevant to the topic discussed. The results are expected to contribute to the development of more comprehensive legal policies for handling prisoners with mental health disorders in Indonesia.

RESULTS AND DISCUSSION

Analysis of Regulations on the Handling of Prisoners with Mental Health Disorders

The Indonesian legal system regulates various aspects related to correctional facilities and mental health, including the rights of prisoners to access healthcare. One of the main regulations governing this is Law Number 22 of 2022 concerning Corrections, which replaces previous regulations and affirms that prisoners have the right to healthcare, including those experiencing mental health disorders. Article 7, paragraph (2) states that correctional inmates have the right to adequate healthcare, while Article 9 emphasizes that healthcare must cover both physical and mental aspects. However, this law does not yet provide detailed regulations regarding specific mechanisms for handling prisoners with mental health disorders within correctional facilities.

In addition, mental health aspects are also regulated in Law Number 18 of 2014 concerning Mental Health, which emphasizes that every individual, including those serving a criminal sentence, has the right to receive adequate mental health services.²⁰ Article 16, paragraph (1) states that the state is obliged to provide affordable, quality, and equitable mental health services, while Article 71, paragraph (2) states that the provision of mental health services must include rehabilitation facilities for individuals with mental health disorders. However, in its implementation, this law has not provided specific regulations regarding the handling of prisoners with mental health disorders in the context of the correctional system.

In addition to statutory regulations, several derivative regulations govern the treatment of prisoners with certain health conditions. Government Regulation Number 31 of 1999 concerning the Development and Guidance of Correctional Inmates stipulates that prisoners have the right to receive health services, including mental health services. Article 19 states that prisoners suffering from certain illnesses must receive appropriate treatment. However, this regulation does not explicitly address treatment procedures for prisoners with mental health disorders or the specific mechanisms that must be implemented in correctional facilities for those with these conditions.

Furthermore, the Minister of Law and Human Rights Regulation Number 33 of 2015 concerning Security in Correctional Institutions and State Detention Centers also provides guidelines on the procedures for securing inmates, including in certain situations related to mental health. Article 22 states that inmates with severe mental disorders can be transferred to a mental hospital for treatment. However, this regulation does not provide a clear definition of the standard for "severe mental disorder" and does not regulate the mechanism for early identification of inmates with mental health disorders before their condition worsens.

One of the main weaknesses in existing regulations is the inaccuracy of the rules providing special protection for prisoners with mental health disorders. While laws governing correctional and mental health services do recognize prisoners' rights to healthcare, they do not explicitly regulate mechanisms for the identification, treatment,

²⁰ E. Wilber, "Kebijakan Hukum Berdasarkan Undang-Undang Nomor 18 Tahun 2014 tentang Kesehatan Jiwa dan KUHP," *Jurnal Niara* 11, no. 1 (2018): 1–5.

and rehabilitation of prisoners with specific mental health conditions. Consequently, many correctional institutions lack clear standard operating procedures (SOPs) for handling prisoners with mental health disorders, leaving their treatment dependent on the policies of each institution.

Furthermore, existing regulations do not provide specific mechanisms within the correctional system for inmates with mental health disorders. There are no specific rules governing how correctional institutions should manage inmates with mild to severe mental disorders. In many cases, they remain housed with other inmates without any adjustments to their mental health needs. This contradicts the principle of non-discrimination and the right to mental health, which are recognized in various laws and regulations, but lack adequate technical provisions for their implementation.

The limited availability of mental health facilities in correctional institutions is also a major challenge in treating inmates with mental health disorders. While existing regulations recognize their right to treatment, they do not clearly stipulate the obligation for correctional institutions to provide appropriate facilities. Many correctional institutions in Indonesia lack competent medical personnel in mental health care, so inmates with mental disorders often do not receive a proper diagnosis. As a result, their conditions worsen due to the lack of early medical intervention and rehabilitation.

To improve the effectiveness of existing regulations, more detailed harmonization of rules related to the management of prisoners with mental health disorders is needed. This includes establishing early identification mechanisms, a separation system, and rehabilitation procedures that are more integrated with mental health services outside the correctional system. This will better protect the rights of prisoners with mental health disorders and enable the correctional system to function more humanely and with a focus on rehabilitation.

Legal Vacuum and Its Implications for the Correctional System

The legal vacuum in handling prisoners with mental health disorders has a significant impact on the correctional system in Indonesia. One of the most crucial impacts is the potential for human rights violations against individuals with mental health disorders. Without a clear legal mechanism to address this condition, many prisoners with mental health disorders are treated the same as other prisoners without considering their specific circumstances. It can lead to the criminalization of individuals who should receive medical treatment, not criminal punishment. In some cases, individuals with mental disorders who should receive treatment in mental health facilities are instead placed in correctional institutions, ultimately worsening their condition due to an environment that is not conducive to recovery.

Furthermore, difficulties in rehabilitation and social reintegration are significant challenges faced by prisoners with mental health disorders while serving their sentences or after their release from prison. Without a specifically designed rehabilitation program, they tend to struggle to reintegrate into society. The lack of attention to mental health aspects within the correctional system prevents them from receiving adequate psychological intervention, increasing their risk of re-offending after release. This situation demonstrates that without comprehensive regulations, the primary goal of correctional institutions as a means of rehabilitation and social reintegration cannot be optimally achieved.

The absence of a mechanism for separating inmates based on mental health conditions also contributes to the increasingly complex problem of overcrowding in correctional facilities. Currently, many prisons are experiencing overcrowding, and in this

situation, inmates with mental health disorders do not receive a conducive environment for their recovery. Without regulations governing their separation or special treatment, they often experience violence or discrimination from fellow inmates and correctional officers. In some cases, individuals with severe mental disorders who do not receive appropriate treatment can actually endanger themselves or others in prison.

To address this issue, many countries have implemented specific regulations and policies for dealing with prisoners with mental health disorders. Some developed countries, such as the United States and the United Kingdom, have adopted a rehabilitation-based approach, where prisoners with certain mental disorders are placed in specialized correctional facilities that provide appropriate medical and therapeutic services. In the UK, for example, the Mental Health Treatment Requirement (MHTR) system is implemented to ensure that individuals with mental health disorders receive appropriate intervention before or during their sentences. Meanwhile, in several Scandinavian countries, the correctional system places greater emphasis on a public health approach, where individuals with serious mental conditions can serve their sentences in a more supportive medical environment than in a regular prison.

Best practices in international legal systems demonstrate that the treatment of prisoners with mental health disorders requires a holistic, medically based approach. Many countries have adopted policies that involve coordination between the criminal justice system and mental health institutions to ensure that individuals with such conditions not only serve their sentences but also receive appropriate treatment. In some European countries, the criminal justice system allows individuals with mental disorders to undergo treatment in psychiatric hospitals as an alternative to imprisonment, depending on the severity of their condition and its impact on society.

To address the legal vacuum in Indonesia, legal reform within the correctional system is essential. One step that can be taken is to draft specific regulations governing early identification mechanisms for inmates with mental health disorders, as well as treatment and rehabilitation procedures that must be implemented within prisons. These regulations should include standards for mental health services that must be provided in every correctional institution, as well as procedures for transferring inmates with severe mental health conditions to more appropriate mental health facilities. Furthermore, clearer policies are needed regarding alternative sentencing options for individuals with mental disorders to prevent them from being simply placed in the correctional system without considering their medical condition.

The role of government institutions and the community is also crucial in addressing this legal gap. The government, through the Ministry of Law and Human Rights and the Ministry of Health, needs to strengthen coordination to ensure that every inmate with a mental disorder receives services that meet applicable health standards. Furthermore, the participation of civil society organizations and academics in providing input on correctional policies can be a crucial step in building a more inclusive and human rights-based legal system. With clearer regulations and a more coordinated system, it is hoped that the rights of inmates with mental health disorders will be better protected within the Indonesian correctional system.

CONCLUSION

The legal vacuum in the treatment of prisoners with mental health disorders in Indonesia reflects the imperfect regulations within the correctional system. While various regulations govern the rights of prisoners and healthcare services in correctional institutions exist, these regulations do not specifically address the needs of prisoners with

mental health disorders. As a result, individuals with certain mental health conditions often do not receive appropriate treatment, whether in terms of sentencing, rehabilitation, or social reintegration. This regulatory inaccuracy leads to an increased risk of human rights violations, ineffective rehabilitation programs, and problems in prison management, such as overcrowding and a lack of competent medical personnel in mental health care. Without a strong legal basis, the correctional system is unable to guarantee optimal protection for prisoners with mental health disorders, potentially worsening their conditions during their sentences.

To address this issue, more inclusive correctional regulatory and policy reforms are needed, oriented toward fulfilling the rights of prisoners with mental health disorders. One step that needs to be taken is to draft specific regulations governing early identification, treatment, and rehabilitation mechanisms for prisoners with certain mental health conditions. Furthermore, the capacity of correctional institutions to provide adequate mental health services is needed, including by adding professional medical personnel and establishing special facilities for prisoners with mental disorders. The government also needs to improve coordination between the correctional system and health institutions to ensure that individuals with mental disorders in the criminal justice system receive appropriate treatment. The participation of civil society, academics, and human rights organizations also needs to be strengthened in designing more humane policies based on a medical approach. With clearer regulatory changes and improved protection mechanisms within the correctional system, it is hoped that the rights of prisoners with mental health disorders will be better protected, thereby optimally achieving the goal of rehabilitation within the correctional system.

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