

Responsibility of The Directorate of Detention and Evidence in Providing Health Services to Detention in the Area of The Bali Regional Police

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Abstract

The Indonesian state based on Pancasila, the idea of the function of punishment is no longer just a deterrent, but an effort to rehabilitate and reintegrate social inmates which is carried out in an integrated manner between the inmates, the inmates, and the community to improve the quality of inmates so that they realize their mistakes, improve themselves, and do not repeat committing crimes in the future. The formulation of the problems raised are 1. How is the implementation of the provision of health service guarantees for prisoners at the Bali Police Detention Center? and 2. What factors influence the implementation of government policies in providing health service guarantees for prisoners at the Bali Police Detention Center? with the type of research normative research supported by empirical legal research. The results of this study are the implementation of the provision of health service guarantees for prisoners at the Bali Police Detention Center strive to provide care for sick prisoners who are handled by themselves at the Polyclinic, also on the basis of humanity, health workers sometimes provide drugs in the Polyclinic to prisoners. Meanwhile, the factors that influence the implementation of policies in the provision of guarantees for financing health services for Indonesian National Police prisoners in a legal manner, many of the laws are the basis for regulating government policies on guarantees for financing health services, but have not provided clarity.

Keywords: Land, Health Services, Bali Regional Police

Introduction

The Indonesian state based on Pancasila, the idea of the function of punishment is no longer just a deterrent, but an effort to rehabilitate and reintegrate social inmates carried out in an integrated manner between the inmates, the inmates, and the community to improve the quality of inmates so that they realize their mistakes, improve themselves, and do not repeat committing crimes in the future. In international law, the Universal Declaration of Human Rights, including those ratified by Indonesia through Law of the Republic of Indonesia No. 11 of 2005 and Law of the Republic of Indonesia No. 12 of 2005, states that the state has three

main obligations towards the human rights of its citizens, namely to respect, protect and fulfill the human rights of its citizens. Therefore, the fulfillment of the right to health is the state's obligation to its citizens (including prisoners) as a Public Service Provider who is obliged to fulfill the basic rights of its citizens (including the right to health and education) as mandated by the constitution. Regulation of the Chief of the Indonesian National Police Number 4 of 2015 concerning the Treatment of Prisoners in the Environment of the Indonesian National Police, in Article 1 number 5 determines that Prisoners are suspects or defendants who are placed in detention centers/Polri detention centers.

To realize optimal health levels for everyone, serious attention must be continuously paid to the implementation of National Development that is health-oriented, there must be guarantees for health care, increased professionalism and decentralization of the health sector. In order to fulfill and realize the rights of every citizen to obtain proper health services and the obligations of the Government in terms of health as mandated by the 1945 Constitution, intervention from the Government is needed regarding this health problem. Lawrence M. Friedman stated that the effectiveness and success of law enforcement depends on three elements of the legal system, namely the legal structure, legal substance and legal culture. The legal structure concerns law enforcement officers, the legal substance includes legislative instruments and legal culture is a living law that is adopted in a society.

Based on the concept of the right to health and the right to receive health services for everyone, this should also apply to suspects who are undergoing the trial process. At present, the reality is that suspects who are being held in the Indonesian National Police Detention Center (RUTAN POLRI) must obtain the rights to receive health services as mandated by Law Number 22 of 2022 concerning Corrections that prisoners as Indonesian citizens have the same rights as other members of society, including human rights as regulated in Article 9 and Article 10 of Law Number 22 of 2022 concerning Corrections, such as the right to health services, education, and protection from torture. According to Levey and Loomba in Azwar, health

services are any efforts carried out individually or jointly in an organization to maintain and improve health, prevent and cure diseases and restore the health of individuals, families, groups or the community. Although as a legal subject who is being held accountable for his actions, of course he has his own rights and obligations in accordance with his status and legal position. This is in line with the definition of inmate care as stipulated in Article 1 number 3 of Regulation of the Chief of Police No. 4 of 2015 concerning Inmate Care in the Environment of the Republic of Indonesia National Police, that Inmate Care is the process of serving inmates which is carried out from the time of admission to the release of inmates.

Methods

The research used is normative research supported by empirical legal research. Normative legal research finds the truth based on the logic of legal science from its normative side. However, this research is also supported by an empirical approach. The normative approach is used to examine legal issues regarding assimilation. While the empirical approach is used to conduct research in the field to determine the causal factors for the implementation of the provision of guarantees for the implementation of health services for prisoners at the Bali Police Detention Center.

Results and Discussion

Implementation of Health Service Guarantee for Prisoners at Bali Police Detention Center

Realizing health service guarantee for prisoners at Bali Police Detention Center, based on the opinion of Ni Ketut Anggraeni, Pamin I Si Tahti Ditpolairud Polda Bali, is explained as follows.

a. Health Human Resources (HR)

Health human resources are a system that brings together various planning efforts, education and training as well as the utilization of health workers in an integrated and mutually supportive manner, in order to ensure the achievement of the highest level of public health. As the implementer of health efforts, sufficient health human resources are needed in terms of quantity, type and quality, and are distributed fairly and evenly, according to the demands of health development needs.

Health services for prisoners must be supported by the availability of sufficient health workers in terms of quantity, type and quality which need to be adjusted to the number of prisoners because health services without the support of sufficient health workers will not run optimally

b. Health Service Financing

1. Budget Source and Budget Use Procedure

The budget mechanism is sourced from the DIPA POLRI then passed down to the DIPA of the POLRI Work Unit (Satker) which will be divided into Working Papers where the division of work is in the ASRENA Mabes POLRI. The existing Working Paper is made into a program or activity described as Operational Activity Instructions (POK) which is then made into TOR/RAB (Term of Reference/Work Budget Plan) or also called the Work Reference Framework (KAK). From the Work Reference Framework, a Fund Disbursement Plan (RPD) is made which will be disbursed to the Prisoner Supervision Unit (Watah). Watah provides a report on the number of prisoners to the Head of the Unit as a basis for providing food and treatment for prisoners. The bill for food and treatment costs comes from the prisoner food partner who has won the auction. After the Head of the Unit has disposed to the Head of Finance to make a Payment Order (SPM), the SPM is sent to the State Treasury Assistant Office (KPPN). After the SPM is processed, the KPPN issues a Fund Disbursement Order (SP2D) addressed to the designated Bank to pay the money directly to the auction winner's account. The Chief of Police's Administrative Instructions

regarding maintenance costs are formulated as the total amount in 1 month, namely the number of days x index (for 1 full month) equal to the value/amount of the invoice/receipt for the purchase of equipment:

- 1) Cleanliness (brooms, water dippers, mats, soap, buckets, disinfectant fluids and others)
- 2) Lighting (incandescent lamps, lamps).
- 3) Health, shaving costs.
- 4) And others in the context of prisoner care

While food costs are formulated as calculated by the number of days of detention x the applicable index (including prisoners in the Polsek)

2. Types of Health Financing for POLRI Prisoners

The types of health financing for POLRI prisoners include;

1. DIPA

The List of Budget Implementation of the Republic of Indonesia National Police, also called DIPA, is the only budget or source of funds in the implementation of health services for prisoners at the POLRI RUTAN. In the implementation of the provision of health services for prisoners at the Bali Police RUTAN, problems arise because the available funds are insufficient to meet the needs of providing decent health services for prisoners.

2. Jamkesmas

As regulated in the Regulation of the Minister of Health Number 1259/Menkes/SK/XII/2009 concerning Technical Instructions for Jamkesmas, however, until now there has been no regulation that clearly regulates the guarantee of health financing for prisoners. Based on the provisions above, prisoners are the parties who are entitled to receive Jamkesmas, but in reality prisoners at the Bali Police RUTAN have not received health insurance because in the POLRI institution there are already regulations for

financing health insurance for prisoners, as can be seen in the Decree of the Chief of Police Number Kep/606/XI/2011 concerning Index Norms in the POLRI Environment.

Supervision / Evaluation of the Implementation of Health Service Guarantees for Prisoners at the National Police Detention Center

In the implementation of the provision of health service budgets for prisoners, there are bodies that supervise, namely:

1) Internal Auditor from the Police.

The Regional Supervision Inspectorate called Itwasda, which is tasked with supervising all implementation of Police activities, both operational and coaching, including budget management in the Police.

2) External Auditor from the Audit Board of Indonesia.

In carrying out its duties, it audits the performance of the Police and its budget management in the Police. In the Decree of the Head of the Republic of Indonesia National Police concerning the index norm in the Police environment, it is stated that the cost of treatment is Rp. 2,500, - and food for prisoners is Rp. 15,000, -. With costs that large, it is clearly insufficient or still far from enough for the cost of food and treatment for prisoners. This is because the Police budget is limited so that the Police can only provide it that much. Moreover, the health costs for sick prisoners are included in the treatment cost budget which is only Rp 2500,- which is truly insufficient, where the budget is also allocated for the purchase of medicine for sick prisoners and the cost of prisoner care while the prisoner is being treated in the Hospital. In reality faced by members of the POLRI who handle cases of prisoners who cannot afford it, they often have to spend personal funds for humanitarian reasons. For prisoners who can afford it, the cost of care while being treated in the Hospital is borne by the prisoner/prisoner's family which is the responsibility of the government. In this case, the government should pay attention because in the provisions of the legislation it is explained that the government is obliged to provide health services for the community including prisoners.

A. Health Service Efforts

Health service efforts are a system that brings together various health service efforts, both community and individual, in an integrated and mutually supportive manner to ensure the achievement of the highest level of health. Health efforts carried out in detention centers are in the form of prevention (preventive), treatment (curative).

According to Alfi Martono, Banit Sitahti Ditpolairud Polda Bali, the implementation of fulfilling prisoners' rights to health services in detention includes.

a. Preventive Services

Preventive health services for prisoners are the process of preventing and protecting prisoners from diseases and health disorders in order to achieve a perfect level of health, both physically, mentally, and socially. Preventive health services for prisoners carried out in detention centers of the Bali Police include;

- 1) Providing vaccinations to prevent certain diseases, for example the Covid vaccine
- 2) Isolation of sufferers of infectious diseases,
- 3) Regular health checks,
- 4) Maintaining environmental cleanliness and cleanliness of prisoner accommodation rooms

b. Curative Health Service Efforts

Curative health service efforts for prisoners aim to care for and treat prisoners who suffer from illnesses or health problems, through activities, recognizing and knowing the type of disease at an early stage and providing appropriate and immediate treatment (early diagnosis and prompt treatment) curative health services in the Bali Police detention center include:

- 1) Basic medical services for prisoners who are sick and can still receive outpatient treatment;
- 2) Temporary inpatient health services for prisoners who are sick who according to the doctor's analysis need special observation and can still be treated at the Bali Police hospital.

Based on information from Rahmad Juadi, Head of Tahti Ditpolairud Polda Bali, the Health Service activities for Prisoners carried out by the Bali Police through the Health Unit (Sidokkes) or the local Police Health Unit, carry out health service activities for prisoners. These activities include health checks, such as measuring blood pressure and body temperature, as well as assessing complaints felt by prisoners. The Health Service Activities for Prisoners by the Bali Police:

1. Health Checks:

Sidokkes (Health Unit) or the Polres Health Unit conducts routine health checks on prisoners. The checks include measuring blood pressure, body temperature, and assessing complaints felt by prisoners.

2. Health Counseling:

Doctors and health workers conduct health counseling to prisoners to increase knowledge about health and hygiene.

3. Issuance of Death Certificates:

Health workers also handle the issuance of death certificates for prisoners who die.

4. Development of Health Workers:

The Bali Police, through Sidokkes or the Polres Health Unit, also provides development to health workers on duty at the detention center to improve their competence.

5. Monitoring and Evaluation:

Health services for prisoners are monitored and evaluated routinely to ensure optimal service quality.

6. Recording and Reporting:

All health service activities are recorded and reported periodically.

With these health service activities, the Bali Police demonstrate their commitment to providing good services to prisoners, including in terms of health.

Factors Influencing the Implementation of Government Policy in Providing Health Service Guarantees for Prisoners at the Bali Police Detention Center

The right to receive proper health services is a constitutional right for every citizen, including prisoners at the National Police Detention Center and is a right derived from Human Rights. The guarantee of financing for prisoner health services for National Police prisoners is basically not clearly regulated in a provision of legislation. Based on the concept of the right to health and the right to receive health services for everyone, this should also apply to suspects who are undergoing the trial process. At present, the reality is that suspects detained at the National Police Detention Center of the Republic of Indonesia (RUTAN POLRI) have not received the rights to receive health services as mandated by the 1945 Constitution, the Health Law and the Hospital Law. Prisoners as citizens of Indonesia should have the same rights as other members of society. Although as legal subjects who are being held accountable for their actions, of course they have their own rights and obligations in accordance with their status and legal standing.

Based on the research results, it can be seen that there are several factors that influence the implementation of health insurance for prisoners in the Bali Regional Police Detention Center, namely:

a. Legal Factors That Influence Among Others:

- 1) The formulation is unclear regarding which institution is responsible and how much the guarantee of health service costs for prisoners in the POLRI RUTAN is.
- 2) The criteria for participants in health service guarantees have not specifically accommodated the interests of POLRI prisoners, because it is only written as poor and needy people.

b. Technical Factors That Influence Among Others:

- 1) The available health costs included in the maintenance and care costs for prisoners are very minimal and have been used up for other costs, so that if a prisoner is sick, there is no budget left to cover the cost of treatment.
- 2) The limited medical personnel at the Bali Regional Police Hospital are not comparable to the number of prisoners, so that in providing health services to prisoners it is not optimal. The task of health services carried out by medical personnel at the Polyclinic is not a Main Task (TUPOKSI) but only an additional task.
- 3) The role of prisoners in the POLRI RUTAN where the person concerned does not behave healthily, so that preventive measures are difficult to carry out due to limited living facilities which make prisoners vulnerable to health problems, while access to health services is limited. 4) The role of families where there is a lack of attention to prisoners because they are ashamed of having a family who has problems with the law so they do not care about prisoners both morally and materially. 5) Special attention from the POLRI institution has not been maximized in its implementation due to unclear written regulations, which will result in violations of the constitutional rights of citizens in this case prisoners in the Bali Police RUTAN..

Conclusion

Based on the background of the problem and discussion as described above, the following conclusions and suggestions can be drawn:

1. The implementation of the provision of health service guarantees for prisoners at the Bali Police Detention Center attempts to provide treatment for sick prisoners who are treated at the Polyclinic, also on the basis of humanity, health workers sometimes provide drugs in the Polyclinic to prisoners who should only be used for members of the National Police/National Police Civil Servants and their families.
2. Factors Influencing the Implementation of Policies in Providing Health Service Financing Guarantees for National Police Prisoners Legally, many of the laws are the basis for regulating government policies on health service financing guarantees, but have not

provided clarity. Technically, the criteria for the poor and the needy need to be supported by clear regulations. Because the criteria for being poor can be an obstacle in the implementation of government policies in financing health services later.

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