

Fulfillment Of Prisoners' Rights To Obtain Suitable Food According To Nutritional Needs Based On Law Number 22 Of 2022 Concerning Corrections

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Abstract

In the context of food in state detention centers or correctional institutions, it is regulated based on Law Number 22 of 2022, the health and nutrition of prisoners must be considered in detail by technical implementers in food violations because in Article 9 letter d of Law Number 22 of 2022 concerning Corrections it is stated that prisoners have the right to receive adequate health and food services in accordance with nutritional needs, this must of course be carried out in accordance with the instructions and orders of the law. In this case, the Ministry of Law and Human Rights together with the Ministry of Health are reviewing further the fulfillment of the recommended RDA (Nutritional Adequacy Rate) according to age groups and nutritional requirements as well as for inmates with special needs. The problem raised in this article is how to fulfill prisoners' rights to receive adequate food in accordance with nutritional needs based on Law? What are the legal consequences if prisoners' rights to receive adequate food according to nutritional needs are not fulfilled based on Law Number 22 of 2022 concerning Corrections? This type of research is empirical legal research. The data source comes from primary data. The results of this research are, First: Fulfillment of prisoners' rights to receive adequate food in accordance with nutritional needs based on Law Number 22 of 2022 concerning Corrections is stated in Article 9 letter d which confirms that prisoners have the right to receive adequate health services and food in accordance with nutritional needs. , this must of course be carried out in accordance with the instructions and orders of the law. Second, the legal consequences if prisoners do not fulfill their right to receive adequate food in accordance with their nutritional needs can be divided into administrative sanctions in the form of a written warning to employees/officials of the Pekanbaru Class II A Penitentiary who are negligent in fulfilling prisoners' rights to receive adequate and nutritious food, temporary dismissal to Employees/Officials of the Pekanbaru Class II A Penitentiary who are negligent in fulfilling prisoners' rights to receive adequate and nutritious food, and intensive supervision by the Indonesian Ministry of Law and Human Rights. As well as the consequences of criminal law, namely law enforcement of Article 2 paragraph (1) of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, if it is proven that there has been a deliberate budget cut by Class II A Pekanbaru Correctional Employees/Officials in fulfilling the prisoners' right to receive adequate food and nutritious.

Keywords: Prisoners; Food; Decent and Nutritious

Abstrak

Dalam konteks pangan pada rumah tahanan negara atau lembaga pemasyarakatan sudah diatur berdasarkan Undang-Undang Nomor 22 tahun 2022 tentang Pemasyarakatan. Kesehatan dan gizi narapidana harus diperhatikan secara detail oleh pelaksana teknis dalam penyelenggaraan makanan karena pada Pasal 9 huruf d dinyatakan bahwa Narapidana berhak mendapatkan pelayanan kesehatan dan makanan yang layak sesuai dengan kebutuhan gizi, hal ini tentu harus dijalankan sesuai dengan petunjuk dan perintah undang-undang. Dalam hal ini Kementerian Hukum dan HAM bersama Kementerian Kesehatan meninjau lebih jauh pemenuhan tentang AKG (Angka Kecukupan Gizi) yang dianjurkan sesuai kelompok umur serta nutrisi yang terpenuhi serta bagi warga binaan yang berkebutuhan khusus. Permasalahan yang diangkat dalam tulisan ini adalah Bagaimanakah pemenuhan hak narapidana mendapatkan makanan layak sesuai dengan kebutuhan gizi berdasarkan Undang- Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan? Bagaimanakah akibat hukumnya jika tidak terpenuhinya pemenuhan hak narapidana mendapatkan makanan layak sesuai dengan kebutuhan gizi berdasarkan Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan? Jenis Penelitian ini adalah penelitian hukum empiris. Sumber data berasal dari data primer. Adapun hasil penelitian ini adalah, Pertama: Pemenuhan hak narapidana mendapatkan makanan layak sesuai dengan kebutuhan gizi berdasarkan Undang- Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan dinyatakan dalam Pasal 9 huruf d yang menegaskan bahwa Narapidana berhak mendapatkan pelayanan kesehatan dan makanan yang layak sesuai dengan kebutuhan gizi, hal ini tentu harus dijalankan sesuai dengan petunjuk dan perintah undang-undang. Kedua, Akibat hukumnya jika tidak terpenuhinya pemenuhan hak narapidana mendapatkan makanan layak sesuai dengan kebutuhan gizi dapat dibedakan menjadi Sanksi administratif berupa teguran tertulis kepada Pegawai/ Pejabat Lembaga Pemasyarakatan Kelas II A Pekanbaru yang lalai dalam pemenuhan hak narapidana mendapatkan makanan layak dan bergizi, Pemberhentian sementara kepada Pegawai/ Pejabat Lembaga Pemasyarakatan Kelas II A Pekanbaru yang lalai dalam pemenuhan hak narapidana mendapatkan makanan layak dan bergizi, dan Pengawasan intensif oleh Kementerian Hukum dan HAM RI. Serta Akibat Hukum Pidana, yaitu Penegakan Hukum Pasal 2 ayat (1) Undang-Undang Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi, apabila terbukti ada pemotongan anggaran dengan sengaja oleh Pegawai / Pejabat Pemasyarakatan Kelas II A Pekanbaru dalam pemenuhan hak narapidana mendapatkan makanan layak dan bergizi.

Kata Kunci: Narapidana; Makanan; Layak dan Bergizi

INTRODUCTION

Correctional Institutions (Lapas) are institutions of the criminal justice subsystem that have a strategic function as the implementation of imprisonment and at the same time as a place for fostering prisoners. As one of the criminal justice subsystems, correctional institutions (Lapas) have a role in implementing the development of prisoners and correctional students through a correctional system based on education, rehabilitation, and reintegration. Law Number 22 of 2022 concerning Corrections states that the correctional system is organized in order to form correctional inmates to become whole human beings, realize their mistakes, improve themselves, and not repeat criminal acts so that they can be accepted back into the community.

As a place for fostering prisoners, Lapas fosters prisoners to become quality human beings, namely humans who believe in and are devoted to God Almighty, have noble character, have personality, are independent, advanced, tough, intelligent, creative, skilled, disciplined, who have religious awareness, community, nation and state, have intellectual abilities and are aware of the law. This is in accordance with the function of the correctional system which is a system of treatment for prisoners that adheres to the concept of reforming prison sentences based on Pancasila and universal humanitarian principles. This system adheres to a system of integrating prisoners into society through development programs that pay more attention to the rights of prisoners compared to the old system, namely the prison system. The provision of food for prisoners in (prisons) is one of the activities to meet nutritional needs, so that daily activities, both physical and spiritual, and social, can run well. This must be done because the treatment of prisoners must adhere to the basic concept or basic values contained in the minimum standard Rules which state that every person who is imprisoned should be provided with food by the Leader of the Institution/Institution. With a method of implementation based on predetermined rules by referring to the pattern of 3 (three) times a day with a nutritious food menu that meets health requirements and is cooked and served well.

In order to further improve the implementation of health services for prison inmates, more operational regulations have been issued based on Law Number 36 of 2009 concerning Health, and as a follow-up to Law Number 12 of 1995 and Law Number 58 of 1999, Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning the Rules of Procedure for Correctional Institutions and State Detention Centers has also been issued. In this case, the Minister of Law and Human Rights considers that fulfilling food needs is a basic humanitarian effort, because food is one of the human needs to maintain life and carry out daily activities. Correctional inmates are prisoners, correctional students, and correctional clients. State children are children who, based on a court decision, are handed over to the state to be educated and placed in prisons. A group of people who live and develop in a place that is limited in rights and space for their freedom and independence, in addition to being limited by

space, food and drink provided to inmates are strictly regulated by the state, where the state implementer who supervises and is tasked with guarding is a correctional officer.

In the context of food in state detention centers or correctional institutions, it has been regulated based on Law Number 22 of 2022 concerning Corrections concerning Corrections. The health and nutrition of inmates must be considered in detail by technical implementers in food violations because Article 9 letter d of Law Number 22 of 2022 concerning Corrections states that inmates have the right to receive health services and proper food according to nutritional needs, this must of course be carried out in accordance with the instructions and orders of the law. In this case, the Ministry of Law and Human Rights together with the Ministry of Health are further reviewing the fulfillment of the recommended AKG (Nutritional Adequacy Rate) according to the age group and the nutrition that is met and for inmates with special needs.

Fulfillment of the nutritional adequacy standards for Indonesians, including child prisoners and criminals, will maximally support the implementation of the main tasks of correctional institutions and special development institutions. children, temporary child placement institutions, state detention centers, and branches of state detention centers in the field of guidance, services, and security. Food services in correctional institutions, special child development institutions, temporary child placement institutions, state detention centers, and branches of state detention centers must meet the requirements of adequate nutrition, cleanliness, sanitation, and taste so that it is expected that the number of illnesses, deaths will decrease and the health level of prisoners and convicts.

Based on the Rights stated in the Correctional Law, it can be seen that adequate food is one of the rights of inmates that must be a concern because every human being needs adequate food with sufficient nutritional intake in order to carry out various daily activities. This is in accordance with Article 25 paragraph (1) of the Universal Declaration of Human Rights which was accepted and announced by the UN General Assembly on December 10, 1948, stating, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including the right to food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood/widower, old age or other circumstances resulting in lack of livelihood, which are beyond his control". Correctional institutions operate based on systems and institutions, Prisons function as facilities and infrastructure to provide guidance and rehabilitation to prisoners who are undergoing the process of reintegration into society after committing a crime. The main goal is to facilitate the transformation of prisoners into productive members of society who obey the law. As a statutory regulation, Law Number 22 of 2022 concerning correctional facilities contains provisions concerning prisoners which can be understood that, as a correctional system that functions to prepare prisoners to integrate into their society so that they can return to serve as free

and responsible members of society. Prisoners who lose their freedom in prison have rights that cannot be violated and are inherent since birth. Furthermore, the rights of prisoners are regulated in Law No. 22 of 2022 Article 9, one of which is the right of prisoners to obtain health services and adequate food in line with their nutritional needs. Furthermore, the rights of prisoners are regulated in Law No. 22 of 2022 Article 9, one of which is the right of prisoners to obtain health services and adequate food in line with their nutritional needs.

Health protection and the rights of prisoners in prisons must be maintained and guaranteed by the state. This is in line with the provisions of Article 9 letter D of Law No. 22 of 2022, which confirms that prisoners have the right to adequate health and food services that are in accordance with nutritional needs. The state is responsible for ensuring that prisoners receive health and food services that meet established standards to maintain their welfare.

Based on the background, the problems formulated are as follows:

1. How is the fulfillment of prisoners' rights to receive adequate food according to nutritional needs based on Law Number 22 of 2022 concerning Corrections?
2. What are the legal consequences if the fulfillment of prisoners' rights to receive adequate food according to nutritional needs based on Law Number 22 of 2022 concerning Corrections is not fulfilled?

LITERATURE REVIEW

1. Prisoners' Rights under Correctional Law

According to Law Number 22 of 2022 on Corrections, prisoners retain fundamental human rights, including access to health services and proper nutrition. Article 9(d) affirms that inmates are entitled to adequate food and healthcare in accordance with their nutritional needs. This aligns with the rehabilitative purpose of corrections, which aims to ensure humane treatment and social reintegration of inmates.

2. Nutritional Standards and Food Fulfillment in Prisons

The Recommended Dietary Allowance (RDA) or Angka Kecukupan Gizi (AKG), Issued by the Ministry of Health, serves as the national guideline for adequate nutrition. In prison contexts, nutritional fulfillment is the responsibility of the technical implementation units and must comply with these standards based on age group, health conditions, and special needs. Proper food service involves not only quantity but also the quality, hygiene, and safety of meals provided.

3. Legal Consequences of Failing to Fulfill Nutritional Rights

Negligence in providing nutritious food to inmates may result in administrative sanctions, such as written warnings or temporary suspension of responsible personnel.

In more serious cases, if budget misuse is proven, it may result in criminal sanctions under Article 2(1) of Law Number 31 of 1999 on the Eradication of Corruption, particularly when intentional misappropriation of food budgets occurs within correctional facilities.

4. Previous Studies

Previous studies have investigated similar issues related to prisoners' rights and prison food quality:

- a. Johnson, C., Gagnon, S., Goguen, P., & LeBlanc, C. P. (2024). Prison food and the carceral experience: a systematic review. *International Journal of Prison Health*, Johnson et al. (2024) conducted a systematic review to explore the multifaceted role of prison food within the carceral experience, highlighting how food not only serves as sustenance but also as a powerful social and institutional mechanism. The study synthesizes findings from various jurisdictions and disciplines, revealing that food in prison settings often reflects broader issues of inequality, power dynamics, and institutional control. The review found that inadequate nutrition, poor food quality, and limited access to culturally appropriate meals can negatively impact inmates' physical and mental health, while also contributing to feelings of dehumanization and disempowerment. Moreover, the research identifies how food practices in prisons can reinforce punishment beyond the legal sentence and underscores the need for reform to align prison food policies with human rights and rehabilitative principles.
- b. Smoyer & Lopes (2017) explored how food systems in U.S. prisons can both sustain and violate human rights, suggesting reforms that integrate nutritional science and human rights frameworks. Smoyer and Lopes (2017) examine how food in U.S. prisons functions as both a tangible necessity and a symbolic form of punishment. Their study highlights that prison food systems often reinforce institutional power structures and social control by providing meals that are nutritionally inadequate, poorly prepared, or culturally inappropriate. These practices contribute not only to physical health issues but also to the psychological marginalization and dehumanization of inmates. The authors argue that such treatment extends punishment beyond the legal sentence, violating basic human rights. They advocate for prison food reform that combines nutritional science with a human rights framework to ensure dignity, equity, and rehabilitation for incarcerated individuals.

RESEARCH METHOD

This study employs an empirical juridical approach, which views law not only as a normative system but also as a social institution that operates in real-life settings. The approach is used to analyze the implementation of Article 9(d) of Law Number 22 of

2022 on Corrections, particularly regarding the fulfillment of prisoners' rights to adequate and nutritious food at Class II A Correctional Facility in Pekanbaru.

The research utilizes both primary and secondary data:

Primary data were collected through structured interviews with prison officials, food service providers, and inmates as beneficiaries of the policy. Secondary data were obtained through literature review, including relevant legislation, policies issued by the Ministry of Law and Human Rights, guidelines from the Ministry of Health, academic literature, and previous research. Data collection techniques involved on-site observation, interviews, and document analysis. Data analysis was carried out using qualitative methods by categorizing data into themes, analyzing the relationship between legal norms and their actual implementation, and drawing conclusions about the fulfillment of inmates' rights to proper nutrition and the legal consequences of failure to meet such obligations.

RESULTS AND DISCUSSION

Prisoners as part of the Correctional Institutions have important rights that must be protected, especially regarding the right to health services and adequate food. In the practice of guidance in several Correctional Institutions, the State's inability to meet these basic needs appears and deviations arise that enrich criminal acts of corruption. The State of Indonesia has not yet made financing related to the fulfillment of basic needs for Prisoners for health services and adequate food a priority in the State Budget, so it is necessary for the Prisoners to actively participate in legal financing. In addition, law enforcement against the practice of criminal acts of bribery or criminal acts of gratification for the phenomenon of collecting costs related to the right to health services and adequate food in Correctional Institutions is very important to be carried out consistently and continuously in order to achieve the goal of complete guidance for Prisoners and the wider community. Corrections based on the provisions of Article 1 number 1 of Law Number 22 of 2022 concerning Corrections (Corrections Law) are defined as "activities to carry out guidance of correctional inmates based on the system, institutions and methods of guidance which are the final part of the criminal punishment system in the criminal justice system". Corrections as the final part of the criminal punishment system in the criminal justice system have the same interests as the previous parts such as the legal process in the Court. If the guidance activities in the Correctional Institution are not carried out properly, then it can be said that the Correctional Inmates are guilty on the court's decision paper only, because the intended guidance objectives have not been achieved. Corrections are built in the Correctional System which is interpreted in the provisions of Article 1 number 2 of the Correctional Law as "a system regarding the direction and limits and methods of fostering correctional inmates based

on Pancasila which is implemented in an integrated manner between the Supervisor, the inmates, and the community to improve the quality of correctional inmates so that they realize their mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted again by the community, can actively play a role in development and can live normally as good and responsible citizens". The Correctional System organized by the state aims at fostering to improve the quality of Correctional Inmates (Convicts, Criminal Children, Correctional Clients) as responsible individuals who are willing and able to be aware of their mistakes, for self-improvement, for the commitment not to repeat them in the future so that the community accepts them again. The Correctional Activities above are the implementation of criminal sanctions in prison for Correctional Inmates in a Correctional Institution. As is known, the purpose of imposing criminal sanctions in prison is to limit the right to freedom of movement for a certain period of time that has been determined by the Panel of Judges (at least one day to a lifetime), so that Correctional Residents still have other important rights that must be protected. Other important rights that must be protected for Prisoners in the Correctional Law are:

1. To worship according to religion or belief;
2. To receive care, both spiritual and physical care; to receive education and teaching;
3. To receive adequate health services and food; to convey complaints;
4. To receive reading materials and follow other mass media broadcasts that are not prohibited; to receive wages or bonuses for work done;
5. To receive visits from family, legal counsel or other certain people; to receive a reduction in sentence (remission);
6. To receive the opportunity to assimilate including leave to visit family; to receive parole;
7. To receive leave before release;
8. To receive other rights in accordance with laws and regulations.

Of the various rights of prisoners above, the right that will be discussed further in this article is the right to receive adequate health and food services because in practice this basic right often causes problems in the form of discriminatory actions in the fulfillment of these rights in the form of the phenomenon of levying fees whose origin and purpose are unclear after being paid by prisoners. Based on findings from the Ombudsman of the Republic of Indonesia reported on June 19, 2018, it was discovered that each prisoner at the Class IIA Youth Penitentiary in Tangerang, Banten only received a quota for medicine of IDR 1,000.00 (one thousand rupiah). Not only that, the Secretary of the Directorate General of Corrections, Ministry of Law and Human Rights, Sri Puguh Budi Utami, also said that "so far, female prisoners have only received special needs fees of IDR 1,000 per month".

CONCLUSION

The fulfillment of prisoners' rights, particularly the right to proper health services and adequate food, is an essential component of the correctional system as stipulated in Law Number 22 of 2022 on Corrections. While the legal framework clearly defines these rights, their implementation remains problematic. Discriminatory practices, insufficient budget allocations, and unclear cost collection mechanisms continue to undermine prisoners' basic rights.

The reality in several correctional institutions in Indonesia shows a systemic failure by the state to prioritize health and nutrition for inmates, as reflected in the findings of the Indonesian Ombudsman and official statements from the Directorate General of Corrections. Prisoners have been subjected to minimal health service budgets—such as the IDR 1,000 quota per person—and female inmates have received inadequate allocations for their specific needs, violating the principle of dignity and equality before the law. Moreover, the collection of unofficial or unexplained fees related to health and food services has opened space for corrupt practices, contradicting the very purpose of rehabilitation and correction. This condition indicates that prison sentences risk becoming mere symbolic punishments if the correctional guidance system fails to fulfill its actual rehabilitative goals. Therefore, consistent and transparent law enforcement against bribery, extortion, and gratification within the correctional system is vital. At the same time, the state must realign its correctional policies to ensure full compliance with human rights standards, proper funding, and active supervision of correctional facilities. Only by doing so can the correctional system truly support the reintegration of inmates as responsible and accepted members of society.

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