



EFFORTS TO FULFILL THE RIGHTS AND LEGAL PROTECTION OF ELDERLY PRISONERS IN CORRECTIONAL INSTITUTIONS THROUGH SERVICE REFORM AND STRENGTHENING THE MONITORING SYSTEM

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Abstract

This study examines the legal protection and fulfillment of the rights of elderly prisoners in the national correctional system with a qualitative literature study approach. The results of the study show that although regulatory instruments have mandated inclusive services for elderly prisoners, discriminatory practices and low accessibility of health services and coaching facilities are still often encountered. Disparities in service quality between correctional institutions in big cities and remote areas exacerbate the situation of elderly prisoners, coupled with limited human resources and lack of literacy of officers regarding the specific needs of this group. The unintegrated data recording system also makes it difficult to effectively monitor the rights and needs of the elderly. Efforts to fulfill rights have progressed through several facility innovations and affirmative programs in a number of large prisons, but the sustainability of these practices remains a challenge. This research recommends governance reform, optimizing officer training, multi-stakeholder collaboration, and strengthening monitoring and evaluation systems as the main strategies for improving elderly-friendly correctional services. It is hoped that this systemic reform will be able to eliminate discrimination and realize a fairer and more dignified correctional for all prisoners, especially the elderly.

Keywords: elderly prisoners, legal protection, corrections, discrimination, service accessibility, officer training, monitoring.

Introduction

Elderly inmates in correctional institutions pose a particular challenge to the modern correctional system. In various countries, this group is increasing in number along with the aging of the population and stricter law enforcement against crimes throughout life. This situation encourages the government and law enforcement officials to formulate legal protection policies that ensure the fulfillment of their basic rights without discrimination. Correctional institutions in Indonesia are facing heavy pressure to adjust service standards, including for the elderly, amid limited resources and institutional workloads. The treatment of elderly prisoners requires legal and administrative approaches that are sensitive to their vulnerabilities. The elderly have specific needs that differ from those of adult prisoners in general, such as the need for health services and physical facilities that support their daily productivity. This reality forces correctional officers to evaluate conventional ways of working and prioritize humanitarian aspects in the treatment of the elderly. Policy initiatives and practices in the field are needed so that the objectives of law enforcement remain aligned with respect for human rights in correctional institutions.

Humanitarian crises often arise when the rights of elderly prisoners are neglected. Lack of health services, limited elderly-friendly facilities, and lack of access to justice are acute problems that require strengthening regulations and rights-based service practices. International and national studies highlight that the potential for violations of prisoners' rights actually increases for the elderly, given their weak and easily marginalized position in a crowded correctional system. Therefore, it is necessary to formulate proportional legal protection standards so that elderly prisoners still receive fair and humane treatment.

Indonesia's national legal framework has sought to provide rights protection for all prisoners, including the elderly. However, a number of studies have found that the implementation of legal protection is still inconsistent between norms and practices in the field (Flora, 2024; Purwanto et al., 2019). The complexity of the problem, ranging from the quantity of prisoners, limited infrastructure, and limited human resources, causes neglect of the special needs of the elderly to be prone to occur. The implications of these problems need to be discussed in more detail in the design of protection policies in correctional institutions.

The main problem that often arises is the gap between the normative regulation of the rights of elderly prisoners and the actual implementation in correctional institutions. Although legal protection has been embedded in various regulations, its implementation is still far from expectations. Many elderly prisoners lack access to health services, the conditions of the residential space are not elderly-friendly, and there is a lack of psycho-social assistance, as described by Nugroho (2021) and Yuntoro (2014).

Research in the field of corrections has also highlighted the lack of monitoring instruments and evaluation mechanisms for the fulfillment of the rights of elderly prisoners. Even though the supervision system has been mandated in Law Number 12 of 1995 concerning Corrections, in practice there is often a discrepancy between the rules and the reality in the field, due to the low quality of human resources, facilities, and the lack of special training for prison officers (Gamis, 2016; Utami, 2017). This further exacerbates the treatment received by elderly prisoners.

The issue of discrimination has also not been fully addressed effectively in a number of correctional institutions. Discrimination occurs both directly, in the form of unequal treatment in terms of fulfilling rights, and indirectly, in the form of neglect of basic needs such as access to health, space, and sanitation facilities (Gafur, 2021; Priyanto, 2009). Thus, the challenges of legal protection for elderly prisoners require further examination of the root structural problems surrounding the correctional system.

A qualitative literature study with a focus on the protection of the rights of elderly prisoners is essential to deepen understanding of the dynamics of the treatment and legal protection of this group. The elderly are a vulnerable group whose limbs and immune system weaken with age, as emphasized in Law No.13 of 1998. The age range of 60 to 70 years and beyond requires special attention, both from a medical, physiological and social perspective, so that their needs are not sidelined in the correctional institution environment.

The daily lives of elderly prisoners require special treatment that includes personal care, balanced nutrition, and proper facilities to support a life of dignity. The treatment provided is expected to encourage their independence, as well as ensure personal hygiene and access to adequate health services. Special facilities, both in terms of bedding, sanitation, and

socialization space, should be prioritized to meet their unique needs so that coaching can run effectively. In the punishment system, prisoners still have rights that must be respected even though their freedom is limited. The implementation of correctional in an integrated criminal justice system places the protection of rights as an important foundation of the entire development process (Petrus & Pandjaitan, 1995). The fulfillment of the rights of elderly prisoners is an important indicator that the correctional system is running according to the principles of justice, humanity, and respect for human rights, while realizing the objectives of the national criminal justice system (Yenti & Hilmy, 2024).

This study aims to systematically analyze the implementation of legal instruments underlying the protection of the rights of elderly prisoners, the enforcement of health insurance and welfare in prisons, and the mapping of discrimination issues and accessibility of services for this group. By prioritizing a normative juridical approach, it is hoped that the results of the study can become a valid source of reference for strengthening justice and humanity-based policies in the correctional world, as well as adding to the treasure of applicable legal humanities literature in Indonesia.

Method

This research takes a qualitative literature study approach by relying on secondary data collection sourced from scientific papers, books and research results that have been widely published. Reference searches are carried out systematically to obtain a complete picture of legal protection for elderly prisoners in correctional facilities. The selection of a qualitative approach aims to obtain a comprehensive understanding of the process, legal structure, implementation dynamics, and inhibiting and supporting factors in the field. Data analysis was conducted through systematic review, textual interpretation, and thematic synthesis of various literatures relevant to this topic (Creswell, 2014; Denzin & Lincoln, 2011).

In conducting the qualitative literature study, the researcher adopted the content analysis method, which enables an examination of the structure of legal regulations and their implementation in practice (Darmawan, 2015). The results of the literature analysis were then compiled into a comprehensive narrative featuring the integration of ideas

from various sources. By adopting the Miles, Huberman & Saldana (Miles et al., 2014) model, the research stages included data reduction, data display, and conclusion drawing. Validation was carried out by triangulating theories and literature sources to maintain the credibility and reliability of the analysis results.

Result and Discussion

Implementation of Legal Tools for the Rights of Elderly Prisoners

The high number of elderly people in Indonesia has presented new challenges to various aspects of social life, including the criminal justice system. Violations of the law are not only committed in young or adolescent age groups, violations of the law can also be committed by elderly people (Wardana & Subroto, 2023). The elderly as a vulnerable group are even more prominent when in correctional institutions, where physical and psychological stress tends to increase due to limited freedom and access to services. Discussions related to dealing with elderly detainees and prisoners have been going on for a long time as an effort to eliminate "double pain", namely pain experienced in addition to pain due to loss of freedom of movement due to criminalization in prisons or detention centers (Pahlevi, 2019). In the midst of public expectations for justice, the state is obliged not only to enforce the law strictly, but also to ensure that humanitarian principles are prioritized, especially for those with the status of elderly prisoners. Various dynamics in correctional institutions also show the need to highlight the treatment and protection of these vulnerable groups.

In realizing a correctional system that aims to humanize humans, the government must participate in the process and in accordance with the fulfillment of the rights of prisoners contained in Basic Law Number 12 of 1995 concerning Correctional Institutions, especially in Article 14 paragraph (1) which describes the rights of prisoners, one of which is getting health services (Febrianti & Subroto, 2021). The reality in the field still shows various problems faced by elderly prisoners, such as the lack of health facilities, limited mobility, and inadequate facilities to support daily activities. These challenges are aggravated by physical conditions that are increasingly declining biologically, which often lead to a deterioration in the quality of life while serving a sentence. The psychosocial burden

experienced is often exacerbated by limited interaction with family or lack of professional assistance, making elderly prisoners more vulnerable to discrimination and neglect of rights. This condition demands a strategic response from the government and the management of correctional institutions to ensure that the basic needs of the elderly are met properly and with dignity. The data is stated to be normally distributed because the results in Figure 1 plot the data still in the direction of the diagonal line.

The global phenomenon shows that protecting the rights of vulnerable groups, including the elderly in correctional institutions, is part of the human rights issues that must be prioritized. The treatment of elderly prisoners in correctional institutions should reflect humanitarian principles, and special attention should be paid to ensure that they are not subjected to discrimination or neglect. This is in line with human rights and norms governing the treatment of prisoners (Wulandari et al., 2023). International conventions and minimum standards of prisoner treatment explicitly place the state as the main actor in maintaining and fulfilling these rights without exception. Indonesia itself has ratified various human rights instruments and affirmed its commitment to humane treatment in the law enforcement system. However, the concrete realization of this commitment often encounters challenges at the implementation level, so evaluation and strengthening of protection tools are still very much needed.

Sociologically, the presence of elderly prisoners in correctional institutions reflects the complexity of the relationship between the legal system, correctional policies, and the dynamics of vulnerable groups. The elderly are not only the subject of policy recipients, but also a reflection of the state's sensitivity to humanitarian issues in the governance of the fulfillment of justice. The process of social adaptation in an environment that is very different from their previous life often leaves crucial problems that have long-term impacts, not only on the elderly themselves, but also on their families and surrounding communities. Therefore, the state's partiality in the form of responsive regulations and services is the main benchmark of the modern correctional system.

In the midst of demographic changes and demands for restorative justice, the discourse on the treatment of elderly prisoners is increasingly relevant to be explored. The fulfillment of rights and legal protection for elderly prisoners is not only about the retributive function of correctional

institutions, but also the role of the state in maintaining human dignity and values. This responsibility is increasingly important in the era of the implementation of a rights-minded legal system, considering that every prisoner - including the elderly - still has rights that must be respected even though they have lost their freedom.

Providing access to justice assistance to elderly prisoners in correctional institutions is a critical aspect in ensuring that their rights are properly protected (Pramesti & Anwar, 2022). The legal protection of elderly prisoners is a major point of concern in the correctional system. Indonesia has established a set of regulations to protect the rights of this group, as stipulated in Law Number 12 of 1995 concerning Corrections, strengthened by its implementing regulations. In its implementation, there is an obligation of the state to provide humane treatment for elderly prisoners who prioritize the principle of fulfilling rights without discrimination. The legal protection process for elderly prisoners is also recognized in terms of human rights principles, as formulated in Article 14 paragraph (1) of the Corrections Law (Alkautsar, 2023). The essence of this protection is seen in national regulations that ensure prisoners retain the right to health, spiritual services, justice, and a life of dignity, even though their freedom is restricted.

This strengthening of legal instruments is further reflected in the mandate of Law No.13 of 1998, which explicitly defines elderly people as those who have entered the age of 60 years and over. This provision is the normative basis that distinguishes the treatment between adult and elderly prisoners, so that correctional institutions are obliged to provide special needs. Elderly prisoners cannot be equated in terms of physiological, psychological needs, even access to social and health services. Nugroho (2021) emphasizes that national regulations in this field have placed the elderly as a priority group that requires extra attention to systematic efforts to fulfill rights and protection.

The paradigm transformation of correctional services for elderly prisoners has become increasingly evident with the issuance of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 32 of 2018. This regulation explicitly contains various aspects of protection that must be provided, ranging from assistance with access to justice to social rehabilitation oriented to the special needs of the elderly.

The regulation does not simply place elderly prisoners as objects of service, but further recognizes the elderly as subjects who must have their rights fulfilled equally and with dignity in every aspect of life in correctional institutions.

Another crucial point is the affirmation that improving the quality of health and security—both physical and psychological—should be a top priority in prison governance. The elderly often face complex health challenges and are vulnerable to violence and mental stress, so the state is obliged to ensure access to routine health checks and medical care based on individual needs. Such provisions also require adaptation of facilities, ranging from an elderly-friendly residential environment, adequate sanitation, to mobility support facilities such as walkers and handles in the bathroom.

The implementation of this regulation also strengthens the commitment to social rehabilitation that is designed inclusively. Not only health services, elderly prisoners are also entitled to coaching and rehabilitation programs that are relevant to their conditions, such as recreational activities, psychosocial counseling, or provision of life skills. This policy shifts the coaching paradigm from a uniform approach to being responsive and adaptive to the needs of the elderly group in prison. This approach is very important so that coaching runs effectively and meaningfully, without burdening or ignoring the rights of the elderly while serving a criminal period.

In addition, the implementation of this Ministerial Regulation calls for mandatory training and capacity building of correctional officers. Flora (2024) asserts that regulatory changes have had an impact on the work patterns of the apparatus, from understanding the physical and psychological needs of the elderly, to friendly communication skills and empathizing with vulnerable groups. With structured training, it is hoped that each officer will be able to carry out the role of protector and protector professionally in accordance with human values, not just an implementer of administrative rules.

The issuance of Minister of Law and Human Rights Regulation No. 32/2018 is an important milestone in ensuring that elderly prisoners receive guarantees of justice and humane treatment in the correctional environment. The implementation of this regulation triggers changes in governance through adjustments to facilities, health services, rehabilitation

programs, and increased officer competence. In a focused scope, this transformation marks the state's commitment to continuously improve the protection system for the elderly, so that the principles of non-discrimination and fulfillment of human rights are truly realized in every correctional institution.

Evaluation of the implementation of legal instruments needs to involve functional and structural supervision. The findings of Utami (2017) show that there are still disparities in policy implementation between prisons, where facilities or resources in big cities tend to be superior to those in remote areas. As a result, elderly prisoners in less accessible areas experience higher vulnerability, such as not receiving routine health checks, inadequate sleeping space, and almost no psychological assistance. In this situation, external oversight institutions and human rights organizations are directed to strengthen monitoring of practices on the ground.

The perspective of infectious and non-communicable diseases in elderly prisoners adds to the complexity of managing the correctional system. The need for medical handling and care of the elderly group is increasingly crucial, given the high risk of morbidity and mortality in a cramped environment, high humidity and lack of good air circulation in most prisons. Research by Gafur (2021) during the COVID-19 pandemic accelerated reflection on the need to revise policies for handling the elderly in prisons, through early detection of disease, proper isolation, and distribution of drugs / diets that are different from adult prisoners.

Apart from the health aspect, the challenge of providing physical facilities is often highlighted. The Corrections Law mandates that the room for elderly prisoners is set separately, even equipped with sanitary facilities and toilet seats according to the needs of limited mobility. Several cases in the field, according to Alkautsar (2023), indicate overlapping space utilization so that elderly prisoners must share space with adult prisoners without adequate separation. Due to lack of funds or limited human resources, the fulfillment of these legal instruments is slow and uneven between institutions.

The existence of competent human resources is also an important component in the legal instruments for the rights of elderly prisoners. In practical reality, the Gamis report (2016) found that not all prison officers

received special training on how to deal with the elderly both in terms of medical, psychosocial, and legal protection aspects. Continuing education for officers is clearly needed to strengthen correctional capacity in implementing all applicable legal corridors effectively and humanely.

National legal instruments are also inseparable from Indonesia's international commitments as a UN member state that agreed to the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). These standards require humane and non-discriminatory treatment including for vulnerable groups such as elderly prisoners, and are adopted in principle into prison policy through the Corrections Law. Harjono et al. (2022) emphasized that the adoption of international norms is expected to strengthen the national system, reduce gaps in rights violations, and realize rights-oriented correctional practices.

Despite the series of legal umbrellas above, implementation at the operational level is often colored by the dynamics of local regulations or technical prison policies that sometimes overlap with national regulations. The Wangkanusa study (2017) highlights the need for harmonization between central instructions and local regulations, so that implementation in each prison adheres to the principles of justice and protection down to the grassroots level. This harmonization is important for the consistency of the application of protection in all prisons in all jurisdictions.

In 2018, a separate regulation was issued regarding the treatment of elderly detainees and prisoners, which is stated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 32 of 2018. This regulation regulates the right to assistance in applying for justice, optimal recovery of social functions, maintenance and improvement of health status, and comprehensive protection of the security of elderly prisoners. The Ministerial Regulation emphasizes the legal position of elderly prisoners as a group that must receive special services, including facilities that support their daily needs.

Further exploration of the implementation of legal instruments for the rights of elderly prisoners shows a trend of progressivity in correctional governance. Empirical survey results by Bahari (2015) and Tahir (2015) reveal the addition of primary health care facilities and social rehabilitation for the elderly in several large prisons. However, accelerating the strengthening of legal instruments still faces challenges in the form of

disparities in service quality, differences in fiscal capacity, and bureaucratic resistance. Handling the protection of elderly prisoners should ideally take place in a measurable, rights-based manner, and pay attention to individual dignity in correctional institutions.

The characteristics of elderly prisoners who biologically experience a decline in physical and psychological functions require adaptive legal roles and inclusive services. When legal instruments are implemented consistently and supported by adequate resources, the protection of rights and strengthening of the capacity of elderly prisoners will be more assured. Optimizing sustainable implementation requires collaboration between the government, civil society and international organizations so that disparities in practice between correctional institutions can be minimized.

The presence of various actors and legal instruments ultimately enriches the interpretation of the protection of the rights of elderly prisoners in correctional facilities. Legal certainty and justice are the main highlights which, when realized at a practical level, will have a direct impact on the quality of life of elderly prisoners in this country's correctional institutions.

Fulfillment of Health and Welfare Rights

Imprisonment at an advanced age has a complex impact on the physical, mental and social well-being of these prisoners. Therefore, the fulfillment of the rights of elderly prisoners is an essential aspect in an effort to improve their quality of life in correctional institutions (Maulana & Subroto, 2021). The welfare of elderly prisoners is not only related to the fulfillment of basic physical needs, but also closely related to access to health services and guarantees of proper treatment in correctional institutions. Currently, the protection and treatment of the elderly in prison is an important concern, because there are still many prisons that have not implemented special treatment for the elderly (Prasetya & Jayanti, 2020). The national correctional system recognizes the importance of providing comprehensive health services for elderly prisoners, considering that this group is more vulnerable to degenerative diseases and other health complications (Nugroho, 2021). In its implementation, various regulations have been formulated to ensure that elderly prisoners continue to receive health counseling, routine care, and access to facilities that support their quality of life.

Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 32/2018 explicitly details the need to provide justice assistance, restore social functions, and improve health status for elderly prisoners. In line with the UN Basic Principles on the treatment of elderly prisoners, it stipulates that prisoners should have access to health services available in the country without discrimination based on their legal situation (Bedard et al., 2016). This provision encourages each correctional institution to provide special space and facilities, such as bedrooms with access to elderly-friendly sanitation and adequate medical equipment support. According to Government Regulation Number 32 of 1999 Article 14 paragraph 2 to support the smooth running of health services, there is a polyclinic and facilities in each state detention center, which at least has a doctor and other medical personnel (Pintabar et al., 2024). Nugroho (2021) emphasized that the implementation of this policy is effective in prisons that have competent human resources and sufficient facilities, but in various regions the implementation still faces limitations such as the unavailability of doctors and the lack of supporting staff at the prison clinic.

The availability of access to health care for elderly prisoners also depends on development programs that prioritize physical and psychological health in addition to mental and spiritual development aspects. Flora (2024) argues that the focus of guidance for this group now prioritizes activities that are not burdensome, and prioritizes rehabilitation and recreational needs that support their quality of life in correctional institutions. Regular medical care, adequate nutritional management, and the provision of walking aids are important indicators in determining whether the rights of elderly prisoners have been fulfilled proportionally.

The correctional system has also begun to develop consultation services focused on the elderly and make the service flow more accessible and inclusive. Bahari (2015) in his research mentions the importance of health socialization services, including counseling on healthy lifestyles and prevention of infectious diseases that many elderly people suffer from. In line with Heidari et al (2017) Providing information to elderly prisoners about medical care facilities in prison and socialization about healthy living can reduce the burden of obstacles they feel. In addition, training for prison staff and medical personnel, both related to health services and developing a non-discriminatory attitude towards elderly prisoners who

need care, can effectively reduce environmental difficulties in accessing medical services (Heidari et al., 2017). Providing health information not only increases the awareness of elderly prisoners about their personal health, but also increases the effectiveness of preventive efforts by prison managers.

The ideal health service program must of course be tailored to the characteristics and needs of each individual elderly prisoner. Gafur (2021) emphasizes correctional efforts in maintaining minimum health standards in an environment full of limitations. However, problems with access to medicines, isolation room facilities for infectious diseases, and the availability of special nutritious food are often challenges that require special attention from the central and regional governments.

Affirmative policies for the elderly in prisons have in principle been adopted in several correctional institutions by setting up separate rooms from adult prisoners and arranging sanitation infrastructure tailored to their physical needs. Alkautsar (2023) shows that special rooms with toilet seats and wall handles have been implemented in a number of prisons. Security aspects are also of particular concern with the implementation of extra protection from threats and intimidation from other prisoners, ensuring that elderly prisoners can live their daily lives with a sense of security.

However, in its implementation, surveys by Utami (2017) and Gamis (2016) still find that elderly prisoners are often marginalized from the priority of medical services and adequate facilities, especially in prisons with overcapacity or limited operational funds. Services that should be proactive and needs-based are still reactive due to the lack of an optimal internal service reporting and evaluation system. This strengthens the argument for the need for a tighter monitoring system and a clearer division of tasks related to the fulfillment of the health and welfare rights of elderly prisoners.

There are also administrative problems in recording health data and special needs of elderly prisoners. Research by Wangkanusa (2017) revealed that most correctional institutions still rely on manual recording and have not implemented an integrated data system. The implication of this weak recording is the difficulty of monitoring health needs and a comprehensive evaluation of the effectiveness of the fulfillment of the rights of the elderly category of prisoners.

Regarding the right to welfare, elderly prisoners are entitled to humanist treatment tailored to their needs. Harjono et al. (2022) in their research emphasized the urgency of special facilities that support the daily lives of elderly prisoners, especially social facilities that support the creation of healthy interactions and minimal psychosocial pressure. According to Lee et al (2019) argue there are several ways to meet the needs of older prisoners, namely social care, personal care, daily programs (Lee et al., 2019). The innovation of coaching programs also needs to be directed at increasing the confidence, motivation, and mental endurance of elderly prisoners in serving their sentences in a more meaningful way.

Facts on the ground show that efforts to fulfill the health and welfare rights of elderly prisoners have so far experienced significant reforms in the last decade, both in the form of medical services, the provision of special facilities, and the affirmation of coaching programs. However, this transformation has not been fully equitable, there are still disparities between one correctional institution and another due to variations in the quality of human resources and budget support.

In practice, the discourse on fulfilling the health and welfare rights of elderly prisoners has encouraged collaboration between the government, civil society organizations, and academics to design programs that touch the real needs in the field. The elderly as a vulnerable category does require a progressive protection system and affirmative action, so that all rights should be fulfilled to the fullest in order to achieve a humanitarian-oriented correctional system. Differences in the condition of facilities and the ability of prison managers are homework that cannot be fully resolved in a short time, but the regulatory commitment so far has been on the right track.

Elderly people as prisoners still have the right to live a healthy life, obtain proper medical services, and receive social assistance in accordance with the universal rights of every human being. The spirit of humanity, the value of justice, and the mandate of national law demand that practices in various correctional institutions are increasingly sensitive and non-discriminatory towards this group. Fair treatment and proper facilities are essential as a manifestation of the Indonesian legal system that places human rights as a fundamental principle.

Discrimination and Service Accessibility

Elderly prisoners are psychologically, logically and mentally less active than general prisoners, they are vulnerable to discrimination, harassment and exclusion when they are in the prison environment because they are difficult to move quickly, slow and slow in doing activities, they also begin to lack hearing and memory (Lidya & Subroto, 2021). Discrimination is still a prominent issue in the implementation of correctional services for elderly prisoners.

Different treatment often arises not only due to limited facilities, but also due to the limited perspective of officers who do not understand the rights-based needs of this group. Many elderly prisoners have not received special residential space or facilities that can support their daily activities properly. Research by Gamis (2016) and Priyanto (2009) highlighted discriminatory practices manifested in the allocation of inappropriate sleeping space, lack of privacy, and limited access to health aids. These practices contribute to worsening the welfare of elderly prisoners and contradict the principle of non-discrimination in correctional facilities.

Limited resources, isolation of the elderly, and access to health facilities are the main roots of the emergence of discriminatory services. A report by Utami (2017) found that elderly inmates are often sidelined during the prioritization of health services, especially when medical resources and facilities are very limited. This results in the group's health complaints not being addressed quickly and appropriately. The long-term impact of this kind of treatment is a decline in the health status of elderly prisoners, which in turn leads to physical and psychological conditions that are increasingly vulnerable to disease and environmental stress.

Another result of discriminatory practices is the limited access of elderly prisoners to coaching programs and social services within correctional institutions. Flora (2024) highlights that many elderly prisoners are still placed in coaching programs that are less relevant to their conditions, so that the benefits of coaching are not optimal. Often, physically demanding programs or adult group activities are still applied without adjusting to the capacity or special needs of elderly prisoners. This ultimately marginalizes the elderly from the social integration process within the correctional environment.

Discriminatory health services are also reflected in the lack of availability of facilities and professional health workers in some correctional institutions. Purwanto et al. (2019) and Nugroho (2021) found that not all correctional institutions have medical personnel with special competence in handling the elderly. This condition causes the process of health monitoring, medical rehabilitation, and references to external hospitals to be slow and non-standardized. Elderly prisoners often feel inequality in medical decision-making and access to emergency health services.

Discrimination in terms of access to information also still occurs frequently. Many elderly prisoners have difficulty understanding the procedures for applying for health rights, coaching administration, and access to legal aid due to limited information and education available. Research by Alkautsar (2023) and Gafur (2021) shows that there are still weak legal and health literacy programs specifically for elderly groups in prisons. The lack of assistance in accessing these services widens the gap of inequality, so that many rights have not been fulfilled. Service accessibility for elderly prisoners is not only related to the existence of physical facilities, but also relates to the ease of obtaining equal treatment and participation in coaching programs and social services. Wangkanusa (2017) states that elderly prisoners need an inclusive service system that makes it easy for them to follow the entire coaching process and get regular psychological and social consultations. Rooms, access points, assistive devices, and counseling services need to be designed to be easily accessible to the elderly, not just administrative ceremonies.

Harmonization of norms protecting the rights of elderly prisoners mandates the existence of supporting tools that involve families, communities, and advocacy organizations as external controls on the service process in prisons. This collaboration is considered effective in reducing discriminatory practices and increasing the access of elderly prisoners to their fundamental rights (Bahari, 2015; Harjono et al., 2022; Kurniawan et al., 2025). Regular literacy efforts, strengthening community advocacy, and the establishment of special complaints forums for vulnerable groups are strategies to balance institutional authority.

The complexity of accessibility is inseparable from administrative and human resource constraints. Wangkanusa (2017) notes that the lack of an integrated data system makes it difficult for prison authorities to

track the specific needs of elderly prisoners, both for periodic evaluations and emergency service responses. As a result, the design of policies or interventions is often not based on actual data, but only estimates. Strengthening data management and information systems is an essential instrument in supporting the provision of fair and accurate services for all prisoners, especially the elderly.

Since the enactment of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 32/2018, the systematization of services for the elderly has begun to progress. Special room facilities, toilet seats with wall handles, and more adaptive psychological coaching programs have begun to be implemented in several correctional institutions. However, the implementation still faces resistance, both in terms of budget, officer mindset, and infrastructure limitations. A humanist, innovative and participatory approach remains key to promoting sustainable change in the prison environment.

The issue of discrimination and limited access to services for elderly prisoners is an important indicator of the quality of correctional governance in Indonesia. If all prisons successfully implement an elderly-friendly service system based on justice and equality, it is not impossible that elderly prisoners can experience a more decent, dignified and inclusive life despite serving a sentence. Nondiscriminatory practices, adequate facilities, and multi-stakeholder collaboration will strengthen the humanist character of the national correctional system.

Ultimately, creating inclusive and discrimination-free services for elderly prisoners requires a comprehensive paradigm shift at the policy, resource and organizational culture levels within correctional institutions. Efforts to strengthen the rights of this group require regulatory consistency, service management transformation, and the cultivation of empathetic values in the daily practice of state apparatus.

Conclusion

Legal protection and fulfillment of the rights of elderly prisoners in correctional institutions still face various fundamental challenges, especially related to discrimination, service accessibility, and disparities in the quality of facilities between regions. Although the regulatory framework has mandated humanist services, the progressiveness of

implementation in the field has not been fully optimized due to limited resources, low literacy of officers to the needs of the elderly, and weak data recording and monitoring systems. This phenomenon confirms that there is still a distance between the substance of the protection norms and the reality of services felt by elderly prisoners, so that their rights have not been fully fulfilled equally and with dignity.

This situation shows that correctional facilities that are not fully elderly-friendly have the potential to weaken the spirit of respect for human rights, especially for vulnerable groups. If not immediately addressed, disparities in access, discriminatory services, and lack of facilities can worsen the physical and psychological health of elderly prisoners, thus extending the circle of injustice in the law enforcement system. Partial protection alone is not enough to build an inclusive correctional system, instead it requires collective efforts across sectors and institutional governance reforms so that substantive justice can truly be felt by all residents of correctional institutions, including the elderly.

It is necessary to renew the paradigm at the institutional level and improve the competence of officers through regular training and integration of data-based service management to eliminate discrimination and improve accessibility. The provision of special facilities, the creation of adaptive coaching programs, and collaboration with families, civil society organizations, and medical personnel must be encouraged more massively to ensure comprehensive protection for elderly prisoners. Strengthening monitoring and evaluation systems based on clear indicators is also absolutely necessary so that the principles of humanist, non-discriminatory and inclusive services can be realized in all correctional institutions.

References

- Alkautsar, F. 2023. Perlindungan Hukum terhadap Hak Narapidana Wanita berdasarkan Undang-Undang Nomor 12 Tahun 1995 Tentang Pemasyarakatan (Studi Kasus Lapas Kelas IIA Kuningan). *Uniku Law Review*, 1(2). <https://doi.org/10.25134/ulr.v1i2.21>
- Bahari, H. F. 2015. Perlindungan Narapidana Anak di Lembaga Pemasyarakatan Kelas IIB Jombang. *Recidive*, 4(3), 337–344.
- Bedard, R., Metzger, L., & Williams, B. 2016. Ageing Prisoners: An Introduction to Geriatric Health-Care Challenges in Correctional Facilities. *International Review of the Red Cross*, 98(903), 917–939. <https://doi.org/10.1017/S1816383117000364>

- Creswell, J. W. 2014. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th ed.). SAGE Publication.
- Darmawan, D. 2015. *Metodologi Penelitian*. Metromedia.
- Denzin, N. K., & Lincoln, Y. S. 2011. *The Sage Handbook of Qualitative Research* (4th ed.). SAGE Publications Ltd.
- Febrianti, D. A., & Subroto, M. 2021. Pemberian Hak Narapidana Lanjut Usia dalam Pemenuhan Hak Kesehatan di Lembaga Pemasyarakatan. *Jurnal Panorama Hukum*, 6(2), 119–125. <https://doi.org/10.24815/sklj.v4i1.16775>
- Flora, H. S. 2024. Perlindungan Hukum terhadap Narapidana dari Tindak Pidana Kekerasan antar Narapidana di Rumah Tahanan. *Fiat Iustitia: Jurnal Hukum*, 5(1), 1–13.
- Gafur, A. G. 2021. Perlindungan Hukum terhadap Narapidana dalam Rangka Pencegahan dan Penanganan Corona Virus Desease. *Dinamika*, 27(1), 105–127.
- Gamis, E. J. 2016. Perlindungan Hak-Hak Narapidana terhadap Diskriminasi dalam Lembaga Pemasyarakatan. *Lex Administratum*, 4(3), 15–25.
- Harjono, E., Batubara, A. L., Situmorang, M. C., & Deviari, S. 2022. Perlindungan Hukum terhadap Ibu dan Anak Usia 0 – 3 Tahun di Lembaga Pemasyarakatan. *Jurnal Lemhannas RI*, 10(4), 25–40. <https://doi.org/10.55960/jlri.v10i4.368>
- Heidari, R., Wangmo, T., Galli, S., Shaw, D. M., Elger, B. S., Handtkea, V., & Bretschneider, W. 2017. Accessibility of Prison Healthcare for Elderly Inmates, a Qualitative Assessment. *Journal of Forensic and Legal Medicine*, 52, 223–228. <https://doi.org/10.1016/j.jflm.2017.10.001>
- Kurniawan, V., Yaqin, H. A., Tri, S., Wahyuningati, U., & Rato, D. 2025. Perlindungan Hukum Anak Binaan di Lembaga Pemasyarakatan Kelas II A Banyuwangi. *Bhirawa Law Journal*, 6(1).
- Lee, C., Treacy, S., Haggith, A., Wickramasinghe, N. D., Cater, F., Kuhn, I., & Van Bortel, T. 2019. A Systematic Integrative Review of Programmes Addressing the Social Care Needs of Older Prisoners. *Health & Justice*, 7(1), 9.
- Lidya, E. S., & Subroto, M. 2021. Upaya Penanganan Khusus Narapidana Lansia sebagai Kelompok Rentan. *Jurnal Syntax Fusion*, 1(12), 181–187.
- Maulana, I., & Subroto, M. 2021. Pembinaan Kemandirian terhadap Narapidana Lanjut Usia di Lembaga Pemasyarakatan Kelas II B Tanjung Balai. *Innovative: Journal Of Social Science Research*, 1(2), 181–187. <https://doi.org/10.31004/innovative.v1i2.2364>
- Miles, M. B., Huberman, A. M., & Saldaña, J. 2014. *Qualitative Data Analysis: A Methods Sourcebook* (3rd ed.). SAGE Publication Ltd.
- Nugroho, M. J. H. 2021. *Perlindungan Hukum terhadap Hak Kesehatan Narapidana Lanjut Usia di Lembaga Pemasyarakatan Kelas IIA Kendari*. Universitas Hasanuddin.
- Pahlevi, F. S. 2019. Keadilan Hukum dalam Peraturan Perlakuan bagi Tahanan dan Narapidana Lanjut Usia. *AlSyakhsiyyah: Journal of Law & Family Studies*, 1(1). <https://doi.org/10.21154/syakhsiyyah.v1i1.1824>
- Petrus, & Pandjaitan, I. 1995. *Lembaga Pemasyarakatan dalam Perspektif Sistem Peradilan Pidana*. Pustaka Sinar Harapan.

- Pintabar, Jimmy, A., Rafianti, F., & Saragih, Y. M. 2024. Implementation of the Health Service System for the Fulfillment of Health Rights for Correctional Inmates. *USM Law Review Journal*, 7(1), 475–489.
- Pramesti, A. M. D., & Anwar, U. 2022. Upaya Pemulihan Fungsi Sosial bagi Narapidana Usia Lanjut di Lembaga Pemasyarakatan Kelas IIB Karangasem. *Indonesian Journal of Social Science Education (IJSSE)*, 4(1), 67. <https://doi.org/10.29300/ijssse.v4i1.6583>
- Prasetya, D. A., & Jayanti, N. 2020. Tinjauan Gerontologi dalam Menerepkan Perlakuan terhadap Tahanan dan Narapidana Lanjut Usia di Lembaga Pemasyarakatan. *Justitia: Jurnal Ilmu Hukum dan Humaniora*, 7(2), 335. <http://dx.doi.org/10.31604/justitia.v7i2.335-355>
- Priyanto, D. 2009. *Target Kelayakan Skala Usaha Ternak Domba Pola Pembibitan Mendukung Pendapatan Petani Pedesaan*. Pusat Sosial Ekonomi dan Kebijakan Pertanian. http://pse.litbang.pertanian.go.id/ind/pdffiles/MP_Pros_A7_2009.pdf
- Purwanto, K. A. T., Yulianti, N. P. R., & Mangku, D. G. S. 2019. Implementasi Perlindungan Hukum terhadap Narapidana sebagai Saksi dan Korban di Lembaga Pemasyarakatan Kelas II-B Singaraja. *EJournal Komunitas Yustisia Universitas Pendidikan Ganesha*, 2(2), 113–123.
- Tahir, Ach. 2015. Reformasi dan Perlindungan Hak-Hak Tahanan dan Narapidana di Lembaga Pemasyarakatan. *Supremasi Hukum: Jurnal Kajian Ilmu Hukum*, 4(2), 405–428. <https://doi.org/10.14421/sh.v4i2.2017>
- Utami, P. N. 2017. Keadilan Bagi Narapidana di Lembaga Pemasyarakatan. *Jurnal Penelitian Hukum De Jure*, 17(3), 381. <https://doi.org/10.30641/dejure.2017.V17.381-394>
- Wangkanusa, R. 2017. Perlindungan HAM bagi Narapidana di Lembaga Pemasyarakatan enurut Undang-Undang Nomor 12 Tahun 1995 tentang Pemasyarakatan. *Lex Administratum*, 5(2), 37–44.
- Wardana, V. Z., & Subroto, M. 2023. Peningkatan Kualitas Hidup Narapidana Lanjut Usia melalui Pemenuhan Haknya di Lembaga Pemasyarakatan. *Innovative: Journal of Social Science Research*, 3(5), 7641–7654.
- Wulandari, N. L. R. M., Karyati, S., & Sukarmo, I. G. 2023. Pemenuhan Hak Narapidana Lanjut Usia Dikaitkan dengan Permenkumham Nomor 32 Tahun 2018 Tentang Perlakuan terhadap Tahanan dan Narapidana Lanjut Usia di Lembaga Pemasyarakatan Perempuan Kelas III Mataram. *Unizar Recht Journal (URJ)*, 2(1). <https://doi.org/10.36679/urj.v2i1.52>
- Yenti, N., & Hilmy, N. 2024. Perlindungan Hukum terhadap Hak-Hak Warga Binaan Perempuan Hamil dan Melahirkan di Lembaga Pemasyarakatan Perempuan Kelas IIB Padang. *Normative Jurnal Ilmiah Hukum*, 12(1), 32–45.
- Yuntoro, T. 2014. *Perlindungan Hukum terhadap Narapidana atas Akses Kesehatan (Studi di Lembaga Pemasyarakatan Kelas IIB Klaten)*. Doctoral dissertation Universitas Muhammadiyah Surakarta.