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Implementation of the Minister of Law and Human Rights Regulation Number 32 of 2018 on Special Treatment for Elderly Detainees and Inmates (A Case Study at Class III Dharmasraya Correctional Facility)

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ABSTRACT

Elderly inmates are a vulnerable group with special physical, mental, and social needs. Treating them equally with younger, more physically capable inmates without taking their condition into account may lead to violations of human rights. Based on this concern, the Ministry of Law and Human Rights issued Regulation No. 32 of 2018 concerning special treatment for elderly detainees and inmates. This study aims to examine how the regulation is implemented at Class III Dharmasraya Correctional Facility and identify the obstacles encountered in its application. The research employs an empirical legal method with a socio-legal (juridical-sociological) approach. Data were collected through field studies, including interviews with prison staff and elderly inmates at Class III Dharmasraya Correctional Facility, as well as literature reviews of relevant regulations and academic sources. The findings reveal that the implementation of Regulation No. 32 of 2018 at Class III Dharmasraya has included personality and self-reliance development programs, such as spiritual activities and training in agriculture, animal husbandry, and fisheries. However, implementation remains suboptimal due to several obstacles, including overcrowding, limited human resources, inadequate equipment to support the rehabilitation programs, and insufficient facilities and infrastructure. The study concludes that, although Class III Dharmasraya Correctional Facility has made efforts to implement special treatment for elderly inmates by Regulation No. 32 of 2018, various limitations hinder its optimal realization. Therefore, greater attention and support from the government and policymakers are necessary to ensure the full protection of the rights of elderly inmates.

KEYWORDS

Inmate;
Elderly;
Special
Treatment;
Correctional
Facility



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INTRODUCTION

Indonesia is a state based on the rule of law, where no one, including the government itself, is above the law. The law encompasses all aspects of community, national, and state life in pursuit of justice and fairness. Indonesia's legal system comprises criminal law, civil law, administrative law, and other branches, forming a structured system of regulations that govern conduct and prescribe prohibitions for all citizens, with sanctions for any violations. As a general principle, those who break the law may be sentenced to imprisonment through a final and binding court decision. Imprisonment, currently referred to as penal confinement, may be imposed on anyone, regardless of age, from the young to the elderly.

The 1945 Constitution of the Republic of Indonesia affirms that every individual has the right to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law. In striving to realize the principles of a legal state, the law functions as a set of norms or rules governing human behavior with the aim of maintaining peace and order within society. Legal rules must be obeyed and enforced, and their application does not end once a defendant is declared guilty in court. The essence of law enforcement lies in rehabilitating offenders so that they acknowledge their wrongdoing, refrain from repeating criminal acts, and become law-abiding citizens. According to Article 2 of Law Number 22 of 2022 on Corrections, the correctional system is organized to guarantee and protect the rights of detainees and children, to improve the quality, personality, and independence of inmates so that they become aware of their mistakes, reform themselves, and do not reoffend. The goal is to enable them to reintegrate into society, live as good, law-abiding, and responsible citizens, actively participate in development, and provide protection to society from repeated crimes.¹

The establishment of the correctional system aims to provide protection not only against the crimes committed by inmates but also in response to potential injustices within the sentencing process itself. Moreover, correctional institutions (prisons) provide various forms of treatment to support inmates in becoming skilled individuals who can adapt to community life after serving their sentence. To maintain public order and security, Indonesia also implements a penal system involving imprisonment in correctional facilities (Lapas) for offenders and convicted criminals. As a key component in the rehabilitation process, correctional institutions play a vital and complex role. Given the high volume of criminal cases occurring daily, these institutions are tasked with both punishment and rehabilitation behind prison walls.²

The importance of correctional facility services for inmates and detainees lies in fulfilling their rights and raising legal awareness, particularly for detainees who will become inmates, ensuring they are treated by the principle of equality before the law. Furthermore, service revitalization in correctional facilities is carried out as stipulated in Article 4 of Regulation of the Minister of Law and Human Rights

¹ Victorio Hariara Situmorang, "Correctional Institutions as Part of Law Enforcement" (2019) 13:1 J Leg Policy 85.

² I Wayan Diva Adi Pradipta, I Ketut Sukadana & Ni Made Sukaryati Karma, "Rehabilitation of Elderly Inmates at Class IIA Denpasar Correctional Facility" (2020) 2:2 J Analog Huk 209–214.



(Permenkumham) Number 35 of 2018 on the Revitalization of Correctional Administration, which states:

- (1) The restoration of detainee services as referred to in Article 3(a) is implemented to improve the function of detainee services in fulfilling rights and increasing legal awareness among detainees based on the principle of equality before the law.
- (2) The restoration of duties and functions of detainee services, as mentioned in paragraph (1), is carried out in detention centers.

Correctional institutions (Lapas) provide development programs through two approaches: personality development and self-reliance training. In enhancing self-reliance, Lapas play an essential role by equipping inmates with vocational skills, providing necessary facilities and infrastructure, and ensuring that inmates are capable of working independently. This self-reliance training is conducted within the framework of the Correctional System, introduced in 1964 but only systematically regulated through Law No. 12 of 1995 on Corrections. This system aims to rehabilitate inmates so they recognize their mistakes, change their criminal behavior, and reintegrate into society. Hence, inmates must be equipped with life skills and understanding of social norms to enable them to live independently, compete healthily in society, and avoid future criminal behavior.

On the other hand, a humane approach to rehabilitation that focuses on fulfilling the basic rights of elderly inmates can have positive individual and social impacts. Appropriate rehabilitation programs can help elderly inmates serve their sentences meaningfully, allowing deeper introspection and repentance. In this context, the state, through the Ministry of Law and Human Rights, must ensure that every inmate, including the elderly, receives fair treatment by international human rights standards.

In addition to age, elderly inmates have different needs compared to the general inmate population. Declining health, physical limitations, and risks of chronic illnesses make them a vulnerable group within correctional facilities. In many cases, Lapas are not fully equipped to meet the special needs of elderly inmates, whether in terms of medical services, appropriate housing, or suitable rehabilitation activities. This presents a significant challenge for the Indonesian correctional system, whose role is not only to punish but also to rehabilitate inmates.

It is also essential to encourage the development of specific regulations or policies that govern the treatment of elderly inmates, as outlined in Permenkumham No. 32 of 2018 concerning Special Treatment for Elderly Detainees and Inmates. This regulation emphasizes the need for adjustments in services, supervision, and rehabilitation for elderly inmates. The implementation of this regulation must be optimized across all correctional institutions to ensure that the rights of elderly inmates are fully protected. In doing so, the state not only fulfills its legal function but also demonstrates a dignified and humane justice system.

One of the recurring issues in correctional institutions today is the growing number of elderly inmates who are still treated the same as younger, physically healthier inmates in the rehabilitation process. This lack of differentiation fails to



consider the physical and health limitations of the elderly population, highlighting the urgent need for more inclusive and responsive correctional policies.³

Regulation of the Minister of Law and Human Rights (Permenkumham) Number 32 of 2018 concerning the treatment of elderly detainees and inmates. Article 1, point 1, defines the elderly as individuals who have reached the age of 60 (sixty) years or older. At this stage, they experience a decline in physical, mental, and social functions due to the natural aging process, making them more susceptible to infectious diseases and disabilities. As such, the elderly are categorized as a vulnerable group. As previously explained, the elderly have special needs in various aspects, as they are no longer productive in terms of meeting economic demands and maintaining their health.⁴

The elderly are a group that requires special attention, as stated in Article 3 of the Regulation of the Minister of Law and Human Rights (Permenkumham) Number 32 of 2018, which outlines the provision of access to justice, recovery and development of social functions, maintenance and improvement of health status, as well as protection of security and safety.

However, several Correctional Institutions (Lapas) in Indonesia still do not provide special treatment for elderly inmates, instead applying the same treatment as for inmates under the age of 60. Individuals aged 60 and above generally experience a decline in health quality, both physically and mentally. Therefore, rehabilitation and development programs for elderly inmates require a specific and distinct approach. The physical and mental condition of elderly inmates cannot be equated with that of younger inmates, making general rehabilitation programs ineffective when applied without considering their special needs.⁵

Article 2 of the Regulation of the Minister of Law and Human Rights (Permenkumham) Number 32 of 2018 concerning special treatment for elderly detainees and inmates serves as a legal basis that elderly inmates are entitled to receive special rehabilitation programs. The special rehabilitation for elderly inmates aims to provide physical, mental, and social care that is aligned with fulfilling their rights as elderly detainees or inmates during their time in correctional institutions. Special treatment includes access to justice, recovery and development of social functions, health care and improvement, as well as protection of security and safety. Elderly individuals are considered a vulnerable group requiring special attention while serving their prison sentence.

Although procedures have been regulated under Law Number 22 of 2022 concerning Corrections, correctional institutions (Lapas) in Indonesia may still face discrepancies in practice due to various contributing factors. One common problem is overcapacity, as seen in the Class III Correctional Institution (Lapas) Dharmasraya, which is designed to accommodate only 170 inmates but currently holds 270 detainees and inmates. This overcrowding severely impacts the rehabilitation process for elderly inmates, as they require special treatment,

³ Adi Pratama Saputra, "Politeknik Ilmu Pemasarakatan" (2021) 8:3 Gresik 204–212.

⁴ Said Avandi & Mitro Subroto, "Implementation of the Guidance Program at Class IIB Sleman Correctional Facility" (2023) 18 J Samudra Justice Law Spec Ed 297–310, online: <<https://ejurnalunsam.id/index.php/jhsk/article/view/8784>>.

⁵ Rani Kurniawati, "Special Treatment for Elderly Inmates in Correctional Institutions from a Human Rights Perspective" (2020) 5:2 J Law Econ Dev 132.



including separate facilities from younger inmates and different types of activities, considering their declining physical condition. Ensuring such special treatment is essential to realizing a sense of justice for elderly inmates. Currently, Lapas Class III Dharmasraya houses 8 elderly inmates: 4 convicted of child protection offenses, 1 of domestic violence, and 3 of narcotics-related crimes. Based on the description above, the author is interested in conducting research related to the implementation of rehabilitation programs for elderly inmates at Lapas Class III Dharmasraya.

METHOD

The research method used in this study is empirical legal research, which examines the implementation of the Minister of Law and Human Rights Regulation (Permenkumham) Number 32 of 2018 concerning special treatment for elderly detainees and inmates at Class III Correctional Institution (Lapas) Dharmasraya, based on the actual conditions observed in the field and relation to the prevailing laws and regulations relevant to this study. Empirical legal research is a method that examines the applicable legal provisions alongside what actually occurs in society. It involves studying real-life conditions in the community to uncover facts to serve as research data. These data are then analyzed to identify problems and ultimately provide solutions to those problems.⁶

RESULT & DISCUSSION

I. Implementation of Minister of Law and Human Rights Regulation (Permenkumham) Number 32 of 2018 on Special Treatment for Elderly Detainees and Inmates

Class III Correctional Facility of Dharmasraya is a technical implementation unit under the Regional Office of the Ministry of Law and Human Rights of West Sumatra. It is located on Jalan Lintas Sumatera, Jorong Palo Tabek, Gunung Medan Sub-District, Sitiung District, Dharmasraya Regency, West Sumatra Province. The construction of the Class III Dharmasraya Correctional Facility began in 2009 under the leadership of Mr. Adi Gunawan, with the land, approximately 3 hectares in size, donated by Mr. Adi Gunawan himself. The facility began operations in 2015 and currently employs 48 staff members.

As previously discussed, a correctional facility serves as a place for the rehabilitation of inmates, including juvenile inmates, detainees, and elderly prisoners. Correctional institutions are also responsible for providing special treatment to elderly inmates, who are considered a vulnerable and aging group. Elderly inmates are expected to develop strong religious awareness and better character following their legal process, becoming more refined individuals.

According to Article 2, paragraph (1) of the Regulation of the Minister of Law and Human Rights (Permenkumham) Number 32 of 2018 concerning Special Treatment for Elderly Inmates and Detainees, the treatment aims to fulfill the needs of elderly inmates and detainees so they can maintain their physical, mental, and social capacities.

⁶ Kornelius Benuf, Siti Mahmudah & Ery Agus Priyono, "Perlindungan Hukum Terhadap Keamanan Data Konsumen Financial Technology Di Indonesia" (2019) 3:2 Refleks Huk J Ilmu Huk 145-160.



Rehabilitation for elderly inmates should not only focus on legal aspects but must also include psychological, social, and spiritual approaches. In old age, individuals tend to be more reflective, express remorse for past actions, and feel a greater desire for self-improvement. Therefore, correctional facilities should provide religious programs, counseling, and light skills training adapted to the physical capabilities of the elderly to help them feel valued and productive.

Through a humane and age-appropriate rehabilitation approach, elderly inmates are expected to serve their sentence with greater peace of mind and motivation to reform. This not only ensures the fulfillment of their human rights but also reflects the state's responsibility in delivering restorative justice that emphasizes human dignity, especially for those in vulnerable conditions.

As outlined in Article 2 of Permenkumham Number 32 of 2018, the personality and independence development programs for elderly inmates start from the moment they are detained or convicted until the end of their sentence. Based on an interview with Mr. Darmes Saputra Tanjung, S.H., Head of the Sub-Section on Rehabilitation, the personality and independence development programs for elderly inmates at Class III Dharmasraya Correctional Facility are as follows:

a. Independence Development Program

The independence program is provided to equip inmates with essential skills during their sentence at the Class III Correctional Facility of Dharmasraya. The objective is to ensure that upon release, they possess at least a basic set of skills that can support them in starting a business or improving their quality of life. The forms of independence development programs implemented for elderly inmates at Class III Dharmasraya Correctional Facility include:

- 1) Agriculture (such as planting peanuts, sweet potatoes, chili peppers, vegetables, and other crops);
- 2) Fisheries;
- 3) Animal husbandry.

These programs are expected to enable elderly prisoners, upon reintegration into society, to develop their careers using the skills and competencies acquired during their incarceration.

b. Personality Development Program

The personality development program implemented at Class III Dharmasraya Correctional Facility includes:

Spiritual Program: This program is designed to strengthen the faith of prisoners, helping them reflect on the consequences of their past wrongdoings. The spiritual program at the Dharmasraya facility includes activities such as learning to recite the Qur'an, completing the recitation of the Qur'an (*khatam*), congregational prayers, religious sermons or discussions, individual or group counseling, *marawis* (Islamic drumming and chanting), and communal *zikr* or Islamic gatherings (*tabligh*) during major Islamic holidays. These activities are conducted every Thursday.

Based on direct interviews with several elderly inmates, many reported significant benefits from participating in the spiritual program. Some who previously could not read the Qur'an are now able to do so. The inmates expressed that spiritual guidance is highly needed not only to bring them closer to God but also to provide peace of mind during their incarceration. During the



month of Ramadan, inmates attend nightly Qur'an study sessions and *tarawih* prayers in congregation. These efforts are expected to help inmates become better individuals and prevent future criminal behavior. The interviews reveal that the spiritual development program has a direct and positive impact on elderly inmates serving their sentences at Class III Dharmasraya Correctional Facility.

According to the Minister of Law and Human Rights Regulation (Permenkumham) No. 32 of 2018 concerning Special Treatment for Elderly Inmates, Article 3 states that the special treatment referred to in Article 2 includes providing access to justice, restoring and developing social functions, maintaining and improving health status, and ensuring safety and security.

The implementation of special treatment for elderly inmates, as described in Article 2, includes access to justice. Class III Dharmasraya Correctional Facility has collaborated with external legal aid institutions, ensuring that elderly detainees and inmates receive legal assistance, particularly for requesting detention suspension. Furthermore, regarding the restoration and development of social function as stipulated in Article 5 paragraph (1), this is carried out through optimizing mental and spiritual programs, implementing recreational programs, and providing support through release preparation programs. The Dharmasraya facility has organized recreational programs by inviting external speakers to reduce stress and depression among elderly inmates.

As for the maintenance and improvement of health as outlined in Article 6, the regulation specifies the provision of palliative care, adequate nutrition and dietary needs, and daily necessities. It also authorizes the prison warden to establish a special medical team for elderly inmates. According to Mr. Darmes Saputra Tanjung, S.H., although some provisions have been implemented at Class III Dharmasraya Correctional Facility, such as providing meals three times a day (equally to other inmates), some aspects remain unfulfilled. There is no designated medical team or specific doctor for elderly inmates; however, the facility has partnered with the *Puskesmas* (Community Health Center) of Gunung Medan to meet healthcare needs.

Implementation of Special Treatment for Elderly Prisoners in Terms of Security and Safety, as stipulated in Article 2 of the Minister of Law and Human Rights Regulation (Permenkumham) Number 32 of 2018, elderly prisoners and detainees are entitled to special treatment in the form of protection for their security and safety. This protection is realized through:

- a. Separation in special housing units designated for elderly inmates, aimed at preventing potential conflicts or risks that may arise from interactions with younger inmates;
- b. Provision of minimum standard safety facilities and infrastructure, specifically adapted to the physical and health conditions of elderly prisoners.

The facilities and infrastructure referred to include:

- a. Wheelchairs;
- b. Ramps for easier access;
- c. Seated (Western-style) toilets;
- d. Handrails along staircases, walls, and inside housing units;
- e. Emergency warning signs or alert systems.



At Class III Dharmasraya Correctional Facility, elderly detainees and inmates have received some of these facilities. However, certain elements have not yet been provided, such as seated toilets and handrails on stairs, walls, and in cells. The implementation of Permenkumham Number 32 of 2018 regarding special treatment for elderly detainees and inmates at Class III Dharmasraya Correctional Facility, based on the data obtained by the author and additional information from several respondents, indicates that not all provisions of the regulation have been fully realized in practice. Some mandated standards and accommodations remain partially implemented, highlighting a gap between regulatory intent and operational reality.

II. Obstacles in the Implementation of Special Treatment for Elderly Detainees and Inmates at Class III Dharmasraya Correctional Facility

The implementation of special treatment for elderly detainees and inmates at the Class III Dharmasraya Correctional Facility inevitably encounters various obstacles, both internal and external. Based on an interview with Mr. Darmes Saputra Tanjung, S.H., Head of the Subsection for Development, the obstacles can be outlined as follows:

a. Security

The Class III Dharmasraya Correctional Facility has a capacity of 170 inmates. According to data obtained during the research, the total number of detainees and inmates has reached 270, indicating an overcrowding issue. This overcapacity affects the implementation of special treatment for elderly inmates, such as the inability to provide separate housing from non-elderly inmates. This situation poses a challenge in ensuring the safety and security of elderly inmates within the facility.

b. Human Resources

Field findings indicate that the implementation of special health-related treatment for elderly detainees and inmates is hindered by the lack of adequate medical personnel, such as nurses or doctors specializing in geriatric care. Consequently, the provision of health services remains suboptimal. Nevertheless, the Dharmasraya Class III Correctional Facility has partnered with the Gunung Medan community health center (Puskesmas) to support healthcare delivery.

c. Lack of Supporting Equipment for Personality and Self-Reliance Development Programs

Personality and self-reliance development programs are essential for enhancing the capacity and independence of detainees and inmates, including the elderly, through vocational training or skills development. These programs are expected to prepare them for reintegration into society post-incarceration. However, the implementation often faces obstacles such as insufficient equipment to support these training activities, thereby hindering their effectiveness. These issues are also present in the implementation of such programs specifically targeted at elderly inmates at the Class III Dharmasraya Correctional Facility.

d. Facilities and Infrastructure

Facilities and infrastructure at the Class III Dharmasraya Correctional Facility remain inadequate to support special treatment programs for elderly



detainees and inmates. This group requires specific accommodations, yet essential infrastructure such as seated toilets, handrails on stairs, walls, and bathrooms, which are crucial in preventing falls or injuries, are still lacking. The absence of these facilities makes daily activities challenging for elderly inmates.

e. Budget and Policy Constraints

Budget constraints are among the major obstacles to providing special treatment for elderly inmates. Many correctional facilities, including Class III Dharmasraya, face limited operational funding, which results in budget priorities being directed towards basic needs such as food, security, and daily operations. As a result, specialized programs for the elderly, such as age-friendly facilities and tailored healthcare services, are often overlooked due to insufficient funding, thus hampering the effectiveness of special treatment efforts.

CONCLUSION

The implementation of special treatment for elderly inmates at Class III Dharmasraya Correctional Facility has not yet been fully optimized by the mandate of the Ministry of Law and Human Rights Regulation (Permenkumham) No. 32 of 2018. Although various efforts have been undertaken, such as the provision of personality development programs through religious activities and self-reliance training in the form of agricultural, livestock, and fishery programs, the implementation still faces numerous challenges. The primary obstacles stem from both internal and external factors, such as overcrowding, which results in the lack of separate housing for elderly inmates; limited human resources, particularly medical personnel; insufficient equipment to support rehabilitation programs; and inadequate elderly-friendly facilities such as seated toilets, handrails, and accessible pathways. On the other hand, budget constraints also play a significant role in hindering the provision of appropriate facilities and rehabilitation programs for elderly inmates, who are considered a vulnerable group within the correctional system.

Nevertheless, the Dharmasraya Class III Correctional Facility has demonstrated concrete efforts by establishing partnerships with community health centers (puskesmas), organizing regular religious programs, and involving external parties to support justice and social reintegration for elderly inmates. These programs have had a positive spiritual and psychological impact on elderly prisoners and reflect a more humanistic approach to rehabilitation. Therefore, although there has been progressing in the implementation of special treatment for elderly inmates, further improvements are still needed in terms of policy, infrastructure, budgeting, and oversight to ensure that the implementation truly reflects the principles of restorative justice and the fulfillment of dignified human rights.

DECLARATION OF CONFLICTING INTERESTS

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