

Policy Regarding Food Items Brought by Visitors for Inmates at the Class IIB Kabanjahe State Detention Center

Abdi Prawira¹, Abdul Razak Nasution², Mhd. Azhali Siregar³

Email: abdi2016000322@gmail.com

Universitas Pembangunan Panca Budi

ABSTRAK

Basically, the convicts in a case are victims of acts of abuse that violate laws and government regulations. As Indonesian citizens, they are still expected to actively participate in efforts to build the nation from various forms of setbacks. Therefore, no matter how serious the offenses committed, those who have been sentenced are expected to remain aware that the court's decision regarding their actions serves as a means to raise their awareness and guide them to abandon such behavior after serving their sentence. In this study, empirical legal research is conducted with the aim of carrying out research in accordance with what will be explained according to the law and correctional system. The data collection methods in this research are field studies and library research. Policies regarding visitors bringing food for inmates at Class IIB Kabanjahe Detention Center are regulated under Law No. 22 of 2022 concerning Corrections. This law includes general principles regarding corrections, including the rights of inmates, such as receiving proper meals and healthcare services. Although it does not specifically regulate food as an item brought in, the law still ensures that inmates have the right to receive proper meals and healthcare services. Regulations in Minister of Law and Human Rights Regulation No. 40 of 2017 and Minister of Health Regulation No. 41 of 2014 govern the provision of food for inmates.

Kata kunci : Policy, Inmates, Food belongings

INTRODUCTION

The purpose of placing prisoners in State Detention Centers is not only to provide a sense of justice and peace for the victims, but also for society. This is done through guidance, both in the form of training to improve independence and personality. Throughout their sentence, prisoners need to be introduced to the community environment and are forbidden from being isolated. The aim of this is to enhance the quality of correctional residents with the hope that they recognize their mistakes, improve themselves, and avoid repeating criminal acts, so they can be reintegrated into society. In addition, prisoners are expected to actively participate in development and be able to live normally as good and responsible citizens.

Basically, the convicts in a case are victims of the abuse of actions that violate government regulations or criminal law. They are still Indonesian citizens, who are hoped to be able to contribute to revitalizing the nation's progress in various fields. Therefore, no matter how serious the offenses they have committed, it is still hoped that these lawbreakers can understand that the verdict of the judges concerning their actions serves as a means to awaken and guide them to abandon such behavior after completing their sentences.

The legal discourse on whether a convict should always be sentenced to prison often becomes a topic of discussion, especially when the crime is committed by a public figure. On the other hand, in the context of law enforcement, law enforcement officers must be careful in determining the legal status of someone involved in a crime, as it is not uncommon for the actual mastermind or intermediary to claim to be a dealer or create an alibi in order to reduce their sentence. Article 2 of the Correctional Law explains that the state detention/prison system

is organized in order to develop Correctional Inmates to become fully realized human beings, aware of their mistakes, improving themselves, and not repeating criminal acts, so that they can be reintegrated into society, actively participate in development, and live properly as good and responsible citizens. Furthermore, the Correctional Law states that state prisons are places where the correctional system is implemented through education, rehabilitation, and reintegration.

In carrying out its functions, the prison applies different patterns of rehabilitation for inmates, especially for those convicted of crimes categorized as high-risk dealers and traffickers. Their rehabilitation pattern places more emphasis on security aspects, so they are usually placed in maximum security prisons. As for inmates categorized as regular, the rehabilitation pattern applied emphasizes recovery, so they are placed in prisons with medium or minimum security levels. With the Kabanjahe Class IIB State Detention Center, this institution can actively serve as a place for inmate rehabilitation. In the reintegration process, inmates' rights need to be considered, and they must receive legal protection.

Kabanjahe Class IIB Detention Center aims to improve the attitudes and behavior of inmates while also developing their potential. To ensure that rehabilitation runs optimally, good synergy and active participation from both inmates and detention center staff are required, so that the goals of rehabilitation can be fully achieved. In the rehabilitation process, the government is obliged to guarantee the fulfillment of inmates' rights in accordance with the provisions of Law Number 22 of 2022 concerning Corrections. These rights include practicing religion or beliefs, physical and mental care, access to education and teaching, health services and adequate food, parole, the right to receive visits from family or certain parties, sentence reductions (remission), as well as other rights regulated by applicable laws and regulations.

Public services in State Detention Centers (RUTAN) are a type of special service aimed at certain groups. Although they are specialized, this does not reduce the quality of the services provided. As a correctional institution, RUTAN aims to guide Correctional Inmates (WBP) to become better individuals. One form of RUTAN service that involves direct interaction between the public and RUTAN inmates is visitation services. In Government Regulation No. 58 of 1999 Article 4 paragraph 2 letter c, it is stated that the officials of LAPAS/RUTAN are required to carry out inmate care based on the principles of protection, equal treatment and service, education and guidance, respect for human dignity, ensuring inmates' rights to maintain relationships with their family or certain individuals, as well as other rights stipulated in legislation.

Inmates in prisons or detention centers who meet the requirements and are not undergoing disciplinary punishment are entitled to these rights, including receiving visits from family, legal advisors, or other designated parties. This is where the role of officers comes in: granting inmates the right to receive visits allows the community and family to realize that even while serving a sentence, inmates still retain some of their rights as citizens. Officers in charge of inmate services, especially visit-related services, are required to handle family visits properly, in accordance with operational standards (SOP) regulated in Law Number 22 of 2022 on Corrections. This is also a form of public service, in line with the provisions stated in Law Number 25 of 2009 on Public Services.

The rights of correctional inmates to receive visits from family, including bringing

belongings such as food that can be shared with other inmates, are closely related to the rehabilitation or psychological recovery of prisoners during their incarceration. This effort also reflects the implementation of societal values within correctional institutions, which is realized through the creation of harmonious interactions between inmates and the community through family visits. Family plays an important role in the development of correctional inmates (WBP), ensuring that their rights are protected even while serving their sentences. Meetings with loved ones become motivation for inmates in the development process before reintegration into society. In general, there are two ways for inmates to request a visit: manually by coming directly to the intended detention center while showing identification such as an ID card, driver's license, or passport, or through online registration, specifically for detention centers that have provided an online service system.

METHODS

The nature of the research used by the author in this legal writing is descriptive-analytical, as it aims to provide a detailed depiction of the social phenomena that are the focus of the issue. This descriptive research is designed to present data with the highest possible accuracy, so that the resulting analysis can be accurate and in-depth. The research in this journal uses an empirical legal approach. Empirical legal research is research that investigates and analyzes legal realities occurring within society. The empirical legal research in this study aims to conduct research in accordance with what will be explained according to the law and social practices. In collecting data for this research, field study and library research methods were used. Field study involves directly visiting the research location, namely the Kabanjahe Class II B State Detention Center, to obtain primary data. Primary data collection was carried out by interviewing relevant parties.

Meanwhile, the literature research was conducted by reviewing various reading sources, including books, expert opinions, articles, online sources, and mass media relevant to the above issues. The types of data in this study consist of:

1. Primary data is data obtained directly from the main source that has direct relevance to the problem being studied. The data was directly obtained from research at the Class IIB Kabanjahe Detention Center.
2. Data obtained from official documents, books relevant to the research object, research reports, theses, scientific journals, as well as laws and regulations

Data sekunder ini terdiri atas :

- a. Primary legal materials are legal materials that include laws and government regulations, court decisions that have permanent legal force, as well as other related legislation, such as the Criminal Code, Law Number 22 of 2022 concerning Corrections, and Law Number 25 of 2009 concerning Public Services.
- b. Primary legal materials are legal materials that include laws and government regulations, court decisions that have permanent legal force, as well as other related legislation, such as the Criminal Code, Law Number 22 of 2022 concerning Corrections, and Law Number 25 of 2009 concerning Public Services.
- c. Tertiary legal materials are materials that explain primary and secondary legal materials, such as dictionaries, encyclopedias, and tables related to the research

subjects.

The data analysis in this study uses a qualitative method, which is an analysis conducted by working directly with the data, organizing it, and dividing it into more manageable parts. Furthermore, the data is synthesized to find patterns based on various sources, including legal materials, concepts, theories, laws and regulations, doctrines, legal principles, expert opinions, as well as the researcher's own analysis or views.

RESULT AND DISCUSSION

The Policy Regarding Visitors Bringing Food for Inmates at Class IIB Kabanjahe State Detention Center is regulated under Law No. 22 of 2022 concerning Corrections. This law covers general principles of corrections, including the rights of inmates, which include adequate food and health services. Although it does not specifically address food as brought-in items, the law ensures that inmates are entitled to receive adequate food and health services. In Minister of Law and Human Rights Regulation No. 40 of 2017 and Ministry of Health Regulation No. 41 of 2014, provisions are made regarding the provision of food for inmates. These regulations also contain provisions on supplementary food for certain groups, such as children, pregnant women, and inmates with special needs. Meanwhile, Law No. 22 of 2022 does not specifically regulate passengers' belongings, including food. The following is an example of policies for visitors bringing food for inmates at Kabanjahe Class IIB State Detention Center:

1. Policy in the form of supervision:

All visitor belongings will be inspected by security personnel before entering the Detention Center area. Type of food: Only safe and regulation-compliant food is allowed to be brought in. Quantity: The amount of food should be adjusted to the needs of the inmates and not excessive. Food must be neatly packaged and not endanger the health of the inmates. Security personnel have the right to inspect food brought by visitors before it is handed over to the inmates.

2. Prohibition of Hazardous Foods:

Hazardous foods, such as expired foods or those containing harmful substances, are not allowed to be brought in. Foods that violate regulations, including those containing alcohol or narcotics, are also prohibited. Security personnel have the authority to take action against unauthorized foods. Visitors who violate this policy may have their visit stopped.

3. Hazard Avoidance Purpose:

This policy is established to prevent hazards that may arise from food brought by visitors. In addition, this policy also aims to prevent violations of the regulations in effect at the Detention Center.

With the implementation of this policy, it is expected that security and comfort can be realized for the inmates at Kabanjahe Class IIB State Detention Center. These provisions are compiled in accordance with the regulations applicable both in Indonesia and internationally. International rules regarding the treatment of prisoners include, among others, the Universal Declaration of Human Rights (UDHR), which serves as the basis for various international human rights instruments. This declaration was adopted by the United Nations General Assembly on December 10, 1948. In addition, this declaration also represents an official

interpretation of the spirit of the United Nations Charter, with the aim, among others, of promoting and encouraging respect for human rights and fundamental freedoms for every individual without distinction of race, sex, language, or religion.

Based on Article 2 of Law Number 22 of 2022 concerning Corrections, the objectives of corrections (punishment) include: realizing one's mistakes, improving oneself to avoid repeating criminal acts, being well received by society, actively participating in development, and being able to live a reasonable and decent life. Rehabilitation requires support and participation from the community. This support is reflected in the positive response of the community in accepting law violators back into the social environment. The rights of prisoners to maintain relationships with their family and certain individuals are guaranteed, so even though they are in Correctional Institutions, they are still introduced to society and the environment. This can be realized, for example, through visits from community members without restriction and the opportunity to gather with friends and family, such as leave programs to visit family.

The purposes of guidance in Correctional Institutions are:

1. To shape Correctional Inmates into complete human beings, making them aware of their mistakes, improving themselves, and not repeating criminal acts, so that they can be accepted back by society, actively participate in development, and live properly as good and responsible citizens.
2. To provide guarantees of human rights protection for detainees in State Detention Houses, in order to support the smooth process of investigation, prosecution, and court examination.
3. To provide protection of human rights for detainees and parties involved in legal cases, while also ensuring the safety and security of evidence during the investigation, prosecution, and trial processes, including items designated as state property through court decisions. This right should, of course, be facilitated or provided by the Correctional Institution so that it can be enjoyed by every inmate.

The purpose of visitation services for correctional residents is so that they do not feel alienated or deprived of their freedom. Even while serving a sentence, correctional residents are still granted rights in accordance with existing laws, allowing them to realize that not all of their rights are taken away by the state. The preamble of the 1945 Constitution mandates that the objectives of establishing the Republic of Indonesia include promoting the general welfare and educating the nation's life. Public services can be divided into two (2) parts, namely:

1. General public services, which are services provided to anyone who needs them, and are organized by public institutions that have authority.
2. Special public services, which are services arising from certain legal relationships between public institutions and the public or specific communities.

Whether consciously or unconsciously, citizens always come into contact with government bureaucracy, from birth until death. In everyday life, social interaction and experiences as a citizen are always influenced by the existence of bureaucracy, which becomes an absolute requirement for the conduct of their activities. At a more specific level of generalization, several subcriteria include aspects of social benefits and costs, namely: 15 Public participation This can be seen from the involvement of interest groups and all elements

of society in democratic decision-making. Service predictability means that decisions are made based on objective criteria, so that someone who meets certain criteria will receive the corresponding decision, and others who meet the same criteria will also receive the same decision.

Procedural justice (procedural due process) means that if a citizen experiences unfair treatment, they have the right to know the alleged wrongdoing, understand the evidence, present a defense, and have the opportunity to at least file one appeal. In the preamble of Law Number 25 of 2009 concerning Public Services, it is explicitly stated that the state is obligated to provide services to every citizen and resident to meet their basic rights and needs, in accordance with the public service framework mandated by the 1945 Constitution. Article 4 emphasizes the implementation of public services.

The provision of services must always prioritize the public interest and must not favor personal or specific group interests. Legal certainty ensures that rights and obligations can be carried out in the delivery of services. Equality of rights emphasizes that services are provided without discrimination based on ethnicity, race, religion, group, gender, or economic status. Meanwhile, the balance of rights and obligations underscores that the fulfillment of rights must be proportional to the performance of obligations, both by the service provider and the recipient. Service implementers are required to possess professionalism and competence in accordance with their field of duty, and other principles must also be observed.

CONCLUSION

The policy regarding visitors bringing food items for inmates at Kabanjahe Class IIB State Detention Center is an important aspect to ensure the security, comfort, and rights of the inmates. This policy aims to prevent the smuggling of prohibited items, maintain the security and comfort of the inmates, and respect their right to receive visits from family and friends. This policy is expected to serve as a guideline for both security officers and visitors in understanding and following the applicable procedures. Thus, this policy helps create a safe, comfortable environment that supports the rehabilitation process of inmates at Kabanjahe Class IIB State Detention Center.

REFERENCE

- Amiruddin. (2014). *Pengantar metode penelitian hukum*. Jakarta: Raja Grafindo Persada.
- Ansyah, M. R., & Nasution, A. R. (2024). Criminal liability of perpetrators of illegal medical practices (Perspective of Law Number 17 of 2023 concerning health).
- Aspan, H., Nasution, A. R., & Siregar, A. R. M. (2019). Corporate crime and its sanctions in the Indonesian legal system. *Budapest International Research and Critics Institute Journal*.
- Barata, A. A. (2003). *Dasar-dasar pelayanan prima*. Jakarta: Gramedia.
- Buntuang, R. F. V. (2020). Kualitas pelayanan kunjungan berbasis sistem database pemasyarakatan. *Justicia*, 7(3).
- Dwiyanto, A. (2002). *Reformasi tata pemerintahan dan otonomi daerah*. Yogyakarta: Pusat Studi Kependudukan dan Kebijakan UGM.
- Dwiatmodjo, H. (2014). Community base treatment dalam pembinaan narapidana narkotika.

- Jurnal Dinamika Hukum*, 14(1).
- Firdaus, I. (2021). Harmonisasi undang-undang narkotika dengan undang-undang pemasyarakatan terkait rehabilitasi narkotika bagi warga binaan pemasyarakatan. *Jurnal Penelitian Hukum De Jure*, 21(1).
- Keputusan Direktur Jenderal Pemasyarakatan Nomor E.22.PR.08.03 Tahun 2001 tentang prosedur tetap pelaksanaan tugas pemasyarakatan.*
- Kumendong, W. J. H. (2020). Suatu tinjauan terhadap pembaharuan sistem pemidanaan yang berjalan ke arah yang lebih rasional. *Jurnal Pendidikan Sejarah*, 9(1).
- Lotulung, P. E. (2016). *Perbandingan hukum administrasi: Beberapa sistem tentang kontrol segi hukum terhadap pemerintah*. Jakarta: PT Bhuana Pancakarsa.
- Marbun, S. F., & Mahfud MD, M. (2017). *Pokok-pokok hukum administrasi negara*. Yogyakarta: Liberty.
- Muhdar, M. (2011). *Bahan kuliah metode penelitian hukum*. Balikpapan: Universitas Balikpapan.
- Panjaitan, & Simorangkir. (2015). *Lapas dalam perspektif sistem peradilan pidana*. Jakarta: Pustaka Sinar Harapan.
- Peraturan Pemerintah Republik Indonesia Nomor 58 Tahun 1999 tentang syarat-syarat dan tata cara pelaksanaan wewenang, tugas, dan tanggung jawab perawatan tahanan.*
- Poernomo, B. (2016). *Pelaksanaan pidana penjara dengan sistem pemasyarakatan*. Yogyakarta: Liberty.
- Purwanti Kemalasari, R. (2013). *Instrumen-instrumen internasional hak-hak asasi manusia (The International Bill of Human Rights)*. Jakarta: Kementerian Hukum dan HAM RI, Badan Pengembangan SDM Hukum dan HAM.
- Rahayu, S. (2017). Konflik rasial antara etnis Tionghoa dan pribumi di Surakarta. *Journal of Indonesian History*, 6(1).
- Rasyid, R. (2018). *Desentralisasi dalam menunjang pembangunan daerah*. Jakarta: PT Pustaka LP3ES.
- Setiawan, E. F. (2020). Strategic perubahan organisasi dalam meningkatkan predikat WBK di Lapas Kelas IIA Cibinong. *Prosiding BIEMA (Business Management, Economic, and Accounting National Seminar)*, 1.
- Simatupang, T. H. (2019). Pelayanan publik pada lembaga pemasyarakatan: Analisis hukum peningkatan kualitas sistem kunjungan di lapas. *Lex Jurnalica*, 7(1).
- Sinambela, L. P. (2006). *Reformasi pelayanan publik*. Jakarta: Bumi Aksara.
- Siregar, F. R. (2020). Pembebasan narapidana ditinjau dari Permenkumham RI Nomor 10 Tahun 2020 sebagai upaya pencegahan Covid-19 di Indonesia. *Riau Law Journal*, 4(2).
- Siregar, M. A., & Ablisar, M. (2021). Development of customary law system in the national legal system.
- Siregar, M. A., Adrian, R. F., & Rambe, M. J. (2022). Examining the journey of the birth of the concept of the criminal legal system and criminal law in Indonesia.
- Siregar, M. A., Adrian, R. F., & Rambe, M. J. (2022). Menelusuri perjalanan lahirnya konsep sistem hukum pidana dan hukum pidana di Indonesia.
- Soekanto, S. (2014). *Pengantar penelitian hukum*. Jakarta: Universitas Indonesia Press.

International Journal of Economic, Technology and Social Sciences

url: <https://jurnal.ceredindonesia.or.id/index.php/injects>

Volume 6 Number 2 page 417-424

- Solechan. (2018). Memahami peran Ombudsman sebagai badan pengawas penyelenggaraan pelayanan publik di Indonesia. *Administrative Law & Governance Journal*, 1(2).
- Sugeng Widodo. (2017). Implementasi pelayanan pengunjung di Lembaga Pemasyarakatan Kelas II B Kota Blitar. *Jurnal Ilmu Sosial dan Ilmu Administrasi Negara*, 2(1).
- Sugianto, Hipan, N., & Maroa, M. D. (2018). Analisa yuridis pelaksanaan hak kunjungan warga binaan pemasyarakatan di Lembaga Pemasyarakatan Kelas IIB Luwuk. *Jurnal Yustisiabel*, 2(2).
- Tjiptono, F. (2014). *Pemasaran jasa: Prinsip, penerapan, dan penelitian*. Yogyakarta: Andi. *Undang-Undang Nomor 25 Tahun 2009 tentang pelayanan publik*.
- Undang-Undang Nomor 22 Tahun 2022 tentang pemasyarakatan*.
- Widodo, S. (2017). Implementasi pelayanan pengunjung di lembaga pemasyarakatan kelas II B Kota Blitar. *Jurnal Ilmu Sosial dan Ilmu Administrasi Negara*, 2(1).
- Zarzani, T. R. (2017). *Eksplorasi akar radikalisme pada aksi-aksi terorisme*. Medan: Universitas Muhammadiyah Sumatera Utara.