

Similarity_Check_Implementati on of Fulfilling Rights to Get Health Services in Community Institutions City Class I Makassar

by Pdti Turnitin

Submission date: 06-Oct-2023 08:41AM (UTC+0800)

Submission ID: 2186982314

File name: H2401097080.pdf (242.09K)

Word count: 6885

Character count: 37487

Implementation of Fulfilling Rights to Get Health Services in Community Institutions City Class I Makassar

Achyani Hasma*, Laode Husen**, Ilham Abbas**

*Magister of Law Student, University Muslim of Indonesia

**Lecturer at the Faculty of Law, University Muslim of Indonesia

Corresponding Author: Achyani Hasma

Abstract: The problems that will be observed are as follows: (1). Implementation of Fulfillment of the Right of Prisoners to Get Health Services in Class I Correctional Institutions of Makassar City, (2). What factors influence the implementation of the fulfillment of the rights of prisoners to obtain health services at the Class I Correctional Institution in Makassar City. The objectives of this study are as follows: (1). To find out and analyze how the implementation of the Fulfillment of the Right of Prisoners to Get Health Services in Class I Correctional Institutions of Makassar City. (2). To find out and analyze the factors that influence the implementation of the Fulfillment of the Rights of Prisoners to Get Health Services at the Class I Correctional Institution of Makassar City. The type of research used is non-doctrinal legal research (empirical) and doctrinal legal research (normative) with qualitative analysis, which uses primary data and secondary data.

Keywords: Implementation of Fulfilling Rights, Health Services, Class I Correctional Institution

Date of Submission: 15-01-2019

Date of Acceptance: 29-01-2019

I. INTRODUCTION

The social human rights listed in Article 28H paragraph 1 of the Second Amendment to the 1945 Constitution read "Every person has the right to live in physical and spiritual prosperity, to live, and have a good and healthy environment and the right to receive health services". It is also emphasized in Article 34 paragraph 3 of the 1945 Constitution which states that the state is responsible for the provision of health service facilities and public health facilities. Therefore, the government has an obligation to improve the welfare of its citizens and provide optimal health services.

Correctional Institutions are a place or place to carry out coaching for prisoners and correctional students (Article 1 of Law No. 12 of 1995 concerning Corrections). Correctional institutions hereinafter referred to as CORRECTIONAL INSTITUTION have several objectives, one of which is to establish prisoners in order to become fully human, realize their mistakes, improve themselves and not repeat crimes so that they can be accepted again by society and can play an active role in development, good and responsible country.

Correctional Institutions that have been established and implemented based on policies in accordance with Law Number 12 of 1995 concerning Community, with the aim that prisoners (prisoners and prisoners) realize their mistakes, improve themselves, and do not repeat criminal acts and require prisoners and prisoners to obey all rules and regulations that apply in the Penitentiary (Pitri, 2017).

Based on the June 2018 correctional database system data, the number of prisoners and prisoners in Class I Makassar prisons is 980 prisoners. The number of prisoners in class 1 of Makassar exceeds the capacity of 32% (over capacity), and this can affect health services, because it is not comparable between health care workers and the number of prisoners, so the provision of health services to prisoners is not optimal.

Fulfillment of the rights of prisoners, especially in terms of the right to obtain health services often cannot be carried out properly or in accordance with the standards of service provided by those who have authority, especially correctional officers who have an important role as the main component guided by the correctional system. There are many factors that influence the provision of the rights of prisoners who cannot be fulfilled properly so that they make a prison institution not as a place of fostering but as a place of shelter for those who are punished (Ovilia, 2017).

II. STATEMENT OF THE PROBLEM

Based on the description in the background, the problem can be formulated as follows:

1. How is the implementation of the fulfillment of the right to health services for prisoners at the Makassar Class I Correctional Institution?

2. What factors are the obstacles in implementing the fulfillment of the right to health services for prisoners at the Makassar Class I Correctional Institution?

III. THEORETICAL FRAMEWORK

A. Theoretical Basis

1. State Law Theory

Munir Fuady argues, what is meant by the rule of law is a state system governed by applicable law that is arranged in a constitution, where all people in the country, both governed and governed, must comply with the same law, so that every the same person is treated and different people are treated differently on the basis of rational differences, regardless of differences in skin color, race, gender, religion, region, beliefs, government authority does not act arbitrarily and does not violate the rights of the people, therefore the people are given a role according to their abilities and roles democratically.

Bintan R. Saragih stated that the Law State is a country where the actions of the government and its people are based on law to prevent arbitrary actions from the government and people's actions carried out according to their own will.

2. Theory of Legal Effectiveness

The term legal effectiveness theory comes from English translations, namely the effectiveness of the legal theory, Dutch is called *effectiviteit van de jurisdictietheorie*, the German language is the *wirksamkeit der rechlichkeitheorie*.

Selo Soemartjan (1965: 26) describes that there are 3 factors that are closely related to the effectiveness of the law as follows:

- Efforts to inculcate law in the community are the use of human resources, tools, organizations and methods so that citizens know, respect, acknowledge and obey the law.
- The reaction of the community based on the prevailing system of values means that the community may reject or oppose or may comply with the law due to compliance, their interests are guaranteed.
- The period of legal planting is the length or short period of time during which the efforts to inculcate it are carried out and are expected to produce results.

B. Overview of Human Rights

With the presence of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP) which was adopted on December 31, 1981, at that time Human Rights had received a respectable place in the order of positive criminal procedural law and had placed humans as beings who are virtuous and dignified in a noble place. This is in line with the direction of development in the field of law emphasized in the codification and unification of criminal procedural law that is able to protect and protect all Indonesian citizens based on Pancasila and the 1945 Constitution (Andi, 2015).

Juridically, the guarantee of human rights in Indonesia has been regulated in legislation. In the Preamble of the 1945 Constitution, it contains statements and acknowledgments that uphold the dignity and values of humanity that are noble and fundamental. More clearly in Article 28A-28J of the 1945 Constitution the amendments have included guarantees about rights and obligations in human rights (Sugeng, 2017).

Based on Law No. 39 of 1999 Article 1 paragraph 1 concerning Human Rights states that Human Rights are a set of rights that are inherent in the nature and existence of human beings as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law and government, and everyone for the sake of honor and protection of human dignity.

Based on Article 12 paragraph 3 of the ICCPR, Human Rights determine that each individual has the right to obtain freedom in private including the right to move. However, if there are individuals who are considered to endanger national security and public order, health or moral community, or the rights and validity of others, then the rights to individual freedom must be limited. Nevertheless, an individual who is restricted or deprived of his freedom, he still must be treated humanely and by respecting the dignity inherent in mankind (Article 10 paragraph 1 of the ICCPR).

The implementation of human rights for prisoners in Indonesia, the change in the term imprisonment into guidance is part of the enforcement of human rights as determined in the ICCPR. The inmates were tried not to be punished but more sought to be monitored and fostered so that later it could be accepted back in the midst of society. In other words, efforts to implement human rights for prisoners have been clearly accommodated normatively through Law No. 12 of 1995 concerning correctional facilities. The provisions in article 14 paragraph 1 of Law No. 12 of 1995 concerning prison has accommodated absolute rights and conditional rights for prisoners (Donny, 2015).

Law No. 39 of 1999 concerning Human Rights, among others, regulates rights, basic obligations, duties and responsibilities of the government in upholding human rights, the establishment of the National Human

Rights Commission (Komnas HAM) and public participation. The most basic understanding of human rights and rights stated in Law Number 39 of 1999 concerning Human Rights consists of:

a. Right to alive

Everyone has the right to live, maintain life, improve their lives, live peacefully, safely, peacefully, happily, prosperously physically and mentally and obtain a good and healthy environment. The right to life is even attached to unborn babies or death row inmates. In the case or situation that is very extraordinary that is in the interest of his mother's life in the case of abortion or based on a court decision in a death penalty case, the act of abortion or capital punishment in terms of and or conditions can still be permitted. Only on these two things is the right to life can be limited.

b. The right to have a family and continue descent

Every person has the right to form a family and continue the descent through a legitimate marriage (marriage carried out according to the provisions of the laws and regulations), at the free will of the husband and wife concerned namely the ordinary will of holy intention without coercion, deception or pressure and from anyone to a prospective husband and or prospective wife.

c. Right to develop themselves

Everyone has the right to fight for their development rights. Both personally and collectively, to build the community, nation and country.

7 Right to get justice

Every person without discrimination has the right to obtain justice by submitting requests, complaints and claims, both in criminal, civil and administrative cases and being tried through a free and impartial judicial process, in accordance with procedural law that guarantees an objective examination by an honest judge and fair to obtain a fair and right decision.

e. Right to personal freedom

Everyone is free to choose and have political beliefs, issue opinions in public, embrace their respective religions, must not be enslaved, choose citizenship without discrimination, free to move, move and live in the territory of the Republic of Indonesia.

f. The right to security

Everyone has the right to personal, family, honor, dignity, property rights, security and peace and protection from the threat of fear of doing or not doing anything.

g. Right to welfare

Everyone has the right to have property, both alone and together with others for their own development, the nation and society by not breaking the law and obtaining the necessary social security, the right to work, a decent life and the right to establish trade unions to protect and fight his life.

h. The right to participate in government

Every citizen has the right to participate in government with direct or mediation of representatives who are freely elected and can be reappointed in any government position.

i. Woman's right

A woman has the right to choose, be elected, be appointed to a position, profession and education in accordance with the requirements and legislation. Besides that, he has the right to get special protection in the implementation of work or profession against things that could threaten his safety and / or health.

j. Children's right

Every child has the right to protection by parents, family, society and the state and obtain education, teaching in the context of self-development and not be deprived of their liberty against the law.

The rights of prisoners as Indonesian citizens who lost their independence due to committing a criminal act must be carried out in accordance with human rights. Often found in prisons that prisoners' rights have not been given in accordance with their rights as citizens. This is caused by several factors, including a lack of understanding of the rules regarding prisoner rights contained in the Law by officers of Penitentiary Institutions or even by prisoners themselves (Rizky, 2013).

C. Overview of Prisoners

Many law violations occur in the community, both violations of customary law or state law. Any violations committed in state law. Any violations committed in customary law or state law have consequences in the form of sanctions. The violator will be penalized according to what he did. In the law, the state of the offender will receive sanctions after the trial is carried out and is subject to a verdict from the judge. In general, prisoners mean people who commit criminal acts (Ovilia, 2017).

Prisoners are people who go through a period of punishment in a Penitentiary (Correctional Institution). Which is where Correctional Institution itself is a place for prisoners to receive guidance or guidance aimed at returning the prisoners to become good citizens, who can be accepted back in the community and do not repeat their mistakes Correctional systems besides aiming to restore prisoners as good citizens, It also aims to protect

the public against the possibility of repetition of criminal acts by prisoners, and is an application and an integral part of the values contained in Pancasila (Satria, 2017).

In Article 12 paragraph 1 of Law Number 12 Year 1995 concerning Corrections, it is stated that in the framework of fostering prisoners in CORRECTIONAL INSTITUTION, classification is carried out on the basis of:

1. Age;
2. Gender
3. Duration of sentence imposed
4. Type of crime
5. Other criteria according to the needs or development of coaching.

So Prisoners are people who at certain times in the context of a culture, their behavior is considered intolerable and must be corrected by imposing sanctions for taking independence as the enforcement of norms (rules) by means of power (state) aimed at fighting and eradicating behavior that threatens the validity of the norm.

8. Overview of The Rights of Prisoners

In Law No. 12 of 1995 concerning Correctional Article 14 paragraph 1 it has been explained that prisoners' rights include:

- a. Doing worship according to his religion or belief.
- b. Get care, both spiritual and physical care.
- c. Get education and teaching.
- d. Get proper health and eating services.
- e. File a complaint.
- f. Get reading material and follow other mass media broadcasts that are not prohibited.
- g. Get a salary or premium for the work done.
- h. Receive family visits, legal counsel or certain other people.
- i. Get a reduction in the criminal period.
- j. Get the opportunity to assimilate including leave to visit family.
- k. Get parole.
- l. Get leave before free.
- m. Obtain other rights in accordance with applicable laws and regulations.

E. Overview of Health Services

In Article 1 of the Law 15 the Republic of Indonesia Number 36 of 2009 concerning Health provides an explanation, what is meant by health is a healthy condition, both physically, mentally, spiritually and socially that allows everyone to live productively socially and economically.

Health care is an effort to prevent and prevent health problems that require examination, treatment and / or treatment. In detention centers, it is very important to have health facilities to serve every sick prisoner, with health services, prisoners who experience illness will be able to be helped as soon as possible to get healing (Pitri, 2017).

Health care is the implementation of health care in order to achieve the health status of both individuals and society. Health services consist of several services according to Law Number 15 of 2009 concerning Health:

1. Promotive health services are activities and / or a series of health service activities that prioritize health promotion activities.
2. Preventive health services are prevention activities against a health / disease problem.
3. Curative health services are activities and / or a series of medical activities aimed at healing diseases, reducing suffering due to illness, controlling disease, or controlling records so that the quality of patients can be maintained as optimally as possible.
4. Rehabilitative health services are activities and / or a series of activities to return former sufferers to the community so that they can function again as members of the community that are useful to themselves and the community as much as possible according to their abilities.
5. Traditional health services are treatments and / or treatments by means and drugs which refer to empirical experiences and skills that can be accounted for and applied in accordance with the prevailing norms in the community.

Based on the Republic of Indonesia Minister of Law and Human Rights Regulation No. M.HH.02.UM.06.04 Year 2011 concerning Guidelines for Health Services in the Ministry of Law and Human Rights of the Republic of Indonesia Number 217, the standard of availability of health services in Prisons / Detention Houses based on Number of health workers (adjusted for service conditions and occupancy capacity): Doctors at least 1 person, at least 1 dentist, minimum 2 nurses, midwives (especially those who have WBP /

female prisoners) at least 1 person, at least 1 assistant pharmacist, analyst minimum laboratory of 1 person, minimum nutritionist is 1 person, minimum psychologist is 1 person, minimum sanitation is 1 person, minimum administrative and recording staff is 2 people. And the needs of the room are public service room, dental service room, emergency room, room for mother and child service, medicine room, waiting and administration room, isolation room for infectious diseases, and laboratory space (if possible).

In essence the implementation of health services in prisons and detention will be disrupted when the number of prisoners and prisoners is uncontrolled (over load); facilities and infrastructure do not support; lack of nutrition and calorie intake, these are supporting factors for health problems for prisoners and prisoners. Excess capacity that is not comparable with area and occupancy will result in very fast inmates and prisoners contracting infectious diseases. On the other hand, poor sanitation conditions will accelerate unhealthy environmental processes (Ahmad, 2016).

The issue of service and guidance for death row inmates is an important issue considering that a person sentenced to death before undergoing execution will experience a waiting period related to the things mentioned above. As a person who is undergoing a waiting period, death row inmates are still human beings who naturally still have rights that must be protected such as the right to obtain physical and health care services until the person is executed (According to Hendra Akhdhiat, 2011).

In addition to requiring guidance related to the psychology of death row inmates, death row inmates also need guidance in matters of religion. Religious development as an approach from an important religious aspect is carried out on death row inmates (Gialdah, 2017).

F. Overview of Correctional Institutions

Correctional institutions are changes from the names of prisons that we commonly know in society up to now, even though the name change is valid since the change in the treatment system for law violators which refers to efforts to improve social violators of law or in other words with the aim of law, this change and imprisonment became a penal system proclaimed by Saharjo as the Minister of Justice at that time (Ovilia, 2017).

The aim of the establishment of Penitentiary Institutions is to focus on giving opportunities to prisoners to re-occupy their place in the midst of people's lives as fully functional members of society through positive interactions with the values that apply in society.

The position, duties, and functions of prisons are based on the decision of the Minister of Justice Number: M.01-PR.07.03 of 1985 concerning the organization and work procedures of the Penitentiary as follows:

- a. Correctional Institution is a technical implementation unit in the field of correctional services that is under and is responsible to the Head of the Regional Office of the Ministry of Justice.
- b. Correctional institutions have the task of carrying out correctional services.
- c. To carry out this task, the Penitentiary has the following functions: fostering prisoners / students, carrying out social guidance, spiritual prisoners / students, carrying out maintenance of security and order, conducting administration and households

Based on the decree of the Minister of Justice, RI No. M 01.-PR.07.03 In 1985 in Article 4 paragraph (1), the prison institution is classified into 3 classes, namely:

- 1) Class I Correctional Institution
- 2) Class II Correctional Institution
- 3) Class III Correctional Institution

The classification is based on capacity, place of occupation and work activities. Correctional Institutions according to the Ministry of Law and Human Rights RI are correctional technical implementation units (UPT) that accommodate, care for and foster inmates. Whereas the definition of Penitentiary according to the Indonesian dictionary is as follows:

- a. An institution is an organization or body that conducts an investigation or conducts a business.
- b. Penitentiary is the name that includes all activities under the overall leadership and ownership of the Ministry of Law and Human Rights, which are related to aid assistance or demands on sentences / ex-detainees, including former defendants or in criminal acts filed before the court and declared involved, to return to the community.

The implementation of the correctional duties and functions must be based on the applicable legal rules so that the fulfillment and protection of human rights can be realized. The inability of law enforcers, (especially correctional) to strive to protect, fulfill, enforce and promote human rights (especially lawbreakers) results in misuse of state authority or by omission of citizens' constitutional rights as stipulated in Article 28 1945 Constitution (Rizky, 2013).

The role of prisons as representatives of the state, is very important in respect of the rights of prisoners through guidance, because even though various things have been attempted in fostering while undergoing criminal

justice, the psychological impact of imprisonment is still visible to inmates and requires special treatment (Penny, 2017).

The form of penal development is closely related to the form of punishment. The aim of the theory of punishment, one of which is absolute theory or retributive / *vergeldings theorieen theory*, where the criminal is imposed solely because people have committed a crime or a crime. Someone gets a criminal for committing a crime and does not see any consequences arising from the imposition of a criminal, regardless of whether the community might be harmed (Priyatno, 2013).

In connection with the above matters, the role of the community becomes a key word for the success of the correctional process. With this concept of thinking, even with community conditioning is a task that should not be ruled out by the correctional system. Because the success of this system is largely determined by people's willingness to participate in the process of fostering prisoners through social participation, social support, and social control (Rizky, 2013).

IV. DISCUSSION 3

Prisoners are criminals who have rights as stipulated in Law Number 12 of 1995 concerning Correctional Services. One of the rights held by prisoners is the right to get health services Health is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation as referred to in Pancasila and the 1945 Constitution of the Republic of Indonesia.

Based on the data obtained by the authors, the number of prisoners at the Makassar Class I Correctional Institution can be seen in the following table:

Table 1
Data on the Number of Prisoners in Correctional Institutions
Class I Makassar in 2018

No.	Month	Amount
1.	January	889
2.	February	882
3.	March	820
4.	April	826
5.	May	855
6.	June	837
7.	July	876
8.	August	870
9.	September	857
10.	October	837
11.	November	852
12.	December	844

Source: Registration Section on November 19, 2018

Based on the data obtained by the author from the Makassar Class I Lapas registration officer on November 19, 2018, data on the number of prisoners at the Makassar Class I Correctional Institution currently exceeds the capacity of the prison. capacity in Makassar Class I Prison that should have accommodated 740 residents, but from the data on the number of prisoners in 2018 there were an average of 853 residents. The impact that can be caused from the excess capacity is the fulfillment of the right to get maximum health services.

Table 2
Data on Number of Health Workers at the Correctional Institution Class I Makassar

No.	Profession	Amount
1.	General Practitioner	1
2.	Dentist	1
3.	Nurse	4
4.	Pharmacist	1
5.	Pharmacist Assistant	1
6.	Nutritionist	1
7.	Psychologis	1

Source: Data on Makassar Class I Prison Clinic dated November 26, 2018

Based on Minister of Law and Human Rights Regulation Number M.HH.02.UM.06.04 of 2011 concerning Health Service Guidelines in the Ministry of Law and Human Rights, health workers should consist of medical personnel, nurses, lab analysts, pharmacist assistants, nutritionists, Sanitarians and Psychologists whose numbers are adjusted to conditions. However, if you look at the conditions at the Makassar Class I Correctional Institution, the number of inmates is 979 people not in accordance with the number of medical personnel. The excess capacity should not lead to the lack of health workers. In addition, there are no laboratory analysts and sanitarians.

To be able to implement health services that are evenly distributed to prisoners in the Ministry of Law and Human Rights, the availability of equitable health workers is needed. Health workers as one of the main components of health care providers for prisoners in the Ministry of Law and Human Rights, have an important role because they are directly related to the quality of services provided. Health services in question include promotive, preventive, curative and rehabilitative health services.

Table 3

Data on the Number of Visits of Ill Prisoners at the Clinic of Class I Correctional Facilities in Makassar

No.	Month	Amount
1.	May	1093
2.	June	983
3.	July	966
4.	August	961
5.	September	991

Source: Data on Makassar Class I Prison Clinic dated November 26, 2018

Health has a role in improving people's lives, so all countries strive to provide the best health services. This health service means that every effort that is held alone or jointly in an organization to maintain and improve health, prevent and treat diseases, and restore the health of individuals, groups or the community. Similarly, the health of prisoners as citizens who have the same rights, as stated in Article 14 paragraph (1) letter (d) of Law No. 12 of 1995 concerning Correctional Services stating that prisoners are entitled to proper health services and food.

Table 4

Data on Types of Prisoners at the Makassar Class I Penitentiary

No.	Disease
1.	Skin Disease (Itching)
2.	Respiratory (ISPA, Tuberculosis, Asthma)
3.	Digestion Gastritis, Diarrhea)
4.	Teeth
5.	Hearing
6.	Hypertension
7.	Diabetes Melitus
8.	Stroke
9.	Kidney Failure
10.	Mental Disorders

Source: Data on Makassar Class I Prison Clinic dated November 26, 2018

Based on the results of interviews conducted by the author on one of the inmates at the Makassar Class I Correctional Institution on 26 November 2018 named Mr Muqaddam regarding the fulfillment of his rights in obtaining health services, he stated that in obtaining health services it was very good, health checks were carried out when Initially entered the prison and was given a medical card, but the obstacle was that medical equipment was still lacking and needed to be completed, especially medicines.

Table 5: Data on Questionnaire Processing Results

No.	Question	Answer	
		Yes	No
1.	Was there a medical check-up at the beginning of your entry into this prison?	25	0
2.	Are you given a medical card at the time of entry?	25	0

Data source: Results of questionnaires that have been processed

Based on the above data, it can be seen that in relation to the health check-up at the beginning of admission to the prison and the provision of medical cards, it has been carried out properly, out of 25 respondents, all respondents said Yes. This result, in accordance with the statement obtained by the author from the Lapas health officer on November 26, 2018 with Doctor Ita regarding the implementation of a health examination and the giving of medical cards to prisoners newly admitted to Makassar class I prisons.

Table 6
Questionnaire Data Processing Results Patient Satisfaction Level

No.	Question	Answer	
		Good	Is not good
1.	In your opinion, how is the health service in the Prison (Clinic Correctional Institution)?	25	0
2.	In your opinion, how is the medical examination conducted by health workers?	25	0

Data source: Results of questionnaires that have been processed

Based on the level of patient satisfaction with health services in Makassar Class I Prison, of the 25 respondents who were asked questions, all respondents gave positive responses, were satisfied and thought that the health services provided by health workers were very good.

There are several observed factors that influence the process of fulfilling health service rights for prisoners of the Class I Makassar Correctional Institution, namely legal substance factors, legal structure factors, community legal awareness factors, legal culture and community habits, and facilities and infrastructure.

A. Legal Substance Factor

Table 7
Respondents About Whether the Legal Substance Factor Influences the Fulfillment of Health Service Rights for Makassar Class I Prisoners

No	Description	Frequency	Percentage (%)
1	Influential	15	60
2	Less Influential	6	24
3	No Effect	4	16
	Amount	25	100

Data source: Processed results of primary data in 2018

The table above is the respondent's response or answer about whether the legal substance factors have influenced the implementation of the Health Service Rights Process for Makassar Class I Prisoners.

If the substance of the table above is carefully observed, it seems clear that 60% of respondents answered that the legal substance factors had influenced the process of fulfilling the right of health services for prisoners of the Makassar I Class I Correctional Institution in South Sulawesi Province.

Furthermore, it appears that 24% of respondents answered that the legal substance factors so far have not affected the process of fulfilling the right of health services for prisoners of the Makassar I Class I Correctional Institution in South Sulawesi Province.

In the table above it appears that 16% of respondents answered that the legal substance factors so far did not affect the process of fulfilling the right of health services for prisoners of the Class I Correctional Institution in Makassar.

B. Legal Structure Factors

The following table is the influence of legal structure factors, on the process of implementing Health Service Rights Fulfillment for Prisoners of Class I Correctional Facilities in Makassar, South Sulawesi Province.

Table 8
Respondents' Response Regarding Whether Legal Structure Factors Affect Fulfillment of Health Service Rights For Makassar Class I Prison Prisoners

No	Description	Frequency	Percentage (%)
1	Influential	14	56
2	Less Influential	7	28
3	No Effect	4	16

	Amount	25	100
--	--------	----	-----

Data source: Processed results of primary data in 2018

The table above is the respondent's response or answer about whether the legal structure factors have influenced the implementation of the Health Service Rights Process for Makassar Class I Prisoners.

If the substance of the table above is observed carefully, it seems clear that 56% of respondents answered that the legal structure factor has influenced the process of fulfilling the right of health services for prisoners of the Class I Penitentiary in Makassar.

Furthermore, it appears that 28% of respondents answered that the legal structure factors so far have not affected the process of fulfilling the right of health services for prisoners of the Makassar I Class I Penitentiary.

In the table above it appears that 16% of respondents answered that the legal structure factor so far did not affect the process of fulfilling the right of health services for prisoners of the Class I Penitentiary in Makassar.

C. Legal Culture Factor

The following table is the influence of legal culture factors, on the process of implementing Health Service Rights Fulfillment for Prisoners of Class I Correctional Facilities of Makassar, South Sulawesi Province.

Table 9

Respondents' Response Regarding Whether Legal Cultural Factors Affect Fulfillment of Health Service Rights For Makassar Class I Prison Prisoners

No	Description	Frequency	Percentage (%)
1	Influential	11	44
2	Less Influential	8	32
3	No Effect	6	24
	Amount	25	100

Data source: Processed results of primary data in 2018

If the substance of the table above is carefully observed, it seems clear that 44% of respondents answered that the legal culture factor has influenced the process of fulfilling the right of health services for prisoners of the Class I Penitentiary in Makassar.

Furthermore, it appears that 32% of respondents answered that legal culture factors so far have not affected the process of fulfilling the right of health services for prisoners of the Makassar I Class I Correctional Institution in South Sulawesi Province.

In the table above it appears that 24% of respondents answered that the legal culture factors so far did not affect the process of fulfilling the right of health services for prisoners of the Class I Correctional Institution in Makassar.

D. Community Legal Awareness Factor

The following table concerns the influence of the community's legal awareness factor, on the process of implementing Service Rights Fulfillment for Prisoners of Class I Makassar Correctional Institutions in South Sulawesi Province.

Table 10

Respondents' Response Regarding whether the Public Law Awareness Factor Affects the Fulfillment of Health Service Rights for Makassar Class I Prisoners

No	Description	Frequency	Percentage (%)
1	Influential	13	52
2	Less Influential	7	28
3	No Effect	5	20
	Amount	25	100

Data source: Processed results of primary data in 2018

The table above is the respondent's response or answer about whether the community's legal awareness factors have affected the implementation of the Health Service Rights Process for Makassar Class I Prisoners.

If the substance of the table above is carefully observed, it seems clear that 52% of respondents answered that the public legal awareness factor has affected the process of fulfilling the right of health services for prisoners of the Makassar Class I Penitentiary.

Furthermore, it appears that 28% of respondents answered that the public legal awareness factor has not affected the process of fulfilling the right of health services for prisoners of the Makassar I Class I Correctional Institution in South Sulawesi Province.

In the table above it appears that as much as 20% of respondents answered that the legal awareness factor of the community did not affect the process of fulfilling the right of health services for prisoners of the Class I Penitentiary in Makassar.

E. Supporting Facilities and Infrastructure Factors

Table 11 follows regarding the influence of facilities and infrastructure factors on the process of implementing Health Service Rights Fulfillment for Prisoners of Class I Correctional Facilities in Makassar, South Sulawesi Province.

Table 11
Respondents' Responses Regarding Whether Supporting Facilities and Infrastructure Factors Affect Health Service Rights Fulfillment for Makassar Class I Prisoners

No.	Description	Frequency	Percentage (%)
1	Influential	19	76
2	Less Influential	5	20
3	No Effect	1	4
	Amount	25	100

Data source: Processed results of primary data in 2018

The table above is the responses or answers of respondents regarding whether the supporting factors and infrastructure factors have affected the implementation of the Health Service Rights Process for Makassar Class I Prisoners.

If the substance of the table above is carefully observed, it seems clear that 76% of respondents answered that the supporting facilities and infrastructure factors had influenced the process of fulfilling the right of health services for prisoners of the Makassar Class I Penitentiary.

Furthermore, it appears that 20% of respondents answered that the supporting facilities and infrastructure factors have not affected the process of fulfilling the right to health services for prisoners of the Makassar I Class I Correctional Institution in South Sulawesi Province.

In the table above, it appears that as much as 4% of respondents answered that the supporting facilities and infrastructure factors had not affected the process of fulfilling the right of health services for prisoners in the Class I Correctional Institution of Makassar

V. CONCLUSION

1. The fulfillment of the right to get health services for Prisoners in the Makassar Class I Penitentiary is quite good, but not in accordance with Minister of Law and Human Rights Regulation Number M. HH.02.UM.06.04 of 2011 concerning Health Service Guidelines in the Ministry of Law and Human Rights. This is evidenced by the over capacity or the number of prisoners who exceed the capacity, with health workers consisting of only 1 General Physician, 1 dentist, 1 psychologist, 1 pharmacist, 4 nurses, and 1 nutritionist, the availability of inadequate space such as the absence of special laboratory rooms, and dental clinics and incomplete medical supplies.
2. Factors that influence or become constraints to the fulfillment of health services for prisoners of the Class I Correctional Institution in Makassar, namely a) legal substance factor, b) legal structure, c) community legal awareness, d) legal culture and community habits) e) facilities and infrastructure.

REFERENCES

- [1]. Atmasasmita, R. (1983). *Kepenjaraan dalam Suatu Bunga Rampai*. Bandung: CV. Armico.
- [2]. Dagi, O. F. (2017). *Pemenuhan Hak Pelayanan Kesehatan Terhadap Narapidana di Lembaga Pemasyarakatan Klas IIA Sungguminasa Kabupaten Gowa*. (Skripsi), Universitas Hasanuddin, Makassar.
- [3]. Dipradja, A. S. S., & Atmasasmita, R. (1979). *Sistem Pemasyarakatan di Indonesia*. Bandung: Bina Cipta.
- [4]. Husen, L. O., & Thamrin, H. (2017). *Hukum Konstitusi: Kesepakatan (Agreement) dan Kebiasaan (Custom) Sebagai Pilar Konvensi Ketatanegaraan*. Makassar: CV. Social Politic Genius (SIGn).
- [5]. Michael, D. (2015). Penerapan Hak-Hak Narapidana di Lembaga Pemasyarakatan Klas IA Tanjung Gusta, Sumatera Utara Ditinjau dari Perspektif Hak Asasi Manusia. *Jurnal Hak Asasi Manusia*, 6(2), 91-104.
- [6]. Mubin, R. H. (2013). *Pemenuhan Hak Mendapatkan Makanan yang Layak Bagi Narapidana pada Lapas Klas I Makassar*. (Skripsi), Universitas Hasanuddin, Makassar.

- [7]. Muladi. (2005). *Hak Asasi Manusia: Hakekat, Konsep, dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. Bandung: Refika Aditama.
- [8]. Mulyono, G. P., & Arief, B. N. (2016). Upaya Mengurangi Kepadatan Narapidana dalam Lembaga Pemasyarakatan di Indonesia. *Jurnal Law Reform*, 12(1).
- [9]. Nasution, A. B., & Zen, A. P. M. (Eds.). (2006). *Instrumen Internasional Pokok Hak Asasi Manusia*. Jakarta: Yayasan Obor Indonesia.
- [10]. Nawi, S. (2014). *Penelitian Hukum Normatif Versus Penelitian Hukum Empiris*. Makassar: PT. Umitoha Ukhuwah Grafika.
- [11]. Notoatmodjo, S. (2007). *Kesehatan Masyarakat: Ilmu dan Seni*. Jakarta: PT. Rineka Cipta.
- [12]. Priyatno, D. (2006). *Sistem Pelaksanaan Pidana Penjara di Indonesia*. Bandung: Refika Aditama.
- [13]. Purnomo, B. (1986). *Pelaksanaan Pidana Penjara dengan Sistem Pemasyarakatan*. Yogyakarta: Liberty.
- [14]. Rahayu, D. R. (2013). *Pelayanan Kesehatan dan Makanan yang Layak Bagi Narapidana di Dalam Lembaga Pemasyarakatan Kelas IIA Wirogunan Yogyakarta*. (Skripsi), Universitas Atmajaya, Yogyakarta.
- [15]. Rahmanto, A., & Maufur. (2016). Pengaruh Pelayanan Kesehatan dan penyelenggaraan Makanan terhadap Tingkat kesadaran Hidup Sehat Bagi Narapidana di Lembaga Pemasyarakatan Kelas IIB Slawi. *Multiplier*, 1(1), 26-36.
- [16]. Samosir, D. (1992). *Fungsi Pidana Penjara dalam Sistem Pemidanaan di Indonesia*. Bandung: Bina Cipta.
- [17]. Sampara, S., & Husen, L. O. (2013). *Metode Penelitian Hukum*. Makassar: Kretakupa.
- [18]. Sanusi, A. (2016). Aspek Layanan Kesehatan Bagi Warga Binaan Pemasyarakatan dan Tahanan di Lembaga Pemasyarakatan dan Rumah Tahanan Negara (*Aspects of Health Care towards Convicts and Inmates*). *Jurnal Ilmiah Kebijakan Hukum*, 10(1), 37-56.
- [19]. Soekanto, S. (1983). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: Rajawali Pers.
- [20]. Ungko, M. I. S., Hamzah, A., & Palutturi, S. (2014). *Gambaran Mutu Pelayanan Kesehatan Narapidana di Poliklinik Lembaga Pemasyarakatan Kelas I Makassar*. Fakultas Kesehatan Masyarakat. Universitas Hasanuddin. Makassar.
- [21]. Utami, P. N. (2017). Keadilan Bagi Narapidana di Lembaga Pemasyarakatan. *Jurnal Penelitian Hukum De Jure*, 17(3), 381-394.

Achyani Hasma. "Implementation of Fulfilling Rights to Get Health Services in Community Institutions City Class I Makassar." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*. vol. 24 no. 1, 2019, pp. 70-80.

Similarity_Check_Implementation of Fulfilling Rights to Get Health Services in Community Institutions City Class I Makassar

ORIGINALITY REPORT

12%

SIMILARITY INDEX

10%

INTERNET SOURCES

4%

PUBLICATIONS

7%

STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to Hebron University Student Paper	1 %
2	www.sciencegate.app Internet Source	1 %
3	etd.repository.ugm.ac.id Internet Source	1 %
4	www.afdhalilahi.com Internet Source	1 %
5	Submitted to Universitas Jenderal Achmad Yani Student Paper	1 %
6	www.e-afr.org Internet Source	1 %
7	www.randwickresearch.com Internet Source	1 %
8	Fadila Fadila, Beni Azwar, Hartini Hartini. "Counseling service in overcoming faith and	1 %

morality issues for inmates child", Jurnal Konseling dan Pendidikan, 2020

Publication

9	www.balitbangham.go.id Internet Source	1 %
10	pinpdf.com Internet Source	1 %
11	Submitted to Binus University International Student Paper	1 %
12	Submitted to Universitas Negeri Medan Student Paper	1 %
13	Submitted to Universitas Indonesia Student Paper	1 %
14	Submitted to Management & Science University Student Paper	1 %
15	ejournal.upnvj.ac.id Internet Source	1 %

Exclude quotes On

Exclude matches < 1%

Exclude bibliography On