



## The Intersection of Mental Health, Law, and Rehabilitation: Challenges in Fulfilling Prisoners' Rights

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### ABSTRACT

Prisoners are people who are serving a sentence or criminal period in a correctional institution, but the human rights of prisoners must also be protected. However, prisoners are also part of those who have rights as human beings, including the right to live life, the right to receive welfare, and also have the right to obtain health services. The rights of prisoners are even regulated in law number 22 of 2022 concerning correctional facilities. In addition to physical health, there is mental health that is vulnerable to threats to prisoners. The importance of mental health in relation to the law relates to several issues, including the difficulty of individuals to provide accurate testimony, the consideration of mental capacity in the judicial process, as well as the protection of the rights of mentally ill individuals. This research explores the intersection between mental health, law, and rehabilitation in the context of prisoners. The main focus is to evaluate the challenges that arise in fulfilling prisoners' mental health service rights through the existing legal and rehabilitation systems. Through an interdisciplinary approach, this research seeks an in-depth understanding of how legal factors and the detention environment can affect the mental health of inmates. This approach includes prevention, diagnosis and intervention measures covering medical, psychological, social and legal aspects. The research seeks to provide a basis for policy change that supports the rights of individuals with mental illness, promotes fairness in the justice system, and reduces stigmatisation associated with mental health in legal contexts.

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### INTRODUCTION

Based on Law No. 22 of 2022 concerning Corrections, a prisoner is a convicted person who is undergoing guidance in a correctional institution or prison. This convict means someone who is serving a prison sentence for a certain period of time or for life. Based on data from the Directorate General of Corrections regarding the number of prisoners in Indonesia today there are 217,056 (two hundred seventeen thousand fifty-six) prisoners. The largest number of prisoners is currently in North Sumatra

with 24,684 (twenty-four thousand six hundred eighty-four) prisoners, so it can already be considered *overcrowded*. ("Report on the Number of Special Inmates," n.d.) Based on the number of prisoners who are considered *overcrowded*, the services obtained by prisoners are not fully fulfilled. From this condition, it can make prisoners experience pressure and suffer from mental health problems.

Quoted from the World Health Organization, mental health is a state of well-being where

individuals are aware of their own strengths, can cope with the pressures of life normally, can work productively and are able to contribute to their organisation.(Yan, Arisandi, & Tony, 2022) At this time Indonesian society has a low awareness of mental health, only a few people with mental disorders are well treated.(Putri, Yahya, & Kania, 2021) Meanwhile, the legal system itself will also apply to prisoners who will experience a lot of pressure and really need a state of well-being as well as living a normal life.

In addition to mental health services that should be obtained by prisoners, the Criminal Code already contains norms regarding the inability to be responsible, namely based on Article 44 of the Criminal Code Paragraph (1), a person who is mentally defective in growth or disturbed due to illness cannot be convicted. Then in Paragraph (2) it is explained about the authority of the judge to order the person with mental defect to be directed to be treated in a mental hospital, for a maximum of one year as a probationary period, if it turns out that the act committed by him cannot be held responsible. Implicitly, Article 44 Paragraph (1) of the Criminal Code contains the intention to determine the mental defect in the growth or disruption of a person due to illness so that the criminal act committed by him cannot be related to his guilt, which is the task of a person who is truly an expert in dealing with the problem of psychiatric degrees that can be said to be abnormal and causality with criminal acts. Not everyone can determine this and this is where the urgency of the existence of psychiatrists in the criminal justice system lies.(Abdillah & Santoso, 2022)

Prisoners will experience a lot of pressure and desperately need a state of well-being as well as running a normal life. According to Law Number 22 of 2022 concerning Corrections mandates fundamental improvements in the implementation of correctional functions which include services, coaching, community guidance, care, security, and observation by upholding respect, protection, and fulfilment of human rights, which means that prisoners are entitled to get what they are entitled to,

one of which is guidance in prison. Regardless of how the situation is, a prisoner is certainly obliged to get guidance because it is the basic essence of being in prison and is a treatment that must be given by the prison to a prisoner somehow, especially for prisoners who are different from others such as prisoners with special needs or prisoners who have mental disorders, their rights must still be fulfilled because it is stated in the law.(Aryaguna & Muhammad, 2023) There are several prisoners who have mental disorders before entering prison, even the mental disorder is the cause of the crime. In addition, there are also prisoners who experience mental disorders after entering prison.(Pramestuti & Poerwandari, 2022) If the focus is placed on Central and Eastern European countries, the prison population rate is the second highest in the region, ranging from 150 to 200 prisoners per 100,000 inhabitants. 10.2% of male prisoners and 14.1% of female prisoners suffer from major depressive disorder, while in the general population the age-standardised prevalence is 2.81%. (Juan Roman Mora Barrios et al., 2023)

Research related to mental health, law and rehabilitation has certainly been carried out by previous researchers. Previous research related to this research is a research journal made by Febriana Putri Kusuma with the title "The Implication of Prisoners' Rights in Prisoner Development Efforts in the Correctional System" as well as an article made by Novianita Ayu Pramstuti and Elizabeth Kristi Poerwandari entitled "Prevalence of Mental Disorders and Forensic Mental Health Services in the Justice System". From these previous studies, it helps this article on mental health, law, and rehabilitation of prisoners to be directed and better.

This article aims to determine the condition of mental health in prisoners as well as legal views on mental health in the criminal justice system. This is because mental health affects the implementation of the fulfilment of the rights of prisoners from correctional institutions. This article also aims to determine how significant social influences, perceived benefits, and the quality of the justice system are on mental health.

## METHODS

This research uses a qualitative approach. A qualitative approach is an approach that analyses data and concludes data until the writing uses aspects of tendency, non-numerical calculations, descriptive situational, in-depth interviews, content analysis, snowballs and stories.

In searching for references for this article using a qualitative approach with a normative juridical nature of the type of document review and soft data by taking from various journals originating from google scholar using the keywords "Mental health, Law, and Rehabilitation of Prisoners". The method used is to describe systematically the facts regarding mental health of prisoners which are conveyed factually and carried out carefully.

## RESULTS AND DISCUSSION

Prisoners are people who are serving a sentence or criminal period in a correctional institution. According to Wirjono Prodjodikoro, the purpose of punishment is:

- a. To frighten people from committing crimes, either by frightening people (general preventive) or by frightening certain people who have committed crimes so that they will not commit criminal offences again (special preventive); or
  - b. To educate or improve people who commit crimes to become people of good character.
- The purpose of punishment itself is already expected to be a means of community protection, rehabilitation, and resocialisation, fulfilment of customary legal views, as well as psychological aspects to eliminate guilt for those concerned.(Emaliawati, Saragih, & Mulyana, 2022)

In addition to this, prisoners still have human rights. Human rights are rights that are inherent in human nature and self, including prisoners. One example of human rights is the right to live. Therefore, prisoners themselves need supportive services in order to be able to exercise their right to life with the aim of completing their sentence.

**Table 1.** Comparison of the number of prisoners from 2021 to 2022

Prisoner Category	Year 2021	Year 2022	Year 2023	Today
Male prisoners	74.573.277	72.612.936	62.944.875	205.446
Female Prisoners	3.781.136	3.609.228	3.063.258	9.994
Juvenile Prisoners	502.726	477.546	459.951	1.616
Total	78.857.139	76.699.710	66.468.084	217.056

The condition of prisoners in Indonesia, which amounts to 217,056 prisoners so that the occurrence of *overcrowded* in several regions including North Sumatra, East Java, West Java, and Riau causes services from correctional institutions to be not optimal. The denser the number of prisoners, the less likely the service will be evenly distributed so that prisoners will feel depressed until mental health problems appear because they feel their rights are not fulfilled. In addition, quoted from the Directorate General of Pas, other problems that cause other mental health problems are the Covid-19 outbreak, *overcrowded* prison conditions, and limited psychological experts.

According to Law No. 36 of 2009 article 1 paragraph 1 on health, it is said that "health is a state of good physical, mental, spiritual, and social health that enables everyone to live a socially and economically productive life". From this definition, it can be interpreted that health is a unity of every part that exists in humans, including spiritual health or mental health to achieve a productive and economical life. Therefore, mental health is important for human life.(Sofwan Indarjo, 2009) The result if mental health is not realised is that humans will experience mental disorders. Mental disorder itself is a form of attitude deviation due to emotional distortion so that behaviour is found in irregularities. (Abdillah & Santoso, 2022)

Mental health disorders can occur with various stressors that exist, can arise various negative conditions such as anxiety, depression, and even trigger the emergence of psychotic disorders. Mental health is important in determining the quality of the nation. Adolescents who grow up in a conducive and supportive environment are human resources that can become invaluable national assets.(Sofwan Indarjo, 2009) These conditions can have an impact on psychological burdens that not only occur in

individuals but also become a burden on families and social communities. In Indonesia in general, this psychological burden has begun to be prevalent in personal, family, and community life.(Aziz, 2022) Psychiatric medical experts agree that the factors that affect a person's mental illness are:

1. Major depression factor. Depression is an abnormal emotional state that causes a person to become asocial. The causes of depression are usually organobiological (unbalanced condition), psychological (physical overload), and socio-environmental (loss of livelihood, disaster, etc.); and
2. Hereditary factors. Parents who have experienced madness will usually be passed on to one of their offspring.(Agusriadi, 2018)

From these mental constraints, we can identify some of the attitudes that will arise as follows.

- a. Confining yourself.
- b. Not paying attention to others.
- c. Irritable
- d. Talking out of turn.
- e. Unable to care for themselves.(Abdillah & Santoso, 2022)

Based on the results of the Basic Health Research (Riskesdas), the prevalence of the Indonesian population suffering from mental emotional disorders has increased from 6% in 2013 to 9.8% in 2018. 4 The highest prevalence is in the over 75 years age group compared to other age groups, women rather than men, and those who are not in school. West Java is the seventh province with the highest prevalence of people with mental emotional disorders at 12.1% of the population (Handayani, Ayubi, & Anshari, 2020).

In the realm of law, mental health will also be considered in a person who has committed a criminal offence. As stated in Article 44 of the Criminal Code paragraph (1) "Any person who commits an act for which the perpetrator cannot be held accountable due to a defect in mental development or a disease shall not be punished", paragraph (2) "If it turns out that the act cannot be held accountable due to a defect in mental development or a disease, the judge may order that the person be admitted to a mental hospital for a maximum of one year as a probationary period". Article 54 of the Criminal Code states that, among other things, punishment aims to socialise the convicted person by providing guidance so that he/she becomes a good and useful person. Therefore,

the process of rehabilitation and resocialisation is carried out in order to become a better and more useful person. So that convicts can return to society (which is why it is called LP stands for Correctional Institution). In this perspective, prisoners are not seen as criminals, only people who are lost, so there is still time to repent.(Nainggolan, 2019)

Prisoners who experience psychological health problems or mental disorders actually have several causes, namely unfair treatment from prison guards in the prison and even personal problems such as family problems and social problems that are still lingering and certainly experienced by prisoners when they are in prison or outside the prison. From the causes that have been described, it is what makes prisoners experience stress so that the prisoner is depressed, therefore making prisoners experience mental disorders or crazy. Prisoners who experience depression usually feel bored or stressed because they are only in the prison and cannot enjoy the fresh air outside the prison. prisoners are often constrained by the rules in the prison (Aisyah, 2023).

Research has been conducted in several countries on the incidence of mental disorders among prisoners. In African courts, the prevalence of mental health showed that 59% had mental disorders. 22% had mood disorders, 33% had psychotic disorders, and 38% had substance use disorders. Data from Ethiopia showed that the most dominant mood disorder was depression, at 45.5%. The prison population in the United States has 56% of detainees and prisoners experiencing mental health problems. In Iowa, 29% of inmates have a serious mental disorder and 26% have a substance use disorder (a chronic, recurrent disorder that requires regular treatment).

Schizophrenia, schizoaffective disorder and delusional disorder are the most common psychotic disorders in France. Other findings were obtained by Fovet et al., (2020), which revealed that 31.2% of prisoners in France experienced affective disorders, 44.4% anxiety disorders, 6.9% psychotic symptoms, 53.5% substance use disorders, and 31.4% were at risk of suicide. then mentioned that 469 prisoners in the United Kingdom had used mental health services and had received a diagnosis of mental disorders before entering prison.

In 2006-2011, a mental health assessment was conducted on 3,195 new remands placed in main remand prisons in Ireland. There were 561 prisoners

who had psychotic symptoms. There were also 665 new remands diagnosed with schizophrenic psychosis, 69 with affective psychosis, and 32 new remands with organic psychosis. The highest prevalence rate of mental disorders was in Spain, at 90.2%, including substance abuse (72.3%), mood disorders (38.5%), and psychotic disorders (34.2%).(Primestuti & Poerwandari, 2022)

There has not been much research on mental disorders in prisoners in Indonesia. The Directorate General of Corrections (2019) revealed that there were 319 prisoners (0.12%) who experienced mental disorders in 2018 and 269 prisoners (0.10%) in 2019. This figure is relatively small compared to other countries. However, the data is not accompanied by information on the number of inmates examined and there is no information on the category of mental disorders in question.(Handayani et al., 2020)

Rehabilitation of vulnerable groups such as mentally ill juvenile offenders in correctional institutions faces a number of challenges that need to be considered to ensure the success of the rehabilitation programme. The following is a discussion of these challenges:

1. Initial Recognition and Evaluation One of the first challenges is the initial recognition and evaluation of juvenile offenders with mental disorders. Early identification and diagnosis must be done carefully, as mental disorders are often not obvious. A proper recognition process will help understand the specific rehabilitation needs of this vulnerable group.
2. Limited Mental Health Services A major challenge in the rehabilitation of this vulnerable group is the limited access to adequate mental health services within correctional institutions. Mental health facilities in correctional institutions are usually limited and have limitations in handling complex cases such as mental disorders in juvenile prisoners. This can affect the effectiveness and duration of rehabilitation.
3. Stigmatisation and Discrimination Vulnerable groups such as juvenile offenders with mental disorders often experience stigmatisation and discrimination from the community and fellow inmates. This negative treatment can

affect motivation and the rehabilitation climate within correctional institutions. Therefore, it is important to establish an inclusive and supportive environment for juvenile offenders with mental illness.

4. Lack of Trained Personnel Rehabilitation of this vulnerable group is also faced with the challenge of a lack of trained personnel who have specialised knowledge and skills in dealing with adolescent prisoners with mental disorders. Skills such as therapeutic approaches, stress management, and crisis intervention are important to aid the rehabilitation process. Training and staff development focussed on treating mental disorders can address this challenge.
5. Coordination and Collaboration between Institutions Finally, coordination and collaboration between relevant institutions, such as correctional institutions, mental hospitals, medical personnel, psychologists, and rehabilitation centres, is a challenge that needs to be addressed. An integrated system with good communication between these institutions is important to support the holistic rehabilitation of these vulnerable groups.(Nainggolan, 2019)

Health care for prisoners must be carried out on an ongoing basis related to spiritual and physical health, which in this case is to support prisoners to get their rights before the law for the creation of legal certainty, related to health care for mentally ill prisoners in correctional institutions have fulfilled as mandated by legislation. In accordance with Law Number 22 of 2022 concerning Corrections, there are several rights that must be obtained by prisoners from correctional institutions in the aim of fostering and nurturing including, the right to worship in accordance with their religion or belief, the right to receive care, both spiritual and physical care, the right to education and teaching, the right to obtain health services and proper food.

The right to submit complaints, the right to obtain reading materials and follow other mass media broadcasts that are not prohibited, the right to receive wages or premiums for work performed, the right to receive visits from family, legal counsel, or certain other people, the right to get a reduction in the period of punishment (remission), the right to get assimilation opportunities including leave to visit

family, the right to parole, the right to get leave before release, and the right to obtain other rights in accordance with applicable laws and regulations. (Hudaya & Subroto, 2021) In addition, the Decree of the Minister of Justice of the Republic of Indonesia Number M. 02-PK.04.10 of 1990 Chapter VII on the Implementation of guidance, the functions and duties of correctional guidance for correctional prisoners (prisoners, state children, correctional clients and detainees) are carried out in an integrated manner with the aim that after completing their sentence, their guidance and guidance can become good citizens of society.

The statement explains that the rights of prisoners in dealing with mental disorders or mental disorders will get proper treatment from the start of care and treatment carried out by doctors handling institutions (Fachrezi & Wibowo, 2020). Based on this discussion, it can be concluded that prisoners still have Human Rights (HAM) where physical and spiritual services must still be fulfilled, especially mental health which is vulnerable to disruption in prisoners. Mental health disorders occur due to various things, one of the causes of mental disorders in prisoners in Indonesia includes the number of *overcrowded* prisoners as well as the number of psychological expert officers who are not balanced with prisoners.

However, judging from the decrease in the number of prisoners recorded from 2021 to 2023, the penitentiary should be able to take advantage of this condition to provide health services and balance the number of psychological officers with the number of prisoners. Thus, reducing the risk of mental health pressure because prisoners will begin to calm down because their rights services are evenly fulfilled.

## CONCLUSION

Prisoners are a group that is entitled to the realisation of these human rights, especially in terms of mental health. Because, prisoners are vulnerable to pressure, fear, and can even cause depression for prisoners. In overcoming this, the law also regulates to provide service rights in Article 54 of the Criminal Code which regulates various rights and services to pay attention to mental health for prisoners. One of the services that has not been able to overcome optimally for prisoners is mental health services. While mental health is vulnerable to occur in prisoners with the number of prisoners who are fairly

*overcrowded* so that the number of psychological expert officers who are less can not compare with the number of prisoners. In fact, mental health is a state of human psychological health which is certainly needed for every human being. Pressure on a person's psyche can make their mental health decrease or make a mental disorder. There are several mental disorders that will have an impact ranging from mild to severe disorders.

Depression itself is a mental disorder that is prone to arise when someone gets pressure. In accordance with law number 18 of 2014 concerning mental health efforts aims to ensure that everyone can enjoy a healthy mental life, free from fear, pressure, and other disorders that can interfere with mental health. From this law, it can be seen that Indonesian law also pays attention to mental health for the entire community and to realise human rights. Therefore, rehabilitation of mental disorders experienced by prisoners has been regulated in law number 22 of 2022 as well as in the Decree of the Minister of Justice of the Republic of Indonesia Number M. 02-PK.04.10 of 1990 Chapter VII on the Implementation of guidance, Functions and tasks of correctional guidance for correctional prisoners (prisoners, state children, correctional clients and detainees).

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