

Legal Vacuum In The Treatment Of Prisoners With Mental Health Disorders In Correctional Institutions

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Abstract

The correctional system in Indonesia still faces various challenges in providing proper treatment for inmates with mental health disorders. One of the main issues is the legal vacuum in the regulations governing the treatment of inmates with such conditions. Although several regulations have addressed the basic rights of inmates, including the right to healthcare services, implementation in the context of mental health disorders remains suboptimal. The lack of clear regulation regarding the mechanisms for identification, treatment, and rehabilitation of inmates with mental health disorders often results in them not receiving treatment appropriate to their condition. This potentially leads to various problems, such as human rights violations, increased levels of violence in correctional institutions, and failure in the rehabilitation and social reintegration processes. This study aims to identify and analyze the legal vacuum in handling inmates with mental health disorders in correctional institutions in Indonesia. Using a normative juridical research method, this study examines the prevailing laws and regulations as well as legal concepts related to the protection of inmates' rights. The approaches used include the statute approach and the conceptual approach to understand the extent to which existing laws have accommodated the specific needs of inmates with mental health disorders. Furthermore, this study also conducts a comparative analysis with legal systems in several other countries to identify more effective legal models for addressing this issue. Through this study, it is expected that strong arguments can be developed regarding the urgency of legal reform in the correctional system, especially in the aspect of protecting inmates with mental health disorders. The formulation of clearer and more implementable policies is urgently needed to ensure that their rights are protected and that rehabilitation can be carried out effectively

Keywords : *Legal vacuum, inmates, mental health, correctional system*

I. INTRODUCTION

Prisoners with mental health disorders are a vulnerable group who often face various challenges within the correctional system (Rizal, 2023). Their rights as individuals with specific health conditions are often neglected, both in terms of medical treatment and within the correctional system as a whole. The right to health is part of human rights that must be guaranteed by the state, including for those serving criminal sentences (Basuki, 2020). However, in many correctional institutions, access to mental health services is still very limited, both in terms of available medical personnel and adequate facilities (Manalu, 2025). This condition indicates that the correctional system in Indonesia still faces many problems in handling inmates with mental health disorders.

The main problem in the correctional system regarding the treatment of mental health disorders lies in the lack of attention to the special needs of this group. Many inmates with mental health disorders do not receive accurate diagnoses from the outset, thus not receiving appropriate treatment (Syarif, 2023). In addition, the correctional system is more oriented toward incarceration rather than rehabilitation, so mental health recovery is not a priority (Subroto, 2025). The absence of clear policies on handling inmates with mental health disorders also leads to high levels of violence and discrimination against them within correctional institutions. As a result, not only does their mental condition deteriorate, but the potential for human rights violations also increases (Carolin, 2025).

In the context of human rights, inmates still possess basic rights that must be respected and protected by the state (Kosasi, 2020). One of the fundamental principles of human rights is non-discrimination, which means that every individual has the right to equal treatment, including access to health services (Yusuf, 2023). Inmates with mental health disorders should receive special treatment that considers their condition, not neglect or inhumane treatment (Kristianto, 2021). This principle of non-discrimination is also recognized in various international legal instruments, such as the Convention on the Rights of Persons with Disabilities and the UN Standard Minimum Rules for the Treatment of Prisoners. However, in practice, this principle is often ignored in the Indonesian correctional system, particularly in the treatment of inmates with mental health disorders (Farhan, 2024).

The right to health services for inmates is part of the legally recognized right to health (Mikhael, 2020). In the criminal justice system, mental health aspects should be a consideration in determining the treatment of inmates with mental disorders (Pramestuti, 2022). Several countries have adopted rehabilitation-based approaches for inmates with mental disorders, aimed at ensuring that they receive appropriate care during their sentence. This rehabilitation model involves various medical, psychological, and social interventions to help inmates recover from their mental disorders (Enggarati, 2024). Unfortunately, in Indonesia, the rehabilitation system for inmates with mental health disorders is still not clearly regulated in existing policies, so its implementation remains very limited.

Special treatment for inmates with mental health disorders should cover various aspects,

from separate placement from other inmates to the provision of adequate health facilities. Some countries have implemented a system of separation between inmates with mental disorders and other inmates to prevent violence and discriminatory treatment (Widayati, 2016). This separation aims to provide a more conducive environment for their mental health recovery. In addition, appropriate medical and psychosocial interventions are also necessary so they can receive effective treatment (Sari, 2020). In this context, medical personnel and psychologists must be actively involved in the correctional system so that mental health care can be carried out professionally and sustainably (Megawati, 2024).

The legal vacuum is one of the main factors causing the lack of protection for inmates with mental health disorders. A legal vacuum refers to the inaccuracy or absence of specific legal rules governing a particular issue. In the Indonesian correctional system, there are no regulations that explicitly govern procedures for identification, treatment, and rehabilitation for inmates with mental health disorders (Waqiah, 2021). This leads to uncertainty in policy implementation, so many inmates with mental disorders do not receive appropriate treatment.

The impact of this legal vacuum is highly significant on the correctional system and the condition of the inmates themselves. Without clear regulations, inmates with mental health disorders are often not properly identified, so they continue to be treated like other inmates without considering their condition. Moreover, the absence of standards in mental health care in correctional institutions results in suboptimal services. In many cases, inmates with mental disorders receive worse treatment because they are considered a burden in the correctional system (Putra, 2025).

The legal vacuum in this context also implies an unclear responsibility of the state in ensuring that the rights of inmates with mental health disorders are fulfilled. Without clear rules, correctional institutions do not have specific obligations in handling inmates with mental health disorders, resulting in sporadic and unsustainable services. As a result, mental health issues in correctional institutions not only affect the individuals concerned but also degrade the overall condition of the correctional system, making it increasingly inhumane and far from the principles of rehabilitation (Nurrozalina, 2024).

To address this issue, legal reform is needed to accommodate the needs of inmates with mental health disorders within the correctional system. This reform may include more detailed regulations regarding the procedures for identifying and treating inmates with specific mental health conditions. Furthermore, improving human resource capacity in correctional institutions, especially in the area of mental health services, is also crucial. With clear regulations and structured mechanisms, the protection of inmates with mental health disorders can be better ensured, so that the rehabilitation-oriented correctional principle can be realized more effectively.

2. **METHOD**

The research method used in this study is normative juridical, which is an approach that

emphasizes the analysis of applicable legal norms. This approach is used to analyze legislation related to the treatment of inmates with mental health disorders in correctional institutions. In this study, a statute approach is used to examine existing legal norms, both in the form of laws, government regulations, and other regulations relevant to the protection of mental health within the correctional system. In addition, this research also employs a conceptual approach to understand legal concepts related to the protection of prisoners' human rights, the state's obligations in providing mental health services, and principles of fair correctional practices. The analysis in this study is conducted by reviewing existing legal norms, identifying weaknesses or inconsistencies in the current regulations, and exploring potential legal gaps that lead to the lack of protection for inmates with mental health disorders. Furthermore, this study also conducts a comparative study of the legal systems in several other countries that are more advanced in addressing mental health issues in correctional institutions. By comparing legal practices in other countries, this research aims to identify legal models that can serve as references for legal reform efforts in Indonesia. Since this study is normative in nature, the data used comes from secondary sources, such as legislation, legal documents, scholarly journals, and literature relevant to the topic discussed. The results of this research are expected to contribute to the development of more comprehensive legal policies in dealing with inmates with mental health disorders in Indonesia.

3. RESULT AND DISCUSSION

3.1 Regulatory Analysis on the Treatment of Inmates with Mental Health Disorders.

The legal system in Indonesia has regulated various aspects related to correctional institutions and mental health, including the rights of inmates to obtain healthcare services. One of the main regulations governing this issue is Law Number 22 of 2022 on Corrections, which replaces the previous regulation and affirms that inmates are entitled to healthcare, including for those experiencing mental health disorders. Article 7 paragraph (2) states that correctional residents have the right to receive proper healthcare services, while Article 9 affirms that healthcare services must cover both physical and mental aspects. However, this law has not yet provided detailed provisions regarding specific mechanisms for handling inmates with mental health disorders in correctional institutions.

In addition, mental health aspects are also regulated in Law Number 18 of 2014 on Mental Health, which affirms that every individual, including those serving criminal sentences, has the right to receive proper mental healthcare services (Wilber, 2018). Article 16 paragraph (1) states that the state is obliged to provide affordable, quality, and equitable mental health services, while Article 71 paragraph (2) states that the provision of mental health services must include rehabilitation facilities for individuals with mental health disorders. However, in its implementation, this law does not yet provide specific rules regarding the treatment of inmates with mental health disorders in the context of the correctional system.

In addition to statutory regulations, there are several derivative regulations that govern

the treatment of inmates with specific health conditions. Government Regulation Number 31 of 1999 on Guidance and Counseling of Correctional Inmates stipulates that inmates are entitled to healthcare services, including mental health. Article 19 mentions that inmates suffering from certain diseases must receive appropriate treatment. However, this regulation does not explicitly discuss the treatment procedures for inmates with mental health disorders or specific mechanisms that must be implemented in correctional facilities for those with such conditions.

Moreover, the Regulation of the Minister of Law and Human Rights Number 33 of 2015 on Security in Correctional Institutions and State Detention Centers also provides guidelines on the procedures for securing inmates, including in certain situations related to mental health. Article 22 states that inmates with severe mental illness may be transferred to a psychiatric hospital for treatment. However, this regulation does not provide a clear definition of the standard of “severe mental illness” and does not regulate how early identification mechanisms should be applied to inmates with mental health disorders before their condition deteriorates.

One of the main weaknesses in the existing regulations is the inadequacy of provisions in offering special protection for inmates with mental health disorders. The laws governing corrections and mental health do acknowledge inmates’ rights to healthcare services but do not explicitly regulate mechanisms for identification, treatment, and rehabilitation for inmates with certain mental conditions. As a result, many correctional institutions do not have clear standard operating procedures (SOPs) for handling inmates with mental health disorders, making their treatment highly dependent on the policies of individual institutions.

In addition, the existing regulations do not provide special mechanisms within the correctional system for inmates with mental health disorders. There are no specific rules governing how correctional institutions should manage inmates with mild to severe mental disorders. In many cases, they are still placed together with other inmates without adjustments for their mental health needs. This contradicts the principle of non-discrimination and the right to mental health, which are recognized in various laws and regulations but lack adequate technical arrangements for their implementation.

The limited availability of mental health facilities in correctional institutions is also one of the main challenges in the treatment of inmates with mental health disorders. Although current regulations acknowledge their right to treatment, they do not impose clear obligations on correctional institutions to provide appropriate facilities. Many correctional institutions in Indonesia lack competent medical personnel to handle mental health issues, resulting in inmates with mental illness often not receiving an accurate diagnosis. Consequently, their condition worsens due to the lack of medical intervention and rehabilitation that should have been administered early on.

To improve the effectiveness of existing regulations, a more detailed harmonization of rules concerning the treatment of inmates with mental health disorders is needed. This includes provisions on early identification mechanisms, separation systems, and rehabilitation

procedures that are more integrated with mental health services outside the correctional system. Thus, the rights of inmates experiencing mental health disorders can be better protected, and the correctional system can function more humanely and with a rehabilitation-oriented approach.

3.2 Legal Vacuum and Its Implications for the Correctional System

The legal vacuum in handling prisoners with mental health disorders has significant impacts on the correctional system in Indonesia. One of the most critical impacts is the potential violation of human rights (HAM) against individuals with unstable mental conditions. Without clear legal mechanisms to manage this condition, many prisoners with mental health disorders are treated the same as other inmates without consideration of their special circumstances. This may lead to the criminalization of individuals who should receive medical treatment rather than criminal punishment. In some cases, individuals with mental disorders who should be treated in mental health facilities are instead placed in correctional institutions, which ultimately worsens their condition due to an environment that does not support recovery.

Furthermore, difficulties in rehabilitation and social reintegration pose major challenges for prisoners with mental health disorders during their sentence or after release from correctional facilities. Without specially designed rehabilitation programs, they tend to have trouble readjusting to society. The lack of attention to mental health aspects in the correctional system means they do not receive adequate psychological intervention, thereby increasing their risk of reoffending after release. This situation shows that without comprehensive regulations, the main objectives of corrections as a means of rehabilitation and social reintegration cannot be optimally achieved.

The absence of mechanisms to separate prisoners based on mental health conditions also causes increasingly complex overcrowding problems in correctional facilities. Currently, many prisons suffer from overcapacity, and in such situations, prisoners with mental health disorders do not receive a conducive environment for their recovery. Without rules regulating separation or special treatment for them, they often experience violence or discrimination from fellow inmates and correctional officers. In some cases, individuals with severe mental disorders who do not receive proper treatment may endanger themselves or others inside the prison.

To address these problems, many countries have implemented specific regulations and policies for handling prisoners with mental health disorders. Some developed countries such as the United States and the United Kingdom have adopted rehabilitation-based approaches, where prisoners with certain mental disorders are placed in specialized correctional facilities that provide appropriate medical services and therapy. For example, in the UK, the Mental Health Treatment Requirement (MHTR) system is implemented to ensure that individuals with mental health disorders receive proper intervention before or during the execution of their criminal sentence. Meanwhile, in several Scandinavian countries, the correctional system emphasizes a public health approach, where individuals with serious mental conditions may

serve their sentences in medical environments that are more supportive than in regular prisons.

Best practices in international legal systems demonstrate that handling prisoners with mental health disorders requires a holistic and medically based approach. Many countries have adopted policies involving coordination between the criminal justice system and mental health institutions to ensure that individuals with such conditions not only serve their criminal sentences but also receive proper care. In some European countries, the criminal justice system allows individuals with mental disorders to undergo treatment in psychiatric hospitals as an alternative to imprisonment, depending on the severity of their condition and its impact on society.

To address the legal vacuum existing in Indonesia, reforming the correctional system's laws is imperative. One step that can be taken is designing specific regulations governing early identification mechanisms for prisoners with mental health disorders, as well as procedures for care and rehabilitation that must be implemented within prisons. These regulations should include mental health service standards to be provided in every correctional institution, as well as procedures for transferring prisoners with severe mental conditions to more appropriate mental health facilities. Additionally, clearer policies regarding alternative sentencing for individuals with mental disorders are needed so they are not simply placed in the correctional system without considering their medical conditions.

The role of government institutions and society is also crucial in addressing this legal vacuum. The government, through the Ministry of Law and Human Rights and the Ministry of Health, needs to strengthen coordination to ensure every prisoner with a mental disorder receives services in accordance with applicable health standards. Furthermore, the participation of civil society organizations and academics in providing input on correctional policies can be an important step in building a more inclusive legal system based on human rights. With clearer regulations and a more coordinated system, it is hoped that the rights of prisoners with mental health disorders can be better protected within Indonesia's correctional system.

4. CONCLUSION

The legal vacuum in handling prisoners with mental health disorders in Indonesia reflects regulatory imperfections within the correctional system. Although various regulations governing prisoners' rights and health services in correctional institutions exist, these rules have yet to specifically accommodate the needs of prisoners with mental health disorders. As a result, individuals with certain mental conditions often do not receive treatment appropriate to their condition, whether in terms of sentencing, rehabilitation, or social reintegration. This regulatory inadequacy leads to increased risks of human rights violations, ineffective rehabilitation programs, and issues in correctional management such as overcrowding and lack of competent medical personnel to handle mental health. Without a strong legal foundation, the correctional system cannot optimally guarantee protection for prisoners with mental health disorders, potentially worsening their conditions during incarceration.

To address these issues, reforming correctional regulations and policies to be more inclusive and oriented toward fulfilling the rights of prisoners with mental health disorders is necessary. One step needed is to design special rules governing early identification mechanisms, treatment, and rehabilitation for prisoners with certain mental conditions. In addition, there must be increased capacity of correctional institutions to provide adequate mental health services, including hiring more professional medical staff and establishing special facilities for prisoners with mental illnesses. The government also needs to enhance coordination between the correctional system and health institutions to ensure that individuals with mental disorders within the criminal justice system receive appropriate care. Strengthening the participation of civil society, academics, and human rights organizations is also essential in designing more humane and medically based policies. With clearer regulatory changes and enhanced protection mechanisms within the correctional system, it is hoped that the rights of prisoners with mental health disorders will be better safeguarded, enabling the rehabilitation goals of the correctional system to be optimally achieved.

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