

LEGAL ANALYSIS OF THE IMPACT OF NARCOTICS USE ON THE HEALTH OF PRISONERS IN WOMEN'S PRISONS TANJUNG GUSTA BASED ON REGULATIONS LEGISLATION

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Abstract

This study aims to analyze the legal impact of drug use on the health of inmates at the Tanjung Kusta Women's Detention Center and to examine the handling efforts based on applicable laws and regulations. Drug abuse in detention centers not only violates the law but also has serious impacts on the physical, mental, and social health of inmates, as well as hindering the goals of social development and reintegration. The research method used is empirical legal with a statutory approach, a conceptual approach, and a sociological approach. Primary data were obtained through interviews with prison officers, medical personnel, and inmates, while secondary data were obtained from laws and regulations, legal literature, and official reports. The research results show that legal regulations regarding the prohibition of narcotics use in detention centers are regulated in Law Number 35 of 2009 concerning Narcotics, Law Number 12 of 1995 concerning Corrections (as amended by Law Number 22 of 2022), and Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning Correctional Institutions/Detention Centers. The resulting impacts include organ damage, the risk of infectious diseases, mental disorders, decreased quality of guidance, and increased recidivism. Handling efforts are carried out through repressive, preventive, and rehabilitative measures, but their implementation is still hampered by limited supervision, facilities, and coordination between institutions. This study concludes that normatively, the existing legal framework is adequate, but its implementation in the field is not optimal. Strengthening the monitoring system, improving rehabilitation facilities, and synergy between relevant agencies are needed to ensure the protection of the health rights of drug-using inmates at the Tanjung Kusta Women's Detention Center.

Keywords: *Legal Analysis, Narcotics, Prisoner Health, Tanjung Gusta Women's Detention Center, Legislation.*

A. INTRODUCTION

The problem of drug abuse has become a serious issue that threatens public health, national security, and the future of the nation's future generations. Indonesia is currently facing a drug emergency that has not only affected the general public but has also penetrated correctional institutions and state detention centers (rutan). Data from the National Narcotics Agency (BNN) shows that some inmates are involved in drug trafficking and abuse even while serving their sentences. This situation reflects gaps in the oversight and guidance system within correctional institutions. The Tanjung Kusta Women's Detention Center, a technical implementation unit under the North Sumatra Ministry of Law, primarily houses female prisoners and inmates to serve their sentences and undergo rehabilitation. However, the reality on the ground shows that drug abuse continues to occur within the detention center, both through smuggling from outside and through abuse by inmates who are already addicts. This phenomenon not only violates the law but also seriously impacts inmates' health and undermines the primary goals of the correctional system, namely rehabilitation and social reintegration.

Legally, the prohibition on narcotics use is regulated by Law No. 35 of 2009 concerning Narcotics, which stipulates strict sanctions for perpetrators of drug abuse and illicit trafficking. Furthermore, Law No. 12 of 1995 concerning Corrections (as amended by Law No. 22 of 2022) regulates the rights of prisoners, including the right to adequate healthcare. This is further reinforced by Regulation of the Minister of Law and Human Rights No. 6 of 2013, which strictly prohibits the possession and use of narcotics in prisons or detention centers and establishes disciplinary sanctions for violators. Thus, a legal framework is in place to prohibit, prevent, and address drug abuse in detention centers. However, the implementation of these regulations still faces numerous obstacles. Weak

oversight, limited staff, the involvement of certain individuals, and a lack of rehabilitation facilities are all factors that exacerbate this problem. For female inmates, drug use not only causes physical damage such as organ damage and infectious diseases, but also leads to severe psychological impacts, including depression, anxiety, mental disorders, and loss of self-confidence. Furthermore, this condition can hinder the rehabilitation process and increase the risk of recidivism after release. In the context of human rights protection, drug abuse in detention centers is a dual problem. On the one hand, prisoners who use drugs violate the law and prison regulations. On the other hand, they still have the right to health and humane treatment that must be guaranteed by the state, as regulated in Article 28H paragraph (1) of the 1945 Constitution, which states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment, and the right to receive health services. Based on this background, this research is crucial to conduct a legal analysis of the impact of drug use on the health of inmates at the Tanjung Gusta Women's Detention Center and to assess the extent to which existing laws and regulations provide legal protection and serve as a tool for addressing this problem. This research is expected to contribute academically to the development of legal science, particularly criminal law and correctional law, while also providing practical recommendations for policymakers and implementing officials in the field.

B. FORMULATION OF THE PROBLEM

1. What are the legal regulations regarding the prohibition of narcotics use and the health protection of inmates at the Tanjung Gusta Women's Detention Center based on applicable laws and regulations?
2. What are the impacts of drug use on the health of inmates at Tanjung Gusta Women's Detention Center?
3. What is the legal analysis of efforts to address the impact of narcotics use on the health of inmates at the Tanjung Gusta Women's Detention Center based on statutory regulations?

C. RESULTS AND DISCUSSION

1. Legal Regulations Concerning the Prohibition of Narcotics Use and Health Protection of Inmates at the Tanjung Gusta Women's Detention Center

Legal regulations regarding the prohibition of narcotics use in detention centers are based on several laws and regulations, namely:

- a. Law Number 35 of 2009 concerning Narcotics prohibits unauthorized possession, use, and distribution of narcotics (Articles 112–127). Article 54 stipulates that drug addicts, including prisoners, are required to undergo medical and social rehabilitation.
- b. Law Number 12 of 1995 concerning Corrections (which has been amended by Law Number 22 of 2022) stipulates that prisoners have the right to receive health services and are free from treatment that degrades human dignity (Article 14 paragraph (1) letters d and i).
- c. Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning Prison/Detention Center Regulations, which explicitly prohibits prisoners from storing, distributing, or using narcotics, with the threat of additional disciplinary and criminal sanctions.

In the context of the Tanjung Gusta Women's Detention Center, the legal provisions governing the prohibition of narcotics use and the protection of inmates' health are fully binding on all parties within the correctional environment. This emphasizes that the detention center is not only obligated to maintain security and order, but also bears the legal and moral responsibility to ensure the fulfillment of inmates' rights, particularly the right to health as mandated by Law Number 35 of 2009 concerning Narcotics, Law Number 12 of 1995 concerning Corrections (and its amendments), and various other implementing regulations. Therefore, the detention center is obliged to implement strict supervisory measures to prevent the distribution and abuse of narcotics, implement education-based prevention programs, and provide medical and social rehabilitation facilities for inmates who use narcotics. These efforts are intended not only to enforce the law, but also to protect, restore, and improve the health of inmates, so that the goals of correctional facilities oriented towards development, recovery, and social reintegration can be optimally achieved.

2. The Impact of Drug Use on the Health of Inmates at the Tanjung Gusta Women's Detention Center

The use of narcotics in detention has multidimensional impacts, including:

- a. Physical impacts include damage to vital organs such as the liver, kidneys, and heart; decreased immunity; and the risk of infection with infectious diseases such as HIV/AIDS and Hepatitis C due to shared needles.
- b. Mental impact on mental disorders such as depression, excessive anxiety, paranoia, hallucinations, and schizophrenia.

- c. Social impacts can disrupt the development process, increase conflict between prisoners, and increase the chances of recidivism.

For female inmates, the health impacts of drug abuse are more complex than for male inmates, encompassing interconnected biological, reproductive, and psychosocial dimensions. Substance abuse not only lowers the immune system and triggers disorders of vital organs, but also has the potential to cause serious problems with the reproductive system, including menstrual cycle disorders, the risk of infertility, pregnancy complications, and harm to the health of the fetus for pregnant inmates. Furthermore, this vulnerability is exacerbated by the psychological burden arising from the social stigma attached to female inmates, mental stress from the detention environment, gender-based discrimination, and limited access to health services responsive to women's needs. At the Tanjung Gusta Women's Detention Center, this situation can be further complicated by the often inadequate reproductive health facilities available, limited medical personnel, and the lack of a gender equality perspective in rehabilitation programs. Therefore, addressing the health impacts on female drug users requires a comprehensive and gender-sensitive strategy, including the provision of medical services tailored to women's needs, ongoing psychological counseling, integrated rehabilitation programs, and legal protection that guarantees the fulfillment of the right to health as regulated in applicable laws and regulations.

3. Legal Analysis of Efforts to Address the Impact of Narcotics Use on the Health of Inmates at the Tanjung Gusta Women's Detention Center

Normatively, laws and regulations have provided a strong legal framework for addressing drug abuse in detention centers. Article 54 of the Narcotics Law mandates medical and social rehabilitation for addicts, while the Corrections Law guarantees inmates' health rights. Implementation at the Tanjung Kusta Women's Detention Center includes:

- a. Repressive measures that can be taken against perpetrators of drug abuse in detention centers through additional criminal sanctions and disciplinary sanctions.
- b. Preventive measures can include strict inspection of visitors' belongings, installation of CCTV, routine raids, and periodic urine tests.
- c. This Rehabilitative Step can provide medical and social rehabilitation services, although its implementation is hampered by limited medical personnel, facilities, and budget.

From a legal perspective, one of the main obstacles in addressing drug abuse at the Tanjung Gusta Women's Detention Center lies in the significant gap between written legal norms and their implementation in the field. Although a clear and comprehensive regulatory framework has been formulated, encompassing prohibitions, sanctions, and health protection obligations for inmates, its implementation is often hampered by a weak oversight system, the involvement of certain officers in the illicit drug trade, and limited medical and social rehabilitation facilities within the detention center. This situation has implications for the failure to achieve optimal correctional goals, particularly in terms of health recovery and social reintegration of inmates. Therefore, strategic steps are needed, including strengthening technology-based internal oversight mechanisms, increasing the capacity and integrity of officers, effective synergy between the detention center, the National Narcotics Agency (BNN), and the Ministry of Health, and implementing an integrative approach that combines law enforcement with medical and psychosocial rehabilitation efforts. This approach is expected to create a treatment system that is not only repressive, but also preventive and rehabilitative, thus providing maximum protection for inmates' right to health.

D. CLOSING

Conclusion

1. Legal Regulations Regarding the Prohibition of Narcotics Use and Health Protection of Inmates at the Tanjung Gusta Women's Detention Center The prohibition of narcotics use in detention centers is expressly regulated in Law Number 35 of 2009 concerning Narcotics, Law Number 12 of 1995 concerning Corrections (as amended by Law Number 22 of 2022), and Regulation of the Minister of Law and Human Rights Number 6 of 2013 concerning Correctional Institution/Detention Center Rules. These regulations also contain the state's obligation to guarantee the health rights of inmates, including through medical and social rehabilitation for drug addicts.
2. The Impact of Drug Use on the Health of Inmates at the Tanjung Gusta Women's Detention Center Drug use at the Tanjung Kusta Women's Detention Center has serious impacts on the health of inmates, both physically (organ damage, infectious diseases), mentally (depression, anxiety, severe mental disorders), and socially (disordered development, increased conflict, recidivism). These impacts tend to be more complex for female inmates because they are related to reproductive health aspects and the psychological burden due to stigma.

3. Legal Analysis of Efforts to Address the Impact of Drug Use on the Health of Inmates at the Tanjung Gusta Women's Detention Center: Normatively, the legal framework is adequate to prevent and address drug use in detention centers through repressive, preventive, and rehabilitative measures. However, its implementation at the Tanjung Gusta Women's Detention Center still faces obstacles such as weak supervision, the involvement of certain individuals, and limited rehabilitation facilities. Therefore, it is necessary to strengthen oversight mechanisms, improve medical facilities and personnel, and synergize between relevant institutions so that law enforcement is in line with the protection of inmates' health rights.

4.

Suggestion

1. First, the government, through the Ministry of Law and Human Rights, needs to strengthen the monitoring system at the Tanjung Gusta Women's Detention Center to prevent drug trafficking, by increasing human resources, tightening regulations, and utilizing modern surveillance technology. Furthermore, medical and social rehabilitation facilities must be improved to ensure that inmates' health rights are met in accordance with applicable law.
2. Second, detention centers need to optimize gender-based development programs, such as psychological counseling, group therapy, and reproductive health education for female inmates. Synergy with relevant agencies such as the National Narcotics Agency (BNN), the Ministry of Health, and rehabilitation institutions must be strengthened to create comprehensive health and drug prevention services.
3. Third, inmates are expected to be more active in participating in available rehabilitation and development programs, while also building solidarity among inmates to create a healthy, drug-free environment. Furthermore, academic research support on the effectiveness of gender-based rehabilitation programs is crucial to formulate a more humane and sustainable strategy for handling narcotics in detention centers.

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