

Research Article

Legal Reconstruction Of Food Provision For Correctional Inmates in Fulfilling Human Rights

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Abstract: The provision of food for inmates is part of the fulfillment of fundamental human rights as regulated in the Regulation of the Minister of Law and Human Rights Number 40 of 2017. However, in its implementation, various problems are still found that require in-depth study to reconstruct the existing system to be more effective in realizing the fulfillment of human rights. This study aims to analyze the implementation of the Regulation of the Minister of Law and Human Rights Number 40 of 2017 in fulfilling human rights in correctional institutions and to formulate an ideal legal reconstruction of the provision of food for inmates to realize the fulfillment of human rights in the future. This study uses a normative legal research method with primary legal materials (legislation related to the provision of food in prisons), secondary (books, journals), and tertiary (legal dictionaries). The analysis was carried out qualitatively to examine the implementation of the policy and formulate an ideal legal reconstruction. The results of the study indicate that the implementation of Permenkumham No. 40/2017 still faces various obstacles including budget constraints, inadequate infrastructure, limited competent human resources, and a less than optimal supervision system. The ideal legal reconstruction includes strengthening the legal basis, developing a sustainable funding system, improving HR competency standards, developing an integrated monitoring system, and utilizing information technology in food management to realize the fulfillment of human rights for correctional inmates.

Keywords: Correctional Inmates; Food Provision; Human Rights; Legal Reconstruction; Prison management

1. Introduction

Human rights constitute a set of rights inherent to the nature and existence of humans as creatures of Almighty God and represent His gift that must be respected, upheld, and protected by the state, law, government, and every person for the honor and protection of human dignity and worth (Muladi, 2009). In the context of statehood, Indonesia has mandated the protection of human rights in its constitution, namely the 1945 Constitution of the Republic of Indonesia. This concept of human rights protection aligns with the universal view that human rights are inherent, inalienable, and applicable to all humanity without discrimination (Marzuki, 2013).

The correctional system in Indonesia constitutes an arrangement regarding the direction, boundaries, and methods of fostering correctional inmates based on Pancasila, implemented in an integrated manner among supervisors, those being supervised, and society (Hamzah, 2015). According to Atmasasmita (2014), the correctional system aims to improve the quality of correctional inmates so they recognize their mistakes, reform themselves, and do not repeat criminal acts, enabling them to be accepted back into society.

The provision of food for correctional inmates represents a manifestation of fulfilling the most fundamental human rights. As stated by Sudarto (2011), fulfilling basic needs including food constitutes the state's responsibility in protecting the human rights of correctional inmates. This aligns with research by Priyatno (2013) which emphasizes that

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food quality in correctional institutions has a direct correlation with health levels and the success of inmate rehabilitation programs.

The provision of food for correctional inmates represents a manifestation of fulfilling the most fundamental human rights. This aligns with the mandate of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 40 of 2017 concerning Guidelines for Food Provision for Detainees, Children, and Inmates. This regulation emphasizes that fulfilling food needs constitutes a fundamental humanitarian effort, considering that food is a primary human need for sustaining life and conducting daily activities.

In practice, food provision in correctional institutions still faces various complex challenges and problems. Overcrowding that occurs in almost all correctional institutions in Indonesia becomes one factor affecting food service quality. Budget limitations, kitchen infrastructure, and competent human resources in food management also constitute significant obstacles in efforts to fulfill nutritional standards established by the government.

Another equally important problem relates to menu standardization, food ingredient quality, processing methods, and food distribution that often fail to meet health and food safety standards. This potentially causes health problems for correctional inmates, which ultimately can affect the effectiveness of rehabilitation and development programs conducted by correctional institutions.

The implementation of Minister of Law and Human Rights Regulation Number 40 of 2017 still requires evaluation and improvement, considering the dynamics and complexity of problems faced in food provision at correctional institutions. A comprehensive legal reconstruction is needed to ensure that food provision for correctional inmates can operate effectively and efficiently while maintaining aspects of human rights fulfillment.

Legal reconstruction efforts become increasingly urgent given the close correlation between food quality and the health and welfare levels of correctional inmates. Optimal nutritional fulfillment will positively impact the physical and mental condition of inmates, which in turn will support the success of rehabilitation and social reintegration programs. Conversely, food provision that fails to meet standards can cause various health problems and potentially violate human rights.

In a broader context, legal reconstruction of food provision for correctional inmates must also consider cultural, social, and economic aspects. This recognizes that Indonesia has cultural diversity reflected in different food preferences across regions. Additionally, budget efficiency aspects must be considered without sacrificing quality and established nutritional standards.

Based on the complexity of these problems, an in-depth study is needed regarding legal reconstruction of food provision for correctional inmates that not only focuses on regulatory aspects but also considers implementation, supervision, and evaluation aspects. This is important to ensure that every correctional inmate receives their right to adequate food meeting nutritional standards, as part of fulfilling human rights guaranteed by the constitution and applicable legislation.

2. Literature Review

This section must contain a state-of-the-art explanation. It can be explained in several ways. First, you can discuss several related papers, both about objects, methods, and their results. From there, you can explain and emphasize gaps or differences between your research and previous research. The second way is to combine theory with related literature and explain each theory in one sub-chapter.

Legal Reconstruction

Legal reconstruction is a process to build or reorganize existing legal concepts or arrangements to make them better. According to Yusriyadi (2010), legal reconstruction is the rebuilding of legal systems that includes values, norms, and rules, both written and unwritten. Legal reconstruction is carried out to create a better legal system by considering the needs of society and developments of the times.

In the context of legal science, reconstruction contains the meaning of a process to rebuild or recreate or reorganize something (Mertokusumo, 2012). Legal reconstruction is not

limited only to the renewal of legislation, but also includes renewal in aspects of legal structure and legal culture. The main purpose of legal reconstruction is to realize a more effective legal system in achieving its goals, namely justice, legal certainty, and utility.

Correctional System

The Correctional System is an arrangement regarding the direction, boundaries, and methods of fostering correctional inmates based on Pancasila, implemented in an integrated manner among supervisors, those being supervised, and society. Historically, the correctional system in Indonesia has been known since 1964 through the thoughts of Dr. Sahardjo regarding the change in the purpose of inmate rehabilitation from the prison system to the correctional system.

According to Law Number 22 of 2022 concerning Corrections, the correctional system is implemented in order to shape correctional inmates to become whole human beings, recognize their mistakes, improve themselves, and not repeat criminal acts so they can be accepted back by the community environment, can actively participate in development, and can live normally as good and responsible citizens. This system emphasizes the aspect of rehabilitation rather than retaliation, with the ultimate goal of social reintegration.

Human Rights

Human Rights (HAM) are a set of rights inherent to the nature and existence of humans as creatures of Almighty God and represent His gift that must be respected, upheld, and protected by the state, law, government, and every person for the honor and protection of human dignity and worth. This definition is in accordance with Law Number 39 of 1999 concerning Human Rights.

In the context of corrections, human rights protection remains a fundamental aspect that must be guaranteed fulfillment. This is based on the principle that loss of freedom is the only suffering that inmates must experience, while other rights must still be fulfilled. According to Muladi (2009), fulfillment of human rights in the correctional system includes various aspects, including the right to adequate food, health, education, and rehabilitation.

Human rights protection for correctional inmates has also been regulated internationally through the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations.

3. Materials and Method

Research Type

This research uses normative legal research type. Normative legal research is conducted by examining and analyzing legislation related to food provision for correctional inmates, particularly Minister of Law and Human Rights Regulation Number 40 of 2017 concerning Guidelines for Food Provision for Detainees, Children, and Inmates. This method is chosen to determine legal principles, identify vertical/horizontal synchronization between regulations, understand legal historical aspects, and analyze the food provision system in correctional institutions in the context of human rights fulfillment.

Problem Approach

The approach used in this research is the statute approach. This approach is conducted by examining all legislation related to domestic violence crimes resulting in death. This research will consider the hierarchy and principles in relevant legislation, such as Minister of Law and Human Rights Regulation Number 40 of 2017 concerning Guidelines for Food Provision for Detainees, Children, and Inmates, and other related regulations.

Legal Material Sources

This research uses three types of legal material sources:

Primary Legal Materials: a.) The 1945 Constitution of the Republic of Indonesia, b.) Law Number 39 of 1999 concerning Human Rights, c.) Law Number 22 of 2022 concerning Corrections, d.) Minister of Law and Human Rights Regulation Number 40 of 2017

concerning Guidelines for Food Provision for Detainees, Children, and Inmates,e.) Other relevant legislation

Secondary Legal Materials: a.) Legal textbooks related to correctional systems, human rights, and food provision in correctional institutions,b.) Legal journals and scientific articles discussing correctional systems, fulfillment of correctional inmates' rights, and food provision in correctional institutions,c.) Research results and studies relevant to food provision in correctional institutions and human rights fulfillment for correctional inmates,d.) Expert legal opinions regarding correctional systems, human rights, and food provision for correctional inmates

Tertiary Legal Materials: a.) Legal dictionaries,b.) Indonesian Dictionary,c.) Legal encyclopedias,d.) Credible online sources related to the research topic

Legal Material Collection Techniques

Legal material collection is conducted through library studies and online legal material searches. Relevant legal materials will be collected, grouped, and categorized according to research needs.

Legal Material Analysis

Legal material analysis is conducted qualitatively using descriptive-analytical methods. The collected legal materials will be analyzed by: a.) Identifying legal facts and eliminating irrelevant matters,b.) Collecting relevant legal and non-legal materials,c.) Examining legal issues based on collected materials,d.) Drawing conclusions in the form of arguments that answer legal issues,e.) Providing prescriptions based on arguments built in the conclusions

4. Results and Discussion

Implementation of Minister of Law and Human Rights Regulation Number 40 of 2017 Concerning Guidelines for Food Provision for Detainees, Children, and Inmates in Fulfilling Human Rights at Correctional Institutions

The implementation of Minister of Law and Human Rights Regulation Number 40 of 2017 concerning Guidelines for Food Provision for Detainees, Children, and Inmates represents a manifestation of government efforts to fulfill the human rights of correctional inmates. As stated by Van Meter and Van Horn (2010), policy implementation consists of actions taken by individuals or groups from government and private sectors directed to achieve goals established in previous policy decisions. In this context, the implementation of food provision policies becomes crucial given that food is a basic need directly related to human rights.

In the aspect of planning and budgeting, the implementation of Ministerial Regulation No. 40/2017 still faces significant challenges. Budget limitations allocated for food provision are often disproportionate to the continuously increasing number of inmates. According to Priyatno (2013), overcrowding problems in correctional institutions directly impact budget burdens and food management complexity. This causes correctional institutions to make various adjustments in food management without reducing established quality standards.

Fulfilling nutritional standards and food adequacy becomes a fundamental aspect in implementing this policy. Ministerial Regulation No. 40/2017 has detailed the nutritional standards that must be met in food provision. However, in practice, fulfilling these standards still faces various obstacles, particularly in menu preparation that meets calorie standards, limited menu variation due to budget constraints, and food ingredient quality that is not always optimal. This condition certainly affects the quality of food served to correctional inmates.

The availability of competent human resources in food management becomes a key factor in the successful implementation of this policy. Limitations in the number of food management personnel, minimal training and certification, and understanding of hygiene and sanitation standards that still need improvement are challenges that must be faced. Improving personnel competence through continuous training programs becomes non-negotiable to ensure food provision meets established standards.

Infrastructure conditions and supporting facilities for food provision in several correctional institutions still require serious attention. The availability of adequate kitchens, proper cooking equipment, food storage facilities, and good sanitation systems are prerequisites for food provision that meets standards. Improvement and development of this infrastructure requires substantial budget support but constitutes an important investment in efforts to fulfill inmates' rights.

The supervision and evaluation system in implementing Ministerial Regulation No. 40/2017 requires strengthening to ensure food provision standards are met. Internal supervision mechanisms, structured reporting systems, and periodic evaluation of food quality become important components in maintaining food provision quality. Involvement of various parties in supervision, including government and community elements, is needed to ensure accountability of food provision in correctional institutions.

The success of implementing Ministerial Regulation No. 40/2017 greatly depends on the commitment and coordination of various involved parties. Support from various stakeholders, including central government, regional government, and society, is needed to ensure fulfillment of food provision standards for correctional inmates. Continuous improvement efforts, both in budget aspects, human resources, infrastructure, and supervision systems, become key to realizing food provision that meets standards and aligns with human rights fulfillment principles.

Ideal Legal Reconstruction for Food Provision for Correctional Inmates to Achieve Human Rights Fulfillment in the Future

Legal reconstruction of food provision for correctional inmates represents a strategic step to realize a better system in the future. According to Yusriyadi (2010), legal reconstruction is the rebuilding of legal systems that includes values, norms, and rules, both written and unwritten. In the context of food provision in correctional institutions, legal reconstruction is needed to create a more comprehensive and adaptive system to various existing challenges.

Legal reconstruction efforts for food provision must begin with strengthening existing legal foundations. Minister of Law and Human Rights Regulation Number 40 of 2017 as the main guideline needs to be strengthened with various more detailed and operational technical regulations. Regulations concerning minimum kitchen facility standards, equipment specifications, and food management personnel qualifications need to be formulated more comprehensively to provide clear guidance for every correctional institution.

The funding aspect in food provision requires reconstruction of a more sustainable system. The current budgeting model needs to be reviewed to accommodate real needs in the field. A more flexible yet accountable budgeting mechanism needs to be developed, allowing correctional institutions to manage funds more effectively in meeting food provision standards. The funding system must also consider potential food price increases and fluctuations in the number of inmates.

Reconstruction of supervision and quality control systems in food provision becomes an equally important aspect. An integrated monitoring and evaluation system needs to be developed, involving various stakeholders including the Ministry of Law and Human Rights, independent supervisory institutions, and society. This system must be capable of providing early warning of potential deviations and ensuring quick follow-up on field findings.

Standardization of food management human resource competency needs to be reconstructed to produce more professional personnel. Competency certification programs for food management personnel must become an integral part of the food provision system in correctional institutions. Training curricula need to be developed considering technical aspects of food management, hygiene and sanitation, and understanding of human rights.

Community participation and supervision mechanisms in food provision also need to be reconstructed to create a more transparent and accountable system. Official channels that enable society and monitoring institutions to participate in food provision supervision need to be developed. An effective complaint system and clear follow-up mechanisms need to be built to ensure every input from society can be adequately addressed.

Reconstruction of evaluation systems and food provision performance assessment is also needed to encourage continuous quality improvement. Measurable performance

indicators and objective assessment systems need to be developed. Evaluation results must serve as the basis for developing improvement programs and enhancing food provision quality in the future.

Information technology aspects in food management also need to be reconstructed to optimize system efficiency and effectiveness. Development of integrated information systems covering menu planning, inventory management, food distribution recording, and reporting systems needs to be conducted to support better management. This system must also be capable of generating accurate data for decision-making and program evaluation purposes.

In the future, legal reconstruction of food provision must also consider environmental sustainability aspects. Food waste management, energy efficiency in food processing, and selection of environmentally friendly food ingredients need to become part of the system being built. This aligns with global commitments to sustainable development and environmental protection.

The success of legal reconstruction of food provision will greatly depend on the commitment and coordination of all involved parties. Strong leadership and clear vision are needed to ensure every planned change can be implemented effectively. Monitoring and evaluation of the reconstruction process also need to be conducted periodically to ensure every change made truly brings improvement to the food provision system in correctional institutions.

5. Conclusion

The implementation of Minister of Law and Human Rights Regulation Number 40 of 2017 concerning Guidelines for Food Provision for Detainees, Children, and Inmates in fulfilling human rights at correctional institutions still faces various significant challenges. The main problems include budget limitations that are disproportionate to the number of inmates, inadequate infrastructure and facility conditions, limited competent human resources, and supervision and evaluation systems that still require strengthening. Although there have been improvement efforts, the implementation of this policy still requires serious attention from various stakeholders to ensure fulfillment of food provision standards in accordance with human rights principles.

Ideal legal reconstruction for food provision for correctional inmates to achieve human rights fulfillment in the future requires a comprehensive and systematic approach. This reconstruction includes strengthening legal foundations, developing sustainable funding systems, improving human resource competency standards, developing integrated supervision systems, and utilizing information technology in food management. The success of this legal reconstruction will greatly depend on the commitment and coordination of all related parties, as well as continuous monitoring and evaluation of every change made.

6. Recommendations

Based on the results of this research, concrete steps are needed to improve the quality of food provision for correctional inmates. The government needs to conduct a comprehensive evaluation of the implementation of Ministerial Regulation No. 40/2017 and make necessary policy adjustments. Increasing budget allocation, developing continuous training programs for food management personnel, improving infrastructure and facilities, and strengthening supervision systems become priorities that must be immediately followed up. Additionally, developing integrated information systems and actively involving society in supervising food provision needs to be encouraged to create a more transparent and accountable system. The commitment of all parties, including central government, regional government, and society, is greatly needed to realize food provision that meets standards and aligns with human rights fulfillment principles.

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