

## THE FULFILLMENT OF WOMEN'S PRISONERS' RIGHTS AS ONE OF THE VULNERABLE GROUPS IN CORRECTIONAL INSTITUTIONS



<sup>1</sup>Mitro Subroto, <sup>2\*</sup>Argendo Siahaan

<sup>1,2</sup>Program Studi Teknik Pemasyarakatan, Politeknik Ilmu Pemasyarakatan – Indonesia

### e-mail:

<sup>1</sup>subrotomitro07@gmail.com

<sup>2\*</sup>argendosiahaan98@gmail.com (corresponding author)

### ABSTRACT

*This article discusses the fulfillment of women's prisoners' rights in correctional institutions (Lapas) in Indonesia through a literature review approach. The main focus is on the challenges faced by female inmates, including gender inequality, limited facilities, and specific health issues. Additionally, the article evaluates existing policies and programs, such as the ratification of international conventions and related legislation, as well as efforts to fulfill the specific rights of women in correctional facilities. The findings indicate that although there are some policies in place, their implementation still faces significant obstacles. The article recommends the need for policy reforms, improved facilities, and specialized training for staff to more effectively and fairly meet the rights of female inmates.*

**Keywords:** Rights; Inequality; Gender; Policy



©2025 Copyright : Authors

Published by : Program Studi Manajemen, Universitas Nusa Cendana, Kupang – Indonesia

This is an open access article under license :

CC BY (<https://creativecommons.org/licenses/by/4.0/>)

## INTRODUCTION

One of the core principles of a rule-of-law state is the respect and protection of human rights. In the legal concept of human rights, the state holds the obligation, while the people hold the rights. Therefore, every citizen has human rights that must be enforced, protected, respected, and fulfilled by the state. Women, as a group within society, are a segment whose human rights must be guaranteed protection by the state, just like any other group. The principle of non-discrimination is fundamental in all international agreements opposing discrimination against women, where special rules to protect pregnancy and other women's interests must be considered.

Indonesian women play a vital role in the life and development of the country. Whether as mothers, wives, daughters, grandmothers, office workers, housewives, or professionals, their contributions cannot be understated. Unfortunately, the recognition of Indonesian women often does not match their sacrifices. The position of women in the social, cultural, political, and legal systems is frequently disproportionate and unequal compared to men. Women's rights are often violated in various ways, and in certain political situations, both women and men can become victims of violence (Sofiani Fajriah et al., 2019). However, due to male dominance in political roles, issues of violence against women related to their human rights often remain invisible. Therefore, women's issues need to be a focus of the state at national, regional, and international levels. Consequently, women's issues will be considered national and state concerns, not just women's group issues. The prevalence of discrimination and violence against women, both in the public and domestic spheres, raises questions about how well Indonesian law has protected women, who are often victims in various forms, such as sexual harassment.

The issue of gender equality between men and women in Indonesia is an enduring question. Socially and culturally, Indonesian women have long been subjected to discrimination and injustice, even before Indonesia's independence. This injustice becomes evident when compared to the positions and treatment received by men. The historical injustice experienced by Indonesian women must end. From a legal perspective, many legal instruments guarantee equality and justice for all, both men and women, including international law. These provisions are enshrined in various laws and regulations, with the hope of realizing justice as expected. However, in practice, enforcement in daily life remains an unresolved issue. The reality shows that the law has not fully supported women, especially those from poor communities and racial, ethnic, and religious minority groups, who lack access to power. If women have not yet achieved equality and justice, the application of the principle of "equality before the law" is questionable, and this certainly applies to female prisoners as well (Perempuan & Di, n.d.).

Each year, the number of women in correctional facilities increases along with the dynamics of crime. The Directorate General of Corrections recorded that throughout 2022, the average increase in the number of female prisoners reached 7.90 percent (Rifa'i & Subroto, 2021). Female prisoners are Indonesian citizens who have lost their freedom due to serving sentences in correctional facilities. However, female prisoners are still human and citizens, and therefore, they must be treated in accordance with human rights. Article 27 of the 1945 Constitution states that all people are equal before the law, meaning that in fulfilling the rights of citizens, there should be no discrimination, even during the process of serving sentences as convicts.

Based on the presentation of the issues above, the writer is interested in exploring the following topics :

1. What are the challenges faced by female prisoners?
2. How is the fulfillment of rights for vulnerable groups of women prisoners in correctional facilities?

## **LITERATURE REVIEW**

Utami's (2020) study aims to assess the fulfillment of health services for female prisoners and the challenges encountered at the Langkat Narcotics Correctional Facility in Medan, North Sumatra. The research utilizes field studies to observe the implementation directly, as well as literature studies that include laws, documents, and literature. The results show that, in general, the provision of health services for female prisoners is still inadequate and does not meet established standards. This is due to the absence of healthcare professionals like general practitioners and limited medical equipment. However, the correctional facility has made efforts to provide sufficient healthcare services, such as medical check-ups for sick prisoners and other health-related activities.

Prihananti (2022) a research conducted to understand the fulfillment of rights for pregnant and breastfeeding prisoners, as well as to identify the facilities available to them. The study used a normative-empirical research method by combining primary data from laws and secondary data obtained through interviews with Ms. Nining Trisnowati, the Head of Care at the Women's Correctional Facility, and research respondents, including pregnant and breastfeeding female inmates at Class II B Women's Correctional Facility in Yogyakarta. The study concludes that the rights of pregnant and breastfeeding inmates have been adequately fulfilled and are in accordance with Law Number 12 of 1995, such as the provision of vitamins and extra food, healthcare services like ultrasound (USG) and daily check-ups conducted at the facility's clinic by the prison doctor. However, the Class II B Women's Correctional Facility in Yogyakarta still lacks certain facilities, such as dedicated sleeping quarters for pregnant and breastfeeding inmates and the absence of a lactation room.

Safrin's (2021) research provide strategies for fulfilling human rights in vocational guidance during the new normal era, ensuring that vocational programs continue through a combination of online and offline classes. These methods allow the programs to remain operational and even enhance organizational productivity. This study is qualitative with a descriptive approach, presented through a narrative involving both primary and secondary data. The research concludes that the correctional facility has implemented policies regarding the duration of vocational guidance, yielding positive results. Furthermore, by adhering to health protocols such as swab tests and screenings for third parties entering the facility, these programs can continue safely. This scholarly work is expected to contribute to the enforcement of prisoners' rights, considering the varying circumstances in different cities or countries.

## **METHOD**

The method used in writing this article is a literature review. This method aims to collect and analyze relevant information from various written sources to build a theoretical and practical foundation on the discussed topic. By employing the literature review method, the article seeks to provide in-depth, evidence-based insights into the fulfillment of female prisoners' rights in correctional facilities. This approach allows for a comprehensive examination of various related aspects, including legal frameworks, policies, and the actual conditions faced by female inmates. The literature review also helps to identify challenges and gaps in the existing system while proposing relevant solutions to improve the treatment and conditions of this vulnerable group. By

synthesizing information from different perspectives, the article hopes to contribute to ongoing discussions and offer practical recommendations for policymakers, correctional institutions, and society to better protect and uphold the rights of female prisoners.

## **RESULTS AND DISCUSSION**

### **Challenges Faced by Female Prisoners in Correctional Facilities**

The challenges faced by female prisoners in correctional facilities (Lapas) in Indonesia are multifaceted and reflect the deep-seated structural issues within the correctional system. A primary challenge is the persistent gender inequality that shapes the treatment and experiences of female inmates. In a society that is traditionally patriarchal, women often find themselves in more vulnerable positions compared to their male counterparts, and this dynamic extends into the context of corrections. The implications of this inequality are evident across various aspects of life within prisons, impacting everything from the facilities available to inmates, to their access to essential healthcare services and the legal protections that should be guaranteed to them.

In Indonesia, most correctional facilities are primarily designed with the needs of male prisoners in mind, with only minimal adjustments made for female inmates. As a consequence, many facilities are ill-equipped to address the specific needs of women. This is particularly concerning for female prisoners who are pregnant, breastfeeding, or facing reproductive health challenges. For instance, access to adequate healthcare services, including gynecological and obstetric care, is frequently limited or, in some cases, entirely absent in many correctional facilities. This lack of appropriate medical services leaves female prisoners in precarious situations, especially those who require specialized care for their health issues (Utami, 2020).

Moreover, the absence of gender-sensitive policies and practices in correctional facilities exacerbates the challenges faced by these women. The combination of inadequate facilities, limited access to healthcare, and systemic gender biases ultimately results in a cycle of vulnerability that undermines the well-being and rights of female prisoners. Addressing these challenges requires a comprehensive approach that recognizes and responds to the unique needs of female inmates, ensuring that they receive the care, support, and protection to which they are entitled under the law.

Female prisoners often face substantial obstacles in accessing healthcare services tailored to their specific needs. Many correctional facilities are severely lacking in medical resources, and even when such resources are present, there is frequently a shortage of medical personnel with the specialized expertise required to address women's health issues effectively. This gap in healthcare provision can have serious implications for the well-being of female inmates, particularly those dealing with reproductive health concerns.

Moreover, the stigma associated with female prisoners, especially those convicted of certain crimes like drug offenses, exacerbates the challenges they encounter in obtaining necessary medical care. This societal stigma can lead to discriminatory practices within healthcare settings, further hindering their access to essential services. As a result, many female inmates may hesitate to seek medical assistance due to fear of judgment or mistreatment, which ultimately exacerbates their health issues and diminishes their overall quality of life within the correctional system. Addressing these challenges is crucial for ensuring that female prisoners receive equitable and appropriate healthcare.

Female prisoners frequently confront significant challenges related to their human rights, particularly concerning their entitlement to humane and dignified

treatment. Although both international and national laws are designed to safeguard the rights of all prisoners, the reality for female inmates often diverges from these legal protections. In practice, many female prisoners endure violations of their rights, including physical and sexual violence inflicted by prison staff or other inmates. Alarming, there are often insufficient mechanisms in place for these women to report such incidents or to seek protection from further harm, leaving them vulnerable and isolated in their circumstances (Prihananti, 2022).

Additionally, female prisoners from marginalized groups—such as racial, ethnic, or religious minorities—face compounded challenges. These individuals often experience heightened levels of discrimination, which exacerbate their already precarious situations within the prison system (Hidir & Kartikowati, 2012). This discrimination can take many forms, from unequal access to healthcare services to differential treatment by staff, leading to an overall environment that fails to uphold their dignity and rights. Consequently, addressing these systemic issues is vital to ensure that female prisoners receive the humane treatment and legal protections they are entitled to.

To effectively tackle the myriad challenges faced by female prisoners, it is imperative to implement a comprehensive and inclusive strategy that extends beyond merely addressing their basic needs. This approach should emphasize the empowerment of female inmates while ensuring robust protection of their rights. Reforms within the correctional system must be designed with a gender-sensitive lens, meaning that policymakers need to take into account the unique circumstances and requirements of female prisoners. This involves not only improving physical facilities and healthcare services but also creating policies that support their emotional and psychological well-being.

Additionally, fostering societal awareness regarding the issues faced by female prisoners is crucial. Engaging the community in advocacy and support initiatives can help challenge the stigma associated with incarceration, promoting a more understanding and compassionate environment for these women. Programs that educate the public about the challenges faced by female inmates and the importance of their rehabilitation can significantly contribute to a more supportive atmosphere.

Furthermore, such engagement should extend beyond incarceration. Efforts to support female prisoners during their reintegration into society are vital for their successful transition. This includes providing access to vocational training, mental health resources, and social support systems, which are essential for helping them build stable and productive lives after release. By addressing these multifaceted needs, we can ensure that female prisoners receive fair and humane treatment, ultimately enabling them to overcome the obstacles they face and lead fulfilling lives within their communities.

### **Efforts to Fulfill the Rights of Vulnerable Female Prisoners in Correctional Facilities**

The fulfillment of female prisoners' rights in correctional facilities is fundamentally grounded in several foundational principles that guide the legal and ethical framework within which these rights are protected. Primarily, these rights are based on the principles of Pancasila, which serves as the ideological foundation for Indonesia's legal system. Specifically, the fifth principle of Pancasila emphasizes "Social Justice for All Indonesians" (Safrin, 2021), which asserts that every citizen, regardless of gender, is entitled to equal treatment under the law. This principle is crucial, particularly for female prisoners who may face additional vulnerabilities within the correctional system.



The 1945 Constitution reinforces this foundation by providing a constitutional basis for the protection of human rights, ensuring that all citizens, including those who are incarcerated, are afforded legal rights that cannot be arbitrarily violated. Furthermore, various laws operationalize these rights, outlining specific entitlements and protections for female inmates. Legal order acts as a safeguard for these rights, granting individuals the power to defend themselves against any threats or infringements. In cases where rights are violated, female prisoners possess the legal right to file complaints with law enforcement agencies, thus holding the system accountable for ensuring justice and upholding human dignity within correctional facilities.

Several policies and programs have been implemented to advocate for women's rights in Indonesia, yet the outcomes still require significant improvement. One notable policy is the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which serves as a critical framework for ensuring protection against gender-based discrimination (Martiyanto & Subroto, 2023). This international agreement highlights the commitment of the government to promote gender equality and eliminate discrimination; however, despite these efforts, women's rights remain vulnerable to violations. The ongoing struggle for true equality between men and women reflects deeper societal issues that continue to persist.

Female prisoners, in particular, have unique rights stemming from their biological differences, which include pregnancy, childbirth, breastfeeding, and menstruation. These inherent differences necessitate special attention and tailored policies from the state to ensure that their specific needs are met. For instance, pregnant and breastfeeding inmates are entitled to additional food and healthcare provisions, as outlined in Government Regulation No. 32 of 1999. Despite this regulatory framework, the actual implementation of such provisions often falls short, leading to inadequacies in the care and support provided to these vulnerable women.

Article 12 of Law No. 12 of 1995 addresses the treatment of female prisoners but lacks the specificity and comprehensiveness required to adequately protect their rights. This legislative gap underscores the need for further reforms and targeted measures to ensure that female inmates receive the appropriate care, respect, and dignity that align with their rights as individuals within the correctional system.

Moreover, correctional institutions must ensure that female inmates have adequate access to healthcare, proper nutrition, and supportive environments. This includes facilities like maternity clinics and rehabilitation programs tailored to women's needs. Training for correctional officers is also essential, equipping them to understand gender issues and human rights, thus contributing to a more humane and just correctional system for all inmates.

## **CONCLUSION AND SUGGESTION**

The following conclusions can be made in light of the discussion that has been provided. The difficulties that Indonesian women in correctional facilities (prisons) encounter are extremely complicated and are a reflection of the persistent gender imbalance in the criminal justice system. Reflect the persistent gender disparity in the criminal justice system. Prison facilities are frequently insufficient to address the unique requirements of women in disadvantaged circumstances, such as reproductive health care. Their access to services that ought to be provided is further hampered by stigma and prejudice, which leads to a scenario where their human rights are frequently infringed. Adopting a more thorough and inclusive strategy that prioritizes not just providing for inmates' basic needs but also empowering female inmates is crucial in an attempt to solve these issues.

The significance of gender issues must be emphasized in penal system reforms, and programs must be tailored to the unique requirements of women.

Suggestions for the government include ensuring adequate health facilities specific to the needs of women prisoners, especially those related to reproductive health, pregnancy and childbirth. Prisons should be equipped with clinics capable of handling these specific medical conditions, as well as providing better access to medical professionals who understand women's health issues. In addition, additional facilities to support special needs such as breastfeeding rooms and access to nutritious supplementary food should be a priority. Prisons need to develop rehabilitation and reintegration programs specifically designed for women prisoners, with a focus on improving relevant skills and education. These programs should be tailored to women's specific needs and conditions, and provide them with opportunities to better prepare for their return to society. Additional support such as counseling and legal aid should also be strengthened to ensure that women prisoners can overcome the stigma and challenges they face upon release.

## REFERENCES

- Anshar, & Abdulajid, S. (2021). Pemenuhan Hak-Hak Khusus Narapidana Pemasyarakatan Perempuan Kelas Iii. *Jurisprudencie*, 8(1), 74–84.
- Hidir, A., & Kartikowati, R. S. (2012). Pemenuhan Hak Kesehatan Reproduksi Napi Perempuan Di Lembaga Pemasyarakatan (Lapas) Provinsi Riau. *Marwah: Jurnal Perempuan, Agama Dan Jender*, 11(1), 1.  
<https://doi.org/10.24014/marwah.v11i1.501>
- Kresnadari, A., Isharyanto, & Supanto. (2013). Pelaksanaan Pemenuhan Hak Atas Pelayanan Kesehatan Bagi Perempuan Narapidana Dalam Keadaan Hamil. *Journal of Chemical Information and Modeling*, 6 No. 2(9), 1689–1699.
- Martiyanto, H., & Subroto, M. (2023). Perlindungan Hukum terhadap Anak dari Narapidana Perempuan di Lembaga Pemasyarakatan Indonesia. *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*, 12(02).  
<https://doi.org/10.19109/intelektualita.v12i002.19698>
- Penny, N. U. (2020). Pemenuhan Pelayanan Kesehatan Bagi Narapidana Perempuan Di Lembaga Pemasyarakatan Narkotika Langkat. *Jurnal HAM*, 11(Nomor 3), 419–430.
- Perempuan, P. H., & Di, T. (n.d.). Fahririn. Penerapan Hak-Hak Perempuan Terpidana Di Lembaga Pemasyarakatan Kelas Iia Jakarta Timur. *Hukum*. 2021;3:126–43. 3(2).
- Prihananti, D. A. T. (2022). Pemenuhan Hak Narapidana Hamil dan Menyusui di Lembaga Pemasyarakatan Perempuan. *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 3(2), 68–78. <https://doi.org/10.18196/ijclc.v3i2.15526>
- Rifa'i, A., & Subroto, M. (2021). Pemenuhan Hak Pelayanan Kesehatan Umum bagi Narapidana Perempuan. *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*, 10(2), 265–271. <https://doi.org/10.19109/intelektualita.v10i2.9886>
- Safrin, F. M. (2021). Pemenuhan Hak Asasi Manusia dalam Program Pembinaan Kemandirian Narapidana Perempuan di Era Normal Baru. *Jurnal HAM*, 12(2), 285. <https://doi.org/10.30641/ham.2021.12.285-304>
- Sofiani, F., Endang, E., & Dini, Z. (2019). Efektivitas Pelaksanaan Pengawasan Warga Binaan Dalam Lembaga Pemasyarakatan Kelas IIA Di Kota Samarinda. *Journal Administrasi Negara*, 7(1), 6717–6729.

- Srianturi, I., Syamsuddin, R., & Jamil, M. J. (2021). Hak-hak narapidana perempuan di tinjau dalam hukum islam. *Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam*, 3(1), 17–28.
- Trianio, H. M., Hakim, M. Z., & Huripah, E. (2020). Pemenuhan Hak Pengasuhan Bayi Oleh Narapidana Perempuan Di Lembaga Pemasyarakatan Perempuan Kelas II a Tangerang. *PEKSOS: Jurnal Ilmiah Pekerjaan Sosial*, 19(1), 99–112.