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Fulfilling Women's Rights in Jakarta's Class IIA Prison

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Abstract:
Correctional institutions function to provide correctional services to inmates who are carrying out criminal sentences. For female prisoners, Indonesia places them in special correctional institutions for women. The Jakarta Class IIA Women's Correctional Institution is one institution formed to guide female WBPs. While in prison, prisoners have rights that must be respected, protected, and fulfilled. This article attempts to establish a national legal policy to guarantee the rights of women inmates in Indonesia and the availability of inmates' rights in Indonesia. This research is yuridis normative. The research results show that at a practical level, there are rights of female prisoners that cannot be accessed, their fulfillment is late, and their fulfillment is a formality to fulfill the provisions of the rules. The various factors that cause non-optimal fulfillment of rights include overcapacity, lack of exceptional standards for female prisoners, inadequate budget, inadequate facilities and infrastructure, weak third-party support, and problems with the quality of human resources for prison officers. The author suggests that the Government fulfill the human rights of inmates by making many changes, such as increasing the budget, collaborating with third parties, and others. Suggestions for the Government to continue to improve the fulfillment of the rights of women prisoners, which is not just a formality but is also optimized, for example, prison capacity, adequate budget, infrastructure, and the quality of prison officer resources.

Keywords:
human rights; inmates; women.

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Introduction

Indonesia currently uses a criminal legal system based on the Criminal Code (KUHP). The determination of various types of sanctions that can be used as a means of dealing with multiple crimes that occur is regulated in Article 10 of the Criminal Code. Imprisonment is one of the types of punishment mentioned in the article. Nowadays, with the growing understanding of individualism and the humanitarian movement, prison punishment plays an increasingly important role and shifts the position of the death penalty and corporal punishment, which are considered cruel.[1]

Criminal law enforcement that prioritizes prisons demands or forces correctional institutions to carry out training while fulfilling prisoners' rights. In a correctional institution, some parties are classified as having vulnerabilities. The United Nations Office on Drugs and Crime believes that women are a vulnerable group in prison.[2] Roy Walmsley once researched

[1] Barda Nawawi Arief, *Kebijakan Legislatif Dalam Penanggulangan Kejahatan Dengan Pidana Penjara / Barda Nawawi Arief* (Yogyakarta: Genta Publishing, 2010).
[2] Yourike Yasmine Layt and Mitroa Subroto, "Perspektif Hak Asasi Manusia Terkait Kelompok Rentan Bagi Narapidana Dengan Putusan Pidana Seumur Hidup Di Indonesia Oleh," *Jurnal Gema Keadilan* 8, no. 1 (2021): 94–105.

the "female population in prison" in his research report entitled "World Female Imprisonment List (Fourth Edition)" stated that based on data obtained up to September 2017, Indonesia was one of the countries where the female prison population experienced a sharp increase.[3] In 2018, Secretary of the Directorate General of Corrections, Ministry of Law and Human Rights, Sri Puguh Budi Utami, announced the increase in female prisoners from 7,000 in 2014 to 13,459 in May 2018.[4]

Women's Correctional Institutions in Indonesia generally conduct correctional processes for prisoners or students. In carrying out these duties, prisons must ensure that correctional inmates receive their rights. The issue of the rights of correctional inmates can be seen in international or national legal instruments. At the global level, international instruments containing standards for fulfilling the rights of women prisoners are regulated in the "United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders with their Commentary," or what is known as the Bangkok Rules. Through the Bangkok Rules, member countries are reminded that female prisoners are a vulnerable group that has specific needs and requirements.

For this reason, the Bangkok Rules established Minimum Standard Rules for the Development of Prisoners, which consider female prisoners' unique needs (distinctive needs). The UN believes that fulfilling these special needs aims will result in substantial gender equality. To meet the needs of prisoners, we must pay attention to the principle of non-discrimination, which is the basic principle of the Bangkok Rules.[5] In the Bangkok Rules, there are various rights of female prisoners, including rights related to admission, registration, placement, personal hygiene, health services (medical examination upon entry, gender-specific health care, health and psychiatric care, HIV prevention, treatment, care and support, substance abuse treatment, prevention of suicide and self-harm, preventive health care services), safety and security (search, discipline and punishment, restraint devices, information for and complaints by prisoners), relations with the outside world, human resources and training institutions, detention of underage women, and so on. However, this article will examine it comprehensively regarding health, environment, supporting facilities, psychology, and even partner collaboration that helps the creativity and activities of prisoners.

This research aims to understand the rights of female prisoners as a whole and suggest to the Government to be able to carry out supervision in optimizing the rights of female prisoners in correctional institutions, such as the right to give birth, the right to breastfeed, the right to develop talents, and others that can only be carried out by women needs to be fulfilled comprehensively. Of course, these rights will be realized if prisons create good budget channels for rights development, collaboration with third parties, etc. When compared with other articles with the same theme, for example, Bagaskara Indra's article with the title Fulfilling the Rights of Female Prisoners Who Care for Children in Correctional Institutions,

[3] Roy Walmsley, "World Female Imprisonment List: Women and Girls in Penal Institutions, Including Pre-Trial Detainees/Remand Prisoners, Fourth Edition," *World Prison Brief*, 2017, 1–13.
[4] Yoga Sukmana and Sandro Gatra, "Pemerintah Kaget Lonjakan Jumlah Napi Perempuan," Kompas, 2018.
[5] UNODC, "The Bangkok Rules," *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders with Their Commentary*, 2010, 1–52.

which only focuses on the rights of female prisoners who have children.[6] Apart from that, Fhaorozhe Rezky's article entitled Implementation of the Fulfillment of the Rights of Female Prisoners in Correctional Institutions (Research Study in Class IIA Medan Women's Prison), which found deficiencies in terms of facilities and qualified health personnel partners.[7] Another article written by Anshar, titled Fulfillment of the Special Rights of Female Prisoners (Study at the Ternate Class III Women's Penitentiary) found that there were obstacles related to legal instruments that could standardize the fulfillment of special rights for female prisoners.[8] Compared to the three previously mentioned articles, this article focuses on national legal policies that guarantee the rights of women prisoners in Indonesia and evaluates the extent to which these rights are provided and upheld.

Method

This research was conducted by paying attention to scientific procedures that apply in legal research. The research process in this study includes identifying legal issues first. Identifying legal issues is important in legal research before it is carried out. This is the first step that a researcher must take. In this research, the legal issue that is the research problem is the fulfillment of the rights of female prisoners. Female convicts are one of the groups that are seen as having vulnerabilities in a correctional institution. The issue of women's vulnerability was one of the reasons why Bangkok Rules was born. This vulnerability is what makes women, when carrying out training in prisons, need to receive special treatment. This unique treatment is not aimed at creating discrimination but at achieving substantial gender equality.

Data collection for this research was carried out using a qualitative qualitative research approach, which requires data collection using in-depth interviews. Interviews were conducted with 20 informants, including inmates, prison officers, and prison heads. The interview was conducted in April 2023. In-depth interviews in this research were conducted with informant Female inmates with Pregnant/Breastfeeding conditions:

1. Female inmates with Children;
2. Female juvenile inmates;
3. Female inmates with Disabilities condition;
4. Elderly female inmates; and
5. Female inmates with Transgender Correctional Inmates.

As an informant, various interview questions are asked in-depth, such as Rights related to Registration and Placement, Accommodation, Sanitation, and Personal Hygiene, Rights to Clothing and Bedding, Food and Drinking Water, Sports, Health Care, Non-Violence, Relations with Outsiders, Worship Facilities, Case Information, Filing Complaints and Complaints, Reading Materials, Job Training, Education, Separation and Social Reintegration. This interview question to find fulfillment of human rights. Secondary data includes official

[6] Bagaskara Indra Saputra and Mitro Subroto, "Pemenuhan Hak Narapidana Perempuan Yang Sedang Mengasuh Anak Di Lembaga Pemasyarakatan," *Jurnal Aplikasi Dan Inovasi Ipteks "Soliditas" (J-Solid)* 5, no. 1 (March 2022): 15, https://doi.org/10.31328/js.v5i1.2891.
[7] Fhaoroze Rezky Hakim, "Implementasi Pemenuhan Hak Narapidana Perempuan Di Lembaga Pemasyarakatan (Studi Penelitian Di Lapas Perempuan Kelas II A Medan)" (Universitas Malikussaleh, 2024).
[8] Anshar and Syawal Abdulajid, "Pemenuhan Hak-Hak Khusus Narapidana Pemasyarakatan Perempuan Kelas III," *Jurisprudentie* 8, no. 1 (2021): 74–84, https://doi.org/https://doi.org/10.24252/jurisprudentie.v8i1.21364.

documents, books, and research results in the form of reports, diaries, and others. The data analysis method used is qualitative analysis. This method of data analysis is carried out to conclude from the research results collected, describing the existing data that are directly related to the problems discussed.

Discussion

1. Guaranteeing the rights of women inmates in national legal policy

In Indonesia's regulation to fulfill the human rights of female prisoners, Indonesia does not yet have exceptional service standards for female prisoners. Implementing services for female prisoners in Women's Prisons using the Conditions and Procedures for Implementing the Rights of Correctional Inmates Government Regulation (1999, amendments 2006 and 2012). This regulation was formed in part to implement the mandate of Article 14 of the Correctional Law (1995, amendment 2022), which contains prisoners' rights. The Rights of Correctional Inmates Government Regulation does not explicitly regulate the fulfillment of the rights of female prisoners but of prisoners in general. Amid limitations regarding the absence of guidelines for implementing the fulfillment of the rights of female prisoners, guidance for female prisoners is still ongoing in women's prisons in Indonesia. The issue of meeting the unique needs of correctional inmates is a classic area of concern for research.

Human Rights (Human Rights) are human rights inherent in humans, where humans are gifted with reason and conscience.[9] Indonesia has many regulations and even human rights protection institutions since the Indonesian Government ratified various international human rights instruments such as the Universal Declaration of Human Rights (UDHR) and the Human Rights Law.[10] A correctional institution is a place for inmates and students currently serving their criminal term for actions violating the law.[11] The Jakarta Class IIA Women's Correctional Institution carries out correctional processes for prisoners or students. In carrying out these duties, the Jakarta Class IIA Women's Correctional Institution is responsible for fulfilling (to fulfill) the rights of correctional inmates. The implementation of fulfilling the rights of inmates has not been optimal. This is based on several findings, including:

a. Delayed to Fulfillment of the Rights

   Various rights are not fulfilled. Being late here means that every prison inmate cannot access these rights routinely. This delay is more because correctional inmates must take turns to get their rights. At the implementation level, the fulfillment of rights experiencing delays is the Fulfillment of Sports Rights as a Form of Physical Care. Article 5 of the Rights of Correctional Inmates Government Regulation states that prisoners and correctional students have the right to receive spiritual and physical care. Furthermore, Article 7 of the regulation qualifies sport

[9] Duwita Aisya Trisna Prihananti, "Pemenuhan Hak Narapidana Hamil Dan Menyusui Di Lembaga Pemasyarakatan Perempuan," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 3, no. 2 (July 2022), https://doi.org/10.18196/ijclc.v3i2.15526.
[10] Fiqih Bagus Aryo Seno, "Kajian Perlindungan Implementasi Hak Asasi Manusia Bagi Narapidana Perempuan," *Widya Yuridika* 3, no. 2 (November 2020): 295, https://doi.org/10.31328/wy.v3i2.1677.
[11] Saputra and Subroto, "Pemenuhan Hak Narapidana Perempuan Yang Sedang Mengasuh Anak Di Lembaga Pemasyarakatan."

as a form of physical care that women inmates (Warga Binaan Perempuan - WBP) can accept. The explanation of Article 7 states that the types of sports that are held include football, table tennis, volleyball, badminton, chess, and gymnastics.

More specifically, the term sports facilities is a translation of "facilities," which can be used and utilized in implementing sports or physical education activities. Sports facilities can be divided into two groups:[12]

1) Equipment (apparatus), which is used, for example: jumping poles, single bars, parallel bars, rings, horses and so on.
2) Equipment:
    a) something that completes infrastructure needs, for example (net, flags for signs, boundary lines, etc.).
    b) something that can be played with or manipulated with the hands or feet, for example (ball, racket, bat, etc.).

Based on the limitations above, the term sports facilities already includes the meaning of infrastructure and equipment. Andi Ihsan and Denny Badaru stated that institutional sports facilities and infrastructure functions are as follows: for achievements, for freshness, facilities for friendship, and to build friendship. Thus, the facilities and infrastructure needed for each type of sport, namely football, table tennis, volleyball, badminton, chess, or gymnastics, require different facilities and infrastructure. Correctional institutions, in this case, must ensure that all facilities and infrastructure for various types of sports are available. The function of the existence of these sports facilities is To maintain the freshness and fitness of WBP and Officers, As a means of friendship between WBP and officers, To establish familiarity between WBP and officers, To improve the achievements of WBPs in the Prisoners' Sports and Arts Week (Porsenap)

Ideally, these facilities and infrastructure must be complete and by standards. The findings show that sports facilities and infrastructure are not yet complete and according to standards. Apart from that, at the practical level of fulfilling rights, there are sports fields designated for various WBP activities, so sports activities must be carried out in rotation for all WBP and various activities outside of sports. The next right whose fulfillment is late is the right to job training. In this case, correctional inmates must be willing to wait their turn to become training participants. This happens because there is a limited training quota while the number of prisoners is large. In the Jakarta Class IIA Women's Prison, for example, when each training is carried out, the number of inmates who can take part is only 20 (twenty) people. Various trainings that have been carried out in 2019-2021 include Oyster Mushroom Cultivation Training, Paper Flower Craft Training, Batik Skills Training, Beauty Salon Training, Embroidery Skills Training (Thread Embroidery and Ribbon Embroidery), Batik Skills Training, Sewing Training; Salon Training; Culinary Training; Soap Making Skills; Screen Printing Skills Training for

[12] Ihsan and Badaru, "Sarana Prasarana Pendidikan Jasmani Dan Olahraga," *Sarana Dan Prasarana*, 2014, 1–167.

Making Makers, Hand Sanitizers and Face Shields; Skills Training for Sewing Bed Sheets and Pillows; Mukena and Travel Bag Sewing Skills Training; Skills Training for Making and Decorating Tart Cakes; Screen Printing Skills Training; Hydroponic Skills Training; Salon Skills Training; Sewing and Knitting Skills Training; and Bread Making Training.

b. Inaccessible Rights

Various rights that cannot be accessed in the implementation of correctional services include:

1) The Lack of Adequate Apace

The lack of adequate space occurs when prisons experience overcapacity. This means that prisoners are in a prison whose occupancy rate is not proportional to the official capacity of a prison. An official capacity in a correctional institution ensures that all female inmates have adequate space while undergoing training in prison. In this way, the minimum standards for inmate services can still be met. In this regard, it is interesting to note UNODC's opinion regarding the official capacity of a penitentiary that the total number of prisoners a prison can accommodate while respecting minimum requirements specified beforehand, in terms of floor space per prisoner or group of prisoners, including the accommodation space. Various women's prisons in Indonesia experience conditions where female prisoners find it difficult to get adequate space in prisons due to overcapacity problems. The various prisons include the Jakarta Class IIA Women's Correctional Institution, the Class IIA Palembang Women's Correctional Institution,[13] Class IIA Semarang Women's Penitentiary, [14] Sigli Class IIB Women's Penitentiary [15] and various other women's prisons.

2) Routine Health Checks Once a Month

In this case, women, who are also His creation, must be protected and given their rights. Therefore, there are many things that women experience that men do not experience, such as menstruation, pregnancy, and breastfeeding.[16] Of course, this is part of a routine examination, right female prisoners must fulfill. The Rights of Correctional Inmates Government Regulation in Article 16 expressively states that health checks are carried out at least 1 (one) time in 1 (one) month and recorded in the health card. These routine health checks can be categorized as a form of preventive health service. According to Article 1 of the Health Law (2009, amendment 2023), preventive health services are an activity to prevent a health problem/disease.

[13] Lembaga Pemasyarakatan Perempuan Kelas IIA Palembang, "Atasi Over Kapasitas Lapas Perempuan Palembang Lakukan Pemindahan WBP," Berita Utama, 2011.
[14] Muhammad Nurseha, "Lapas Perempuan Semarang Alami Over Kapasitas," Lingkar, 2021.
[15] Firman Firman, "Over Kapasitas: Lapas Perempuan Sigli Tahanan Kasus Narkoba, Tujuh Di Antaranya Bawa Bayi," Berita Kini, 2021.
[16] D Mirnawati, "Hak-Hak Narapidana Wanita Di Lembaga Pemasyarakatan Kelas II A Watampone Perspektif Undang-Undang Nomor 12 Tahun 1995 Tentang Pemasyarakatan," *Jurnal Al-Dustur : Journal of Politic and Islamic Law* 2, no. 1 (July 2019), https://doi.org/10.30863/jad.v2i1.357.

In this case, routine health checks for WBPs are a means of detecting health issues so that they can take early preventive measures for WBPs. These provisions clearly state that health checks must be carried out regularly. Every prisoner must undergo routine examinations to determine their medical history; second, at least, at least, or at least 1 (one) time in 1 (one) month. The provision of 1 (one) time in 1 (one) month is the minimum limit that must be met in routine inspections; and third, the results of the health examination must be recorded in the health card. In other words, every prisoner must have a personal health record or personal health record. This record is vital because it contains the medical history of all WBP. This record monitors the health of all female prison inmates in Indonesia.

The provisions for health examinations require officers to be active in carrying out examinations. However, routine health checks cannot be carried out at the practical level. Health checks are limited to correctional inmates who experience health problems. A health examination can be carried out only when a WBP experiences an illness. In this case, the health record will be filled in when the sick inmate comes to the health service in the prison. Thus, LPP Class IIA Jakarta only provides curative health services. Where in Article 1 number 14 of the Health Law (2009, amendment 2023), curative health services are an activity and/or a series of treatment activities aimed at curing disease, reducing suffering due to disease, controlling disease, or controlling disability so that the quality of sufferers can be maintained optimally. The results of the health examination can later be used to determine the basic health care that should be given to WBP. For example, this can be observed in several provisions, including:

a) If the results of a health examination reveal an infectious or dangerous disease, then the sufferer will be explicitly treated (Article 16 paragraph (3) on the Rights of Correctional Inmates General Regulation);
b) If a person suffering from an infectious or dangerous disease requires further treatment, the prison doctor will make a recommendation to the Head of Prisons that health services be provided at a government general hospital outside of prisons (Article 17 paragraph (1) PP on the Rights of Prisoners).

3) Mental / Mental Health Services Inaccessible

In the Bangkok Rules, health and mental care are among the concerns member countries are asked to address. In the Bangkok Rules, it is stated that a mental health care and rehabilitation program that is specific to individuals, gender-sensitive, trauma-sensitive, and comprehensive must be provided for female prisoners who have mental health care needs in a prison environment or situations other than imprisonment. Correctional Institutions and Detention Centers are asked to make promotional efforts for mental health as regulated in Article 8 Paragraph (9) of the Mental Health Law (2017),

including increasing knowledge and understanding of correctional inmates regarding mental health, adaptation capacity training in society; and creating a living atmosphere that is conducive to the mental health of correctional inmates. The normative provisions state that mental health and care for WBPs are carried out through:

a) the provision of mental health services by psychologists as a form of curative health care; and
b) promotive mental health efforts, which include increasing correctional inmates' knowledge and understanding of mental health, providing adaptation capacity training for reintegration into society, and creating a living environment conducive to the mental well-being of correctional inmates.

The implementation of mental health services at the Class IIA Women's Correctional Institution cannot be carried out because there is no psychologist with promotional efforts for mental health. In the future, it is necessary to add and update health infrastructure so that it can be improved for medical handlers in tomhandleeemergencies. Also, health workers who have competence in the medical care field, specifically for women, such as midwives and psychologists or psychiatrists who are needed to help with mental health, which is very useful and influential in prisons, must be recruited.

c. Fulfillment of Rights is a Formality

Fulfillment of rights is a formality, meaning that the fulfillment of a prisoner's rights means fulfilling the applicable provisions. This right can be observed in several ways, including (a) When prisoners visit the library to access reading rights. At the same time, it is not used to develop the prisoner's personality and independence in correctional institutions. Instead, inmates visit the library just to get a "bond" that can be claimed for activities they have carried out. Even prisoners cannot understand the reading material they have read in the library; (b) The right to obtain information regarding the rights and obligations of prisoners is not obtained through providing initial understanding by officers during the first registration or admission process. Information regarding the rights and obligations of prisoners can be obtained through information boards in the prison.

Fulfillment of WBP's rights is not yet optimal due to various factors, including:

1) Over Capacity of Correctional Institutions

Every correctional institution has an official capacity or design capacity of a prison. The United Nations Office on Drugs and Crime (UNODC) defines official capacity as the total number of prisoners/inmates that a prison can accommodate while respecting the minimum requirements, determined in advance, regarding floor area per prisoner or group of prisoners, including accommodation space. Official

capacity is generally determined when the prison is built [17]. When it was built, every correctional institution in Indonesia had its official capacity determined. This official capacity determines the maximum limit on the number of inmates that a correctional institution can accommodate.

At the practical level of the use of prison sentences in Indonesia, in general, there is overcapacity (overcrowding). Overcapacity is generally determined by looking at the occupancy rate and official capacity. Using this simple formula, overcapacity refers to a situation where the number of inmates exceeds the official capacity of a correctional institution [18]. Overcapacity is a problem that must be resolved because it makes it difficult for the country to fulfill the Standard Minimum Rules for the Treatment of Prisoners (SMR). These standards apply: "All accommodation provided for use by detainees, especially all sleeping accommodation, meets all health requirements, taking due account of climatic conditions and, in particular, indoor air content, minimum floor area, lighting, heating and ventilation ."These provisions do not expressly stipulate minimum standards for rooms occupied by prisoners.

The absence of specific provisions that apply universally became the basis for the International Committee of the Red Cross (ICRC) to prepare the handbook Water, Sanitation, Hygiene and Habitat, 2004, which was subsequently updated with the "Handbook: Water, Sanitation, Hygiene and Habitat in Prisons 'Supplementary Guidance' 2012. The ICRC developed this standard based on its experience in various countries. This handbook can guide ensuring whether detention rooms meet health requirements.

The provisions above require that every prison room must meet all health requirements. The condition of overcapacity certainly has implications for not fulfilling the specifications for healthy detention rooms for female inmates in prisons. However, the failure to fulfill the provisions on adequate detention room specifications for female prisoners is only one of the consequences arising from overcapacity in women's prisons. This is firmly stated by UNODC as follows:

> "The lack of adequate space is only one of the numerous problems that are experienced as a consequence of overcrowding in prisons. Overcrowding impacts also on the quality of nutrition, sanitation, prisoner activities, health services and the care for vulnerable groups. It affects the physical and mental well-being of all prisoners, generates prisoner tension and violence, exacerbates existing mental and physical health problems, increases the risk of transmission of communicable diseases and poses immense management challenges..."

In another study authored by University of California Psychology Professor Craig Haney, he highlighted the psychological problems and behavioral dysfunction that result from prison overcapacity (*the wages of prison*

[17] UNODC, "Handbook on Strategies To- Reduce Overcrowding in Prisons," *Journal of Law, Medicine and Ethics* 14, no. 4 (2008): 331–38.
[18] UNODC.

overcrowding).[19] Other researchers, Garcia-Guerrero J, and Marco A, revealed the dangers of overcapacity for health. Overcapacity increases the prevalence of diseases, especially infectious diseases and psychiatric disorders. More clearly, both assess that overcapacity impacts physical, psychological, and public health.

The studies above show that overcapacity is a problem with "latent" dangers. Because overcapacity is a danger that also contains dangers in it. Various problems arise from overcapacity. Jakarta's Class II Women's Penitentiary is also experiencing overcapacity. This can be seen from the number of residences with the official capacity of this prison. The overcapacity level of this prison is 75%, with a total of 365 people, while the capacity is only 208 people. Closing this discussion, overcapacity has an impact on the physical and mental health of fathers. It has been recorded that many employees have died due to disease or suicide. In addition, it also has a significant impact on the budget, which continues to increase every year.[20]

2) There are no exceptional service standards for female inmates

From a positive legal perspective, the fulfillment of the rights of correctional inmates is regulated in the Conditions and Procedures for the Implementation of the Rights of Correctional Inmates Government Regulation (1999, amendments 2006 and 2012). The Government Regulation on the Rights of Correctional Inmates applies to all criminals. In Indonesia, no provisions explicitly regulate the fulfillment of special needs for female inmates. In the Government Regulation on the Rights of Correctional Inmates, there is little regulation regarding the unique needs of female prisoners and female correctional students. At least it is only regulated in 2 (two) articles, namely Article 7 and Article 20. Various special needs of WBPs cannot be adequately met:

a) Fulfillment of the rights of inmates by prisons is not oriented toward fulfilling the special rights of female prisoners;
b) The goal of achieving substantial gender equality in correctional institutions cannot be achieved.

The rationale for requiring special provisions is that female correctional inmates have unique vulnerabilities. The UN has also reminded this through the Bangkok Rules that female prisoners are a vulnerable group that has specific needs and requirements.[21] For this reason, the Bangkok Rules established Minimum Standard Rules for the Development of Prisoners, which consider female prisoners' unique needs (distinctive needs). The UN believes that fulfilling these special needs aims to achieve substantial gender equality. Member countries will likely follow these standard rules to develop relevant laws, procedures, policies, and

[19] Craig Haney, "The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions Recommended Citation The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions," *Journal of Law and Policy* 22, no. 1 (2006): 265–93.
[20] Ilham Panunggal Jati, "Implikasi Overcapacity Terhadap Lembaga Pemasyarakatan Di Indonesia," *Cepalo* 3, no. 2 (2019): 77–84, https://doi.org/10.25041/cepalo.v3no2.1847.
[21] Criminal Justice and Handbook Series, *Handbook on Women and Aging*, *Choice Reviews Online*, vol. 35, 1998, https://doi.org/10.5860/choice.35-3381.

action plans that consider women's unique needs and realities. To create Special Service Standard Guidelines for Women WBP, the Government must pay attention to various international instruments, including:

a) The International Covenant on Civil and Political Rights;
b) The International Covenant on Economic, Social, and Cultural Rights;
c) Declaration on the Elimination of Violence against Women;
d) Convention on the Elimination of All Forms of Discrimination against Women;
e) The UN Standard Minimum Rules for the Treatment of Prisoners;
f) United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders with their Commentary/Bangkok Rules;
g) European Prison Rules, and
h) A comparative study in various countries to see special provisions for female prisoners (*Special Provisions for Women Prisoners*).

Alejandro Forero Cuellar and Dimitar Markov, in their article entitled Vulnerable Groups of Prisoners: A Handbook, mention women who are vulnerable groups.[22] Both of them also revealed that various comparative studies of the unique needs of women while in correctional institutions can be observed in multiple legal systems in multiple countries, including:

a) Spain

   Spain, through its legal system, has recognized the masculine nature of the prison system and has, therefore, developed special plans for women. Various forms of special needs for women are regulated in the form of separation from male prisoners, providing special needs for reproductive organ hygiene (intimate hygiene), special needs for pregnancy, and so on.

b) Lithuania

   Lithuania sets the basic rules for female prisoners, which are regulated in The Code of Execution of Penalties of Lithuania. These regulations include the separation of women and men in correctional facilities (Art. 70); pregnant women, nursing mothers, and children have the right to better accommodation, living conditions, and higher nutritional standards (Art. 173); female prisoners have the right to raise and care for his children up to the age of three in correctional institutions with children's affairs (Article 151). Also, there are special rules that the prison administration can allow pregnant women and mothers with children under three years to be released from prison on parole, despite the general conditions of parole (Articles 29, 152). Even for women, the

[22] Alejandro Forero Cuéllar et al., *Vulnerable Groups of Prisoners* (Bulgaria, 2015).

most extreme disciplinary measures, such as prison closure, cannot be applied to this group of prisoners (Article 142).

c) Bulgaria

Female prisoners in Bulgaria are housed separately in the women's prison in Sliven. Bulgarian legislation meets their specific requirements, especially in cases of pregnancy and childbirth, to ensure the quality of care and upbringing of children. The law regulates regular health checks, reduced workload, quality food, etc.

The next vulnerable group in correctional institutions is the elderly. When older women enter a correctional institution, various special needs that need to be considered include:[23]

a) Need for legal counsel during pre-trial detention and in prison. Parents have special needs in understanding the various legal aspects required;
b) There is a need for the architectural features of correctional institutions to be friendly towards the elderly. This relates to prison layout, difficulty climbing stairs, sanitation facilities, overcapacity, excessive hot or cold air, and other architectural features that may prevent those with physical disabilities from meeting their basic needs; and
c) Special health needs are related to health problems often experienced by older people in the form of heart and lungs, diabetes, hypertension, cancer, Alzheimer's disease, Parkinson's disease, ulcers, poor hearing and vision, memory loss, and various disabilities physique. These different medical care needs require considerable financial and human resources.

Female prisoners pose extraordinary obstacles for prison officials. They are part of a tiny group in the prison community. Lots The underlying reason why women are in prison is the use of drugs by illicit and commercial sex workers. So, those in prison will need psychological needs, health services, and social needs, which are very different from those of male prisoners. Based on these reasons, All facilities, programs, and services must be arranged to meet the needs, specifically female prisoners. Most of the women in prison are minorities in the social environment, so they participate as a commercial sex worker and drug users; it is not just that. However, many are still victims of gender violence or sexual violence. These factors make women vulnerable.[24]

Female prisoners have differences with men, both in terms of rights, physical and psychological. Thus, the health services and access provided are also different. This is also caused by women's reproductive needs, which are more complex than men's, so women need extra attention in the availability of reproductive health and child protection; we suggest that the Government, through correctional

[23] Cuéllar et al.
[24] Inggar Rinukti, "Pelayanan Khusus Bagi Narapidana Perempuan Terhadap Pemenuhan Hak Kesehatan Reproduksi Di Lapas Kelas IIB Cilacap," *Widya Yuridika* 4, no. 2 (December 2021), https://doi.org/10.31328/wy.v4i2.2253.

institutions, provide counseling programs, outreach, essential medical services, such as reproductive and child problems and personal hygiene.

3) Insufficient Budget

Budget issues are not a new problem faced by the Jakarta Class IIA Women's Correctional Institution; this problem is faced by all prisons in Indonesia. Inadequate budgets can be seen, for example, in WBP's consumption budget. The provision of food for prisoners is regulated based on the Minister of Law and Human Rights Regulation Number (2017) concerning Guidelines for the Organization of Food for Prisoners, Children, and Prisoners. This guideline is intended to provide quality food for prisoners, children, and convicts. These guidelines formulate many things, including management mechanisms, standardization of nutritional adequacy, human resources,d necessary equipment (Article 2).

The above guidelines apply generally in correctional institutions, Special Children's Development Institute, Temporary Child Placement Institutions, State Detention Centers, and the State Detention Branch. The budget for WBP consumption applies in general. Each correctional institution will receive the same amount of consumption for each inmate. The estimated cost of food per inmate is IDR 17.000,00 per person. The fee is for 1 (one) day, meaning it must be divided into breakfast, lunch, and dinner. Feedings are usually scheduled during the following hours:

a) breakfast: 07.00-08.00 am;
b) lunch: 10.00-11.00 am; and
c) afternoon meal 15.00-16.00 pm.

There is a guarantee of security in the process of feeding prisoners. These guarantees include that processed food ingredients do not exceed the expiry date, food places do not use ingredients that are harmful to health, and the food served is not harmful to health. The consequences of an inadequate budget are a lack of food, inadequate health services, and inmates' inability to access infrastructure services. Of course, the Government must allocate an adequate budget for health development and involve the broader community in health development.

2. Evaluation of the availability of the rights of women inmates in Indonesia

a. Facilities and Infrastructure

The availability of facilities and infrastructure in a correctional institution will influence fulfilling prisoners' needs. Various rights regulated normatively in multiple laws and regulations require facilities and infrastructure to fulfill them. For example, fulfilling the right to physical care in the form of sports requires multiple facilities and infrastructure or sports facilities.

Other facilities and infrastructure that need to be improved are the facilities and infrastructure for fulfilling the right-to-read materials. In this regard, various international documents mandate the importance of providing reading material services for prisoners, including child prisoners. Philosophically, the significance of a place called a library in every prison was stated by Vibeke Lehmann and Joanne Locke:[25]

> "As modern societies gradually adopt a more humane and enlightened practice of criminal justice and incarceration in accordance with the UN Universaal Declaration of Human Rights, they shift their focus from punishment to education, rehabilitation, and constructive use of time. The prisons library the becomes an imprortant part of the entire prison environment in its support for educational, recreational and rehabilitative programs. The prisons library also provides a level of "normalcy" in a highly regulated environment as a place where individuals are free to make their own choices and engage in self-directed pursuits. The library presents a window to the outside world and can provide much useful information for the useful information for those preparing for release to outside world."

Below are several international documents that mandate this:[26]

1) Rule 40 of the United Nations Standard Minimal Rules for the Treatment of Prisoners (1955) states: *"Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it"*.
2) The Charter for the Reader (1994), developed by the International Book Committee and the International Publishers Associations and published by UNESCO, states that *"reading is universal right"*.
3) IFLA/UNESCO Public Library Manifesto (1995) calls for public libraries to serve prisoners.
4) The Education in Prison report, endorsed by the Council of Europe (Strasbourg, 1990), includes a chapter on the prison library. It recommends that professional librarians manage the prison library, meet the interests and needs of a culturally diverse popular population, provide open access for prisoners, and s could provide a range of literacy and reading-related ties.

Various prison facilities and infrastructure need to be improved to develop the quality of services to fulfill prisoners' rights. Sports facilities and infrastructure must be improved. Regarding sports facilities and infrastructure at sports venues, various international documents confirm the following:

1) Standard Minimum Rules for the Treatment of Prisoners
2) Rules for the Protection of Juveniles Deprived of Their Liberty,
3) Resolution Sport for Prisoners and Young Delinquents,
4) Recommendation No. R (89) 12 adopted by the Committee of Ministers of the Council of Europe on 13 October 1989.

[25] Vibeke Lehmann and Joanne Locke, "Guidelines for Library Services to Prisoners 3rd Edition By Vibeke Lehmann and Joanne Locke," *Library*, no. 92 (2005).
[26] Lehmann and Locke.

b. Minimal Collaboration with Third Parties

Cooperation must be done to fulfill the rights of correctional inmates. Scientifically, the basis for considering why Cooperation must be carried out is by looking at the nature of a crime. This must be done because correctional institutions are one of the institutions created to tackle crime. Crime is, in fact, a social problem that grows and develops in society. W. Clifford even stated that crime is the product of society and that a criminal is the product of its environment and culture. Furthermore, Clifford also said, "*crime, as such, is a normal part of any social structure*...".[27] Thus, there is a relationship between "crime" and society. Crime and society are two things that cannot be separated. So, because crime is a product of society, all members of society have a role to play in overcoming it. In other words, fulfilling prisoners' rights cannot only be the responsibility of correctional institutions, but various parties can also contribute to efforts to fulfill them. Thus, prisons must build Cooperation with multiple parties. The Bangkok Rules also require Cooperation in fulfilling prisoners' rights through international instruments. This can be observed in the standards set out in the following Bangkok Rules on 46 and 51

Apart from the universal instrument above, in the national legal instrument, the mandate for Cooperation in terms of development is also stated in the Correctional Law (1995, amendment 2022) concerning Corrections: "To implement the community system, community participation is also required, both by establishing cooperation in training and with an attitude of being willing to accept back correctional inmates who have finished serving their sentences." Even normatively, Article 9 of the law states:

(1) In the context of carrying out coaching and mentoring of correctional inmates, the Minister may collaborate with relevant government agencies, other community bodies, or individuals whose activities are in line with the implementation of the correctional system as intended in Article 2 and Article 3 and
(2) Provisions regarding Cooperation as intended in paragraph (1) are further regulated by Government Regulation.

Where the relevant government agencies, as stated in Article 9 paragraph (1) of the Correctional Law (1995, amendment 2022), are the Department of Religion, Department of Agriculture, Department of Education and Culture, Department of Social Affairs, Department of Health, Department of Manpower, Department of Industry, Regional Government, BP7, etc. Meanwhile, what is meant by "other social bodies" are, for example, foundations, cooperatives, and non-governmental organizations. Meanwhile, what is meant by individuals are doctors, psychologists, entrepreneurs, and others. Collaboration is built to improve the abilities of correctional inmates in various fields, including talents and skills; religious awareness; awareness of society, nation, and state;

[27] William Clifford, "Reform in Criminal Justice in Asia and the Far East," in *The National Criminal Justice Reference Service (NCJRS) : Resource Material Series No. 6* (Washington DC: United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI), 1973), 3–21, https://www.ojp.gov/pdffiles1/Digitization/29077NCJRS.pdf.

legal awareness; ability to increase knowledge and knowledge; and integration of oneself with society.

Further provisions regarding Cooperation as regulated in Article 9 of the Correctional Law (1995, amendment 2022) are regulated in the Cooperation with the Implementation of Development and Guidance for Correctional Inmates Government Regulation (1999). In Article 9, this government regulation regulates that government agencies whose scope of duties can become cooperation partners include:

1) Religious field;
2) Agricultural sector;
3) Education and culture sector;
4) Health;
5) Social field;
6) Field of labor;
7) Industrial and trade sectors, and
8) Local Government.

In addition, strengthening partnerships with the Government, private entities, and NGOs is needed to increase collaboration and expand the scope and effectiveness of rehabilitation programs and the compensation resources available.

c. Quality of human resources for prison officers

When people think about prisons, they consider their physical aspects: walls, fences, buildings with locked doors, and windows with bars. The reality is that the most important aspect of prison is the human dimension because prison is primarily about people. The two most important groups in jail are the inmates and the staff who look after them. The key to a well-run prison is the nature of the relationship between these two groups.[28]

Prison officers are critical in ensuring that the objectives of punishment can be achieved. The important position of prison officers was once stated by Andrew Coyle (International Center for Prison Studies) by saying:[29]

> "Work in prison is a public service. Prison authorities should have accountability to an elected legislature and the public should be regularly informed about the state and aspirations of the prisons. Government ministers and senior administrators should make clear that they hold prison staff in high regard for the work they do and the public should frequently be reminded that prison work is an important public service".

Coyle's statement above convinces us that human resources in prison must be carefully considered. The Government must prepare those who work in prisons in such

[28] Andrew Coyle, *A Human Rights Approach to Prison Management*, *Criminal Behaviour and Mental Health*, vol. 13 (London: International Centre for Prison Studies, 2009), https://doi.org/10.1002/cbm.532.
[29] Coyle.

a way. Correctional officers play various roles. Andrew Coyle, in this case, identifies the role of correctional officers as follows:

1) *to treat prisoners in a manner that is decent, humane, and just*;
2) *to ensure that all prisoners are safe*;
3) *to make sure that dangerous prisoners do not escape*;
4) *to make sure that there is good order and control in prisons*; and
5) *to provide prisoners with the opportunity to use their time in prison positively so that they can resettle into society when they are released*.

Because of the critical role of correctional officers, Andrew Coyle reminded and emphasized *that the staff must be carefully selected, properly trained, supervised, and supported.*[30] To ensure that correctional officers can play their role well, an officer must undergo a strict selection process and be well-trained, supervised, and supported in various ways. For him, the rigorous selection process for prospective officers ensures that only the right people are accepted.

The United Nations Office on Drugs and Crime (UNODC) once published a catalog containing various training that needs to be provided for correctional officers. These various trainings are aimed at increasing capacity in managing detention facilities that are safe, sustainable, and by human rights, as well as encouraging an effective rehabilitation process. The catalog presents several trainings on developing correctional facilities that UNODC has implemented in various member countries. Some training that can be carried out includes: [31]

1) The basic training for prison officers to know the theoretical knowledge and practical skills needed by the future officer, such as criminal justice system correctional rules and regulations;
2) Training for senior prison leaders the materials are identification of current challenges, effective leadership, human rights, legal frameworks, policies, and regulations, management and accountability, areas of responsibility, management of human & financial resources, management of physical facilities, etc;
3) High-Risk & Violent Extremist Prisoners This training was carried out to equip correctional officers to fulfill their rights and rehabilitate prisoners at high risk. Various materials that need to be provided include: Managing High-Risk & Violent Extremist Prisoners, Individualized Risk Assessment, Classi cation, & Sentence Planning, Radical Ideas & Radicalization;
4) Introduction to Establishing and Implementing Effective Parole Systems Various materials that can be provided include: Introduction to Parole, International Standards & Norms, Comparative Parole Models, Mapping Exercise for Parole Development: Laws, Stakeholders, Resources, & Context, Parole Eligibility, and etc;
5) Introduction to Dynamic Security Various materials that need to be provided include: Verbal Communication, Non-Verbal Communication, Human Rights, Elements of Security, Concentric Circles of Security, Classification

[30] Coyle.
[31] UNODC, "Handbook on Strategies To- Reduce Overcrowding in Prisons."

and Assessment, Searching Governance, Corruption Awareness, Basic Tactical Approach, Role, Position, and Pre-Condition, and etc;

6) Security Information Reporting Awareness Training This course is designed to teach prison staff how to collect and report information in a standardized manner, which can later be converted into actionable intelligence by personnel.

Conclusion

Correctional institutions are given the task and function of providing correctional services to all correctional inmates in the context of carrying out prison sentences. Currently, there are rights for female senders at the Jakarta Class IIA Women's Penitentiary, but they are only a formality to comply with regulatory requirements. So that the rights of female drivers have not been optimally fulfilled, several criteria still receive special attention, including space for compensation, currently exceeding capacity due to inadequate budgets, existing infrastructure but not functioning optimally, and partners with other parties. The third is still low, so creativity in killing women is not yet widespread; the last is the quality of human resources for prison officers. Then, evaluation of the availability of the right women inmates in Indonesia Currently, it is still being fulfilled formally but not yet fully implemented in Jakarta prisons. Through this article, the author suggests that the Government should be able to supervise and optimize rights, including in prisons, and, of course, make a good budget plot to fulfill rights.

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