

Implementation of the Fulfillment of the Rights of Female Prisoners in Class II b Sukabumi Correctional Institution

Agung Leo Sasongko¹ 

¹Universitas Muhammadiyah Sukabumi, Indonesia

ABSTRACT

Background. Human rights are rights that must be fulfilled and realized by everyone without exception, including prisoners in correctional institutions who are serving a sentence. Prisoners in correctional institutions are part of society in general, as humans they have rights that must be upheld by the law and government.

Purpose. Female prisoners are different from men in terms of physical, psychological and psychological. Female prisoners also have natural rights that must be lived such as menstruation, pregnancy, childbirth and breastfeeding. So that female prisoners must receive special treatment.

Method. This type of research is a type of field research (field research) using an empirical juridical approach, namely a research that deductively starts from analyzing the articles in the applicable laws and regulations linked to the facts in the field. The nature of this research is descriptive analytical about the fulfillment of the rights of female prisoners in the Class IIB Correctional Institution Sukabumi.

Results. The results of this study indicate that the implementation of services to fulfill the rights of female prisoners has not been carried out properly due to various obstacles such as the quality and quantity of correctional officers who have not been fulfilled proportionally

Conclusion. as well as facilities and infrastructure that are still not good and limited so that the fulfillment of the rights of prisoners cannot be done optimally.

KEYWORDS

Correctional Institutions, Fulfillment of Rights, Female Prisoners

INTRODUCTION

Indonesia is a state of law that contains the substance of human rights, which is an important tool in law enforcement (Bahji dkk., 2021). This needs to be considered if it is not feared that it will lose the essence of the value of human rights itself and become a tool for the authorities to oppress the people, as well as a tool to justify government policies that actually violate human rights (Fine dkk., 2019). According to Saut P.Panjaitan, rights are roles that may not be implemented (facultative), while obligations are roles that must be implemented (imperative) (Stawinska-Witoszynska dkk., 2021). Violation of human rights is a matter of human rights. Even more tragically, human rights violations are committed by unscrupulous government officials as tools of the state to enforce the law (Price, 2022). The state recognizes the equal rights and position between women

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Correspondence:

Agung Leo Sasongko,
aleo98350@gmail.com

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and men. As mentioned in one of the points in Pancasila, namely the precepts of a just and civilized humanity, stating that humans must be recognized and treated in accordance with their dignity as creatures of God Almighty, equal in dignity. dignity of rights and obligations without distinguishing ethnicity, descent, religion, belief, gender, social status skin color and so on (Brodeur dkk., 2021). In the fulfillment of the rights of prisoners is inseparable from human rights (Frisone dkk., 2020). Therefore, in international law and Indonesian national law, certain human rights are absolutely fulfilled and cannot be reduced or accompanied under any circumstances, including in a state of emergency.

Law enforcement in Indonesia cannot be separated from material criminal law and formal criminal law provisions (Ukhov dkk., 2021). Criminal law in Indonesia is one of the most important guidelines in creating justice (Mazar dkk., 2020). The Criminal Code (KUHP) is a strong basis in determining prohibited acts and has strict sanctions for those who violate the rules, Crimes to Offenses become an important part contained in the Criminal Code. In Criminal Law itself, there is a criminal justice system that aims to prevent crime with a system approach (Auer & Griffiths, 2022). The criminal justice system is a system of crime regulation consisting of police institutions. The prosecutor's office, courts and correctional institutions (Hing dkk., 2022). The system approach is an approach that uses all the elements involved in it as a unit and is interconnected (interrelated) and influences each other (Louderback dkk., 2021). In the law enforcement system in Indonesia, the correctional is one of the law enforcement elements that carry out tasks in the field of coaching, security and guidance of correctional prisoners, this is expressly stipulated in Law No. 22 of 2022 concerning Corrections.

Correctional institutions in Indonesia are still in the public spotlight because they often have many problems. Problems that occur such as commotion among fellow prisoners, the treatment of prison officers against prisoners, the escape of prisoners, the occurrence of murder, drug trafficking, sexual harassment and various other negative issues that are often heard from behind bars (Siboy dkk., 2023). The above problems often color the living conditions in various prisons around the world, especially in Indonesia (Subekti dkk., 2021). There are other causes such as overcapacity, inadequate infrastructure (Mutiarasari & Herawati, 2020). So this is likely to affect the fulfillment of the rights of prisoners in correctional institutions. The possibility that the prisoners will be vulnerable to mistreatment and inappropriate and even inhumane conditions of detention can very well happen to prisoners in Indonesia. Almost all Correctional Institutions (Lapas) and State Detention Centers (Rutan) in Indonesia experience overcapacity (Butt & Siregar, 2021). Based on data from the Directorate General of Corrections (Ditjenpas) of the Ministry of Law and Human Rights, as of September 19, 2022 there were 276,172 residents of correctional institutions (lapas) and detention centers (rutan). Thus, there are 144,065 excess residents (109%) of the total capacity of 132,107 people. Meanwhile, based on gender, there are 262,559 male prisoners and detainees and 13,615 female prisoners (Ali dkk., 2021). Meanwhile, in Sukabumi Class IIB Correctional Institution, Head of Sukabumi Class IIB Correctional Institution Christo Toar said the number of prisoners in Class IIB Correctional Institution currently reaches 536 people, including 521 male prisoners and 15 female prisoners and will increase in the near future to 600 people and already 300 percent over capacity (Formosa dkk., 2020). The ideal capacity is 200 people and please note that this building was built in 1908, the area is only 2,400 square meters (Selten dkk., 2020). This has tripled the capacity, and this has an impact on services (Koh, 2020). Security services that used to be able to guard 400 to 500 people are now almost 600, then it also has an impact on the residential blocks (Fair dkk., 2020). The residential block now only has three large rooms with a capacity of 50, now it is occupied by up to 65-70 people.

In the last Government Agency Performance Accountability Report (LAKIP) of the Class IIB Sukabumi Correctional Institution (Lebano dkk., 2020), there are still many problems faced including:

1. Limited availability of coaching space.
2. The condition of the Polyclinic Room which is less spacious, limited inpatient places and lack of Polyclinic facilities and infrastructure (There is no isolation room and mini lab room).
3. The number of health workers is still lacking, additional general practitioners, dentists, nutritionists and psychologists are needed.
4. Lack of human resources both in quality and quantity resulting in less than optimal implementation of tasks in the field of security and order.
5. Facilities and infrastructure for WBP activities are not complete.
6. There are cases of WBP with mental disorders and TB.
7. The condition of the kitchen space is less spacious and less feasible and complete and the lack of human resources for kitchen officers.

In such a situation, prisoners will be hampered in fulfilling their rights, especially female prisoners who are more vulnerable to physical and psychological disorders (Yermolenko dkk., 2022). There are several rights that get special treatment for female prisoners because women have privileges where women have natures that are not possessed by male prisoners, for example menstruation, pregnancy, childbirth, breastfeeding (Miernicki dkk., 2019). So in this case the rights of female prisoners need special attention both according to the law and correctional officers throughout Indonesia. If a female prisoner who is menstruating, pregnant, giving birth, breastfeeding, is carrying out the coaching process in prison, then she has more specific rights to be considered."

The specific rights of women prisoners are not yet clear on how to fulfill their rights. For example, Government Regulation No. 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Prisoners only regulates the difference in food in the fulfillment of the rights of female prisoners (Yakameran dkk., 2021), then how about the fulfillment of other special rights such as menstruation, pregnancy, childbirth, breastfeeding for prisoners who are serving a period of detention (Dalen dkk., 2019). Therefore, special services are provided for female prisoners (Saadatzaadeh dkk., 2019). Distinguishing between general prisons and special prisons for women will facilitate health services for female prisoners (Takahashi dkk., 2020). In addition, it is very important to have officials who are competent in the health sector. Health services and access are also different because women's reproductive needs are more complex and have different cycles than men (Akers dkk., 2020). For this reason, doctors or midwives who are competent in their fields and coupled with adequate infrastructure are needed. so from some of the explanations and descriptions of the problems above, it is necessary to conduct research on "Fulfillment of Rights for Female Prisoners at Class IIB Correctional Institution Sukabumi".

The purpose of this research is to find out and explain the process of fulfilling the rights of female prisoners in the Class IIB Sukabumi Correctional Institution as regulated in the Laws and Regulations and the actual practice. The previous research that had examined related to female prisoners was Fidyastuti, Alauddin State Islamic University Makassar with the title of the thesis "Implementation of the Development of Women Prisoners at the Goa Regency Correctional Institution in the Perspective of Islamic Law", the difference between this research is that it lies in the focus of the research, namely in this research more focused on research in terms of the concept of Islamic law while the author's research focuses on examining positive law.

RESEARCH METHODOLOGY

The method used in this research uses an empirical juridical research approach. What is meant by empirical juridical research is seeing something legal reality in society.[14] Empirical juridical in this study relates to the research of prisoners in their rights must get the fulfillment of special rights as prisoners. The location of this research is located at Class IIB Correctional Institution Sukabumi which is located at Jln.Lettu Bakri No.17 Kel.Nyomplong Kec. Warudoyong Kota Sukabumi, 43131. The data sources used are primary, secondary and tertiary legal data relating to correctional institutions and correctional prisoners. Data collection used is literature study and interviews to the institutions concerned. Data analysis in this study is All data collected both primary data and secondary data will be analyzed qualitatively, namely descriptions according to quality, which relate to reality as a symptom of primary data linked to theories in secondary data. The data is presented descriptively, namely by explaining and collecting problems related to this research.

RESULT AND DISCUSSION

Implementation of the Fulfillment of Rights of Female Prisoners at Class IIB Correctional Institution Sukabumi

The fulfillment of rights in correctional institutions is regulated in the applicable laws and regulations such as Law No. 20 of 2022 concerning Corrections and Government Regulation No. 32 of 1999 concerning Terms and Procedures for the Implementation of Prisoners' Rights. In the practice of fulfilling these rights, of course there are still some that are not in accordance with the regulations. Prisoners, students, correctional officers are legal objects that must be protected in the correctional institution. In this fulfillment the compiler uses the theory of human rights, which in its application the prisoners are also human beings, and prisoners are also entitled to special coaching because female prisoners since birth already have natural rights that cannot be opposed by anything. In this case, the rights of female prisoners have not been specifically regulated, only some rights are regulated, not all rights regulate female prisoners. The rights of female prisoners in the Sukabumi IIB correctional institution include:

No.	Rights of female prisoners	Fulfilled	Not Met	Description
1.	Perform worship according to religion and belief.	Fulfilled		Congregational prayers and routine recitation
2.	Receive care both physically and mentally.		Not fulfilled	Facilities and maintenance factors are not maximized.
3.	Receive education and teaching.	Fulfilled		Skills Training Activities Beauty salon type
4.	Receive health services	Fulfilled		Health checks twice a month and there is already a polyclinic room, as well as frequent provision of pads for WBP who are

				menstruating.
5.	Receive proper food		Not fulfilled	The food provided is the same, rarely given additional nutrition
6.	Receive information services.	Fulfilled		WBP are given information through banners, and continue to be informed of services related to family visits.
7.	Obtain legal counseling and legal assistance.		Not fulfilled	Absence of legal aid
8.	Submitting complaints and or complaints.		Not fulfilled	There is no harmony between officers and female prisoners, so that there is a lack of emotional connection, there are no counseling activities.
9.	Obtain reading materials and follow mass media broadcasts that are not prohibited.		Not fulfilled	No instruments such as reading materials and mass media.
10.	Receive protection and humane treatment	Fulfilled		WBP are fostered and served by female officers, and behave well.
11.	Receive premium wages for work		Not fulfilled	WBP are not employed so they do not get paid.
12.	Receive social services	Fulfilled	Not Met	Officers always provide maximum service
13.	Receive or refuse visits from family, advocates, companions, and the community.	Fulfilled		There is a visiting room for WBP, and WBP are allowed to contact their families via wartel.

Rights are powers granted by law to a person with the aim of protecting a person's interests must be protected by law. The protection of rights by law can make a person calm about his rights. Law can be felt and realized in a simple form. The simple form in question is legislation. Whereas in its complicated form, the form of law itself is controlled by a number of principles, doctrines, theories or legal philosophies recognized by the legal system universally.

3.2 Constraints and Solutions in the fulfillment of special rights for female prisoners at Class IIB Correctional Institution Sukabumi

In carrying out guidance in the correctional institution environment, of course, there are obstacles and solutions in its implementation, especially in the Sukabumi Class IIB Correctional Institution, according to the Dictionary of Indonesian Language defines the definition of obstacles as obstacles with conditions that limit, hinder or prevent the achievement of goals. Constraints and solutions that affect, among others:

1. Building layout pattern, as stipulated in the Decree of the Minister of Justice Ni. M.01.PL.01.01. Year 1985. This building is a basic factor that affects. Such as facilities are still lacking and have not been supported as said by Mrs. Siti that several rooms are not yet available, one of which is the room for online trials. Also the results of the WBP interview said that there was only one wc in the block and in the block room there was overcapacity where the room had a capacity of 9 people filled with 15 WBP.
2. Working mechanisms, especially command and staff lines should be able to be implemented by others, so that the implementation of tasks in each work unit runs smoothly. In the Class IIB Sukabumi Correctional Institution there are still employees who have double jobs or double duties due to several factors including the number of employees is still relatively small.
3. The quality and quantity of this officer is a factor that affects coaching, if the quantity is reduced then the officer must improve the quality for the course of coaching.
4. Facilities and coaching facilities, the lack of facilities and amenities both in quantity and quality has become an obstacle and even one of the causes of the security and order of coaching, because it is the duty of all elements in the Correctional Institution to maintain the facilities and amenities that are already available, if it cannot meet the standards then it is necessary to submit to the authorities, so that the facilities and amenities can be fulfilled properly.
5. The shortage of health workers such as doctors and nurses in correctional institutions needs to be considered because given the large number of prisoners even exceeding capacity, it needs to be added back in order to better implement the fulfillment of health rights.
6. Many officers in the field of services and guarding pickets in the block of female prisoners are overwhelmed in shifts due to the lack of officers, this can affect the service and security in the environment of female prisoners.
7. Prisoners who are sometimes difficult to organize and direct in the implementation of services and guidance.
8. Budget, this is also a factor that affects the fulfillment of guidance in correctional institutions.
9. Cooperation with certain agencies both directly and indirectly related, because this also affects the fulfillment of coaching, especially related to all elements, especially the pattern of coaching female prisoners.
10. The absence of workplace facilities and work guidance for female prisoners, so that female prisoners do not carry out work activities.

CONCLUSION

Female prisoners are different from men physically, psychologically, and psychologically they are different, female prisoners have natural rights inherent from birth, therefore even though they have committed a criminal offense so that they become prisoners in correctional institutions

they still have rights, and these rights must be fulfilled and implemented properly. In the City and Regency of Sukabumi there is still no special correctional institution for women prisoners. The fulfillment of the rights of female prisoners is still not fully implemented. Because of all the elements there are still many shortcomings, such as elements of the prisoners, correctional officers and elements of facilities in correctional institutions, so that the fulfillment of the rights of female prisoners in the class IIB Correctional Institution has not been fully implemented properly.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.

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