

FULFILLMENT OF THE RIGHTS OF PRE - POSTNATAL WOMEN PRISONERS IN WOMEN'S CORRECTIONAL INSTITUTION CLASS IIB YOGYAKARTA

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Abstract: Correctional institutions are places to organize correctional services for correctional inmates without forgetting the human rights of both male and female inmates. It is the nature of women to experience menstruation, pregnancy, childbirth, and breastfeeding that are not experienced by male inmates, so it is only natural that female inmates have special rights. This study will discuss the implementation of the fulfillment of the rights of female prisoners in the pre-postpartum period at the Yogyakarta Women's Correctional Institution and the obstacles in fulfilling the rights of female prisoners pre-postpartum at the Yogyakarta Women's Correctional Institution. The purpose of this study is to determine and analyze the implementation of existing regulations related to the rights of female prisoners at the Yogyakarta Women's Correctional Institution and the obstacles to their implementation. This type of research is normative-empirical with a qualitative descriptive method to find research knowledge that is carried out by processing field data and connecting it with relevant principles, theories, and legal regulations to produce conclusions. Three categories that can be taken in the discussion of the implementation of the fulfillment of the rights of pre-postpartum female prisoners in the Yogyakarta Women's Prison are: 1) rights that have been implemented well without notes; 2) rights that have been implemented well without notes; and 3) rights that have not been implemented well. In addition, limited funds, inconsistency in granting prisoners' rights, and the lack of interest of health workers with certain expertise to work in correctional Institutions are obstacles to fulfilling the rights of pre-postpartum female prisoners in the Yogyakarta Women's Prison.

Keywords: Human Rights; Female Inmates; Correctional Institutions

INTRODUCTION

Normatively, rights are elements inherent in human beings, in which there are owners of rights, the scope of application of rights and parties who are willing to apply rights.¹ According to the General Indonesian Dictionary, rights are

(1) right, (2) belonging, (3) authority, (4) power to do something, (5) power to demand something, and (6) degree or dignity. The definition of rights above implies that rights are something because of which a person has the legitimacy to demand something that is considered not fulfilled or denied. A person who holds the right to something can do so as long

¹ Tim ICCE UIN Jakarta. (2003). *Demokrasi, Hak Asasi Manusia, dan Masyarakat Madani*. Jakarta: Prenada Media Group, p.199.

as the legitimacy of the right is possessed.²

Human rights (hereinafter referred to as HAM) are part of various types of rights. Basically, these rights are inherent in human dignity and are carried from birth so human rights are natural and not a gift from humans or the state.³ When one's human rights are not fulfilled, one's human nature is automatically lost. As a country that is based on law in implementing the government, Indonesia has various regulations governing the guarantee of protection of human rights. This is stated in Article 28 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that every person is entitled to recognition, guarantee of protection, and certainty of a just law and equal treatment before the law.⁴ This guarantee is reaffirmed in Law No. 39/1999 on Human Rights Article 29 paragraph (1) which states that everyone has the right to protection of his or her person, family, honor, dignity and property.⁵

The regulation of human rights aims to provide protection for these rights, including the rights of prisoners. The essence of human rights is the rights that are owned and inherent in humans. This means that human rights must still be protected and given to everyone, even though the person is a prisoner. When the judicial process has reached its peak, namely when the court decision has permanent legal force, a convicted person changes his status to a prisoner and will be handed over to a correctional

institution to be guided and fostered. This aims to provide provisions for prisoners so that, after serving a sentence or being free, they can re-interact and socialize with the community properly.

Correctional institutions are institutions responsible for the implementation of correctional services for prisoners. In carrying out their functions, correctional institutions need to ensure respect and protection of human rights owned by prisoners, in addition to preventing repeated criminality committed by prisoners.⁶ Correctional institutions themselves have many different types and functions, such as general correctional institutions, women's correctional institutions, and children's correctional institutions. Although the three types of correctional institutions are different in terms of programs and activities, the three types of correctional institutions must still protect the human rights of prisoners.

The rights between male prisoners and female prisoners are also different. It is the nature of women to experience menstrual cycles, pregnancy, childbirth, and breastfeeding that are not shared by male prisoners, so it is only natural that female prisoners have special rights compared to male prisoners.⁷ The fulfillment of the rights of women prisoners is stipulated in Law No. 22 of 2022 concerning Corrections (hereinafter referred to as the Corrections Law) as a

² Poerwadarminta. (2001). *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka, p. 174.

³ Firdaus Arifin. (2019). *Hak Asasi Manusia: Teori Perkembangan dan Pengaturan*. Yogyakarta: Thafa Media, p.1.

⁴ See Article 28 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

⁵ See Article 29 paragraph (1) of Law Number 39 Year 1999 on Human Rights.

⁶ Desy Kristiani Rahma Putri, Anak Agung Sagung Laksmi Dewi, dan Ni Made Puspasutari Ujianti. (2021). "Peran Lembaga Masyarakat dalam Memenuhi Hak Narapidana Perempuan Hamil dan Pasca Melahirkan (Studi di Lembaga Masyarakat Perempuan Kelas IIA Kerobokan)". *Jurnal Interpretasi Hukum*, 2(3): 550-554.

⁷ Duwita Aisya Trisna Prihananti. (2022). "Pemenuhan Hak Narapidana Hamil dan Menyusui di Lembaga Masyarakat Perempuan". *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 3(2): 68-78.

legal umbrella in the system of implementing guidance in correctional institutions. Women in reproductive function become one part of the group with special needs, as mentioned in Article 61 paragraph (2) of the Correctional Law.⁸ In this regard, the guarantee that women in reproductive function are entitled to health services and proper food provision in accordance with nutritional needs can be found in at least three laws and regulations. First, Government Regulation No. 32 of 1999 concerning Conditions and Procedures for the Implementation of the Rights of Prisoners (hereinafter referred to as the Government Regulation on the Implementation of Rights for Women Prisoners) stipulates that women prisoners who are pregnant or breastfeeding are entitled to additional food.⁹ Second, Regulation of the Minister of Law and Human Rights No. 2 of 2009 on the Terms and Procedures for the Implementation of the Rights of Prisoners of Correction which implies that pregnant prisoners are entitled to health facilities before and after childbirth and also get adequate daycare facilities.¹⁰ Third, Minister of Health Regulation No. 15 of 2013 concerning Guidelines for the Provision of Health Facilities for Mothers and Children stipulates the provision of special facilities for breastfeeding and/or expressing breast milk.¹¹

⁸ See Article 61 paragraph (2) of Law Number 22 Year 2022 concerning Corrections.

⁹ See Article 15 of Government Regulation No. 32/1999 concerning Conditions and Procedures for Implementing the Rights of Prisoners.

¹⁰ See Article 28 of Minister of Law and Human Rights Regulation No. 2 of 2009 concerning Conditions and Procedures for Implementing the Rights of Prisoners.

¹¹ See Article 7 of Minister of Health Regulation No. 15 of 2013 on Guidelines for the Provision of Health Facilities for Mothers and Children.

The fulfillment of the rights of pre- and post-natal women prisoners is an important issue that needs serious attention from all parties because in correctional institutions there are often certain standard operating procedures that restrict the rights of pregnant and breastfeeding women prisoners which aim to control and "degrade" them while carrying out their reproductive functions.¹² Correctional institutions that carry out the task of fostering prisoners are often not optimal in providing the fulfillment of rights that should be obtained by prisoners. Various problems that are often encountered include the issue of overcapacity. The capacity that exceeds the limit in the space of a facility can cause various problems in the process of fostering prisoners. Over capacity of prisoners in a correctional institution can cause difficulties in various aspects, such as supervision, care, and evacuation in correctional institutions. In addition, the comfort aspect of prisoners is also disrupted because their movement and rest space become very limited due to overcapacity.¹³ In addition to the issue of overcapacity, budget constraints are also an obstacle to fulfilling the rights of prisoners, especially for women in reproductive function. Budget limitations can cause the fulfillment of rights for female prisoners to experience many obstacles due to the fact that community institutions cannot provide facilities that

¹² Priscilla A. Ocen. (2012). "Punishing Pregnancy: Race, Incarceration, and the Shackling of Pregnant Prisoners". *California Law Review*, 100(5): 1239-1312.

¹³ Nethan, Meylane Carmelia Manek, Agnellya Hendarmin Santoso, dan R. Rahaditya. (2023). "Over Kapasitas Dalam Lembaga Masyarakat". *Jurnal Kewarganegaraan*, 7(2): 2217-2222.

support the provision of these rights due to limited budgets.¹⁴

Based on preliminary research conducted at the Yogyakarta Class IIB Women's Correctional Institution (hereinafter referred to as the Yogyakarta Women's Correctional Institution) there is a pregnant prisoner with the initials OMA. The inmate has been in the correctional institution since November 18, 2023 with a case of car embezzlement in which she acted as a guarantor. As a pregnant prisoner, OMA certainly gets special treatment by being given certain facilities that are not given to other prisoners in order to ensure the protection of OMA and the baby she is carrying so that the rights of both can be properly protected. This special treatment for OMA must be provided by the Yogyakarta Women's Correctional Center because it is the correctional institution that is responsible for various aspects of the lives of women prisoners.¹⁵ However, OMA also faced challenges such as being teased by other inmates due to the special treatment she received.¹⁶ Therefore, this study focuses on discussing the fulfillment of the rights of women prisoners in the pre-postpartum period and the obstacles to fulfilling these rights in Yogyakarta Women's Prison.

¹⁴ Willa Wahyuni. (2022). *Anggaran Menjadi Persoalan Utama Bobroknya Sistem Lapas Wanita di Indonesia*. Avail-able from: <https://www.hukumonline.com/berita/a/anggaran-menjadi-persoalan-utama-bobroknya-sistem-lapas-wanita-di-indonesia-lt637c795e867f8/?page=1>.

[Accessed 9 Agustus 2024].

¹⁵ Carolyn Suftrin, Alexa Kolbi-Molinas, dan Rachel Roth. (2015) "Reproductive Justice, Health Disparities and Incarcerated Women in the United States". *Perspectives on Sexual and Reproductive Health*". 47(4): 213-219.

¹⁶ The results of the author's interview with OMA as Female Prisoner of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 10.20 WIB, at Class IIB Yogyakarta Women's Prison.

Method

This research is normative-empirical legal research because this research looks between existing laws and regulations and their implementation in the field.¹⁷ This research is descriptive research because it aims to classify symptoms in order to achieve perfection on the basis of research topic problems.¹⁸

Primary data was collected through field research in the form of interviews with Ms. Uun Undianti, A.Md. Keb, as the midwife of Yogyakarta Women's Prison and OMA as a female inmate of Yogyakarta Women's Prison who is pregnant. This research uses secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials collected through library research. This research uses primary legal materials in the form of the Corrections Law, Government Regulation on the Implementation of Rights for Women Prisoners, as well as various other laws and regulations relevant to the topic of this research. This research uses secondary legal materials such as law books, papers, journals, articles, internet media, and various other literature relevant to the research topic. Meanwhile, this research uses tertiary legal materials in the form of the Large Dictionary of the Indonesian Language.

This research uses a descriptive-qualitative method to find knowledge related to research at a certain time by processing field data and connecting it with relevant principles, theories, and legal regulations to produce conclusions.

Analysis And Discussion

¹⁷ Abdulkadir Muhammad. (2004). *Hukum dan Penelitian Hukum*. Bandung: PT Citra Aditya Bakti, p. 52.

¹⁸ Maria S.W. Sumardjono. (2014). *Bahan Kuliah Metodologi Penelitian Ilmu Hukum*. Yogyakarta: Universitas Gadjah, p. 7.

Implementation of the Fulfillment of the Rights of Women Prisoners in the Pre-Postpartum Period in Yogyakarta Women's Prison

Pregnant female prisoners who are in the pre-postpartum period in correctional institutions have rights that are regulated by legislation, such as in the Corrections Law and the Government Regulation on the Implementation of Rights for Women Prisoners. Article 9 of the Corrections Law mentions several rights of prisoners that must be fulfilled, among others:

- a) Practice worship in accordance with their religion or belief.
- b) Receive care, both physically and mentally.
- c) Receive education, teaching, and recreational activities and opportunities to develop potential.
- d) Receive health services and food in accordance with nutritional needs.
- e) Receive information services.
- f) Receive legal counseling and legal assistance.
- g) Submitting complaints or grievances.¹⁹

In addition to the general rights that apply, women prisoners have special rights tailored to their specific needs, such as care during pregnancy and post-natal recovery. The Corrections Law has also regulated special rights for female prisoners who are pregnant, as stated in Article 61 of the law. The article states that temporary child placement institutions (hereinafter referred to as LPAS), correctional institutions, and children's special development institutions

(hereinafter referred to as LPKA) are obliged to provide special treatment for groups with special needs including women in reproductive function. The meaning of "women in reproductive function" is women who are menstruating, pregnant, giving birth, or breastfeeding. This special treatment shows that the health of prisoners, including those who are pregnant, is a major concern in the Corrections Law, as explained in Article 9 (d).

Still in the same regulation, Article 62 further gives special attention to the rights of children of detainees, including the right to live with their mothers in detention centers (hereinafter referred to as detention centers) or correctional institutions up to the age of three. These children are placed in a special environment that is separate from other detainees or prisoners and supports their growth and development. In addition, a disability service unit is provided for children with special needs, and detention center or correctional institution officers are required to provide additional food according to the instructions of a doctor or nutritionist. This provision is a change from the previous regulation that only allowed children to stay with their mothers until the age of two. If female prisoners do not have relatives who can take care of their children after the age of three, they can cooperate with the Office of Women's Empowerment and Child Protection to ensure that the child is cared for by a special task force.²⁰

The Government Regulation on the Implementation of Rights for Women

¹⁹ See Article 9 of Law Number 22 Year 2022 on Corrections.

²⁰ The results of the author's interview with Uun Undianti, A.Md. Keb as the Midwife of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 09.30 WIB, at Class IIB Yogyakarta Women's Prison.

Prisoners is an implementing regulation of the Corrections Law that details the rights of prisoners in correctional institutions. As mentioned in Article 20 of the Government Regulation on the Implementation of Rights for Women Prisoners, the rights of these prisoners include the rights that prisoners get when they are sick, pregnant, breastfeeding, as well as the right to get additional food when they do certain work, which is regulated by the head of the correctional institution. In this case, children of prisoners aged up to two years old are also entitled to additional food. The Government Regulation on the Implementation of Rights for Women Prisoners also emphasizes that every prisoner is entitled to food and drink with calories that meet their health needs. For prisoners who are sick, pregnant, or breastfeeding, additional food is provided according to the doctor's instructions, with an additional daily calorie of 300 calories for those who are pregnant and 800-1000 calories for those who are breastfeeding.

In addition, as an effort to fulfill the right to health services, Article 14 of the Government Regulation on the Implementation of Rights for Women Prisoners also regulates that correctional institutions must provide a polyclinic complete with facilities and at least one doctor and one other health worker. Then, in Article 16 of the Government Regulation on the Implementation of Rights for Women Prisoners, it is stated that health checks must be carried out at least once a month and the results recorded on a health card. If an infectious disease or dangerous condition is found, the patient will receive special treatment. Furthermore, Article 17 of the Government Regulation on the Implementation of Rights for Women Prisoners also states that if necessary, the doctor at the correctional institution can

recommend to the head of the correctional institution to provide health services at the government general hospital outside the correctional institution.²¹

In addition to the rights that have been regulated above, there are also other rights of pregnant female prisoners implemented based on the policies of each correctional institution, such as:

- 1) Providing dispensation not to participate in sports activities.
- 2) Providing dispensation from participating in community service activities.
- 3) Providing dispensation for activities that endanger the health of the mother-to-be and her womb.²²

There is also an international regulation or guiding framework that regulates the rights of prisoners, namely the Nelson Mandela Rules or what is known as the "United Nations Standard Minimum Rules for the Treatment of Prisoners". Points 22 and 23 of the Nelson Mandela Rules on Food and Physical Activity state that prisoners should be given the possibility to obtain food that is well processed and served with adequate nutrition, and water should be available at all times as needed. Moreover, prisons must ensure the provision of adequate food in accordance with the standards of the Nelson Mandela Rules.²³

²¹ See Articles 14, 16, and 17 of Government Regulation No. 32/1999 concerning Requirements and Procedures for the Exercise of Rights for Women Prisoners in Correctional Institutions.

²² Elvi Alfian A. (2021). "Pembinaan terhadap Narapidana Wanita Hamil di Lembaga Pemasyarakatan Perempuan (LPP) Kelas II B Jambi". *Jurnal Ilmiah Universitas Batanghari Jambi*, 21(1): 338-352.

²³ Yasmine Fakhry. (2022). "A Review of Health and Nutrition in Prisons: A Challenge Between Human Rights Conventions, Nutrition Guidelines and Health Policies". *Crossing Conceptual Boundaries*, 12(1): 36-53.

The implementation of various rights of women prisoners during the pre- and post-natal period can be seen in Yogyakarta Women's Prison. The rights of pre- and post-natal women prisoners, both those that have been well implemented and those that still need improvement, in Yogyakarta Women's Prison are as follows:

a. Nutritional Fulfillment of Pregnant and Breastfeeding Female Prisoners

Every female prisoner who is pregnant will be given additional milk for pregnant women as a reduction in nausea and fulfillment of nutritional and vitamin needs for pregnant women and their fetuses. In addition, Yogyakarta Women's Prison also provides additional intake in the form of high-protein milk for prisoners with a body mass index below normal. This high-protein milk is provided by the prison clinic and is given to female prisoners who are pregnant based on the instructions of the doctor and midwife of Yogyakarta Women's Prison. In addition, pregnant female prisoners in Yogyakarta Women's Prison have also been provided with additional nutrition, in the form of folic acid and blood supplement tablets, from Wonosari Regional General Hospital every time they have a pregnancy check-up.²⁴ However, there are several things that need to be addressed regarding the fulfillment of nutrition for pregnant women prisoners and their fetuses in Yogyakarta Women's Prison, including:

²⁴ The results of the author's interview with Uun Undianti, A.Md. Keb as the Midwife of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 09.30 WIB, at Class IIB Yogyakarta Women's Prison.

- 1) The provision of food with double portions causes the proportion of food nutrition for pregnant and lactating women to be unbalanced because it emphasizes quantity over quality. Moreover, in practice at Yogyakarta Women's Prison, the provision of double portions is often inconsistent because pregnant prisoners are reluctant to take their rights because they are scorned by other prisoners by being called "aleman" or spoiled and the lack of support from correctional officers in overcoming this.²⁵ In a study on the nutrition of pregnant women in prison conducted by Shlafer et al in 2017, it was found that pregnant women have little control over the food given to them, and their diets fall far below the recommended daily intake, thus failing to meet optimal nutritional needs. Women who become pregnant in prison often feel unprotected and untreated because of their pregnancy status. They feel they have no control over their pregnancy and delivery plans, and experience fear, especially for the safety of their children.²⁶
- 2) There is limited access to fresh fruits and certain types of vegetables, one of the reasons being that prices in prisons are much more expensive and there is less variety.²⁷ In addition,

²⁵ The results of the author's interview with OMA as Female Prisoner of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 10.20 WIB, at Class IIB Yogyakarta Women's Prison

²⁶ Rebecca J. Shlafer, Jamie Stang, Danielle Dallaire, Catherine A. Forestell, dan Wendy Hellerstedt. (2017). "Best Practices for Nutrition Care of Pregnant Women in Prison". *Journal Correct Health Care*, 23 (3): 297-304.

²⁷ The results of the author's interview with OMA as Female Prisoner of Class IIB Yogyakarta

prisoners who are breastfeeding are also unable to consume certain vegetables, such as katuk leaf to support milk production because the daily menu is scheduled and the kitchen only cooks the predetermined menu.

b. Supplementary Feeding for Infants and Toddlers

Yogyakarta Women's Correctional Facility provides infants and toddlers of female inmates with additional nutrition, such as formula milk and complementary foods through the prison clinic. Although infant formula is provided, the prison still encourages inmates to exclusively breastfeed their babies for the first six months.²⁸

c. Provision of Additional Facilities for Prisoners Who Are Pregnant, Breastfeeding, and Their Children

Yogyakarta Women's Prison provides several facilities to support the health of female prisoners who are pregnant, breastfeeding, and the growth and development of their children. First, immunization and Posyandu services are provided for children born at the nearest or collaborating health center. Children of prisoners will be accompanied by prison officers without their mothers due to the status of prisoners who require special permission to leave the institution. Secondly, priority rooms with special facilities such as toilet seats and handrails and equipped with emergency buttons that are directly connected to the warden's guard room. This facility is expected to make it easier for pregnant, breastfeeding,

and disabled women prisoners to carry out their activities and minimize the risk of unwanted things happening, such as slipping, bleeding (for pregnant prisoners), and so on. Third, pregnancy checks can be carried out at the prison clinic if it does not require certain tools (such as transducers) or can also be referred to the Wonosari Regional General Hospital to get these services through certain procedures. Fourth, health insurance with the provision of BPJS Health. If the prisoner does not have a health BPJS, it will be assisted to submit an application for social health insurance to the Gunungkidul Regency Social, Women's Empowerment and Child Protection Service. Only if the prisoner concerned does not meet the criteria, Yogyakarta Women's Prison will cover the health costs. Fifth, non-participation in certain activities such as activities that require a lot of energy and take a long time, such as recitation and aerobic exercises, female prisoners who are pregnant are not allowed to participate in these activities in order to maintain the health condition of themselves and the fetus they are carrying.²⁹ In addition, there are also several other facilities in the form of tools for pumping breast milk, baby pacifiers, lactation rooms, baby boxes, children's playrooms, refrigerators for storing breast milk, as well as the provision of health information on pre- and post-natal conditions provided by Yogyakarta Women's Prison to inmates who are pregnant, breastfeeding, and the children they give birth to.³⁰

Although Yogyakarta Women's Correctional Institution has provided various facilities that support the fulfillment of the rights of pregnant, breastfeeding prisoners and the children

Women's Prison, on Saturday, April 6, 2024, at 10.20 WIB, at Class IIB Yogyakarta Women's Prison

²⁸ The results of the author's interview with Uun Undianti, A.Md. Keb as the Midwife of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 09.30 WIB, at Class IIB Yogyakarta Women's Prison.

²⁹ *Ibid.*

³⁰ *Ibid.*

they give birth to, there are still several areas that require improvement, including:

- a. The sanitary napkin facility is limited, because it is given only when the prisoner first enters as a prisoner, for further needs including postpartum sanitary napkins, prisoners must buy it themselves at the prison cooperative. Assistance from the prison clinic is only provided to prisoners who are financially unable, but the amount is also limited
- b. Laundry facilities, especially for prisoners with large gestational ages, for example in the case of prisoner OMA who had to wash her own clothes manually at eight months pregnant.³¹

In addition, there are also several public facilities for women prisoners in Yogyakarta Women's Correctional Institution that have not been implemented properly so that it has an impact on the fulfillment of pre- and post-natal rights for women prisoners, such as:

a. Availability of Medical Personnel

The Yogyakarta Women's Prison Clinic has seven health workers, consisting of two doctors, one midwife, and four nurses. This number of health workers can be said to be insufficient when compared to the number of prisoners in Yogyakarta Women's Prison, which is 222 peoples. In addition, the clinic does not have a dentist and dental nurse. Previously, Yogyakarta Women's

³¹ The results of the author's interview with OMA as Female Prisoner of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 10.20 WIB, at Class IIB Yogyakarta Women's Prison

Correctional Institution had cooperated with an external dentist for dental examinations of prisoners, but the cooperation has ended and there are difficulties in re-sourcing it.³²

b. Counseling Services

Yogyakarta Women's Prison has previously cooperated with a psychologist in Yogyakarta Province. However, this cooperation ended and until March 2024, it has not been renewed.³³ For example, in the case of OMA prisoners who are reluctant to eat due to psychological pressure from their status and personal situation that has an impact on their womb, when needed, there is a vacancy in professional staff due to the non-renewal of cooperation. Therefore, this needs to be a concern for the Yogyakarta Women's Prison to always be ready in all facilities provided because no one knows when the facility will be needed.³⁴

Based on the description above, the implementation of the rights of women prisoners during the pre- and post-natal period in Yogyakarta Women's Prison can be divided into three categories:

- a) Well-implemented rights without notes (provision of additional intake for infants and toddlers)
- b) Well-implemented rights with notes (provision of additional intake and additional facilities for pregnant and breastfeeding prisoners)

³² The results of the author's interview with Uun Undianti, A.Md. Keb as the Midwife of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 09.30 WIB, at Class IIB Yogyakarta Women's Prison.

³³ *Ibid.*

³⁴ The results of the author's interview with OMA as Female Prisoner of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 10.20 WIB, at Class IIB Yogyakarta Women's Prison.

- c) Rights that have not been well implemented (availability of medical personnel and counseling services).

Barriers to the Fulfillment of Pre-Postpartum Women Prisoners' Rights in Yogyakarta Women's Prison

There are several obstacles in the effort to fulfill the rights of pre-postpartum women prisoners in Yogyakarta Women's Prison, among others:

a. Limited Funds

The budget is an important instrument in carrying out the duties and functions of correctional institutions. If there are budget constraints, it will result in less than optimal correctional institution services.³⁵ Pregnant and breastfeeding inmates in Yogyakarta Women's Prison are given the same food menu as other inmates, but with double portions. The provision of food with double portions certainly cannot meet the nutritional needs of pregnant and lactating prisoners so it will affect the health of the mother and the growth and development of the baby she is carrying. The reason why a special menu cannot be given to pregnant and breastfeeding inmates is because the food menu for prisoners has been regulated and scheduled by the correctional institution.³⁶ When looking at Chapter III of the Guidelines for the Implementation of Food for Prisoners, Children, and Prisoners contained in the Regulation of the Minister of Law and

³⁵ Yoseph Jhon Ferry. (2020). "Role of Leadership in Overcoming Limitations of Operational Funds in the Correctional Institutions". *Almana: Jurnal Manajemen dan Bisnis*, 4(1): 95-101.

³⁶ The results of the author's interview with Uun Undianti, A.Md. Keb as the Midwife of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 09.30 WIB, at Class IIB Yogyakarta Women's Prison.

Human Rights of the Republic of Indonesia No. 40 of 2017 concerning Guidelines for the Implementation of Food for Prisoners, Children, and Prisoners, providing food with a special menu tailored to the nutritional needs of pregnant and breastfeeding prisoners is not impossible. Yogyakarta Women's Correctional Institution actually has the funds or budget to meet the special needs of prisoners when necessary, including food with certain nutrients needed by female prisoners who are pregnant or breastfeeding. However, the budget is apparently prioritized for the benefit of health checks for foreign prisoners who have difficulties in obtaining social health insurance due to the lack of care from their country of origin.³⁷ In addition, there is also a need for sanitary napkins for prisoners in the postpartum period (puerperium) which cannot be fulfilled by the Yogyakarta Women's Prison due to lack of budget. All needs of prisoners, including sanitary napkins, are only provided once when the prisoner is admitted to Yogyakarta Women's Prison. The rest, if the prisoner needs it again when the supply of sanitary napkins has run out, then the prisoner must buy it at the penitentiary cooperative at a price that is more expensive than the market price. This is only excluded for poor prisoners, then the correctional institution will provide facilities that the person concerned can request directly from the correctional institution clinic.³⁸

b. Inconsistency in Providing Prisoners' Rights

The inconsistency in question is in the provision of high-protein milk, such as "Peptisol", to female prisoners who are pregnant. The provision of high-protein milk to pregnant prisoners should be

³⁷ *Ibid.*

³⁸ *Ibid.*

carried out routinely according to the doctor's recommendation, but in practice it only given twice during the pregnancy period.³⁹

c. Lack of Interest in Health Workers with Specific Skills to Work in Correctional Institutions

Yogyakarta Women's Correctional Institution requires additional health workers with specific expertise, such as dentists and psychologists. The lack of dentists in Yogyakarta Women's Prison is due to regulations that require dentists to obtain a license to practice in correctional institutions. This is as stipulated in Article 4 paragraph (1) of the Regulation of the Minister of Health of the Republic of Indonesia Number 512/Menkes/PER/V/2007 concerning Practice Permits and Implementation of Medical Practices which states that a practice license can only be given to a doctor or dentist for a maximum of three practice sites. This limitation of practice places causes most dentists to prefer to practice outside correctional institutions because it is more promising from a financial point of view.⁴⁰ Meanwhile, the problem of the absence of a psychologist for counseling services occurred due to the end of the cooperation contract between the Yogyakarta Women's Prison and the medical psychologist.⁴¹ Therefore, when there are prisoners who need counseling services (including pregnant

and breastfeeding prisoners), there is no psychologist at the Yogyakarta Women's Correctional Institution who can facilitate it. This can be seen in the case of prisoner OMA who could not get counseling services from the Yogyakarta Women's Correctional Facility despite having received a recommendation from the general practitioner of the correctional institution to counsel a psychologist.⁴² Counseling with a psychologist is very important, seeing that many factors of pregnancy problems require protection against the possibility of suicide or other psychological problems.⁴³

Problems in the fulfillment of rights that occur need to be seen further through the lens of human rights. Bernhard Winscheid states that rights are defined as a legal order or legal system that gives will and power to the recipient of the rights concerned.⁴⁴ This makes it important for the state to ensure that the rights of prisoners are fulfilled without discrimination. In Yogyakarta Women's Correctional Facility, the rights of women prisoners during the pre- and post-natal period are mostly well fulfilled. This can be seen from the existence of regular pregnancy check-up facilities, the provision of additional nutrition for pregnant and lactating mothers to children of prisoners who are treated in correctional institutions and other supporting facilities such as priority rooms, lactation rooms and baby boxes.

³⁹ The results of the author's interview with OMA as Female Prisoner of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 10.20 WIB, at Class IIB Yogyakarta Women's Prison.

⁴⁰ The results of the author's interview with Uun Undianti, A.Md. Keb as the Midwife of Class IIB Yogyakarta Women's Prison, on Saturday, April 6, 2024, at 09.30 WIB, at Class IIB Yogyakarta Women's Prison.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Somayeh Alirezaei dan Robab Latifnejad Latifnejad Roudsari. (2020). "Promoting Health Care for Pregnant Women in Prison: A Review of International Guidelines". *Iranian Journal of Nursing and Midwifery Research*, 25(2): 91-101.

⁴⁴ Hanifah Mora Lubis dan Padmono Wibowo. (2021). "Tinjauan Hak-Hak Narapidana Perempuan di Lembaga Pemasyarakatan Kelas IIB Padangsidempuan". *Jurnal Syntax Transformation*, 2(3): 307-323.

However, the fulfillment of the rights of women prisoners in the pre-postnatal period does not escape some shortcomings, such as the provision of double portions to pregnant and breastfeeding prisoners by not looking at the nutritional needs of the condition of each prisoner according to the doctor's instructions, sanitary napkins are not given in more quantities for women prisoners in the post-pregnancy period, the inconsistency of Yogyakarta Women's Correctional Facility officers in providing additional nutrition such as pregnancy milk, the dispensation policy for pregnant and breastfeeding inmates not to engage in dangerous activities, and the inability to fully exempt pregnant and breastfeeding inmates from strenuous activities such as washing their own clothes at a gestational age close to the estimated day of birth.

Based on the theory of human rights proposed by John Locke, every human being is born with basic rights that exist in him, including the right to life, property, and freedom. These rights cannot be taken from humans by anyone, including the state. In this case, prisoners have indeed deprived other people of their human rights so that they are serving a sentence on them, but that way it is not justified for the state to cut their human rights because of the human rights of every prisoner even though they have been convicted and sentenced to imprisonment.⁴⁵ Based on this theoretical reference, the Government Regulation on the Implementation of Rights for Women Prisoners, which stipulates that the food intake of prisoners is based on calorie intake with the provision of double portions is not appropriate. This is as regulated in Chapter III of the Explanation Section of the Regulation of the Minister of Health

of the Republic of Indonesia Number 21 of 2021 concerning the Implementation of Health Services for the Pre-Pregnancy Period, Pregnancy, Childbirth, and the Postpartum Period, Contraceptive Services, and Sexual Health Services that pregnant women must consume a variety of foods with balanced amounts and proportions. Therefore, the fulfillment of the rights of women prisoners in the pre- and post-natal period at the Yogyakarta Women's Prison, although mostly in accordance with statutory regulations, still has shortcomings that need to be corrected in order to comply with the principles of human rights that must not be reduced by the state.

Conclusion

The implementation of the fulfillment of the rights of women prisoners during the pre- and post-natal period in Yogyakarta Women's Prison can be grouped into three categories. First, rights that have been well implemented without notes, such as the provision of additional intake for infants and toddlers. Second, rights that have been well implemented with notes, such as the provision of additional intake and additional facilities for pregnant and breastfeeding prisoners. Third, rights that have not been well implemented, such as the availability of medical personnel and counseling services.

The fulfillment of the rights of pre-postnatal women prisoners in Yogyakarta Women's Correctional Institution is largely in accordance with existing regulations, but there are still some obstacles in its implementation related to three things. First, limited funds, for example the provision of special food for pregnant and breastfeeding prisoners. Second, inconsistencies in the provision of prisoners' rights, for example the provision of peptisol milk to pregnant prisoners. Third, the lack of interest of

⁴⁵ Hanifah Mora Lubis dan Padmono Wibowo. *Op.Cit.*

health workers with certain expertise to work in correctional institutions, for example the lack of dentists and psychologists in Yogyakarta Women's Correctional Facility. Based on some of the existing obstacles, it is hoped that they can be taken into consideration in the implementation of existing policies in order to continue to pay attention to the human rights of pregnant prisoners in correctional institutions.

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