

Fulfillment of the Rights of Pregnant Assisted Citizens in the Institution Class II A Women's Correctional Facility Bandar Lampung

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Abstract

The discussion in this paper is entitled Fulfillment of the Rights of Pregnant Prisoners in Class IIA Women's Correctional Institution Bandar Lampung which is a study to find out how the guidance provided by the Class IIA Women's Correctional Institution Bandar Lampung to pregnant women inmates. Because basically female inmates have different natures from men, such as menstruation, pregnancy, childbirth, and breastfeeding. The formulation of the problem in this study consists of the first to examine how to fulfill the rights of inmates who are pregnant in Class IIA Women's Correctional Institution Bandar Lampung and are there any inhibiting factors in fulfilling the right to obtain health services for inmates who are pregnant? This type of research is a field using an empirical juridical approach. The empirical juridical approach is the collection and discovery of data and information through field studies at the Class IIA Women's Correctional Institution in Bandar Lampung, aiming to study the reality that occurs in the field. This study concluded that the fulfillment of the rights of the inmates who were pregnant and breastfeeding had been fulfilled properly in accordance with Law Number 12 of 1995.

Keywords: Fulfillment, Inmates, Pregnant, Prison

Introduction

Human Rights (HAM) is a set of rights that are inherent in the nature and existence of human beings as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law, government and every person for the sake of



honor and protection of dignity and dignity¹. All of those rights come from of the inherent dignity of man and has been defined as human claims, to themselves or to others supported by a human-centered theory, on human beings as human beings and members of humanity². In the 1945 Constitution of the Republic of Indonesia (1945 Constitution) Article 1 paragraph (1) clearly states that the State of Indonesia is a State of Law. According to this provision, one of the most important principles of the State of Law is the guarantee of equality for everyone who is before the law. Therefore everyone is entitled to fair legal recognition, guarantees, protection and certainty and equal treatment before the law.

Correctional institutions are the last part of the criminal justice system and as part of the law enforcement element. Correctional institutions are the only agency or institution that is most directly related to the development of prisoners and correctional students after going through the trial process in court. Criminalization or criminal imposition of a person who is proven to have committed a criminal act is not solely aimed at retaliation for the acts he committed. Prison is one of the types of criminal sanctions that is most often used in tackling crime problems.³ Prisoners or prisoners, who are deprived of their freedom by the state on legal grounds, are a vulnerable group in society. The possibility of accepting the risk of being mistreated, violence to obtain confession of torture, enforced disappearance, and accepting inhumane and degrading conditions of detention are very easy to inflict on prisoners. Especially if public opinion has already developed, that people who have lost their independence no longer have any rights.⁴ In terms of fulfilling the rights for prisoners, one of the most crucial rights that must be fulfilled is inserted, namely the right to access health services and proper food. A person is said to be healthy if he is in good health, good

¹Pasal 1 Butir (1) Undang-Undang Republik Indonesia Nomor 39 Tahun 1999, Tentang Hak Asasi Manusia.

²Komisi Hak Asasi Manusia, *Hak Asasi Manusia*, (Jakarta: Pustaka Sinar Harapan, 1996), 56.

³Dwidja Priyanto, *Sistem Pelaksanaan Pidana Penjara di Indonesia*, (Bandung: PT. Refika Aditama, 2006), 2.

⁴Lembaga Studi dan Advokat Masyarakat (Elsam), *Hak-Hak Narapidana*, (Jakarta: Lembaga Studi dan Advokat Masyarakat, 1996), 5.

physically, mentally, spiritually and socially which allows every people to live socially and economically productive.⁵

Female inmates are certainly different from male inmates, where Female inmates have special privileges that male inmates do not have, namely female inmates have cycles such as menstruation, pregnancy, childbirth, and breastfeeding. These women's specific needs include reproductive health recovery, family planning, services for pregnancy and childbirth and care after experiencing sexual violence or torture. The rights of female prisoners related to these matters should be fulfilled and considered.

Female inmates present certain challenges for those who authority over prisons, between or perhaps because they are a very small group in the population of Correctional Institutions (Prisons). The profile and background of women in Correctional Institutions (Prisons) and the reasons why they are imprisoned are different from male inmates who are in the same situation. Therefore, all prison facilities, programs, and services need to be tailored to the specific needs of female inmates. When pregnant female inmates carry out the coaching process in this prison, they have more specific rights and greater urgency during their pregnancy.

Female inmates who are pregnant during the coaching process in a female prison are given dispensations such as leniency in daily activities and work in the prison, for example, if they usually lift a can filled with water to water plants (do strenuous activities) now when during pregnancy the worker is no longer done and replaced by other female inmates who are not pregnant. This study seeks to see how the Correctional Institution provides the rights of pregnant inmates as a form of guarantee for human rights in the Bandar Lampung Class II Prison.

1. Health Services for Assisted Residents

The term assisted citizens refers to article 1 paragraph (5) of Law Number 12 of 1995, concerning Correctional Services which states that Correctional Assisted Citizens are Prisoners, Students

⁵Pasal 1 Butir (1) Undang-Undang Republik Indonesia Nomor 36 Tahun 2009 tentang Kesehatan

Correctional Services, and Correctional Clients. While paragraph (5) defines a convict as a convict who is serving a sentence of loss of liberty in a Correctional Institution, and in paragraph (6) defines a convict as a person who is convicted based on a court decision who has obtained permanent legal force.

Prisoners are ordinary human beings like other human beings only because it violated existing legal norms, it was separated by the judge to serve the sentence.⁶ According to the dictionary of the main scientific term states that prisoners are punishment people, cradle people, then based on the legal dictionary prisoners are defined as people who serve a sentence in a Correctional Institution. The correctional development system is carried out based on the principles of Protection, Equality of Treatment and Service, Education, Respect for Human Dignity and Dignity. Loss of independence is the only suffering of correctional inmates who must be in a correctional institution for a certain period of time, so that the state can optimize coaching and take care of inmates during the coaching period.⁷

Along with the changes and developments of the prison system world, so Indonesia is not spared from these changes and developments. The Government of Indonesia is trying to participate in implementing and strengthening prison reform that adapts the reform to the outlook on life and the environment of people with Indonesian personality.⁸

The penitentiary system has been implemented since 1964 supported by Law Number 12 of 1995, concerning Corrections. The Correctional Law strengthens efforts to realize a Correctional System which is a coaching order for Correctional Assisted Citizens. This has been regulated in Article 1 of Law Number 12 of 1995, regarding Corrections it is stated that:

- a. Correctional facilities are activities to carry out the development of citizens Correctional Facilities based on system, institutions and ways

⁶Dirjosworo Soedjono, *Sejarah dan Asas Penologi (Pemasyarakatan)*, (Bandung: Amico, 1984), 2.

⁷Anggun Malinda, *Perempuan Dalam Sistem Peradilan Pidana: Tersanga, Terdakwa, Terpidana*, (Jogjakarta: Garudhawaca, 2016), 122-124.

⁸Bambang Poernomo, *Pelaksanaan Pidana Penjara dengan Sistem Pemasyarakatan*, (Yogyakarta: Liberty, 1986), 173.

- coaching which is the final part of the criminal justice system in criminal justice system.
- b. The Correctional System is an order regarding direction and boundaries as well as the way of fostering Correctional Assisted Citizens based on Pancasila which is carried out in an integrated manner between the coaches, who are fostered and the community to improve the quality of Correctional Assisted Citizens so that they realize their mistakes, improve themselves and not repeat criminal acts so that they can be accepted back by the community, can actively play a role in development and can live reasonably as good and responsible citizens.
 - c. Correctional Institutions (Prisons) are places to carry out Development of Prisoners and Correctional Students.

Meanwhile, according to Article 2 of Law Number 12 of 1995, concerning Corrections that: "The correctional system is organized in order to form Correctional Assisted Citizens to become full human beings, realize mistakes, improve themselves and not repeat criminal acts so that they can be accepted by the community, can actively play a role in development, can live reasonably as good and responsible citizens."

The position of the integrated criminal justice system in Indonesia that concerns The implementation of correctional institutions under the correctional system includes not only the reintegration of inmates (*healthy reintegration*), but also a broader understanding of the function of crime prevention. However, in order for the prison system to continue and change to date, these developments must be in line with the vision and mission of the penitentiary itself, which is to prepare inmates to return to society.

The recognition of the rights of prisoners, especially related to health services and food that is suitable is regulated in article 14 of Law Number 12 of 1995 concerning Corrections. Until now, the standard of feeding for inmates and prisoners still refers to the Circular Letter of the Minister of Justice of the Republic of Indonesia No.M.02.UM.01.06 of 1989, concerning Guidelines for the Implementation of Food Costs for Prisoners/State Prisoners/Children as follows:

Table 1. Recommended Nutritional Adequacy Standards (based on Ministry of Justice)

Kind User	Circular Letter of the Director General of Corrections No.E.PP.02.05-02 Date 20-09-2007 About Service Improvement	
PLT	Age Group	Energy (Calories)
Men and Women	Adult	2.250

Source: SE Minister of Justice of the Republic of Indonesia Number: M.02-UM.01.06 of 1989, About Guidelines for the Implementation of Food Costs for Prisoners/Prisoners Country/Child

The Nutritional Adequacy Rate (AKG) is the amount of each essential nutrient that must be met from the food covering almost all healthy people to prevent nutrient deficiency. The average recommended Nutritional Adequacy Rate (AKG) for each person per day varies depending on age, gender, activity, weight, height, genetics and physiological conditions such as pregnant and breastfeeding women.

Pregnant and non-pregnant female inmates are well and correctly managed in terms of food provision. Quality must be considered in practice, in addition to the amount that must be considered in accordance with the validity of the nutrition applied. The quality and quantity are what determine whether the food provided meets the eligibility criteria as a health support or not. The description of Article 20 Paragraph (1) of Government Regulation Number 32 of 1999, states that prisoners and correctional students who are sick, pregnant or breastfeeding, are entitled to additional food in accordance with the doctor's instructions. This additional feeding is intended to maintain the growth and development of the child in the mother's womb. If they outside the correctional institution carry out routine pregnancy check-ups every month and can eat decent, nutritious, and according to the doctor's instructions, then at least this is done in the penitentiary when a pregnant female inmate undergoes a coaching process.⁹

2. Fulfillment of the Rights of Pregnant Assisted Citizens in Institutions Class IIA Women's Correctional Facility Bandar Lampung

⁹Siti Misaroh & Atikah Proverwati, *Nutrisi Janin & Ibu Hamil*, Cetakan Pertama, (Bantul: Nuha Medika, 2010), 107-110.



Performance of the Bandar Class IIA Women's Correctional Institution Lampung can be said to be good, the correctional system has been run based on human rights while still respecting the inmates as ordinary human beings who need food, decent housing, health services, worship services according to the religion of each inmate and other inmate rights. The Bandar Lampung Class IIA Women's Correctional Institution also pays close attention to the talents contained in inmates and is then developed as part of the purpose of coaching.

In the Bandar Lampung Class IIA Women's Correctional Institution, all female inmates are guided and fostered in constructive activities as a form of their obligations in serving their sentences. Binadik officers as inmates/protégés cannot force pregnant female inmates to participate in coaching activities, because only they understand their physical and psychological condition. However, in terms of fulfilling rights, there is no difference between female inmates who are pregnant and inmates who are not pregnant.

Correctional Assisted Citizens in the fulfillment of their rights are regulated in Law Number 12 of 1995, for example Article 14 paragraph (1) related to the fulfillment of the right to worship in accordance with the religion and beliefs they adhere. Furthermore, the fulfillment is regulated in Government Regulation Number 32 of 1999, where Article 2 regulates the implementation of worship that can be carried out in prisons. Not only the fulfillment of the right to worship, the fulfillment of other rights is regulated in Article 3 and Article 4 concerning Education and Spiritual Guidance.

The Bandar Lampung Class IIA Women's Correctional Institution is an institution that provides a coaching function for inmates, especially women. Women as fostered citizens certainly have rights that must be fulfilled properly, especially for women in special circumstances, such as pregnancy and breastfeeding.

The fulfillment of rights is regulated in Article 14 paragraph 1 letter (d) of the Law. Law Number 12 of 1995, related to health services that are suitable for polyclinics and their facilities that are equipped with at least one doctor and other health workers. The fulfillment of these rights is explained by Article 16 of Government Regulation Number 32 1999 is :

- (1) Health check-ups are carried out at least 1 (one) time in 1 (one) month and recorded in the health card.
- (2) In the event that the inmate or correctional student has a complaint regarding his health, doctors or nurses/midwives in prisons are obliged to carry out examinations.
- (3) If from the results of the health examination as intended
In paragraph (1) and paragraph (2) it is found that there is an infectious or dangerous disease, so the patient is treated specially.

It is further explained in Article 17 of the Government Regulation of the Republic Indonesia Number 32 of 1999, states:

- (1) In the event that the patient as referred to in Article 16 paragraph (3) requires further treatment, the prison doctor gives a recommendation to the Head of the Prison so that health services are carried out at a Government public hospital outside the prison.
- (2) Health services for patients in hospitals as well as referred to in paragraph (1) must obtain written permission from the Head of the Prison.
- (3) The patient as intended in paragraph (2) is brought and Hospitalized must be escorted by prison officers and if necessary can ask for the help of police officers.
- (4) Healthcare costs in hospitals for patients are charged to the State.
- (5) In the event that there is a prisoner or correctional student who is sick, the Head of the Prison must immediately notify his family.

The fulfillment of the right to health services has been carried out well and has been sufficiently fulfilled in terms of human rights at the Class IIA Women's Correctional Institution in Bandar Lampung.¹⁰ The health services provide vitamins to maintain immunity, monitor and follow up on health complaints felt by correctional inmates. Monitoring is an activity to follow and find out the progress of each continuous activity both directly and indirectly. This evaluation and monitoring is not only carried out in the implementation, but also carried out every breeding activity in the Class IIA Women's Correctional Institution in Bandar Lampung. So that in the fulfillment of health services for female inmates, especially for inmates

This pregnant woman can be held well because of the existence of responsiveness, alertness, and dexterity of the correctional officers on duty. The purpose of monitoring is so that the causative factors that cause obstacles/obstacles in the implementation of food at the Class IIA Women's Correctional Institution in Bandar Lampung can be known as early as possible so that the necessary steps can be determined immediately. To minimize the occurrence of errors/deviations, so that activities can be carried out in accordance with the plan that has been set, both in terms of administration and the results achieved.

In addition to monitoring, there is also an evaluation that aims to assess the implementation of health service activities for inmates who are pregnant in accordance with the plans and policies that have been prepared so that they can achieve the desired goals. The evaluation was carried out on female inmates, implementing officers, and managers of the Women's Correctional Institution. Evaluation was carried out by means of field studies.

There is monitoring and evaluation from doctors, security chiefs, binadik, and the Head of the Prison in every provision of food to support the health of female inmates, including female inmates who are pregnant at the Class IIA Women's Correctional Institution in Bandar Lampung, can minimize all obstacles that occur. This evaluation and monitoring is not only carried out in the implementation, but also every coaching activity is carried out in the Class IIA Women's Correctional Institution in Bandar Lampung.

These services are given the same rights, both to inmates who are pregnant and breastfeeding. The examination activity was carried out by a doctor at the Polyclinic of the Class IIA Women's Correctional Institution in Bandar Lampung. Daily health checks are also carried out on prisoners who are pregnant and breastfeeding or not.¹¹ All female inmates in the Class IIA Bandar Lampung Correctional Institution are given their rights according to their needs, such as in terms of fulfilling the right to health for every inmate who has just entered the Correctional Institution, a comprehensive health test is always carried out to find out if there is a disease in the inmatet.

¹¹ Wawancara Penulis dengan Ibu Helmawati petugas Poliklinik LPP Bandar Lampung



Based on interviews with institutional polyclinic officers Class IIA Women's Correctional Facility Bandar Lampung will be given additional care to inmates who are pregnant, namely by providing additional care such as periodic obstetric examinations at least once every 1 (one) month, such as ultrasound (*Ultrasonography*) at the referral hospital of the Bandar Lampung Class IIA Women's Correctional Institution, the referred hospital is Abdul Moeloek Bandar Lampung Hospital or with dr. A. Dadi Tjokrodipo Bandar Lampung Hospital. Periodic examinations every month aim to find out the condition of the baby in the womb so that in the future correctional institution officers can pay attention and prepare needs according to the condition of babies and inmates who are pregnant. As for the routine posyandu every month on the 10th (tenth) for inmates who have given birth, the posyandu is held at the nearest health center of the correctional institution, namely the Way Kandis Health Center and the Karang Anyar Health Center.

Inmates who have returned to the Bandar Lampung Class IIA Women's Prison will still receive follow-up examinations regarding the health of the mother and baby, such as immunization to the infant and the inmates. Immunization is carried out by only bringing the mother and baby accompanied by a female prison officer to the intended health center, namely the Way Kandis Health Center. After giving birth to the baby, facilities such as clothes, diapers, blankets, baby supplies, milk, diapers, complementary foods, immunizations and health services are also provided until the baby is 2 (two) years old.

Assisted residents who are pregnant or breastfeeding are given a dispensation or waiver not to participate in activities or programs provided by the prison such as mutual cooperation and community service cleaning the prison yard, sports, independence programs, but for cleaning their respective rooms, and for spiritual programs there is no dispensation still required to carry out and participate in these activities, including inmates who are pregnant or breastfeeding.

Other programs or activities carried out in correctional institutions for inmates are independence activities such as sewing, batik, refining, embroidery and so on. For correctional inmates who are pregnant/breastfeeding, they will be given a dispensation for these activities, so they are not required to participate in these activities, but if the inmates are deemed capable of

to participate in these activities is allowed to follow it and there is no coercion from the officers of the Institution Class IIA Women's Correctional Facility Bandar Lampung.

The program prepared by the community institution is part of the coaching process, so that the program is very good and supports the inmates to become skilled and have special skills. Moreover, the negative stigma that has existed so far against inmates, the unpreparedness of the community to accept with open arms to former inmates and the public's fear of former inmates if they commit crimes again, causing the inmates to have no free movement space to live life anymore.¹² So it is hoped that with the coaching and programs carried out by correctional institutions, it can make the inmates personal even better and ready to blend in the environment again.

Conclusion

The Bandar Lampung Class IIA Women's Correctional Institution has tried to fulfill the rights of inmates who are pregnant by providing proper health services and according to their needs. Well-integrated health coaching and monitoring programs, including dispensation for certain physical activities, have paid more attention to pregnant female inmates. With a human rights-based approach, correctional institutions have proven their commitment to providing protection, welfare, and coaching for female inmates, so that they can serve their sentences properly and return to society prepared and better.

In an effort to fulfill human rights, especially for pregnant female inmates at the Bandar Lampung Class IIA Women's Correctional Institution, adequate health services have been provided as a form of attention and respect for their dignity and welfare. The implementation of the correctional system based on social coaching and reintegration has provided opportunities for female prisoners to improve themselves, hone their potential, and face the future more prepared and

¹² Muhammad, M (2022). *Lembaga Pemasyarakatan*, Jakarta: Pustaka Litera Antar Nusantara

Productive. This also shows the commitment of the institution correctional facilities in supporting a fair and humane judicial process.

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