



THE POLICY OF LEGAL PROTECTION FOR FEMALE PRISONERS IN CLASS II A FEMALE CORRECTIONAL INSTITUTIONS IN SEMARANG

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Abstract:

Women convicts, as a vulnerable group in society, are a group that must receive guaranteed protection for their human rights. The problem in this research is the legal protection of female prisoners in the Class II A Women's Prison in Semarang, the problems faced, and the efforts made to overcome the problems in providing legal protection to female prisoners. The approach method used is juridical-normative. This research is descriptive-analytical. The types of data used are secondary data and primary data. Data collection methods include library research, interviews, and documentation studies, and are then analyzed descriptively and qualitatively. Based on the study's results, it can be seen that legal protection for female prisoners in the Class II A Women's Prison in Semarang is carried out by fulfilling all the rights of female prisoners as stipulated in the legislation. In principle, all the rights of women prisoners have been granted and fulfilled, although they are still limited and not yet at the maximum level. Problems faced by the Semarang Women's Class II A Prison in providing legal protection to female prisoners, including: (1) the limitations of existing human resources, both in quantity and quality; (2) over capacity; (3) the condition of the prison building is not following the minimum standard; (4) the lack of health facilities provided; (5) the lack of information and communication systems; and (6) minimal operating budget. Efforts made by the Class II A Women's Prison in Semarang to overcome these problems, such as (1) increasing the quantity and quality of prison officers either through proposals for adding new employees, partnership cooperation, or through correctional technical training; (2) proposing new women's prisons in the area of Central Java province and simplifying procedures for fulfilling the rights of inmates such as assimilation, CMB and PB consistently and transparently; (3) the renovation of prison buildings adapted to the concepts and ideas of correctional that leads to the fulfillment of the rights of women prisoners; (4). improving the health facilities and facilities for the residents of prisons; (5) procurement of information technology-based correctional service facilities and infrastructure; (6) implementing a budget system based on the real needs of the correctional process and the fulfillment of special unit costs. This study concludes that the legal protection of female prisoners in the Class II A Women's Prison in Semarang follows what is mandated in the legislation.

Keywords: *Female Prisoners; Legal protection; Over Capacity.*

Abstrak:

Narapidana wanita sebagai suatu kelompok rentan dalam masyarakat, merupakan kelompok yang wajib mendapat jaminan perlindungan atas hak-hak yang dimilikinya secara asasi. Permasalahan dalam penelitian ini adalah perlindungan hokum terhadap narapidana wanita di Lapas Kelas II A Wanita Semarang, permasalahan yang dihadapi, dan upaya yang dilakukan untuk mengatasi permasalahan dalam memberikan perlindungan hokum terhadap narapidana wanita. Metode pendekatan yang digunakan adalah yuridis-normatif. Penelitian ini merupakan penelitian deskriptif analitis. Jenis data yang digunakan adalah data data sekunder dan data primer. Metode pengumpulan data meliputi studi

kepastakaan, wawancara, dan studi dokumentasi kemudian dianalisa secara diskriptif kualitatif. Berdasarkan hasil penelitian, dapat diketahui bahwa perlindungan hukum terhadap narapidana wanita di Lapas Kelas II A Wanita Semarang dilakukan dengan cara memenuhi semua hak-hak narapidana wanita sebagaimana diatur dalam peraturan perundang-undangan. Pada prinsipnya seluruh hak-hak narapidana wanita telah dapat diberikan dan dipenuhi, meskipun masih bersifat terbatas dan belum pada tingkat maksimal. Permasalahan yang dihadapi Lapas Kelas II A Wanita Semarang dalam memberikan perlindungan hukum terhadap narapidana wanita, diantaranya seperti: (1) keterbatasan SDM yang ada, baik kuantitas maupun kualitas; (2) over kapasitas; (3) kondisi bangunan lapas belum sesuai dengan standar minimal; (4) minimnya fasilitas kesehatan yang diberikan; (5) minimnya sistem informasi dan komunikasi; dan (6) minimnya anggaran operasional. Upaya yang dilakukan Lapas Kelas II A Wanita Semarang untuk mengatasi permasalahan tersebut, diantaranya seperti: (1) meningkatkan kuantitas dan kualitas petugas Lapas baik melalui usulan penambahan pegawai baru, kerjasama kemitraan, maupun melalui diklat teknis pelayanannya; (2) pengusulan Lapas Wanita baru di wilayah Provinsi Jawa Tengah dan mempermudah prosedur pemenuhan hak-hak warga binaan seperti Asimilasi, CMB dan PB secara konsisten dan transparan; (3) renovasi bangunan Lapas yang disesuaikan dengan konsep dan gagasan pelayanannya yang mengarah pada pemenuhan hak-hak narapidana wanita; (4) meningkatkan sarana dan fasilitas kesehatan penghuni Lapas; (5) pengadaan sarana dan prasarana layanan pelayanannya berbasis teknologi informasi; (6) menerapkan sistem anggaran berbasis kebutuhan riil proses pelayanannya dan pemenuhan satuan biaya khusus. Kesimpulan dari penelitian ini yaitu perlindungan hukum terhadap narapidana wanita di Lapas Kelas II A Wanita Semarang sudah sesuai dengan apa yang diamanatkan dalam peraturan perundang-undangan.

Kata Kunci: Narapidana Wanita; Perlindungan Hukum; Over Kapasitas.

A. Introduction

One of the rights of prisoners obtained in Correctional Institutions (Lapas) is the right to receive guidance regarding religion, education, and skills. This is regulated in Law No. 12 of 1995 concerning Corrections. (Mujahidah, 2020) Problems occur not only in prisons but also problems faced after leaving prison and becoming part of the community. Many ex-convicts who were not released for a long time returned to being a recidivist. This is because the rift between ex-convicts and the community is not resolved correctly. When a convict is free, he may not necessarily be accepted in the community and, in the end, return to crime. (Hanifah Mora Lubis & Wibowo, 2021) This is where "Correctional Institutions" plays a role in "socializing" a convict. Considering that the purpose of correctional is social reintegration to achieve unity in the relationship of life and livelihood, the guidance provided in prisons should not only be useful or function in prisons but also should be until the inmates come out to be part of the community. (Saputra, 2020)

Currently, criminal acts or crimes are not only committed by men but have also been committed by women or women even though they are still on a small scale or number. Women's involvement in law violations is usually due to socio-cultural factors, poverty, and gender issues. Based on the offenses committed, it was found that some women were involved in narcotics and psychotropic crimes (as users, couriers, or dealers). (Sabri, 2021)

A study conducted by the Department of Criminology of the Faculty of Social and Political Sciences, University of Indonesia, shows that the statistics on female inmates in Class II Semarang Women's Prison for drug cases show an increase from time to time. Other violations are theft, murder, fraud, embezzlement, human trafficking, counterfeit money, molestation, and gambling. These offenses are often related to the role of women in their social life, such as the murder of their partner or

persons related to their partner, being accused of murdering a newborn baby, and cases of a gang murder in a robbery incident that also often involves close people. (Herry Christian, 2020)

In particular, the Department of Criminology, Faculty of Social and Political Sciences, University of Indonesia identified several problems faced by female prisoners as follows: (Aprilianda, 2014)

- a) Places for sentencing women who violate the law are not always placed in particular women's prisons but also in women who serve crimes in detention homes, children's prisons, and general detention centers. The impact of imprisonment on women exacerbates the role of women as mothers. The study on prisons also found that when a man or husband is imprisoned, usually the wife will be faithful, but if the woman or wife is imprisoned, then it is sufficient reason for the husband to divorce her or remarry;
- b) Overcapacity conditions that occur in several detention centers and general prisons have strengthened the security approach. Thus, access to health services and residential facilities following the Standard Minimum Rules (SMR) is not fulfilled. Special health services for reproductive health for women related to pregnancy, postpartum and hormonal disorders are not yet evenly available. Even the problem of the difficulty of getting sanitary napkins, even the ban on the use of hygienic napkins, still occurs in various places of detention for women.

Based on the research background described above, the main issues that will be studied further are formulated as follows: What is the legal protection policy for female prisoners at the Class II A Women's Correctional Institutions in Semarang? What are the obstacles faced by the Semarang Women's Class II A Correctional Institutions in providing legal protection to female prisoners and the efforts made by the Semarang Women's Class II A Correctional Institutions to overcome problems in giving legal protection to female prisoners?

B. Research Method

The approach used in this research is the normative juridical method, namely legal research carried out by researching or studying problems in terms of legal rules, researching library materials, or secondary data. (Soejono dan H. Abdurahman, 2003) Considering that this research uses a juridical-normative approach, the primary data source is secondary data. Secondary data is data obtained not directly from the first source but from data that has been documented in the form of legal materials. (Peter Mahmud Marzuki, 2005)

In this study, secondary data sources were obtained utilizing library research. A literature study is a data collection technique by conducting a review study of books, works of literature, notes, and reports that have to do with the problem being solved. (Moch Nazir, 2008) The data analysis method used in this study is qualitative-analytical, namely how to analyze data by describing and analyzing the content and validity of the data obtained from the results of literature studies, interviews, and documentation studies, to obtain an overview of an event in society; in this case, it is about the legal protection of female prisoners in the Class II A Women's Correctional Institutions in Semarang.

C. Discussion

1. Legal Protection Policy for Female Convicts in Class II A Correctional Institutions, Semarang

The coaching at the Class II A Women's Correctional Institution in Semarang is not much different from the coaching program in other correctional institutions. The correctional process is carried out with the following stages: (Pradipta et al., 2020)

- a. Early stage.
Starting with the observation period. For prisoners, this stage emphasizes personality development in activities to foster religious, national, and intellectual abilities and legal awareness. This initial stage is carried out until at least one-third of the sentence is served.
- b. First Advanced Stage.
Implemented as a continuation of personality development at the initial stage. This activity begins with skills, recreational, and physical and health development. This stage is carried out during one-third to one-half of the criminal period.
- c. Second Advanced Stage.
Also known as the assimilation stage. This means that coaching is done by integrating prisoners into community life. For example, it is carried out by continuing school activities, working independently, working for outside parties, worship, sports, etc. In this case, prisoners who can assimilate are selected for a trial by looking at the prisoners' daily behavior records. In addition, at this stage, prisoners are also allowed to take leave to visit their families. This stage is carried out from half to two-thirds of their criminal period.
- d. Final Stage.
Also known as the integration period. During this period, prisoners are reintroduced into social life by granting leave before release and parole. This final stage is carried out during the two-thirds period until the prisoner is free. (Ramadhan et al., 2021)

The process of fostering prisoners based on these stages is operationally carried out by the Guidance Section of Prisoners and Students. To find out the legal protection policy for female prisoners in the Semarang Women's Class II A Correctional Institution, it can be seen whether, during the coaching period at the Semarang Women's Class II A Correctional Institution, the rights of prisoners as regulated in the legislation have been fulfilled or not. Therefore, to make it easier to provide an analysis of the legal protection of the rights of female prisoners in the Class II A Women's Correctional Institution in Semarang, the discussion will be described systematically as follows: (Kristianto, 2021)

- a) The right to worship according to one's religion or belief
- b) The right to receive spiritual and physical care
- c) The right to education and teaching.
- d) The right to get health services and proper food
- e) The right to complain
- f) The right to obtain reading materials and participate in media broadcasts
- g) The right to get wages or premiums for the work done

- h) The right to receive visits from family, legal counsel, or certain other persons
- i) The right to get a reduced sentence (remission)
- j) The right of assimilation, including leave to visit family
- k) The right of parole
- l) The right to leave before being released
- m) Other rights (politics, correspondence, exit permit)

2. Obstacles faced by Semarang Women's Class II A Correctional Institution in Providing Legal Protection to Female Prisoners and the Efforts Made by Semarang Women's Class II A Correctional Institution to Overcome Problems in Providing Legal Protection to Female Prisoners

- a) The limitations of existing human resources, both in quantity and quality. In addition to the problem of the limited number of prison officers, another problem faced in providing legal protection to female prisoners is the lack of ability or quality of human resources of officers in managing problems that occur in Class II A Women's Correctional Institution in Semarang.
- b) Over capacity. The problem experienced by the Class II A Women's Correctional Institution in Semarang is over-capacity. The number of occupancies is not proportional to the number of inmates. Currently, there are 332 people in the Class II A Women's Correctional Institution in Semarang, even though the capacity is only for 219 people
- c) The condition of the prison building is not following the minimum standards. From a geographical point of view, the current Class II A Women's Correctional Institution in Semarang is no longer following the standards set by the government.
- d) The lack of health facilities provided. With regard to the protection of the rights of female prisoners in correctional institutions, as the writer visited the Class II A Women's Correctional Institution in Semarang, there are no complete facilities and infrastructure, such as specialist doctors.
- e) Medical personnel, delivery rooms, closets that support safety for women who are pregnant, and counseling guidance.

As explained above, the problems faced by the Semarang Women's Class II A Correctional Institution in providing legal protection to female prisoners are related to (1) the limitations of existing human resources, both in quantity and quality; (2) over capacity; (3) the condition of the prison building that is not following the minimum standards; (4) the lack of health facilities provided; (5) the lack of information and communication systems; and (6) minimal operating budget.

First, to overcome the problem of the limited number of available human resources, both in terms of quantity and quality, in the future, the number of officers in the Class II A Women's Correctional Institution in Semarang will be proposed to be increased in number as needed.

Second, to overcome the problem of over-capacity, it can be explained here that over-capacity is indeed the main problem that hinders the development process and legal protection efforts for prisoners. In general, Correctional Institutions experience overcapacity because they accommodate prisoners, so they experience stagnation in the coaching process.

Third, to overcome the problem of the condition of the Semarang Women's Class II A Correctional Institution building which is not yet following the minimum standards, it can be explained here that the Semarang Women's Class II A Correctional Institution building is a Dutch colonial heritage which was built for the purpose of imprisonment (deterrence).

Fourth, to overcome the problem of the lack of health facilities provided, it can be explained here that international minimum standards have regulated the rights of prisoners to obtain physical and mental health care and services. Service standards include mental health, appropriate treatment, healing of mental disorders, and specialist doctors' availability.

Fifth, to overcome the problem of the lack of information and communication systems, it can be explained here that information systems are an essential part of the correctional process.

D. Closing

1. Conclusion

Based on the discussion above, the researcher can conclude several things as follows:

- a) Legal protection for female prisoners in the Class II A Women's Correctional Institution in Semarang is carried out by fulfilling all the rights of female prisoners as regulated in the legislation. In principle, all the rights of female prisoners have been granted and fulfilled by the Semarang Women's Class II A Correctional Institution. However, they are still limited and not at the maximum level.
- b) Obstacles faced by the Semarang Women's Class II A Correctional Institution in providing legal protection to female prisoners include: (1) limited human resources, both in quantity and quality; officers in managing problems that occur in the Class II A women's Correctional Institution in Semarang (2) over capacity; the number of occupancy is not proportional to the number of residents in addition to not complying with the minimum standard, according to the female Class II A Correctional Institution Semarang officer, excess capacity that affects the coaching process carried out (3) the condition of the correctional institution building is not in accordance with the minimum standard; Correctional Institution adapted to the concepts and ideas of correctional that lead to the fulfillment of the rights of women prisoners (4) the lack of health facilities provided; which includes diagnostic tools, specialist doctors, paramedics, and other experts such as psychiatrists and psychologists; (5) the lack of information and communication systems; Women's Class II A Correctional Institution in Semarang does not yet have an online database about the conditions and developments of the inmates that all prison officers can access and (6) the lack of an operational budget. Budgeting for prisoners, financing for buildings, workspaces, office equipment, medical equipment, and security equipment for the real needs of social processes. The quantity and quality of prison officers through the proposed addition of new employees, partnership cooperation, as well as through correctional technical training; (2) proposing a new women's prison in the province of Central Java and simplifying procedures for the fulfillment of the rights of inmates such as assimilation,

leave before being free (CMB), the pattern of Community Liberation (PB) in a consistent and transparent manner; (3) renovation of prison buildings and buildings adapted to correctional concepts and ideas that lead to the fulfillment of the rights of female prisoners; (4) improving the health facilities and facilities for the residents of prisons, which include diagnostic tools, specialist doctors, paramedics, and other experts such as psychiatrists and psychologists; (5) provision of information technology-based correctional service facilities and infrastructure; (6) implement a budget system based on the real needs of the correctional process and the fulfillment of special unit costs.

2. Recommendations

Based on these conclusions, the researchers tried to give suggestions as follows:

- a) In order for efforts to provide legal protection for female prisoners to be effective and efficient, the development of legal aid cooperation with third parties is a matter that needs to be prioritized with the intention that the rights of prisoners around the law can be appropriately fulfilled. The mechanism for the involvement of a legal advisor can be regulated in the internal policies of the Semarang Women's Class IIA Prison through collaboration with professional organizations.
- b) Under unfavorable conditions, female prisoners may act recklessly to end their lives during prison training. Thus, it is time for the role of psychologists and psychiatrists to be expanded and provided to meet the needs of female prisoners.
- c) As previously discussed, most of the Class II A Women's Prison occupants in Semarang are involved in drug cases. Therefore, there must be different handling between drug convicts and criminal cases. As much as possible, the treatment should be in the form of rehabilitation by making a cooperation program with the Ministry of Health and the Ministry of Social Affairs. The pattern of guidance for female prisoners in drug cases, in addition to getting physical rehabilitation, must also be directed at the ability to work in other fields, such as businesses that are more profitable and do not harm others, as well as getting doctrine on the dangers of drug substances being circulated and their impact on drug users.

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