

Fulfillment of Women Prisoners' Rights (Case Study of Class II B Penitentiary in North Maluku)

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ABSTRACT

This study aims to analyze the fulfillment of the special rights of female convicts in the Class II B Penitentiary of North Maluku Province and examine the obstacles and efforts faced by the North Maluku Class II B penitentiary in the process of fostering female convicts. The research method used in this study is a type of empirical legal research. Empirical legal research is to study the legal situation or facts obtained in people's lives. This type of research is often referred to as Socio Legal Research. In empirical legal research, what is initially studied is secondary data which is then followed by research on primary data in the field. The fulfillment of the special rights of female prisoners in the Class II B Penitentiary of North Maluku Province is explicitly regulated in Article 14 paragraph (1) jo Article 9 of Law Number 22 of 2022 concerning Correctional Services, it is expressly stated that the convict has the right such as to worship in accordance with his religion or beliefs, receive both spiritual and physical care, receive education and teaching, get health services and eat properly, and filing a complaint.

INTRODUCTION

The Republic of Indonesia is a legal state based on Pancasila and the 1945 Constitution of the Republic of Indonesia which regulates everything in it and recognizes and upholds human rights. Human rights are rights that are inherent in a person from birth and cannot be contested by others. Human rights are human rights, which are inherent in humans, where humans are also endowed with reason, mind and conscience. Human rights are obtained by everyone, whether children, adults, men or women.

Crimes can occur at any time regardless of who the perpetrators of these crimes are, it is possible for a woman to commit a crime. In committing a crime, men, women or children are all equal before the law and crimes can occur because there is an opportunity to commit a crime.

A crime or crime is an activity that harms other people in particular and can harm the state in general. Crime or criminal acts can be committed by anyone with different reasons or factors, it is possible that crimes can occur in any group or in any age group. It can be said that the perpetrators of crimes are not only men but do not rule out the possibility of being committed by a woman. Unknowingly those who commit a crime do not know what the consequences of what

they are doing are so that they are punished for committing a crime and in the end become residents of a "Prison Institution" which used to be called a prison.

Correctional institutions have the main function as a place of execution or execution of sentences for convicts in prison. On the basis of a judge's decision that has permanent legal force, the person will undergo a coaching process in a correctional institution. A penitentiary where convicts are fostered to serve their sentence for crimes they have committed based on court decisions.

Convicts fostered in a correctional institution is a process or goal of punishment where criminal convicts who are already in a correctional institution are a process of the punishment. Prisoners who are serving sentences or are being fostered in correctional institutions must be treated as well as possible. Prisoners in correctional institutions are nurtured for the future when convicts return to society, not looking backwards by looking at the crimes that have been committed by inmates.

Correctional institutions must pay attention to the rights of convicts as regulated in Law Number 12 of 1995 concerning Corrections. In connection with the protection of convicts' rights, in Indonesia this is also guaranteed in Law Number 39 of 1999 concerning Human Rights (hereinafter referred to as Law No. 39/1999) which guarantees this protection as in Article 29 paragraph (a): "Every person has the right to protection of himself/herself, family, honor, dignity and property rights". Whereas paragraph (a) states, "Every person has the right to recognition before the law as an individual human being wherever he is." Furthermore, it is necessary to understand Article 29 of Law no. 39 of 1999 concerning Human Rights clearly states that convicts are God's creations even though they are convicts,

The concept of Correctional Institutions is not only as a system that accommodates convicts who are restrained by their freedom but is a process of coaching or a coaching system by the method of seeing the potential both within individuals and in the midst of society. A convict is a person who at a certain time commits a crime, because his independence is revoked based on a judge's decision.

In terms of fulfilling the rights of convicts, there are rights that are very important and must be fulfilled, namely the rights of female convicts. Female prisoners are of course different from male prisoners in terms of dietary nutritional standards, let alone other things. Reproductive health for women is physical, mental and social health, not only free from diseases or disabilities related to the reproductive system, functions and processes. Therefore, female prisoners have things that male prisoners do not have, such as the menstrual cycle, pregnancy, childbirth and breastfeeding. So that the needs of women are more complicated than men especially in health services when women are pregnant and carrying out the coaching process in prisons.

This becomes a more specific problem and the urgency is deeper during pregnancy. Prisoners who are pregnant and carrying out the coaching process in prisons get dispensation or relief in coaching activities and daily work. Just like when there was heavy work like lifting heavy objects or something else, it was no longer done and another inmate was replaced. Because there are still very few special prisons for women or women, a special block is made for female and female prisoners in general prisons, which on average contain male prisoners.

Efforts to ensure the fulfillment of the reproductive health rights of female convicts through the provision of the best, safe and affordable health services are realized through various health efforts, including assisted reproduction, abortion based on indications of medical urgency and rape as an exception to the prohibition on abortion, maternal health, and pregnancy outside the natural way.

Judging from the number of special prisons for women in Indonesia, the lack of this could become an obstacle in granting the rights of pregnant female convicts. Insufficient infrastructure is the main obstacle in health services for pregnant female prisoners. There are still many female convicts placed in public prisons along with male convicts whose environment tends to be dirty and squalid.

The condition of the Class II B Women's Prison in North Maluku, which is the object of study in this study, is the only women's prison in the jurisdiction of North Maluku Province. In general, the number of female convicts in these prisons has not exceeded the capacity of the occupants. Unlike the condition of overcapacity in several prisons which generally occurs in Indonesia. The problem in this paper is focused on how the fulfillment of the special rights of female convicts is manifested, where this problem needs attention in line with the absence of specific legal instruments to regulate this matter. In general, from a normative perspective, the rights of convicts based on gender are basically the same as stipulated in Law Number 12 of 1995 concerning Corrections. However, female convicts should still have different special treatment when compared to male convicts. This is none other than due to the natural differences that women have, such as in special conditions such as menstruation, pregnancy (pregnancy), childbirth or breastfeeding.

Seeing this can have an impact on the health of pregnant inmates and the development of babies. Therefore, it can be concluded that the detaining party or institution has neglected the important needs of women. Starting from the condition of the room, lighting, clean water, to reproductive health services. This condition also occurs in detention centers or prisons, which are basically official detention institutions.

A human being still has the same rights as other human beings regardless of whether a prisoner is or not. This is where the role of the penitentiary is in fostering prisoners in accordance with the objectives of the correctional facility, by paying attention to the rights of prisoners by not ruling out those who are currently in the coaching process by treating them like humans in general in correctional institutions, as well as guiding convicts not to repeat the same behavior, so that there needs to be a discussion about how the protection given to female convicts will be the rights of female convicts in Correctional Institutions.

From the description above, the writer is interested in conducting research through writing a thesis with the title "Fulfillment of the Special Rights of Women Prisoners (Case Study of Class 2 B Penitentiary in North Maluku)". The purpose of this research is to examine the fulfillment of the special rights of female convicts in Class Correctional Institutions. Furthermore, to analyze the obstacles and efforts faced by the North Maluku Class II B penitentiary in the process of fostering female convicts.

METHODS

This type of research has a type of empirical legal research, namely research that looks at the application of laws and regulations in society. Research conducted by researchers is a type of qualitative field research, namely research that emphasizes the completeness of the data collected, namely in the form of primary and secondary data. This research refers to the type of empirical legal research through a social legal research approach. The characteristics of social research on law focus on individual or societal behavior in relation to whether or not an applicable legal rule is effective. The empirical legal research approach also seeks to develop rooted knowledge by comparing legal and societal studies.

In this study, the researchers took the location of the Class 2 B Penitentiary in North Maluku. Nature of Research This research is descriptive in nature, because this research aims to explain the current problem solving based on data, so this research also presents data, analyzes and interprets.

Descriptive research is research that is directed at providing symptoms, facts, or events in a systematic and accurate manner, regarding the characteristics of a particular population or area. Descriptive research tends not to need to look for or explain relationships and test hypotheses. In this research the purpose of descriptive research is to provide an overview and information regarding the Fulfillment of the Special Rights of Female Prisoners in Class 2 B Penitentiary in North Maluku.

RESULTS AND DISCUSSION

Fulfillment of the special rights of female convicts in Class II B Penitentiary in North Maluku Province

One of the essences of the concept of a state based on law is the fulfillment of human rights. The aim of a rule of law is to increase people's welfare. A rule of law is a state based on law and can guarantee a sense of justice. This sense of justice can be reflected in the attitude of the authorities in maintaining stability and peace, meaning that the ruler is based on law (Ferizal, 2016).

The history of development in Indonesia reveals the system of treatment of lawbreakers in Indonesia from time to time, in accordance with the level of legal awareness and the development of the views of the Indonesian people regarding human values and humanity in relation to convicts and our nation's aspirations for the meaning and ideals of national independence. and country. In this way, at the same time it will be more clearly revealed what has been the background for the birth of the correctional system and the goals to be achieved with the system that has been developed today.

The prison system as a criminal executor loses independence presumably it is no longer in accordance with the level of civilization and dignity of the Indonesian nation which has a philosophy of Pancasila, because imprisonment originates from the view of individualism contained in the colonial dictionary, which views and treats convicts not as members of society but is a form of social revenge (Inspiration, 2020). Prisoners in several ways receive less attention, especially the protection of their human rights as human beings. The punishment that is carried out by the convict does not mean that his rights are revoked, but punishment in essence only alienates him from the community environment as well as liberation from guilt and as an effort to provide a deterrent effect.

Punishment is not aimed at revoking human rights attached to him as a deterrent. Punishment is not aimed at revoking human rights inherent in him as a human being. The aim of coaching lawbreakers in Correctional Institutions is not solely to repay but also to improve where the philosophy of punishment in Indonesia is essentially changing as contained in the penitentiary system which views convicts as lost and has time to repent. Therefore, the life of convicts is a pattern of activities or activities carried out by convicts and grouped in a place that is not free in nature in order to be accountable for their actions and direct them to the right actions according to law and religion so that they can repent when they are released later.

Treatment that is not the same in the sense of actually treating the same, but what about the fulfillment of the rights of state colours (Simamora, 2014). This human right is also attached

to individuals who have been legally found guilty and sentenced to prison terms, including female convicts. Sahardjo as quoted in his book K. Sudiri stated that the purpose of imprisonment apart from causing suffering for the convict to repent is to educate so that he becomes a useful member of society which is called the penal system (Mannuruki, 2017). As mandated in the provisions of Article 27 paragraph (1) of the 1945 Constitution which states that: all citizens have the same position before law and government and are obliged to uphold that law and government without exception. The provisions above explicitly require equality before the law of this rule which creates a consequence that the State in fulfilling the rights of citizens must not have discriminatory treatment of its implementation.

It is emphasized in the "considering" preamble in the Republic of Indonesia Law Number 22 of 2022 concerning Corrections that in essence the treatment of suspects, defendants and convicts who have been deprived of their liberty must be based on the principle of legal protection and respect for human rights based on Pancasila and the Constitution. NRI of 1945. Thus, the presence of the Penitentiary Concept does not merely formulate the objectives of imprisonment, but rather a coaching system, a methodology for handling directors with an approach centered on the potential of the individual concerned as well as within society. Or a convict is a person who at a certain time commits a crime, because his independence is revoked based on a judge's decision.

Women are part of the reality of life in society, inseparable from the phenomena that occur in it, including crime (Kasmi, 2019). Just like men, women also have the opportunity to be punished and sentenced to prison if proven guilty of committing a crime. This has prompted law enforcement officials to accommodate the need for special places of detention for women in Indonesia.

Every year the number of women living in detention institutions increases along with the increase in crimes committed by women. The Directorate General of Corrections noted that during 2015-2022, the average increase in the number of female prisoners each year was 7.90% and the average increase in the number of female prisoners each year was 8.67% (Directorate General of Corrections) (Sinaga et al., 2020).

Female convicts who are fostered in Correctional Institutions are called correctional assisted citizens or correctional clients (Sari & Saleh, 2022). For female convicts, they must adjust in a balanced manner both in personal and social adjustments, so that female convicts are able to accept themselves and accept others, cooperate, carry out activities and foster, communicate so that they are able to respond to themselves in situations and conditions that are always changing. change in environment Correctional Institution. These female prisoners did not experience fundamental difficulties, but there were problems in adapting to the regulations in force.

Places where correctional inmates and correctional students are called Correctional Institutions who are serving their criminal terms because of their actions that violate the law. Before there was the term Correctional Institution or Correctional Institution known as prison. Penitentiary is one of the Technical Implementation Units under the Directorate General of Corrections of the Ministry of Law and Human Rights (formerly the Ministry of Justice).

Correctional Institutions are filled with convicts or Correctional Families but there are also those whose status is still detainees, what is meant by detainees are those who are still in the judicial process and have not been found guilty by a judge. Prisoners who are in correctional institutions are of course not only male, there are also female inmates. Usually female convicts in correctional institutions have committed the same unlawful acts as male convicts in correctional

institutions, for example due to cases of violence, fraud, use or distribution of narcotics, and murder.

Female inmates who are in correctional institutions are of course different from male prisoners who are also in correctional institutions. For example, there are female convicts who have just entered the penitentiary and may be pregnant and breastfeeding. Due to circumstances that forced him to continue his life, he had to pay for the children who were with him and also the needs for the children who were in his womb. Eventually became a drug dealer. However, she was caught before giving birth and finally had to serve her sentence in the penitentiary. Therefore, she will give birth and raise her child in a penitentiary while serving her sentence. In Article 14 paragraph (1) of Law Number 35 of 2014 concerning Child Protection, says:

"Every child has the right to be cared for by his own parents, unless there are valid reasons and/or legal regulations indicating that separation is in the best interests of the child and is the final consideration"

Article 20 paragraph (3) of Government Regulation Number 32 of 1999 concerning the Requirements and Implementation of the Rights of Correctional Assisted Citizens states that:

"Children of female convicts who are brought to LAPAS or who are born in LAPAS can be given additional food on the doctor's instructions, no longer than the child is 2 (two) years old"

From the contents of the article described above, it can be concluded that female inmates are allowed to bring or care for their children in Correctional Institutions, but there is an age limit, namely up to 2 years of age. And then if it has entered the age of childhood then it must be returned to the husband or relatives who are at home. As according to Bernard Winscheid, the right is a will that is equipped with power and which is given by the legal order or legal system to the person concerned. Van Apeldoorn explains that rights are circumstances that are governed by law (Nurhayati, 2020). With this, the state, which can be said to be a place or gathering place for citizens, must provide protection for the rights of its citizens regardless of the legal status of these citizens.

The rights of female convicts and male convicts are the same, only in this case because the convicts are women, there are several rights that receive special treatment from male convicts which are different in several respects, including because women have natures that are not owned by male convicts. namely menstruation, pregnancy, childbirth, breastfeeding, so in this case the rights of female convicts need to receive special attention both according to the law and prison staff throughout Indonesia. (Ticoalu, 2013). But the facts that occur in the field are not completely in accordance with the regulations made by the government.

The fact is that prisons in Indonesia have difficulty getting sanitary pads every month. Even though this is very necessary for female convicts, because every month women experience menstrual cycles. In addition, human rights violations that occur in Correctional Institutions in Indonesia are female convicts when they are pregnant are not given food and nutritional intake that is different from other inmates. Even though the nutritional and food intake for a woman who is pregnant should be different from that which is not pregnant (Primawardani, 2017). For the health and development of the baby in the womb. This can be seen from the fact that there is no special room for the babies they give birth to. The babies they gave birth to slept and lived together in one room with other inmates, who lacked personal hygiene and suffered from various diseases.

It can have a bad effect on the health and development of the baby. A prisoner is indeed someone who has violated the human rights of others, but that does not mean that the human rights inherent in him are immediately lost and he may be treated arbitrarily by other parties in

order to atone for all his evil deeds. However, in reality there are still prisoners' rights that have not been implemented perfectly. There are still neglected prisoners' rights. Even though there is a Law on Correctional Institutions which regulates the rights of convicts.

An inmate who is serving a sentence in their LAPAS needs attention, especially in granting his human rights as a human being. Prisoners must also have their rights protected even though they have violated the law. In Article 9 of Law Number 22 of 2022 concerning Corrections it is expressly stated that convicts have the right to (Paradise, 2022)

- 1) Carry out worship according to their religion or belief;
- 2) Get treatment both physically and spiritually;
- 3) Get education, teaching, and recreational activities as well as opportunities to develop potential;
- 4) Receive proper health services and food according to nutritional needs;
- 5) Get information services;
- 6) Get legal counseling and legal assistance;
- 7) Submit complaints and/or complaints;
- 8) Obtaining reading materials and following unrestricted mass media broadcasts;
- 9) Receive humane treatment and be protected from acts of torture, exploitation, neglect, violence, and all actions that endanger the physical and mental;
- 10) Get work safety guarantees, wages, or work premiums;
- 11) Get social services; and
- 12) Accept or refuse visits from family, advocates, assistants, and the community

The author wants to describe the problem indicators of fulfilling the special rights of women inmates in correctional institutions according to the perspective of RI Law No. 22 of 2022 concerning Corrections and Government Regulation Number 32 of 1999 concerning Requirements and Procedures for the Implementation of the Rights of Correctional Assisted Citizens, by taking several case approaches from previous researchers, as follows:

The rights of women fostered citizens in carrying out worship according to religion or belief

In essence, humans are religious beings. Therefore, religion is a human need, because humans are weak creatures so they need a place to support or a place to complain. As religious beings, humans are aware of and believe in the existence of supernatural powers outside of themselves. Humans need religion (God) for the sake of safety and peace of mind, because we are obliged to have religion for life safety and peace of mind (Chairul, 2014).

The function of religion in one's life is to function as a value system that contains certain norms. In general, these norms become a frame of reference in behaving and behaving so that they are in line with their religious beliefs. As a religious system, it has a special meaning in one's life and is maintained as a characteristic form. In addition, the influence of religion in one's life is to give mental stability, a feeling of happiness, a feeling of being protected, and a feeling of satisfaction. This positive feeling will further motivate you to act. Religion in one's life apart from being a motivation and ethical value is also a hope (Rozak, 2019).

Referring to article 28 paragraph 1 of the 1945 Constitution, article 4 of Law Number 39 of 1999 concerning Human Rights and Article 12 paragraph 3 concerning Civil and Political Rights (ICCPR) which has been ratified through Law Number 12 of 2005, the right worship according to religion or belief is one of the absolute rights that cannot be reduced, even in an emergency or under any circumstances and by anyone.

The right to worship according to religion or belief is also regulated in Articles 2 to Article 4 of Government Regulation Number 32 of 1999 concerning Terms and Procedures for the

Implementation of the Rights of Correctional Families.(Novantoro, 2018)and articles 41 to 42 minimum standard regulations for the treatment of prisoners. Providing time to carry out worship according to the time of worship, providing places of worship, holy books, religious lectures, as well as religious guidance from religious leaders(Lubis, 2019). The right to worship is a very important right to be obtained by every convict. Having the right to worship will have a positive impact on convicts and become one of the factors so that convicts are aware and do not commit acts that violate the law.

From the results of research conducted by researchers in previous studies, the authors took 2 (two) examples of problems with fulfilling the rights to worship in the Sigli Banda Aceh Class II Women's Penitentiary and the Right to Freedom of Religion for Prisoners in the Class III Panai Tengah Penitentiary, Labuhan Bilik City, Labuhan Batu Regency.

The research results of the Sigli class III women's prison indicated that worship activities were carried out in accordance with the time, the availability of places of worship and holy books for each religion. Regarding worship activities at the Sigli Class III Women's Penitentiary, recitation activities are carried out 3 (three) times a week, namely on Tuesday, Thursday and Friday. The material provided is in the form of lecture methods and learning methods. In terms of this activity, the Sigli Class III Women's Penitentiary in collaboration with the Pidie Ulama Consultative Council and the Ministry of Religion.

However, the distribution of mukenas for Muslims has not been fulfilled properly or in other words the distribution of mukenas in Sigli class III women's prisons can be said not to be given to each female prisoner. In the provision of mukenas at the Sigli Class III Women's Penitentiary, inmates bring their own mukenas, so the Lapas only provides one mukena at the Lapas prayer room.

The same problem is also found in the Panai Tengah Class III Correctional Institution, Labuhan Bilik City, Labuhan Batu Regency. In the results of the previous author's thesis research researched by Khairun Nisak stated that the Panai Tengah Class III Correctional Institution was sufficient enough, namely the availability of a mosque to worship for prisoners who were Muslim and a church for prisoners who were Christian. Currently, the Panai Tengah Class III Penitentiary does not have Catholic, Hindu and Buddhist convicts assisted, so that the facilities for worship are not yet permanently available.

Apart from that, there is also a lack of human resources at the Panai Tengah Class III Penitentiary in fulfilling the right to worship for inmates. In order to streamline the function of prisons as an institution that is expected to be able to provide awareness for convicts, religious activities are of course a very good effort. Specifically related to efforts to awaken and return people to the right path. Therefore, facilities related to the implementation of worship in Correctional Institutions must be endeavored and designed to be as comfortable as possible. So that the inmates feel comfortable and calm in carrying out worship activities.

The Rights of Women Convicts to Obtain Proper Health and Food Services

Based on Articles 14 to 18 of Government Regulation Number 32 of 1999 regarding the requirements and procedures for implementing the rights of inmates which regulate the right to health services. Article 14 PP Number 32 of 1999 states: (a) Every prisoner and correctional student has the right to receive proper health services, and (b) In the event that convicts or correctional students have complaints about their health, doctors or other health workers at LAPAS are required to carry out examinations.

The right to adequate food is a group of rights that focuses attention on serving food on time, food served three times a day, the appropriateness of the quality of rice, vegetables and

side dishes as measured by respondents, and the serving of fruit. This is the right of convicts as stated in the Decree of the Minister of Justice Number M.02-PK.04.10 of 1990 concerning Patterns of Development of Prisoners/Detainees in the Care of Prisoners and Correctional Students. Then the question of drinking water that is suitable for drinking is regulated in Article 19 paragraph (1) of Government Regulation Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Families. Serving a varied menu and provision of fruit is regulated in the regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01.PK.07.

Referring to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.Hh-01.Pk.07.02 of 2009 concerning Guidelines for Organizing Food for Correctional Inmates in Correctional Institutions and State Detention Centers, it is stated that personnel are needed to provide food. Based on the data above, as research conducted by Elyna Amelia Dewi, et al., in her writing on "Fulfillment of the Rights of Prisoners in Class II A Penitentiary Sidoarjo who experience over capacity (over capacity) related to the right to food and health" get the condition where the fulfillment of the right to proper food in Class IIA Sidoarjo correctional institutions has not been fulfilled properly. This is proven by:

- 1) The food menu does not match the 10 day food cycle that has been set.
- 2) Food portions are small so that more inmates buy food at the correctional institution cooperative.
- 3) The quality of the rice was poor so that many inmates complained about the many pebbles, or brown rice.
- 4) There was no cook so that the prison officials appointed the narpaidana to cook food for all the inmates.
- 5) The cleanliness of the food processing area is also not clean because there is no place to store food or a freezer.

Prisoners who are in correctional institutions do not need to get really complete food like people outside the correctional institution. However, at least the fulfillment of their right to food is in accordance with existing health standards and in accordance with the calories needed, because basically reducing calories and menus should further exacerbate the situation in the penitentiary because if inmates experience illness it will make the penitentiary work even harder. Again.

The same problem was also explained by the previous researcher Nurfatanah in his writing on "Fulfillment of the Special Rights of Women Convicts in Sigli Class III Women's Penitentiary According to Human Rights (Review of Government Regulation Number 32 of 1999 and its Implementation) to explain the question of the right to food and drinking water in The Sigli Banda Aceh Class III Women's Penitentiary is that it has been fulfilled by the availability of proper eating and drinking utensils and the provision of food three times a day in a timely manner and the food served is fit to eat. served fruit.

Regarding health checks carried out every day, but only for inmates who have complaints. This health check is only carried out individually, not en masse. So, inmates who have complaints can go to the polyclinic available in prisons. However, the health checks were not optimal, the checks were carried out by LAPAS officers who were seconded to the health department. Apart from that, this problem is caused by the absence of medical personnel and the lack of available medical equipment at the Sigli Banda Aceh Class III Women's Penitentiary, in terms of health checks the prison cooperates with the puskesmas.

Based on the description above, according to the author, the fulfillment of the right to health services for convicts is not in accordance with the Government Regulation of the Republic of Indonesia Number 32 of 1999 concerning the terms and procedures for exercising the rights of prisoners inmates in prison, in Article 16 paragraph (1) this is evidenced by health checks which only carried out 1 time when the convict was registered in the penitentiary and also not in accordance with the Regulation of the Minister of Law and Human Rights Number M.HH.02.UM.06.04 of 2011 concerning Guidelines for Health Services in the Ministry of Law and Human Rights. This is evidenced by the health staff consisting of only 1 general practitioner, 1 dentist and 3 nurses with over capacity or the number of inmates that exceed the capacity, with inadequate space availability such as the absence of laboratories, and dental clinics as well as incomplete drug supplies, this is not in accordance with existing regulations. However, the provision of clinic rooms is at least in accordance with the regulation of the minister of law and human rights number M.HH.02.UM.06.04 of 2011 concerning Guidelines for Health Services in the Environment of the Ministry of Law and Human Rights.

The Right of Female Prisoners to Receive Spiritual and Physical Care

Not only that, the health rights of convicts are also regulated in Article 5 PP No. 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Prisoners Assisted Every Prisoner states that, "correctional has the right to receive spiritual and physical care". In this case the right to health is limited and emphasized on physical health rather than spiritual health, because the impact on physical health is directly felt by sufferers (prisoners) and the implementation of fulfilling their health is explained by law, while spiritual health is not explained in detail in the Law. Invite.

Physical care is clearly regulated in Article 7 paragraph (1) letters a, b, and c PP No. 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Inmates which states that, "Every prison inmate and correctional student has the right to receive physical treatment. in the form of: (1) Provision of opportunities for sports and recreation; (2) Provision of clothing equipment; and (3) Provision of sleeping and bathing equipment.

The presence of Law No. 22 of 2022 concerning Corrections and PP No. 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Assisted Citizens are actually the same, namely fulfilling the health rights of convicts such as getting proper food, physical and spiritual care, the right to submit complaints in a correctional institution. Opportunities to do sports at LAPAS as referred to in the explanation of Article 7 paragraph 1 letter a Government Regulation Number 32 of 1999 are: "The types of sports held include football, table tennis, volleyball, badminton, chess, or gymnastics. The types of recreation held include television shows, performing arts performed by convicts, students or correctional officers, or performing arts imported from outside LAPAS.

The regulations regarding the right of convicts to receive treatment, both spiritual and physical care as mentioned above, show that convicts are seen as whole beings who have a need for care. What's more, these regulations regulate detailed matters related to spiritual and physical care. As for the results of research on physical and spiritual care at LAPAS, in terms of sports such as morning exercises are carried out every Tuesday and Wednesday. For this type of sport, volleyball is usually done every Tuesday, Wednesday and Friday. Regarding sports facilities for prisoners provided by the prison, it is seen as the availability of volleyball.

Recreation has been sufficiently fulfilled, judging from the television and reading materials provided in the library, but in terms of facilities, it is still lacking because the space used for the

library is also used for other activities and the books available are still incomplete. In terms of providing sleeping equipment, the Correctional Institution only provides mattresses, while other equipment such as sheets, blankets and pillowcases are not provided by LAPAS, but convicts bring the equipment themselves.

Provision of clothing equipment The prison only provided 1 (one) set of uniforms and for other clothing equipment such as underwear was not provided. Regarding toiletries, the parties only provide it once a month or once every two months according to the existing budget.

Right to Get Education and Teaching

The right to education and teaching is regulated in part III Article 9 of Government Regulation Number 32 of 1999 which states: "every LAPAS is obliged to carry out educational and teaching activities for convicts and prison students". In order to make efforts to prepare correctional inmates for their future roles, LAPAS can cooperate with government agencies whose scope of work covers the fields of education and culture, and or social agencies engaged in education and teaching (according to Article 10 paragraph 2 PP No. 32 of 1999). And it is also the most important part regarding education, including regarding the access of convicts and children to formal education, the access of convicts to pursue package pursuing education.

This education and teaching can be carried out in LAPAS or outside LAPAS (article 11 paragraphs 1 and 2 of PP No. 32 of 1999). And it is also contained in the Decree of the Minister of Justice Number M.02-PK.04.10 of 1990 concerning Patterns of Convict Development. With the existence of regulations regarding the rights of convicts to receive education and teaching, it shows that inmates strived to meet the needs to develop themselves.

Based on the results of the researchers' observations that there is indeed a special room for sewing, as well as sewing equipment that is quite complete so that it makes it easier for prisoners to sew. In terms of education in Correctional Institutions, in fact, in the implementation of education for prisoners, education is given every Thursday based on packages and for prisoners who are over 40-50 years old, education has not been given.

In terms of job training, Correctional Institutions hold sewing training activities. The prison also provides sewing machines and materials for sewing purposes. As for the special rights of female convicts, it is well known that women are special creatures of God, because the creator gave them special privileges.

Fulfillment of the Special Rights of Female Convicts

Women experience menstrual cycles, pregnancy, childbirth, and breastfeeding. Women's reproductive rights as part of women's human rights are guaranteed to be fulfilled in the Indonesian state constitution, as stipulated in Article 28 H paragraph (1) of the 1945 Constitution. The provisions of the 1945 Constitution are reaffirmed in Article 49 paragraph (3) Law No. 39 of 1999 concerning human rights which reads: "special rights attached to women due to their reproductive function, are guaranteed and protected by law. The right to get the special needs of women makes the focus of attention, there are several things including:

a) The Right To Obtain Menstrual Needs

In managing menstruation, some of the problems that often occur include knowledge of female prisoners of reproductive age and correctional officers who are still limited regarding the management of menstrual hygiene. Availability of sanitary napkins is important for female convicts who are menstruating so that convicts are not disturbed by their daily activities, and also the provision of sanitary napkins for convicts is very necessary because the needs of

female convicts are different from male convicts in terms of menstruation occurring every month. And also the importance of the availability of sanitary napkins so that female convicts avoid diseases that can endanger their health.

Right to the Needs of Pregnancy and Childbirth Every pregnant woman gets ANC services according to standards. ANC services according to standards are services provided to pregnant women at least 4 times during pregnancy with a schedule once in the first, second and third trimesters carried out by a doctor or midwife. examinations in ANC cover various types of examinations including assessing the general condition (physical) and psychology of pregnant female prisoners.

Pregnant inmates are placed in a special room for mothers and children. However, the provision of additional food for convicts who are pregnant is the same as food for convicts who are not pregnant. So there is no difference in certain types of food for convicts who are pregnant, there are only additional servings for convicts who are pregnant. Regarding the provision of other types of nutrition, it is also not provided, and fruit is not provided specifically for pregnant women and additional vitamins.

In Women's Correctional Institutions, there are no doctors or other medical personnel available, this makes health services for pregnant convicts ineffective during their pregnancy. Prisoners who are pregnant at the Women's Penitentiary, in terms of the process of giving birth to prisoners will be taken to the hospital to undergo labor and also for the costs of childbirth and care for pregnant inmates at the hospital wholly borne by the prison.

b) The Right To The Need Of Breastfeeding

The optimal way for female convicts to provide nutrition, such as breastfeeding and babysitting, and with the addition of complementary foods in the second half of the first year, their nutritional, immunological and psychosocial needs can be fulfilled until the second year and the following years. Governments and International Organizations agree to promote breastfeeding as the best method of providing infant nutrition.

Whereas convicts who are breastfeeding get a separate room from inmates who are not pregnant, inmates who are breastfeeding are placed in a special room for mothers and children. However, the provision of additional food for convicts who are pregnant is the same as food for other convicts. So there is no difference in certain types of food for inmates who are breastfeeding. Regarding the provision of other types of nutrition, it is also not provided, and fruit is also not provided specifically for women who are breastfeeding.

c) The Right To Fulfillment Of Biological Needs

Biological needs are also an important element in fulfilling human rights, including for convicts. Rights that are no less important are biological needs and can be obtained by every convict seen in the availability of a special room for husband and wife to fulfill biological rights. Fulfillment of these rights cannot be separated from the rights of convicts, because every female convict and her husband need to fulfill biological rights.

Right to Special Needs of Children of Female Convicts Article 20 paragraph (3) PP No. 32 of 1999 states that "Children of female convicts who are brought to LAPAS or who are born in LAPAS can be given additional food on the advice of a doctor, up to the age of 2 (two) years at most. Paragraph (5) states "For the benefit of the child's health, the Head of LAPAS can determine additional food other than what is referred to in paragraph (3) based on the doctor's opinion. Convicts who are pregnant, breastfeeding and carrying children are not subject to sanctions for violations because there are already existing regulations. The right to bring children is an important right for convicts who have children, therefore the right to bring

children to the Penitentiary is permitted as seen from the provisions in Government Regulation No. 32 of 1999.

If the writer constructs it with the theory of legal protection, then Satjipto Rahardjo says that law is present in society to integrate and coordinate interests that can collide with one another. The coordination of these interests is carried out by limiting and protecting these interests. The law protects a person's interests by giving him the power to act in fulfilling his interests.

The granting of power, or what is often referred to as this right, measured in terms of breadth and depth (Aulia, 2018). Philipus M. Hadjon argues that the principle of legal protection for the people against government actions rests on and originates from the concept of recognition and protection of human rights because historically in the West, the birth of concepts regarding the recognition and protection of human rights was directed on restrictions and placing obligations on society and government (Hadjon, 1987).

Legal protection for every Indonesian citizen without exception can be found in the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia), for that every product produced by the legislature must always be able to provide guarantees of legal protection for all people, and must even be able to capture legal and justice aspirations that develop in society. This can be seen from the provisions governing the existence of equal legal standing for every citizen.

Various regulatory provisions that contain protection. The law against women is one of the indications that there has been protection for differences in treatment of someone on the basis of differences in sex. With these provisions, it means that women are specifically guaranteed the protection of their rights to sex various things. Likewise, the position of a woman as an inmate in a Women's Correctional Institution has rights that must be protected and protected. Rights between male prisoners, female prisoners, and child prisoners must be prioritized.

Obstacles Faced by Correctional Institutions in the Development Process of Women Prisoners

In terms of fulfilling the special rights of female convicts in the Women's Penitentiary there are many factors, both technical and non-technical. From a technical point of view, this factor is influenced by facilities and infrastructure as well as the budget so that the fulfillment of the special rights of female convicts cannot be fulfilled optimally. The fulfillment of the special rights of female convicts is a right that must be received by every convict. However, in reality the fulfillment of the special rights of female convicts has not been fulfilled in terms of human rights due to several factors, both internal and external factors. The factors in question are:

1) Absence of Specific Regulations

Legislation is very much needed as a guide in carrying out the fulfillment of the special rights of female convicts, the absence of specific rules governing the special rights of female convicts causes the fulfillment of the special rights of female convicts to be unable to be fulfilled. In the laws and regulations regarding the rights of female convicts, it is only stated regarding additional food.

Lack of support from the center is needed in carrying out coaching programs in women's correctional institutions. Support from the center is very influential for the functioning of the correctional system based on the LAPAS Standard Operating Procedures (SOP). As a result of the lack of support from the center, it does not support the facilities and infrastructure needed in the penitentiary.

2) Lack of Operational Budget

Regarding the budget, the Women's Penitentiary also experiences budgetary constraints, so that the special needs of convicts who are pregnant and breastfeeding cannot be met, and also due to a lack of budget there is no special room for biological needs. As well as play facilities for children are also not fulfilled because there is no budget to fulfill the special rights of female convicts.

Human Rights Review of the Implementation of the Fulfillment of the Special Rights of Women Prisoners in Women's Correctional Institutions. Based on Article 72 of the Republic of Indonesia Law Number 39 of 1999 concerning Human Rights, it states that one of the steps taken by the government in terms of protecting human rights is through effective implementation. Implementation means that the convict has been processed in accordance with the applicable procedural law so that none of his rights have been violated. In terms of the right to worship, it is also regulated in Article 22 of Law Number 39 of 1999 concerning Human Rights, which states that paragraph (1) everyone is free to embrace their own religion and to worship. According to their religion and beliefs. Paragraph (2) the state guarantees the freedom of everyone to embrace their own religion and to worship according to their religion and beliefs. Regarding the right to spiritual and physical care, it is regulated in article 41 of Law Number 39 of 1999 concerning Human Rights, it is stated that every citizen has the right to the social security needed for a decent life and for his complete personal development.

Regarding the right to education and teaching, it is regulated in article 12 of Law Number 39 of 1999 concerning Human Rights, it is stated that every person has the right to develop himself through fulfilling his basic needs, has the right to receive education and benefits from science and technology, arts and culture, for the sake of improve the quality of life and for the welfare of mankind. Regarding the special rights for female convicts regarding menstruation, pregnancy, childbirth, breastfeeding and biological needs there is no further explanation contained in Government Regulation No. 32 of 1999.

Law No. 39 of 1999 Article 49 paragraph (3) concerning human rights which states that special rights attached to women due to their reproductive function are guaranteed and protected by law. As for the review of human rights regarding the fulfillment of rights in general such as the right to receive spiritual and physical care related to regulations that are in line with human rights, it can be seen from these regulations that regulate in detail regarding physical and spiritual care. Likewise, the fulfillment of the right to worship, the right to education and teaching, and the right to obtain proper food and health services in laws and regulations have been regulated clearly and in accordance with human rights.

It is not an easy thing to provide guidance to prisoners. This is due to the different characteristics of each female convict. Factors such as the level of crimes committed, the level of education and the different life backgrounds of female convicts have created quite serious challenges in providing guidance to them. All of these will greatly affect the course of the coaching process, the relationship between fellow prisoners and the relationship between prisoners and prison staff.

The different characteristics possessed by each prisoner will greatly affect the relationship between the prisoners themselves. These differences usually cause communication between inmates to not go well. Even if this causes a fight it will be very detrimental to the convict concerned

CONCLUSION

The fulfillment of the special rights of female convicts in the Class II B Penitentiary of North Maluku Province is explicitly regulated in Article 14 paragraph (1) in conjunction with Article 9 of Law Number 22 of 2022 concerning Corrections which explicitly states that convicts have the right to worship according to their religion or their beliefs, receive spiritual and physical care, receive education and teaching, receive proper health and food services, submit complaints, receive reading material and participate in other mass media broadcasts that are not prohibited, receive wages or premiums for work performed, receive family visits, legal advisers, or certain other people, get a reduced sentence, get the opportunity to assimilate including leave to visit family, get parole, and get time off before being released.

Constraints faced by correctional institutions in the process of fostering female convicts encountered in fulfilling the special rights of female convicts are lacking attention from the government. That is, the government did not create a special official law to fulfill the special rights of female convicts. The government only regulates the fulfillment of human rights in general, arrangements for the fulfillment of the rights of female and male convicts are equalized in the same law. Another obstacle is the lack of funds for the fulfillment of human rights itself, as well as the inadequate facilities and infrastructure that support the implementation of the fulfillment of the special rights of women convicts themselves. In addition, the lack of professionalism in performance and the number of human resources is an obstacle that causes a lack of fulfillment of the special rights of female convicts in Correctional Institutions. The effort that can be made is that the government should issue laws or official regulations to fulfill the special rights of women themselves.

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