

Women Between Jail: A Discourse of Women Protection on Indonesia Correctional Act

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Abstract

This paper explores the intersection of women's rights and Indonesia's correctional system, focusing on the legal and social dynamics affecting incarcerated women. The study critically examines the Indonesian Correctional Act and its provisions related to women, highlighting the challenges of female inmates within a predominantly male-dominated penal system. While the act sets out various measures for the protection of women in detention, including separate facilities and gender-sensitive policies, its implementation often falls short, leaving women vulnerable to abuse, inadequate healthcare, and limited rehabilitation

opportunities. The paper investigates how these gaps reflect broader societal attitudes toward women, where gender-based inequalities persist even within the criminal justice system. By analyzing legal texts, institutional practices, and interviews with legal experts and women prisoners, the research aims to provide a nuanced understanding of the challenges facing incarcerated women in Indonesia. It further discusses the role of state institutions, civil society, and international organizations in advocating for reforms that uphold women's dignity and human rights in detention. Ultimately, the paper argues for a more comprehensive and gender-sensitive approach to prison reform, one that goes beyond the basic separation of male and female prisoners. It calls for the integration of policies that address the specific needs of women, such as maternal care, trauma-informed treatment, and vocational training, to ensure their rehabilitation and successful reintegration into society post-incarceration. This discourse serves as a critical step toward achieving a more equitable and humane correctional system for women in Indonesia.

Keywords *Women's Rights, Indonesia Correctional Act, Incarcerated Women, Gender-sensitive Policies, Prison Reform*

Introduction

In recent decades, the issue of women's rights in the criminal justice system has gained increasing attention globally.¹ In Indonesia, however, the treatment of women within correctional facilities remains an underexplored area, despite the growing recognition of gender disparities in the legal system.² The Indonesian correctional system,

¹ Rosemary Barberet, *Women, crime and criminal justice: A global enquiry*. (London: Routledge, 2014).

² Anastasia Chamberlen, and Mahuya Bandyopadhyay, eds. *Geographies of Gendered Punishment: Women's Imprisonment in Global Context*. (Berlin: Springer Nature, 2024); Oksidelfa Yanto, Rachmayanthi Rachmayanthi, and Djon Satriana. "Implementation of remission for female prisoner as one of the rights in the correction system." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 1 (2019): 1-13; Rini Fathonah, et al. "Legal Study on Fulfilling the Rights of Women Prisoners in Correctional Institutions." *Journal of Law and Sustainable Development* 11, no. 12 (2023): e2204-e2204.

while primarily designed to manage both male and female prisoners, often fails to adequately address the unique needs of incarcerated women. Social and legal gaps persist, particularly in areas such as healthcare, psychological support, and gender-specific rehabilitation.³ These gaps reflect broader societal issues of gender inequality and the criminal justice system's inability to offer appropriate protections for women, which necessitates urgent reform.

From a social perspective, Indonesian society is still grappling with deeply entrenched gender biases that influence how women in conflict with the law are perceived and treated.⁴ Women are often criminalized not only for their actions but also for their gender, leading to further marginalization and stigmatization.⁵ For instance, female offenders are frequently regarded as either victims of circumstance or inherently deviant, with little room for nuance in understanding their motivations and needs.⁶ This social bias affects their treatment both during incarceration and in post-incarceration rehabilitation. Furthermore, the lack of family and community support systems for women after release often leads to their re-incarceration, creating a cycle of disadvantage that is difficult to break.

Legally, the Indonesian correctional framework also reveals significant shortcomings in addressing the needs of female prisoners. While the Indonesian Correctional Act outlines general guidelines for prisoner treatment, there are no specific provisions focused on the distinct physiological and psychological requirements of women. Issues such as menstruation, pregnancy, and maternal care are either neglected or inadequately addressed within prison regulations. Furthermore, while some gender-sensitive policies exist, they are often poorly

³ Nur Paikah, "Responsibility for Fulfilling the Rights of Women Prisoners." *Journal of Indonesian Scholars for Social Research* 3, no. 2 (2023): 93-98.

⁴ Kathryn May Robinson, and Sharon Bessell, eds. *Women in Indonesia: Gender, equity and development*. Vol. 8. Institute of Southeast Asian Studies, 2002. *See also* Evelyn Blackwood, "Regulation of sexuality in Indonesian discourse: Normative gender, criminal law and shifting strategies of control." *Culture, Health & Sexuality* 9, no. 3 (2007): 293-307.

⁵ Togap Silalahi, and Junifer Dame Panjaitan. "The Mechanism of The Criminal Justice System in Indonesia Towards Women's Legal Protection." *International Journal of Social Research* 1, no. 2 (2023): 69-81.

⁶ *See also* Ngaire Naffin, "Theorizing about female crime." In *Women and Crime*. (London: Routledge, 2015), pp. 70-91.

implemented or do not extend beyond the minimum requirements for separating male and female prisoners. This creates an environment where female prisoners are vulnerable to physical and psychological harm, undermining the very principles of justice and human dignity that the legal system is meant to uphold.⁷

Several studies emphasize the need for equal treatment of women in legal proceedings, especially in civil cases where disparities in outcomes often arise due to gender biases. Atmaja and Alviah⁸ highlight the importance of addressing these inequalities through reforms that ensure women are granted fair access to justice. They argue that female victims of criminal acts, such as domestic violence or sexual assault, should be entitled not only to justice but also to fines and compensation, underscoring the urgency of systemic change to support women in the aftermath of crime. These measures would help redress the power imbalances that often marginalize women in legal processes.

In addition to civil justice, the study also sheds light on the specific needs of women in correctional facilities. Rahmah, et.al⁹ identify critical gaps in the national regulations that govern the treatment of female prisoners. They point out that, while general prison laws may be applicable to both men and women, they fail to account for the unique biological and psychological needs of women, such as menstruation, pregnancy, and breastfeeding. This lack of gender-sensitive regulations within the correctional system leads to inadequate care, placing incarcerated women at greater risk of health complications and further marginalization. The absence of national policies addressing these issues highlights a major gap in the implementation of women's rights within Indonesian prisons.

⁷ See Angela P. Harris, "Heteropatriarchy Kills: Challenging Gender Violence in a Prison Nation." *Washington University Journal of Law & Policy* 37 (2011).

⁸ Iin Suny Atmaja, and Alviah Alviah. "Perlindungan hukum terhadap perempuan korban tindak pidana dalam perundangan Indonesia." *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 2, no. 1 (2023): 83-94.

⁹ Amala Rahmah, et al. "The health of female prisoners in Indonesia." *International Journal of Prisoner Health* 10, no. 4 (2014): 252-261.

The urgency of addressing these gaps is further underscored in the examination of the Indonesian Penal Code.¹⁰ The draft Penal Code, which is currently under review, has come under scrutiny for its insufficient provisions protecting the rights of women and children, especially in the context of incarceration. Fransiska's analysis suggests that while the code includes general protections, there is an absence of comprehensive measures that specifically safeguard women's rights, such as ensuring access to adequate healthcare, addressing sexual harassment, and facilitating the reintegration of female prisoners into society post-release. This highlights the need for a more gender-responsive legal framework that reflects the distinct vulnerabilities of women within the justice system.

The study also extends to the evolving roles of women in Indonesia's fight against terrorism. Qori'ah¹¹ provides a detailed account of how women's involvement in terrorism has shifted from being passive intermediaries to active participants in terrorist acts. This shift raises important questions about the gendered dynamics of criminal behavior and the need for tailored interventions to address the role of women in extremist activities. Qori'ah's research points to a significant gap in the current understanding of female offenders, indicating that current legal frameworks are not equipped to address the complexities of women's involvement in terrorism, which requires a distinct approach from that used for male perpetrators.

Taken together, these studies underscore the importance of integrating gender-specific considerations into Indonesia's legal and correctional systems. While progress has been made in some areas, such as the inclusion of general protections for women, much work remains to ensure that the legal system fully addresses the unique needs of female victims and offenders. The lack of comprehensive regulations for incarcerated women, the insufficient protection of their rights under the current Penal Code, and the growing complexity of women's involvement in criminal activities highlight the urgency of reform. This literature review thus calls for more nuanced research and policy change

¹⁰ Ridwan Arifin, et al. "Indonesia's New Penal Code: Harmonizing with Global Justice or Defying International Norms?." *Lex Scientia Law Review* 8, no. 1 (2024): 561-594.

¹¹ Sityi Maesarotul Qori'ah, "Keterlibatan Perempuan dalam Aksi Terorisme di Indonesia." *Sawwa: Jurnal Studi Gender* 14, no. 1 (2019): 31-46.

to better protect and support women's rights and needs within Indonesia's legal framework.

In the further context, the protection of women within the Indonesian correctional system involves complex intersections of legal, social, and institutional factors. Despite the enactment of laws such as the Domestic Violence Act in 2004, which was designed to provide legal recourse for women facing violence, the implementation of these laws remains problematic. According to Saraswati¹², while the law exists "*on the books*," its practical application is hindered by cultural barriers and a lack of awareness, resulting in low rates of reporting and prosecution. Many victims of domestic violence fear family breakdown or face distrust in the police and judicial system, which leads to underreporting and ineffective legal protection.¹³ These legal gaps not only fail to provide adequate justice for victims but also reflect broader societal attitudes that undermine the empowerment of women within the legal framework.

The issue of access to justice for women is similarly underdeveloped. Research by Curnow¹⁴ underscores the challenges Indonesian women face in navigating the formal legal system, particularly when disputes are handled outside of formal courts. Informal mechanisms, often shaped by local customs and patriarchal norms, frequently prioritize reconciliation over legal redress, resulting in a miscarriage of justice for many women. Hartanto et al.¹⁵ further emphasize the role of NGOs and paralegals in bridging this gap by

¹² Rika Saraswati, "Indonesian women 'breaking the silence' of domestic violence through the domestic violence act 2004: Between the law 'on the books' and the law 'on the ground'", In *Victims of Violence: Support, Challenges and Outcomes* (New York, Nova Science Publishers, Inc., 2020), pp. 179-203.

¹³ Hanafi Arief, "Legal protection against women victims by the Indonesian domestic violence act 23, 2004." *Sriwijaya Law Review* 1, no. 1 (2017): 110-121; Sri Endah Wahyuningsih, et al. "Legal Protection of Women as Victims of Domestic Violence in East Luwu District Indonesia." *Man in India* 97, no. 24 (2017): 85-96.

¹⁴ Jayne Curnow, "Legal support structures and the realisation of Muslim women's rights in Indonesia." *Asian Studies Review* 39, no. 2 (2015): 213-228.

¹⁵ Rima Vien Permata Hartanto, Siany Indria Liestyasari, and Atik Catur Budiati. "Paralegals and Women Access to Justice: Making Access to Justice of Women Victims of Violence Effective." *The Journal of Social Sciences Research* (2018): 807-813.

providing critical support services that empower women to assert their legal rights. These organizations are instrumental in offering legal counsel and facilitating access to the court system, thereby improving women's ability to seek justice in cases of violence or discrimination.

Beyond legal structures, female prisoners in Indonesia face significant institutional challenges, especially in relation to prison conditions and gender-sensitive care. Research by Rahmah et al.¹⁶ and Hayzaki and Nurhaeni¹⁷ highlights the overcrowded and under-resourced conditions in Indonesian prisons, which disproportionately affect women. While the correctional system is theoretically gender-neutral, female prisoners have specific needs that are often ignored or poorly addressed, including maternal healthcare, menstrual hygiene, and mental health support. The lack of institutional resources and gender-responsive policies further exacerbates the vulnerability of women in detention, leaving them with limited access to health services and rehabilitation programs. These shortcomings, as noted by Rahmah et al.¹⁸, demonstrate the need for a more robust and gender-sensitive correctional framework.

Cultural and religious factors also play a significant role in shaping the legal and institutional landscape surrounding women's rights in Indonesia. Afrianty¹⁹ and Hayati and Ali²⁰ explore the complex role of religion in the protection of women, noting that Islamic perspectives can simultaneously support and hinder the enforcement of women's rights. While some interpretations align with democratic values, others reinforce patriarchal practices that limit women's autonomy, both in public and private spheres. This duality complicates the application of laws intended to protect women, especially in the context of domestic violence and sexual abuse. Cultural norms that

¹⁶ Rahmah, et al. "The health of female prisoners in Indonesia." .

¹⁷ S. H. Hayzaki, and I. D. A. Nurhaeni. "Does vocational education model fit to fulfil prisoners' needs based on gender?." *IOP Conference Series: Materials Science and Engineering*. Vol. 306. No. 1. IOP Publishing, 2018.

¹⁸ Rahmah, "The health of female prisoners in Indonesia."

¹⁹ Dina Afrianty, "Gender, Faith, and Sexual Violence in Indonesia." *Routledge Handbook of Islam in Southeast Asia*. (London: Routledge, 2022), pp. 176-189.

²⁰ Mulida Hayati, and Nuraliah Ali. "Husband's Sexual Violence: Protection Rights for Wives in Terms of Islamic and Indonesian State Law." *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 21, no. 1 (2021): 65-81.

prioritize family unity and discourage intervention in private matters often prevent effective law enforcement and support systems for women, as discussed by Wahyuningsih et al.²¹ and Saraswati.²²

Given these multiple layers of challenges, there is a clear need for comprehensive reform in Indonesia's legal and correctional systems. Scholars such as Dewantary and Endut²³ and Yudhanti et al.²⁴ advocate for strengthening the implementation of existing laws and developing gender-sensitive policies to address the specific needs of female prisoners. These reforms should include better training for law enforcement and judicial personnel, improved prison conditions, and the creation of support systems that empower women both during and after incarceration. Moreover, as highlighted by Hayzaki and Nurhaeni²⁵, the integration of vocational training and rehabilitative programs tailored to women's needs can support their reintegration into society, thus reducing recidivism and fostering long-term well-being.

The existing studies reveal significant gaps in the protection of women within Indonesia's legal and correctional systems. These gaps reflect a combination of legal, institutional, and cultural barriers that prevent the effective realization of women's rights. Addressing these issues requires not only legal reforms but also a broader cultural shift towards greater gender equality, one that involves both formal and informal support systems, to ensure that women's rights are fully protected both inside and outside the correctional system.²⁶ The

²¹ Wahyuningsih, et al. "Legal Protection of Women as Victims of Domestic Violence in East Luwu District Indonesia."

²² Saraswati, "Indonesian women 'breaking the silence' of domestic violence through the domestic violence act 2004: Between the law 'on the books' and the law 'on the ground'".

²³ Zenny R. Dewantary, and Noraida Endut. "States Responsibility to Eradicate Violence Against Women Through the Due Diligence Framework in Human Rights: A Review of Protection and Punishment in the case of Indonesia." *Indonesian Journal of International Law* 19, no. 4 (2022): 567-598.

²⁴ Ristina Yudhanti, Saru Arifin, and Fauziah Rismadini. "The Protection to Victims of Violence Based on Gender as a Fulfillment of the Constitutional Rights in the Perspective of Human Rights in Boyolali's District, Indonesia." *Journal of Indonesian Legal Studies* 2, no. 1 (2017): 15-24.

²⁵ Hayzaki and Nurhaeni. "Does vocational education model fit to fulfil prisoners' needs based on gender?."

²⁶ Yasmeen Hasan, and Hervin Yoki Pradikta. "Constructing Women's Right to Justice in Indonesian and American Criminal Law: A Comparative Study." *Journal*

purpose of this research is to critically examine the gaps in the Indonesian correctional system as it pertains to the protection of women's rights. Specifically, this paper aims to analyze the shortcomings of the current Indonesian Correctional Act in safeguarding the well-being of incarcerated women. By investigating both social and legal dimensions, this study seeks to highlight the areas where women's needs are overlooked, including health care, rehabilitation, and post-incarceration reintegration. Through this analysis, the research will offer recommendations for improving policies and practices, ensuring that the correctional system is better equipped to protect women's rights and provide a path toward meaningful rehabilitation.

The Legal Framework of The Indonesian Correctional Act and Women's Protection: Institutional and Structural Barriers in Indonesian Prisons

The legal framework governing the correctional system in Indonesia is primarily defined by *Undang-Undang Pemasyarakatan No. 12/1995* (the Indonesian Correctional Act), which provides the legal basis for the operation of prisons, the treatment of prisoners, and the objectives of rehabilitation and reintegration.²⁷ This Act outlines the rights and obligations of both correctional authorities and inmates, emphasizing the principles of human dignity, rehabilitation, and the reintegration of prisoners into society. In line with international standards, the Act mandates that prisoners should be treated with respect, afforded the opportunity to rehabilitate, and given access to healthcare, education, and vocational training. Indonesia is also a

of Islamic Mubadalah 1, no. 1 (2024): 51-61; Sri Wiyanti Eddyono, "Criminal code draft and protection for victims of gender based violence." *Jurnal Perempuan* 23, no. 2 (2018): 65-76; Lauren Rumble, et al. "Childhood sexual violence in Indonesia: a systematic review." *Trauma, Violence & Abuse* 21, no. 2 (2020): 284-299.

²⁷ Muhammad Arif Agus, and Ari Susanto. "The Optimization of the Role of Correctional Centers in the Indonesian Criminal Justice System." *Jurnal Penelitian Hukum De Jure* 21, no. 3 (2021): 369-384; Alma Qarnain, and Nathalina Naibaho. "Revitalization of Correctional Organizations: Current Development of Correctional System in Indonesia." *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 6, no. 2 (2021): 156-165.

signatory to various international human rights agreements, including the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules.²⁸ These rules provide globally accepted guidelines for the humane treatment of prisoners, focusing on issues such as living conditions, access to education, work, healthcare, and the prevention of torture or degrading treatment.

Despite these frameworks, there is a notable gap in the Indonesian Correctional Act when it comes to addressing the specific needs of female prisoners. While the Act provides general provisions for the treatment of all prisoners, it does not fully incorporate gender-sensitive policies or address the unique challenges faced by women in prison. For

²⁸ The United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, are a set of international guidelines designed to ensure the humane treatment of prisoners. Initially adopted in 1955, they were revised in 2015 and renamed in honor of Nelson Mandela, recognizing his dedication to human rights, especially for incarcerated individuals. These rules are non-binding but serve as a global benchmark for the treatment of prisoners, emphasizing the principles of human dignity, rehabilitation, and reintegration. The Mandela Rules cover a wide range of prison conditions and practices. They stress that prisoners must be treated with respect for their inherent dignity, free from torture, degrading treatment, or arbitrary punishment. Key provisions include adequate living conditions, such as sufficient space, sanitation, food, and access to natural light, aimed at promoting the physical and mental well-being of prisoners. They also highlight the importance of healthcare, ensuring that prisoners receive timely medical attention, including for mental health issues, which are often overlooked. The rules also advocate for education and vocational training to help prisoners acquire skills for reintegration into society upon release. Further, they emphasize the importance of contact with the outside world, including family visitation and correspondence, which is crucial for emotional support and maintaining social ties. Additionally, the Mandela Rules emphasize gender-sensitive treatment, recognizing that women prisoners face unique needs, such as maternal care, protection from gender-based violence, and appropriate healthcare. They recommend that prisons establish policies and facilities tailored to these needs. See Kasey McCall-Smith, "United Nations standard minimum rules for the treatment of prisoners (Nelson Mandela Rules)." *International Legal Materials* 55, no. 6 (2016): 1180-1205; Aleksandra Gruevska Drakulevski, "The Nelson Mandela Rules: The Revised United Nations Standard Minimum Rules for the Treatment of Prisoners-Short Review." *Iustinianus Primus Law Review* 8, no. 2 (2017); Claudia Constantinescu, "'Stand Up for Someone's Rights!' The Nelson Mandela Rules." *Revista de Asistență Socială* 1 (2017): 107-116; Li Hailing, "The Mandela Rules: New Standards for the Human Rights of Prisoners." *Advances in Sciences and Humanities* 4, no. 6 (2019): 77-84.

example, the legal framework makes little mention of specific provisions related to maternal care, protection from gender-based violence within the prison, or mental health services tailored to the needs of female inmates. This lack of gender-specific provisions results in women being subjected to policies that are ill-suited to their particular experiences and vulnerabilities. The prison system, largely designed with men in mind, does not provide adequate support for women who may be dealing with issues such as pregnancy, motherhood, trauma from abuse, or the psychological impacts of separation from children and families.²⁹

Although the Indonesian Correctional Act includes broad protections for prisoners' rights, its implementation has often fallen short, especially when it comes to addressing the social, psychological, and economic challenges faced by incarcerated women.³⁰ For instance, while the law guarantees prisoners the right to healthcare, it does not specify the need for gender-specific healthcare, such as access to gynecological services or maternal health support. Many women in prison suffer from untreated health conditions due to a lack of medical resources and expertise, which can lead to long-term health consequences. Furthermore, there is a lack of trauma-informed care for women who may have experienced domestic violence, sexual abuse, or exploitation prior to their incarceration. These experiences are often not adequately addressed within the broader correctional system, resulting in further psychological harm.³¹

The failure to consider the economic needs of female prisoners is another critical issue. While vocational training programs are available, they are typically generalized and not tailored to the unique needs of women, especially those who may have been involved in gendered forms

²⁹ Fathonah, "Legal Study on Fulfilling the Rights of Women Prisoners in Correctional Institutions"; Candra Kusuma Negara, "Development of the Idea of Criminal Individualization of the Development of Female Inmates." *LEGAL BRIEF* 11, no. 3 (2022): 1788-1806; Seyed Moslem Hosseini, Seyed Abbas Jazaeri, and Morteza Sadeghi Dehsahraei. "Explaining the Legal Security of the Victim and the Criminal in the Law on Reducing Prison Terms in the Light of Restorative Justice." *Comparative Criminal Jurisprudence* 3, no. 4 (2023): 93-102.

³⁰ See James M. Byrne, April Pattavina, and Faye S. Taxman. "International trends in prison upsizing and downsizing: In search of evidence of a global rehabilitation revolution." *Victims & Offenders* 10, no. 4 (2015): 420-451.

³¹ See Elizabeth Vorenberg, and James Vorenberg. *Prison Conditions in Indonesia*. (New York: Human Rights Watch, 1990).

of crime or who lack educational opportunities due to socio-economic disadvantage. In many cases, women in prison are often left without the tools necessary to achieve economic independence upon release, increasing their likelihood of reoffending or falling back into situations of vulnerability.³²

Moreover, the lack of gender-sensitive rehabilitation programs perpetuates the cycle of disadvantage. Female prisoners often face a lack of access to education, vocational training, and reintegration programs that account for the intersection of gender with socio-economic and cultural factors.³³ For instance, many women incarcerated in Indonesian prisons are the primary caregivers for their children, yet there are no specific programs in place to help them maintain bonds with their families or to provide support for parenting during incarceration. The absence of such support further undermines efforts to reintegrate women into society and can lead to the perpetuation of family trauma and dysfunction.

In the further context, the prison environment in Indonesia, particularly for women, faces numerous institutional and structural challenges. Overcrowding is a pervasive issue across many Indonesian correctional facilities. Prisons are frequently filled beyond capacity, leading to poor living conditions that impact the physical and mental well-being of all prisoners, but women, in particular, face exacerbated vulnerabilities. Insufficient healthcare infrastructure is another major

³² Katherine P. Moloney, Brenda J. van den Bergh, and Lars F. Moller. "Women in prison: The central issues of gender characteristics and trauma history." *Public Health* 123, no. 6 (2009): 426-430; Amala Rahmah, et al. "The health of female prisoners in Indonesia." *International Journal of Prisoner Health* 10, no. 4 (2014): 252-261; Nur Paikah, "Responsibility for Fulfilling the Rights of Women Prisoners." *Journal of Indonesian Scholars for Social Research* 3, no. 2 (2023): 93-98.

³³ See Rosemary Barberet, and Vanessa Gutiérrez. "What About Us?: International Gendered Responses Toward the Social Rehabilitation and Reintegration of Justice-Involved Women." In *Social Rehabilitation and Criminal Justice*. (London: Routledge, 2023), pp 230-247; Samantha Jeffries, and Andrew M. Jefferson. "Introduction to gender, criminalization, imprisonment and human rights in Southeast Asia." In *Gender, criminalization, imprisonment and human rights in Southeast Asia*. (Bingley, UK: Emerald Publishing Limited, 2022), pp. 1-11.

concern.³⁴ The lack of specialized care for women—especially in areas such as maternal healthcare, gynecological services, and mental health support—creates significant barriers to proper treatment. Indonesian prisons often fail to provide adequate mental health services, a critical issue for incarcerated women who may suffer from trauma, abuse, or pre-existing mental health conditions. Similarly, maternal care is insufficient, with many women incarcerated during pregnancy or early motherhood, yet facilities and resources to support them through childbirth and child-rearing are scarce.³⁵

These systemic deficiencies contribute to the deterioration of female prisoners' health and well-being. For instance, overcrowded cells can lead to the spread of infectious diseases, while the lack of access to timely medical care can aggravate existing health conditions. Moreover, female prisoners often experience disproportionate emotional and psychological distress due to the isolation from their families, particularly their children.³⁶ These conditions challenge the correctional system's ability to meet its basic obligation to rehabilitate and reintegrate female offenders back into society.³⁷

Social support within Indonesian prisons often hinges on informal networks of inmates, which can provide emotional,

³⁴ See S.P. Wibawa and I Putu Satria. "Dampak Kelebihan Kapasitas Lembaga Pemasyarakatan Sebagai Faktor Kriminogenik Terhadap Pengulangan Tindak Pidana Oleh Warga Binaan (Studi di Lapas Kelas II A Denpasar)". *Thesis*. (Malang: Universitas Brawijaya, 2015); Monica Anisa Wijaya, and Padmono Wibowo. "Strategi Menangani Over Kapasitas di Lembaga Pemasyarakatan di Indonesia." *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora* 8, no. 2 (2021): 111-117; Ikama Dewi Setia Triana, and Eti Mul Erowati. "Restorative Justice Sebagai Solusi Mengatasi Overkapasitas Lapas di Indonesia." *Jurnal Pacta Sunt Servanda* 3, no. 2 (2022): 204-210; Satria Nenda Eka Saputra, and Muridah Isnawati. "Overcrowding Lembaga Pemasyarakatan (Lapas) dalam System Pemidanaan Di Indonesia." *Pagaruyuang Law Journal* 6, no. 1 (2022): 52-70.

³⁵ Smriti Nair, et al. "Pregnancy in incarcerated women: need for national legislation to standardize care." *Journal of Perinatal Medicine* 49, no. 7 (2021): 830-836.

³⁶ John V. Jacobi, "Prison health, public health: Obligations and opportunities." *American Journal of Law & Medicine* 31, no. 4 (2005): 447-478; S. Stürup-Toft, E. J. O'moore, and E. H. Plugge. "Looking behind the bars: emerging health issues for people in prison." *British Medical Bulletin* 125, no. 1 (2018): 15-23.

³⁷ Sherri Doherty, et al. "Finding their way: Conditions for successful reintegration among women offenders." *Journal of Offender Rehabilitation* 53, no. 7 (2014): 562-586.

psychological, and even material support.³⁸ These networks are particularly crucial for female prisoners, who face unique social isolation due to gendered experiences of crime and incarceration. The role of these informal systems in fostering solidarity and survival within the prison context is undeniable, yet these networks have limitations. They are often disorganized, lack external accountability, and are insufficient to address the complex needs of women, particularly those related to mental health, trauma recovery, and family separation.³⁹

The absence of formal, gender-sensitive frameworks for supporting female prisoners exacerbates the challenges they face.⁴⁰ While male inmates may have certain privileges or more structured support systems within prisons, the lack of such provisions for women—such as gender-sensitive counseling, trauma-informed care, or parenting support programs—leaves many women to rely on informal networks. This lack of institutionalized support highlights the gender disparities in prison policies and practices, which fail to provide comprehensive care and support for female prisoners.

Rehabilitation and reintegration programs in Indonesian prisons are often insufficient in addressing the needs of women. While vocational training and educational programs are available, they tend to be generalized and not tailored to the specific challenges faced by female prisoners. Many women in Indonesian prisons have histories of trauma, abuse, and neglect, which require specialized rehabilitation programs focused on psychological recovery. However, these programs remain underdeveloped, leaving many women without the necessary support to address the root causes of their criminal behavior or to prepare for reintegration into society.⁴¹ Moreover, childcare programs and support

³⁸ See Thomas Stodulka, and Birgitt Röttger-Rössler, eds. *Feelings at the margins: dealing with violence, stigma and isolation in Indonesia*. (Frankfurt: Campus Verlag, 2014).

³⁹ Katarzyna Celinska, Irina Fanarraga, and Michael Cronin. "Female inmates: Coping with imprisonment and separation from family and friends." *Women & Criminal Justice* 32, no. 4 (2022): 325-341; Haley R. Zettler, "The Female Prison Experience." In *Women and Prison* (London: Springer Nature, 2020), pp. 53-64.

⁴⁰ Katherine Van Wormer, *Working with Female Offenders: A Gender-Sensitive Approach*. (New York: John Wiley & Sons, 2010).

⁴¹ Ahmad Sanusi, "Evaluasi Pelaksanaan Pembinaan Narapidana di Lembaga Pemasyarakatan Terbuka." *Jurnal Ilmiah Kebijakan Hukum* 13, no. 2 (2019): 123-

for pregnant or breastfeeding women are virtually nonexistent, despite the growing recognition of the importance of maintaining family bonds and supporting maternal well-being during incarceration. Without access to quality childcare services, many incarcerated mothers face the heartbreaking decision of either having their children raised outside the prison system or forgoing their maternal responsibilities altogether.⁴² This further, isolates women and complicates their reintegration process post-release. The absence of gender-responsive vocational training and educational initiatives exacerbates the economic vulnerability of female prisoners once they are released, hindering their ability to reintegrate into society successfully.

Numerous reports and case studies have highlighted the challenges faced by women in Indonesian prisons. For instance, a 2017 report by the Indonesia Women's Coalition for Justice and Democracy (KPI) revealed alarming conditions in women's correctional facilities, including overcrowding, lack of privacy, and inadequate access to healthcare. In particular, cases of pregnant women being incarcerated without proper maternal care have been reported, along with instances where women with young children have been forced to leave their children behind due to prison policies.⁴³

International Perspectives on Women's Rights in Prisons: A Global Standards for Women's Treatment in Prisons

International human rights instruments and standards have been pivotal in shaping the treatment of women in prisons worldwide, providing a framework for ensuring that incarcerated women are treated with dignity and respect. One of the most significant guidelines for the treatment of female prisoners is the United Nations Bangkok Rules,

138; Permata Sari Intan, "Reintegrasi Sosial Mantan Narapidana Perempuan dalam Aktivitas Sosial Ekonomi". *Thesis*. (Padang: Universitas Andalas, 2024).

⁴² Zoann K. Snyder, Teresa A. Carlo, and Megan M. Coats Mullins. "Parenting from prison: An examination of a children's visitation program at a women's correctional facility." *Marriage & Family Review* 32, no. 3-4 (2002): 33-61.

⁴³ Rully Novian, et al. *Strategies to Reduce Overcrowding in Indonesia: Causes, Impacts, and Solutions*. (Jakarta: Institute for Criminal Justice Reform, 2018); Dawn Beichner, and Otmar Hagemann. "A global view of women, prison, and aftercare: A call for reform." *Violence Against Women* 28, no. 8 (2022): 1788-1808.

adopted in 2010. These rules specifically address the gender-specific needs of women in prison, emphasizing the necessity of ensuring access to healthcare (including reproductive health services), protection from gender-based violence, and the provision of services for pregnant and breastfeeding women. The Bangkok Rules also advocate for measures to support the mental health of female prisoners and recognize the importance of maintaining family ties, particularly for mothers who are incarcerated with their children. Additionally, international instruments such as the International Covenant on Civil and Political Rights (ICCPR) require that prisoners, regardless of gender, be treated with dignity and given access to basic human rights, including adequate living conditions, access to justice, and the right to rehabilitation.⁴⁴ These frameworks are crucial for promoting global standards of humane treatment and for holding countries accountable for their prison systems' treatment of women.

When comparing Indonesia's correctional system to other countries that have implemented gender-sensitive policies, it is clear that significant progress has been made elsewhere in addressing the unique needs of female prisoners. For instance, Norway is widely regarded as a global leader in prison reform, with a focus on rehabilitation and the human rights of prisoners. Norwegian correctional facilities provide gender-specific services such as trauma-informed care, access to mental health resources, and the option for women to maintain relationships with their children. Additionally, women in Norway are often housed in facilities that resemble normal residential environments, with greater focus on education, vocational training, and reintegration programs.⁴⁵ Similarly, Canada has introduced a range of policies aimed at addressing

⁴⁴ See Natalie Kaufman Hevener, and A. Steven Mosher. "General principles of law and the UN Covenant on Civil and Political Rights." *International & Comparative Law Quarterly* 27, no. 3 (1978): 596-613. See also Anis Widyawati, et al. "Covid-19 and Human Rights: The Capture of the Fulfilment of Rights During the Covid Outbreaks." *Unnes Law Journal* 6, no. 2 (2020): 259-286; Ni Putu Selyawati, and Maharani Chandra Dewi. "Implementation of Universal Human Rights Values Based on the Universal Declaration of Human Rights in Indonesia." *Lex Scientia Law Review* 1, no. 1 (2017): 41-56.

⁴⁵ Tapio Lappi-Seppälä, and Lauri Koskeniemi. "National and regional instruments in securing the rule of law and human rights in the Nordic prisons." *Crime, Law and Social Change* 70 (2018): 135-159; Are Høidal, and Nina Hanssen. *The Norwegian prison system: Halden prison and beyond*. (London: Routledge, 2022).

the needs of women in its correctional facilities, such as specialized healthcare, including mental health services tailored for women, and initiatives that focus on the empowerment and rehabilitation of female inmates.⁴⁶

In contrast, Indonesia's prison system, while aligned with international standards in certain respects, struggles with gender-specific issues such as overcrowding, inadequate healthcare, and the absence of tailored programs for female prisoners. Women in Indonesian prisons face unique challenges related to maternal care, gender-based violence, and insufficient mental health services, areas in which countries like Norway and Canada have made significant strides. The comparative analysis shows that countries with robust, gender-sensitive prison policies tend to have lower recidivism rates, better inmate well-being, and higher rates of successful reintegration into society, underscoring the effectiveness of such approaches.⁴⁷

The global best practices provide several lessons for Indonesia in improving the treatment of female prisoners. One crucial lesson is the importance of gender-sensitive policies that take into account the specific needs of women, such as reproductive health, maternal care, and protection from abuse. Norway's model of individualized rehabilitation programs, which include trauma-informed care and mental health support, offers valuable insight into how Indonesia can address the psychological needs of incarcerated women. Another important lesson is the necessity of creating women-only facilities or dedicated sections within mixed-gender prisons, where female prisoners can access services

⁴⁶ John W. Ekstedt, and Curt T. Griffiths. *Corrections in Canada: Policy and Practice*. (Amsterdam: Elsevier, 2013); Jamil Malakieh, "Adult and youth correctional statistics in Canada, 2018/2019." *Juristat: Canadian Centre for Justice Statistics* (2020): 3-23; Rosemary Ricciardelli, and Amber Gazso. "Investigating threat perception among correctional officers in the Canadian provincial correctional system." *Qualitative Sociology Review* 9, no. 3 (2013): 96-120.

⁴⁷ See Muhammad Miftakhuddin Hanif, "Reviving the Sense of Deterrent Effects to Prisoners Inside Penal Institutions." *Unnes Law Journal* 4, no. 2 (2015); Puguh Setyawan Setyawan Jhody, "The Discourse of Granting the Rights of Prisoners in Indonesia: The Legal Political Issue and Future Challenges." *Journal of Law and Legal Reform* 3, no. 3 (2022): 267-294; Angkasa Angkasa. "Deprivation of Inmates in Conducting Imprisonment and Guidance in Penitentiary on Victimology Perspective." *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 53-74.

that meet their needs without the threat of gender-based violence or harassment.⁴⁸

Additionally, community-based rehabilitation programs and family support initiatives have been found to be effective in reducing recidivism and aiding reintegration in countries like Canada. These programs focus on maintaining family bonds, especially for mothers who are incarcerated, which helps preserve the social fabric and ensures the well-being of children. For Indonesia, implementing such initiatives could be a significant step toward improving women's rehabilitation and reintegration prospects.⁴⁹

To bring Indonesian prisons in line with international standards for the treatment of women, several key recommendations can be made. *First*, gender-sensitive training should be mandated for all prison staff, focusing on the unique needs of female prisoners and the importance of trauma-informed care. This training should cover issues such as recognizing and addressing gender-based violence, mental health concerns, and the provision of adequate maternal and reproductive healthcare. *Second*, gender-responsive facilities should be prioritized, ensuring that women's prisons have adequate space, proper healthcare services, and secure environments where inmates are protected from abuse. *Third*, Indonesia should implement family-centered programs, particularly for mothers incarcerated with their children. Providing resources and support for maintaining family bonds can significantly

⁴⁸ See Katherine Van Wormer, *Working with female offenders: A gender-sensitive approach*. (New Jersey: John Wiley & Sons, 2010); Jacob C. Day, Margaret A. Zahn, and Lisa P. Tichavsky. "What works for whom? The effects of gender responsive programming on girls and boys in secure detention." *Journal of Research in Crime and Delinquency* 52, no. 1 (2015): 93-129.

⁴⁹ See Sheldon X. Zhang, Robert EL Roberts, and Valerie J. Callanan. "Preventing parolees from returning to prison through community-based reintegration." *Crime & Delinquency* 52, no. 4 (2006): 551-571; Sandhika Wira Andaman, I. Wayan Putu Sucaya Aryana, and Ni Putu Ari Setyaningsih. "Conceptualization of Setting Community-based Correction as a Form of Convict Fostering Based on Restorative Justice Principles in Correctional Institutions." *KnE Social Sciences* (2024): 173-187; Kuku Al Akbar, and Mitro Subroto. "Model Pembinaan Narapidana Berbasis Masyarakat (Community Based Corrections) dalam Sistem Peradilan Pidana." *Jurnal Pendidikan Tambusai* 6, no. 1 (2022): 8289-8300. See also Sri Warjiyati, et al. "The Effectiveness of Correctional Institutions for Children, Female, and Elderly Inmates in Sidoarjo District." *Jurnal Hukum dan Peradilan* 12, no. 3 (2023): 581-606.

reduce the emotional and social costs of imprisonment for women. *Lastly*, mental health services should be expanded, particularly for women who have experienced trauma or abuse. Providing comprehensive psychological care, including counseling and psychiatric services, would address the mental health needs of female prisoners and improve their rehabilitation outcomes.⁵⁰

Challenges in Implementing Reform on Correctional System in Indonesia

One of the key challenges to implementing reform in Indonesia's correctional system is institutional resistance to change. The Indonesian prison system is traditionally based on punitive models of incarceration, and there is often reluctance within the system to adopt more rehabilitative and gender-sensitive approaches. Institutional inertia, coupled with entrenched attitudes about the role of punishment, can impede efforts to prioritize women's rights in prisons. Moreover, the lack of political will to address systemic issues such as overcrowding, underfunding, and gender disparities in prison treatment further exacerbates the challenge.

The role of political will and public opinion also plays a crucial part in shaping policies related to women's incarceration. Public attitudes toward female prisoners can often be influenced by broader social views on crime and gender, leading to political reluctance to invest in gender-sensitive reforms. Without significant advocacy from civil society organizations, international bodies, and women's rights groups, it will be difficult to shift the policy discourse to focus on human rights and rehabilitation for incarcerated women.

Another major challenge is the financial and logistical constraints faced by the Indonesian government in reforming the prison system. The country's prison infrastructure is underfunded, and improving conditions—especially for women—requires significant investment in new facilities, healthcare systems, and rehabilitation programs. With

⁵⁰ Febriana Putri Kusuma, "Implikasi Hak-Hak Narapidana dalam Upaya Pembinaan Narapidana dalam Sistem Pemasyarakatan." *Recidive: Jurnal Hukum Pidana dan penanggulangan Kejahatan* 2, no. 2 (2013); Julita Melissa Walukow, "Perwujudan Prinsip Equality Before the Law Bagi Narapidana di dalam Lembaga Pemasyarakatan di Indonesia." *Lex et Societatis* 1, no. 1 (2013).

Indonesia's prison population growing rapidly, allocating resources to improve women's treatment within prisons may be perceived as less of a priority compared to addressing issues like overcrowding or improving general conditions for male prisoners.⁵¹

Moreover, practical challenges in implementing reforms on a national scale include the limited capacity of existing prison staff and the lack of adequate training programs for staff to address the specific needs of women. This results in an uneven application of gender-sensitive policies, even when they are officially adopted, as staff may not be sufficiently equipped to implement them effectively.

To overcome these challenges, a collaborative approach is essential. The Indonesian government, NGOs, and civil society organizations can work together to advocate for policy changes, secure funding for reforms, and provide technical assistance in the implementation of gender-sensitive policies. International organizations like the United Nations and the World Health Organization can also play a pivotal role in offering guidance, resources, and support to strengthen Indonesia's prison reform efforts. Raising public awareness about the rights of women in prison and the benefits of gender-sensitive rehabilitation is another critical step. Public engagement and advocacy can shift public opinion and garner political support for prison reforms. Finally, Indonesia could draw upon lessons from international best practices, adapting successful models from countries with more advanced gender-responsive prison systems, such as Norway or Canada, to the local context, thereby improving both the treatment and rehabilitation of female prisoners.

⁵¹ Rofi Wahanisa, et al. "Mental Health Psychoeducation for Women Prisoners in Class IIA Semarang Women's Prison." *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI* 6, no. 2 (2023): 181-219; Mohamad Ashraff, "Assimilation Rights as a Right of Correctional Citizens: A View of the Indonesian Criminal Justice System." *Indonesian Journal of Criminal Law Studies* 6, no. 1 (2021): 27-36; Yosefin Dika Tyas Wangi, "Policy of Development for Juvenile Delinquency in the Perspective of Indonesian Criminal Justice System Reform (Study on Institute for Special Development Children LPKA Kutoarjo, Central Java, Indonesia)." *Journal of Indonesian Legal Studies* 2, no. 2 (2017): 85-100.

Conclusion

In conclusion, the legal and institutional frameworks governing the treatment of women within Indonesia's correctional system reveal a significant gap between formal protections and the lived realities of incarcerated women. The Indonesian Correctional Act provides a foundation for addressing gender-specific needs, but its implementation remains inadequate, often exacerbating the vulnerabilities of female prisoners. The law's provisions for separate facilities and gender-sensitive policies are important steps, but they fall short in addressing the full spectrum of challenges that women face in detention, including inadequate healthcare, psychological trauma, and limited rehabilitation opportunities. The failure to fully integrate maternal care, trauma-informed treatment, and vocational training into the correctional system not only undermines the well-being of female prisoners but also hinders their successful reintegration into society post-incarceration.

This paper has highlighted how broader societal attitudes toward gender inequality continue to shape policies and practices within the criminal justice system. Women in Indonesian prisons often face systemic neglect, not just as prisoners, but as women with distinct needs that require tailored interventions. The gaps in protection and rehabilitation reflect gendered assumptions that need to be challenged through policy reform, greater political will, and public engagement. Global best practices, including those from countries like Norway and Canada, demonstrate that a gender-sensitive approach to correctional policies can significantly improve the conditions for incarcerated women, reduce recidivism, and promote successful reintegration. Drawing from these international examples, Indonesia must move toward a prison system that addresses the unique social, psychological, and economic needs of female prisoners.

Ultimately, reforming Indonesia's correctional system requires a comprehensive overhaul that transcends basic structural changes, such as the separation of male and female prisoners. A true commitment to women's human rights in detention will involve implementing targeted reforms that ensure access to healthcare, support for mental health, gender-specific rehabilitation programs, and opportunities for education and vocational training. The protection of women in prisons must be seen not as an afterthought, but as a fundamental aspect of a fair and just criminal justice system. As Indonesia moves forward, it

must recognize the importance of treating incarcerated women with dignity and respect, ensuring that their incarceration does not further perpetuate societal inequalities, but instead serves as a transformative process for reintegration and empowerment.

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