

GENDER BIAS IN THE INDONESIAN CORRECTIONAL SYSTEM: A LEGAL ANALYSIS OF HUMAN RIGHTS PROTECTION GAPS FOR FEMALE PRISONERS

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Abstract

The correctional system in Indonesia is designed to rehabilitate prisoners humanely, without discrimination. However, in practice, female prisoners often face unequal treatment due to correctional structures and policies that are still gender biased. This article aims to analyse the gap in human rights protection for female prisoners in Indonesia through a normative legal research approach supported by empirical data, which is then analysed qualitatively. The results of the study found that although the national legal framework already includes human rights principles, in practice, female prisoners still face various structural injustices and gender bias, such as a lack of reproductive health facilities, insufficient protection from violence, and limited access

to women-friendly basic services. This article concludes that there is a need for policies to guide the treatment of female prisoners and to strengthen oversight mechanisms to ensure the fulfilment of human rights for female prisoners. This study contributes to developing a more just and equitable correctional law.

Keywords: Gender Bias, Human Rights, Female Prisoners.

Introduction

Human rights are fundamental rights inherent to every human being from birth and cannot be taken away by anyone, including the state. According to John Locke, human rights are natural rights given by God to humans, which include the right to life, liberty, and property, and cannot be violated by anyone.¹ In his theory, Karel Vasak classifies human rights into three generations: the first generation includes civil and political rights, the second generation relates to economic, social, and cultural rights, and the third generation concerns solidarity rights such as the right to peace and a clean environment.² In the international legal system, the respect for human rights principle is reflected in important documents such as the 1948 Universal Declaration of Human Rights (UDHR), which affirms that all human beings are born free and have dignity and equal rights without discrimination. Protecting human rights is not limited to free citizens but includes those serving prison sentences in correctional institutions.

The correctional system is an essential instrument in the criminal justice system, one of whose functions is to provide guidance and rehabilitation to prisoners so they can return to society as productive and law-abiding members. However, the success of the correctional system is determined not only by guidance, but also by the fair and equal fulfilment of the human rights of all prisoners, without discrimination. This principle is emphasised in the *Basic Principles for the Treatment of Prisoners* issued by the United Nations, which states that "*all prisoners shall*

¹ Mohamad Fajri Mekka Putra, *Hak Asasi Manusia: Landasan, Perkembangan dan Tantangan*, (Cirebon: PT. Green Pustaka Indonesia, 2024), p.3.

² Junaidi, et al, *Hukum Dan Hak Asasi Manusia: Sebuah Konsep dan Teori Fitrah Kemanusiaan Dalam Bingkai Konstitusi Bernegara*, (Jambi: PT. Sonpedia Publishing Indonesia, 2023). p. 21.

be treated with the respect due to their inherent dignity and value as human beings."³

In this context, special attention needs to be given to female prisoners who have different needs and vulnerabilities compared to male prisoners,⁴ So the state must ensure fair and equal treatment, not just the same treatment. This is as stated in Article 61, ParagraphSection 2, which specifically states that women in reproductive functions are a vulnerable group with special needs who must be treated with affirmative action.⁵ Furthermore, this specificity is also supported by the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the Bangkok Rules. This international instrument resulted from an agreement between the United Nations member states (UN). The Bangkok Rules emphasize how the treatment of female detainees and prisoners should be in accordance with human rights and gender responsiveness.⁶

From a biological perspective, female prisoners face conditions that male prisoners do not experience,⁷ Such as menstrual cycles, pregnancy, childbirth, and breastfeeding. From a psychological perspective, many of them have experienced trauma due to gender-based violence before entering prison. Meanwhile, from a social perspective, female prisoners often bear the double burden of being a mother and head of the family. According to a 2022 report by Penal Reform International, incarcerated women are more likely to experience Heavier social stigma and difficulties in maintaining relationships with

³ Ulla Pape, dan Heino Stöver, "2 The Global Framework for Social Work and Health in Prisons", *Social Work and Health in Prisons*. (Nomos Verlagsgesellschaft mbH & Co. KG, 2023). p. 17-42.

⁴ Tarisa Veronika Putri dan Mitro Subroto, 2023, " Pemenuhan Hak Anak Bawaan Narapidana Wanita Yang Tinggal Dan Masuk Pada Lingkungan Lembaga Pemasyarakatan", *Unes Law Review*, vol. 6, No. 1, p.1187–1196. <https://doi.org/10.31933/unesrev.v6i1>

⁵ Pasal 61 Ayat 2 Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan

⁶ United Nations Human Rights, *United Nations Rules For The Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders(The Bangkok Rules)*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-treatment-women-prisoners-and-non-custodial>, accessed August 15 2025.

⁷ Duwita Aisya Trisna,"Pemenuhan Hak Narapidana Hamil dan Menyusui di Lembaga Pemasyarakatan Perempuan", *Indonesian Journal of Criminal Law and Criminology(IJCLC)*, vol. 3, no. 2, (2022), p.68-78, [https://doi.org/10.18196/ijclc.V3 i 2.15526](https://doi.org/10.18196/ijclc.V3i2.15526)

their children.⁸ Gender-neutral correctional systems are insufficient because they hurt the mental health and rehabilitation process of female prisoners. Existing systems are often designed for men, ignoring the specific needs of women, who are a minority population.⁹ Therefore, a fair and gender-responsive approach is needed. Gender justice means fair treatment, but tailored to the needs and conditions of individuals based on their gender and without discrimination.¹⁰ Referring to Nussbaum's capabilities approach concept, justice must ensure everyone, including female prisoners, can live with dignity. This shows the importance of developing a correctional system that genuinely pays attention to their needs.

Although Indonesia has ratified various international human rights instruments, practical field experience shows that there is systemic gender bias in the implementation of correctional services. Reports from the National Commission on Violence Against Women (Komnas Perempuan) reveal that facilities for female prisoners, such as reproductive health services, childcare facilities, and protection from gender-based violence, are still minimal.¹¹ This indicates that the biological, psychological, and social needs of female prisoners are still often neglected. In addition, structural barriers such as budget constraints, a lack of staff trained in gender issues, and a lack of oversight of policy implementation are serious obstacles.¹² From a cultural perspective, patriarchal values still strongly influence attitudes

⁸ Penal Reform International, *Global prison trends 2022*. (England: penalreform.org, 2022), p. 26.

⁹ Lindsay Smith. *Gendered Inconsiderations of Carceral Space*(*The Palgrave Handbook of Prison Design*) Palgrave Studies in Prisons and Penology, (Switzerland: Palgrave Macmillan Cham German,2023),p.563-602, https://doi.org/10.10007/978-3-031-11972-9_20

¹⁰ Rahmat Zulfikar Hamid,*et.al.*,” Gender : Menelaah Keadilan Dan Kesenjangan Dalam Perspektif Antropologi”, *Journal Pegguruang: Conference Series*,vol.5,no.1, (2023), p.243-261, <https://doi.org/10.35329/jp.v5i1.4043>

¹¹ Komnas Perempuan, *CATAHU 2022: Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2021 (Bayang-Bayang Stagnansi: Daya Pencegahan dan Penanganan Berbanding Peningkatan Jumlah, Ragam dan Kompleksitas Kekerasan Berbasis Gender terhadap Perempuan)*, (Jakarta: Komnas Perempuan, 2022). p.48.

¹² Andre Gustiranda Manulang dan Rolando Marpaung, “Perlindungan Hukum Terhadap Narapidana Wanita Di Lembaga Pemasyarakatan Wanita Kelas II A Tanjung Gusta Medan”, *Jurnal Teknologi Kesehatan Dan Ilmu Sosial (Tekesnos)*, vol. 3, no. 1,(2021),p 220-228, <https://doi.org/10.46930/JURNALRECTUM.V3I2.1178>

towards female prisoners, who often receive greater negative stigma from society. Empirical findings show that women who have served prison sentences are usually the target of social discrimination, including stereotyping, rejection in social interactions, and unequal access to employment, particularly in the formal sector.¹³

Female prisoners in Indonesia are a minority group, accounting for around 5% of the total prison population. However, the number of female prisoners continues to increase, mainly due to drug abuse cases. According to data from the Directorate General of Corrections, in 2025, there will be 10,071 female prisoners out of 217,936 adult prisoners in Indonesia.¹⁴ Currently, there are 33 correctional institutions specifically for women, but in some areas, female prisoners are still placed in general prisons where the majority of inmates are male.¹⁵ Currently, women's prisons in Indonesia face several serious problems, one of which is overcrowding. The Data and Information Center of the Ministry of Immigration and Corrections released data showing that prisons with a capacity of only 146,260 people are now inhabited by around 281,762 prisoners, resulting in overcrowding of nearly 93%. In women's prisons, overcrowding reaches 2,200 people out of a total of 10,867 people, or around 30%.¹⁶ In addition, many female prisoners experience undiagnosed mental health problems that do not receive the necessary treatment.¹⁷ Feelings of guilt for not being able to fulfil their

¹³ Alfjuneputra Vieto Tubu Tinenti, *et.al.*, "Rekonstruksi Sistem Pemasyarakatan Perempuan di Indonesia dalam Analisis Legal Feminist Theory", *COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat*, vol. 4, no. 9, (2025), p. 2998-3009. <https://doi.org/10.59141/comserva.v4i9.2806>

¹⁴ Sistem Database Pemasyarakatan (SDP) Publik, "Jumlah Penghuni Lembaga Pemasyarakatan (Lapas), Rumah Tahanan Negara (Rutan), Lembaga Pembinaan Khusus Anak (LPKA), Lembaga Pemasyarakatan Perempuan (LPP)", <https://sdppublik.ditjenpas.go.id/analisa/jumlah-penghuni>, accessed 22 Apr 2025.

¹⁵ *Ibid.*,

¹⁶ Audrey Santoso, "Kondisi Overcapacity Lapas dan Rutan di Indonesia Mencapai 93%", https://news.detik.com/berita/d-8056099/kondisi-overcapacity-lapas-hingga-rutan-di-indonesia-capai-93-persen?utm_source, accessed 12 Sep 2025.

¹⁷ Mitro Subroto dan Gilbert Christoffel, "Analisis Kebutuhan Narapidana Perempuan Sebagai Kelompok Rentan di Lembaga Pemasyarakatan", *Ensiklopedia Social Review*, vol. 6, no. 3, (2024), p 61-66. <https://doi.org/10.33559/esr.v6i3.1096>

roles as mothers or wives are one of the causes of mental stress for them.

Type of Facility	Number of Inmates Women	Percentage
Correctional Institution Women (LPP)	5.482	54%
Correctional Institution (Lapas)	2.990	29%
State Detention Center(Rutan)	1.569	15%
Special Rehabilitation Institution for Children (LPKA)	30	0,2%
TOTAL	10.071	100%

Source: <https://sdppublik.ditjenpas.go.id/analisa/jumlah-penghuni>

The distribution of 10,071 female prisoners across various correctional facilities shows a pattern of varied placement. Although the Women's Correctional Institution (LPP) is the central facility, housing nearly half of the prisoners (54% or 5,482 people), many female prisoners are also placed in Correctional Institutions (Lapas), which house 29% of the total (2,990 people), and State Detention Centers (Rutan), which house 15% (1,569 people). This shows that not all female prisoners are placed in women's correctional institutions. In addition, the number of female prisoners in Special Child Guidance Institutions (LPKA) is minimal, only 0.2% (30 people), indicating the low involvement of girls in crime.

A press release from the National Commission on Violence against Women (Komnas Perempuan) in the context of Corrections Day 2025 highlighted the crucial conditions of female prisoners and detainees. Data shows that despite the existence of special facilities such as Women's Correctional Institutions, most female prisoners still face various challenges. The main problems include overcapacity, gender-unresponsive facilities, and limited access to reproductive and mental health services. Furthermore, cases of gender-based violence, including sexual violence and torture, still occur within the correctional system. Reports from the National Commission on Violence against Women and the National Human Rights Commission indicate alleged human rights violations, including torture and inhumane treatment of women

sentenced to death.¹⁸ Then, in 2024, the National Commission on Violence against Women recorded 106 reports of violence against women in conflict with the law, with 15 cases specifically related to sexual violence and torture during the investigation process. Komnas Perempuan urged the government to take decisive action in response to this situation. The main recommendation was to use Corrections Day as a momentum to end violence against women in correctional facilities. Komnas Perempuan recommends that the government ratifies the Optional Protocol to the Convention Against Torture (OPCAT) and adopt the universal Bangkok Rules as guidelines for the treatment of female prisoners, to ensure better protection and enforcement of human rights in correctional facilities.¹⁹

Facilities in women's prisons are also far from adequate, especially in relation to women's specific needs, such as access to sanitary pads, facilities for pregnant women, childbirth, and breastfeeding. The availability of clean water is also a problem in some prisons, so that the basic needs of female prisoners are often not adequately fulfilled²⁰ Furthermore, access to health services, both physical and mental, is still inadequate.²¹ Therefore, systemic improvements and comprehensive protection of the specific rights of female prisoners are needed to ensure justice and the fulfilment of their human rights within the Indonesian correctional system.²² Therefore, systemic improvements

¹⁸ Komnas Perempuan, "Laporan Pemantauan Situasi Perempuan Terpidana Mati Lembaga Pemasyarakatan Perempuan" <https://komnasperempuan.go.id/laporan-pemantauan-ham-detail/laporan-pemantauan-situasi-perempuan-terpidana-mati-di-lembaga-pemasyarakatan-perempuan-lpp> accessed 15 Jun 2025

¹⁹ Komnas Perempuan, "Siaran Pers Komnas Perempuan Memperingati Hari Pemasyarakatan 2025", <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-memperingati-hari-pemasyarakatan>, accessed 22 Apr 2025.

²⁰ Mitro Subroto, dan Jehan Aidil Ruwanda, "Pemenuhan Pelayanan Kesehatan Narapidana Perempuan Hamil dan Menyusui didalam Lembaga Pemasyarakatan", *Innovative: Journal Of Social Science Research* vol 4, no. 5 (2024). hlm. 3857-3864. <https://doi.org/10.31004/innovative.v4i5.15277>

²¹ Ketut Ria Agustini, *et.al*, "Problematisasi Lembaga Pemasyarakatan Dalam Pemenuhan Hak Mendapatkan Pelayanan Kesehatan di Lapas Perempuan Kelas IIA Kerobokan", *Jurnal Sosial Politik, Pemerintahan dan Hukum*, vol.2, no.2(2023), p.17-21, <https://doi.org/10.59818/jps.v2i2.584>

²² Restu Sugestiawan Sembiring dan Mitro Subroto, "Pemenuhan Hak Narapidana Perempuan: Implementasi Bangkok Rules dalam Lembaga Pemasyarakatan", *Jurnal Intelektualita: Keislaman, Sosial, dan Sains*, vol. 12, no.2,(2023), p.153-156, <https://doi.org/10.19109/intelektualita.v12i002.19689>

and protection of the specific rights of female prisoners are urgently needed to ensure justice and the fulfilment of their human rights within the Indonesian correctional system. Based on the above description, the issues are: what is the gap between legal norms and correctional practices related to the protection of human rights for female prisoners? and how are human rights protections for female prisoners constructed within the penitentiary system?

Research Method

This study uses a normative legal research method and is supported by empirical data. A normative approach is used to analyze the issue of fulfilling the human rights of female prisoners. Two main approaches are used:

1. *Statute Approach*: This approach examines various legal regulations related to the human rights of female prisoners, ranging from the constitution to national and international laws. The analysis is conducted to identify the existence, relevance, and consistency of legal norms that regulate their rights.
2. *Theoretical Approach*: This approach uses various legal and human rights theories, such as gender justice theory, feminist theory in law, and universal human rights principles. These theories serve as analytical tools to evaluate whether existing regulations and practices are in accordance with the principles of justice and humanity.

Empirical data to support this research were collected through interviews with two female inmates at the Bandar Lampung Class IIA Women's Prison and one officer at the Bandar Lampung Class IIA Women's Prison. The collected data will be analyzed using descriptive qualitative methods. This analysis is prescriptive in nature, meaning that it describes the existing conditions and formulates recommendations or normative solutions to overcome the problems. In other words, this study will offer guidelines or legal prescriptions that can be applied to improve the correctional system. The structure of this paper will be divided into several sections to provide a clear and focused overview

for readers. After this introduction, the discussion will begin with an overview of the conditions of female prisoners in Indonesia, including the latest data and the factual problems they face.

Next, this article will analyse the legal basis for the protection of the human rights of female prisoners, including national regulations (such as the Correctional Law) and international instruments (such as the Bangkok Rules and Nelson Mandela Rules). The following section will focus on an in-depth analysis of three main aspects: the fulfilment of biological, psychological, and social rights. Each element will be discussed in detail, along with the implementation challenges. Finally, this article will present concrete and strategic policy recommendations for formulating a correctional system that is fair, inclusive, and gender-responsive.

Results and Discussion

1. Existing Conditions of Female Prisoners in Indonesia

The fulfilment of human rights for female prisoners is an essential aspect of the criminal justice system that is often overlooked in discussions about public policy. Although there are various international legal instruments, such as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules, that specifically regulate the protection of the rights of female prisoners,²³ Their implementation in practical field experience still faces various complex challenges. Female prisoners have specific needs that differ from those of male prisoners, including reproductive health needs, protection from violence and discrimination, facilities for pregnant and breastfeeding women, and gender-sensitive rehabilitation programs.

The following presents trends in the number of female prisoners in Indonesia (2021-2025)

²³ John Kleinig, *"Prisoners' Rights United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok Rules)"*, (USA: Routledge 2014), p.457.



Source: https://sdppublik.ditjenpas.go.id/#chart_statistic-panel

Based on the graph shown, the trend in the number of female prisoners in Indonesia during the 2021-2025 period shows a rather interesting and complex pattern. In 2021, the number of female prisoners was recorded at around 10,650, then experienced a significant decline in 2022 to around 10,330. This downward trend continued until 2023, with the number of female prisoners reaching a low point of approximately 10,040. However, the situation changed drastically starting in 2024 when there was a sharp decline to a low point of roughly 9,750. The most striking thing was the surge, which will be very significant in 2025, when the number of female prisoners will increase dramatically to around 10,900, even exceeding the figure for 2021 based on the Public Correctional Database System (SDP) of the Directorate General of Corrections.²⁴ This pattern shows quite extreme fluctuations, especially with a drastic decline in 2024 followed by a very sharp increase in 2025, indicating the possibility of policy changes, socio-economic factors, or specific events affecting the criminal justice system in Indonesia.

²⁴ Sistem Database Pemasyarakatan (SDP) Publik, “Jumlah Penghuni”, <https://sdppublik.ditjenpas.go.id/diakses>, accessed 31 Jul 2025.

Criminal Offence Classification Data

	Type of Prisoner	Narapidana			Total
	Age Classification	Minors	Adult	Elderly	
Criminal Classification					
Special Crimes			5,164	2	5,166
General Crimes		33	5,414	4	5,451
Total		33	10,578	6	10,617

Source: https://sdppublik.ditjenpas.go.id/dwb/kelasifikasi_tindak_pidana

Based on the table above, it is known that the distribution of female prisoners throughout Indonesia is 10,617. The types of crimes committed by female prisoners are dominated by general crimes, namely 5,451 people, with details of 5,414 adult prisoners, four older adults, and 33 children. Meanwhile, the total number of special crimes is 5,166 people, consisting of 5,164 adult prisoners and two elderly prisoners. The types of general crimes committed by female prisoners are dominated by economic crimes, namely embezzlement, theft, and fraud. Meanwhile, special crimes are dominated by narcotics crimes, amounting to 4,417 people.²⁵

Although the number of female prisoners in Indonesia is relatively small, at around 4.8%,²⁶ It is much smaller than the total prison population. The fact that they are a minority does not mean that attention to them can be ignored. Precisely because of their minority status, female prisoners often face various vulnerabilities and limitations in a correctional system that is designed to fulfill the needs of male prisoners.

2. Human Rights Protection Gaps for Female Prisoners in Indonesia

The fulfilment of human rights for female prisoners is an important issue that is often overlooked in the correctional system in Indonesia. In fact, Article 28I section (1) of the Constitution of the Republic of Indonesia of 1945, it is emphasized that the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be

²⁵ Sistem Database Pemasyarakatan (SDP) Publik, "Jumlah Penghuni", <https://sdppublik.ditjenpas.go.id/diakses>, accessed 20 Sep 2025.

²⁶ *Ibid.*,

prosecuted under retroactive laws are human rights that cannot be diminished under any circumstances.²⁷ This principle should be the basis for treating every citizen, including female prisoners. However, in reality, female prisoners face various complex problems and inequalities.

One of the main gaps faced by female prisoners is the failure to meet their specific biological needs, such as access to reproductive health care, personal hygiene supplies (sanitary pads), and maternal and child health services for prisoners who are pregnant or breastfeeding. In this context, correctional institutions often cannot provide adequate and sustainable services. However, Law No. 22 of 2022 on Corrections, Article 9(d), states that every prisoner has the right to adequate health care and food. If these basic needs are not met, then the state has failed to guarantee the protection of the fundamental rights of women who are serving prison sentences.²⁸

The fulfilment of female prisoners' biological rights is an essential part of fair rehabilitation. The Bangkok Rules explicitly demand the availability of equal reproductive health services, including gynaecological examinations, sanitary pads, and menopause treatment (Rules 5, 10, and 18). When pregnant and giving birth, they are entitled to adequate prenatal and postnatal services. Safe delivery facilities and support for breastfeeding and childcare must be provided. Nutrition must also be considered, with the Bangkok Rules (Rule 48) recommending foods that prevent anaemia and other diseases. Regular check-ups for diseases specific to women, such as cervical and breast cancer, must also be facilitated, as access to essential medicines is their fundamental right.²⁹

²⁷ Novriyanti Manulang, Firdaus, dan Zulwismar, "Analisis perwujudan jaminan dan perlindungan hukum negara atas kebebasan beragama dan beribadat dalam perspektif Pasal 28e Undang-Undang Dasar Tahun 1945", *Jurnal Ilmiah Wabana Pendidikan*, vol 10, no. 16 (2024), hlm. 637-648, <https://doi.org/10.5281/zenodo.13764919>

²⁸ Ni Putu Rai Yulianti, dan Dewa Gede Sudika Mangku. "Penerapan Pasal 9 Huruf (D) Undang-Undang Nomor 22 Tahun 2022 Terkait Hak Pelayanan Kesehatan Dan Makanan Yang Layak Di Lapas Kelas Ii B Singaraja." *Jurnal Ilmu Hukum Sui Generis* vol 3, no. 2 (2023). p. 126-136, <https://doi.org/10.23887/jih.v3i2.2599>

²⁹ Herlina Ramadhani, dan Zulhas' ari Mustafa, "Pemenuhan Hak Narapidana Ibu Menyusui Di Lembaga Permasayarakatan Kelas Iia Sungguminasa." *Shautuna:*

From a psychological perspective, female prisoners often experience higher levels of mental stress than male prisoners. Many of them have experienced trauma due to sexual violence or domestic violence before entering prison, and the situation in prison only worsens their mental condition. The lack of psychological counsellors and adequate counselling services poses a particular challenge. In fact, Article 60 Section (2) letter a of Law Number 22 of 2022 concerning Corrections stipulates that inmates have the right to health care, including mental health care.³⁰ Violations of this right will undoubtedly fail in the social rehabilitation process, which is the main objective of corrections. From a social perspective, female inmates also face strong stigma and discrimination from society, especially for those who adhere to conservative gender norms.³¹ Women serving prison sentences are often viewed more negatively than men, making their social reintegration process much more difficult. In patriarchal societies, women involved in legal cases are usually considered to have violated double standards, not only breaking the law but also norms of decency and morality.³² As a result, they are ostracised even by their own families. This situation shows that fulfilling the human rights of female prisoners is not enough conducted only in prisons. Still, it must also be supported by fair and inclusive social reintegration policies. Law No. 39 of 1999 on Human Rights in Article 17 emphasizes that everyone has the right not to be treated discriminatorily on any basis, including gender.³³

Female prisoners arrive at correctional institutions carrying a heavy psychological burden. Many of them were victims of gender-

Jurnal Ilmiah Mahasiswa Perbandingan Mazhab (2023), p. 29-41, <https://doi.org/10.24252/shautuna.vi.29928>

³⁰ Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan, Pasal 60 Ayat(2) huruf a.

³¹ Wanda Fitri, "Perempuan dan Perilaku Kriminalitas: Studi Kritis Peran Stigma Sosial Pada Kasus Residivis Perempuan", *Kafaah: Journal of Gender Studies*, Vol. 7, No. 1, (2017), p. 67-78, <http://dx.doi.org/10.15548/jk.v7i1.155>

³² Nur Amelia Sari, dan Nurul Ilmi Idrus. "Double Standard dan "Open Minded": Stigma Terhadap Social Justice Warrior pada Isu Feminisme di Twitter", *Emik* vol 6, no. 2 (2023).p. 173-197, <https://doi.org/10.46918/emik.v6i2.2050>

³³ Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia, Pasal 17.

based violence before being sentenced,³⁴ Yet access to mental and psychological health programs is still minimal. For example, at the Class IIA Correctional Institution in Bandar Lampung, there are no counsellors or psychologists, even though there is one pregnant woman in the institution who is prone to hormonal instability, causing anxiety and excessive emotions. This prison also has five inmates with children, some of whom are single parents after being abandoned by their partners, which certainly has an impact on their mental health.³⁵ Therefore, the correctional system must provide comprehensive trauma treatment services. The Bangkok Rules (Rules 12 and 16) emphasize the need for trauma rehabilitation services for female prisoners.³⁶

Several issues, such as postpartum depression, feelings of loneliness, feelings of oppression due to prison rules, anxiety, desire for freedom, treatment from other prisoners, and social stigma, have an impact on mental health disorders commonly experienced by female prisoners in Indonesia.³⁷ Penal Reform International research shows that many female prisoners suffer from untreated mental disorders, indicating the weakness of the psychological support system. In addition to recovery, psychological empowerment programs are also crucial. These programs aim to increase self-esteem and mental resilience, and help prisoners redefine their identities as productive individuals. These efforts have effectively reduced recidivism rates and accelerated reintegration into society. As they approach their release, female prisoners need support to overcome anxiety and stigma, as well as to strengthen their relationships with their families. Psychosocial-based transition programs are urgently required as recommended in the Bangkok Rules (Rule 46).³⁸

³⁴ M. Nur Eka Firdaus, "Restorative Justice Dalam Kekerasan Dalam Rumah Tangga Pada Tingkat Penuntutan", *Jurnal Ilmu Hukum: ALETHEA* vol 7, no. 2 (2024). p. 79-96, <https://doi.org/10.24246/alethea.vol7.no2.p79-96>

³⁵ Interview results with female inmates at Class II A Prison Bandar Lampung.

³⁶ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), Rule 12 dan 16.

³⁷ Indriono Hadi, *et al.*, "Anxiety Levels of Female Prisoners in Kendari Prison using the Taylor Manifest Anxiety Scale (TMAS) Questionnaire", *Health Information: Jurnal Penelitian*, vol. 10, no.2, (2018), p.23-27, <https://doi.org/10.36990/hijp.v10i2.81>

³⁸ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), Rule 46.

Law No. 22 of 2022 on Corrections, Article 38, emphasizes that prisoner guidance includes personality development and independence training.³⁹ However, in practice, the rehabilitation programs received by female prisoners are less varied than those for male prisoners, particularly independence training programs, so that rehabilitation does not work optimally because it does not match the interests and talents of female prisoners.⁴⁰

The issue of stigma and gender discrimination also needs to be addressed seriously. Many female prisoners experience a "double stigma" as women and as lawbreakers. Feminist perspectives highlight that female prisoners are often perceived as having failed to fulfil traditional gender roles, such as maintaining the morality of the family or community. This perception reinforces social stigma that affects not only them individually but also their families and the loved ones. This indicates that the law and social culture tend not to recognize female prisoners as autonomous individuals, but rather as representatives of normative gender role expectations.

The lack of concrete implementation of these norms demonstrates the weak political will to ensure gender-based justice in the correctional system. In addition, the legal system and sentencing policies in Indonesia are often insensitive to the backgrounds of women committing crimes. Many women are sentenced to prison even though they committed crimes under duress, such as due to economic pressure or as victims of violence.⁴¹

The concept of gender-responsive justice is still rarely applied. The National Commission on Violence against Women (Komnas Perempuan) has recorded various cases of women who have been caught up in the law for defending themselves from domestic violence or as victims of exploitation.⁴² Some were even forced to acknowledge

³⁹ Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan, Pasal 38.

⁴⁰ Yulius Andrian Rohi, *et.al.*, "Bentuk Pembinaan dan Hambatan-Hambatan yang dialami Lembaga Pemasyarakatan Perempuan dalam Pembinaan Narapidana Perempuan", *Jurnal Hukum Bisnis*, vol.13,no.1,(2024),p.1-6, <https://doi.org/10.47709/hukumbisnis.v13i01.3324>

⁴¹ Results of interviews with female inmates at Class II A Prison in Bandar Lampung.

⁴² Catatan Tahunan Tentang Kekerasan Terhadap Perempuan, *Korban Bersuara, Data Bicara, Sabkan Runtuh Penghapusan Kekerasan Seksual Sebagai Wujud Komitmen Negara*, (Jakarta: Komnas Perempuan, 2019). p. 15.

the crimes actually committed by partners as a result of pressure and power imbalances.⁴³

Article 61 of Law Number 22 of 2022 concerning Corrections clearly recognizes that vulnerable groups, such as women, must receive special treatment in the correctional process in correctional institutions. This statement provides a strong legal basis for ensuring that female prisoners are treated differently. However, in reality, vulnerable women experience discrimination and treatment that is not in line with their specific needs. This discrimination can be seen in various forms, ranging from acts of violence committed by prison officers,⁴⁴ Overcrowding and the unavailability of women's prisons in several regions result in female prisoners being forced to be placed in general jails that do not have facilities that support their reproductive health needs or correctional programs that are tailored to the specific needs of women.⁴⁵

Reproductive health services for women, such as health care for pregnant and breastfeeding women, are often unavailable or very limited. Research conducted by the Centerfor Detention Studies (CDS) found that many prisons do not have doctors, let alone obstetricians, to provide medical examinations for pregnant women.⁴⁶ Many women's prisons lack basic facilities such as clean water, nutritious food, and adequate sleeping quarters.⁴⁷ In addition, the lack of training for prison staff on gender issues means that they do not understand the specific needs of female prisoners. It is even known that there are still male

⁴³ Results of interviews with female inmates at Class IIA Correctional Institution Bandar Lampung.

⁴⁴ Alfjuneputra Vieto Tubu Tinenti, *Op.Cit.*,

⁴⁵ Elhana Theodora Simanungkalit, *et.al.*, "Implementasi Layanan Kesehatan Reproduksi bagi Narapidana Perempuan di Lembaga Pemasyarakatan Perempuan Kelas IIA Bandung", *Viva Medika:Jurnal Kesehatan, Kebidanan, dan Keperawatan*, Vol. 7, No. 1,(2024) p. 98-105, <https://doi.org/10.35960/vm.v17i1.1344>

⁴⁶ Center For detention Studies, "Women in Detention: Memahami Hak dan Tanggung Jawab Negara", <https://cds.or.id/women-in-detention-memahami-hak-dan-tanggung-jawab-negara/>, accessed 22 Jul 2025

⁴⁷ Andi Talitha Mirdana Imasti, dan Mitro Subroto, "Dampak Overcrowded bagi Kesehatan Narapidana Wanita Hamil di Lapas", *Jurnal Intelektualita: Keislaman, Sosial dan Sains*, vol. 12, no. 02, (2023),p.492-497.<https://doi.org/10.19109/intelektualita.v12i002.19836>

correctional officers who are tasked with guiding female prisoners,⁴⁸ This gender difference has an impact on the lack of sensitivity and awareness of women's gender needs. Discriminatory treatment or a lack of attention to gender by prison officers can worsen the mental condition of female prisoners. Another challenge is the weak supervision and evaluation of the implementation of correctional policies, which has led to rampant corruption, abuse of authority, and low transparency in the management of prisoners.⁴⁹

A gender-based approach to correctional services is essential to ensure justice and respect for human rights. From a gender perspective, it plays a vital role in identifying and addressing systemic discrimination experienced by female prisoners. In the context of human rights, this approach is also in line with universal principles such as non-discrimination, gender equality, and respect for human dignity. Prisoners, regardless of gender, are entitled to fair and dignified treatment that is appropriate to their specific needs. To realize human rights for female prisoners, more inclusive and gender-sensitive policies are needed.

3. The Construction of Human Rights Protection for Female Prisoners

The Commemoration of Correctional Day by Komnas Perempuan on April 27, 2023, focused on the importance of realizing a correctional system that is friendly to women and children and has a gender-sensitive approach. The press release highlighted the strategic role of correctional institutions in handling cases of violence against women. However, major challenges remain, particularly the significant overcrowding in prisons and the special needs of vulnerable prisoners, such as children, pregnant women, people with disabilities, and the elderly, which have not been fully met. Nevertheless, Komnas Perempuan appreciates the issuance of Law No. 22 of 2022, allowing children to remain with their mothers in prison until the age of three. Overall, this press release shows that despite progress,

⁴⁸ Results of an interview with the Head of Prisoner/Student Guidance at the Class IIA Correctional Institution in Bandar Lampung.

⁴⁹ Kintan Tamara Kinski Nadapdap, "Peran Negara dalam Mengawasi Program Pemidanaan: Analisis Studi atas Implementasi di Lembaga Pemasyarakatan", *Jurnal Ilmu Hukum*, Vol. 2, No. 3, (2025), p. 9-12. <https://doi.org/10.62017/syariah>

improvement efforts are still urgently needed to ensure that the correctional system can function more just and humanely.⁵⁰

The protection of human rights for female prisoners is a fundamental aspect of realizing a correctional system based on gender justice. This view aligns with the sociological perspective that highlights the importance of gender equality in all aspects of life, including the penitentiary system. Judith Butler, a leading figure in gender studies, states that gender identity is a social construct shaping how individuals are treated in society.⁵¹ The complexity of the problems faced by female prisoners cannot be equated with those experienced by male prisoners, as there are differences in biological, psychological, and social aspects.

Human Rights of Female Prisoners in Reproductive Functions

Reproductive rights are part of internationally recognized human rights. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) emphasizes the importance of women's access to health services, including during their reproductive years. Article 12 of CEDAW states that, without prejudice to section 1 of this article, States Parties shall ensure that women have access to adequate services in connection with pregnancy, childbirth and the postnatal period, as well as nutrition during pregnancy and lactation.⁵²

Reproductive rights are one of the fundamental aspects of women's human rights that must not be neglected, including when women are in correctional institutions. Law No. 39 of 1999 on Human Rights, Article 49 section (2), stipulates that "women have the right to receive special protection in the performance of their work or profession against matters that may threaten their safety and/or health

⁵⁰ Komnas Perempuan, "Siaran Pers Komnas Perempuan Memperingati Hari Pemasyarakatan", https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-memperingati-hari-pemasyarakatan?utm_source=, accessed 15 Jul 2025

⁵¹ Poluan, J. C., Antow, D. T., & Gerungan, L. K., "Analisis Yuridis Reintegrasi Sosial Dalam Sistem Pemasyarakatan Berdasarkan Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan", *Lex Privatum*, vol.14, no.2, (2024), p. 1-12. <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/issu/view/3873>.

⁵² Shanti Ayu Prawitasari dan Petrus Putut P.W, *Regulasi Narapidana Perempuan*, (Yogyakarta: Jejak Pustaka Indonesia ,2025), p. 58.

concerning female reproductive functions."⁵³ This right does not disappear when women are undergoing rehabilitation in correctional institutions, as referred to in Law Number 22 of 2022 concerning Corrections, Article 3 letter g, guaranting that loss of freedom is the only suffering experienced by prisoners.

The Bangkok Rules (Rule 10 section (1)) comprehensively regulate the reproductive rights of female prisoners by stating that *"gender-specific healthcare services at least equivalent to those available in the community shall be provided to women prisoners."* The Bangkok Rules (Rule 10 section (2)) more states explicitly that *"if a woman prisoner requests that she be examined or treated, she shall be examined and treated by a woman physician or nurse, except where specialist medical intervention by a male medical practitioner is required. If a woman prisoner is examined by a male medical practitioner, a woman staff member shall be present."* The implementation of this right in correctional institutions in Indonesia is reflected in the provision of free sanitary napkins during menstruation, routine health checks taking into account women's reproductive cycles, and access to comprehensive reproductive health services.⁵⁴

The Bangkok Rules (Rule 5) specifically state that female detention facilities must provide free hygiene facilities such as sanitary napkins and clean water for women, especially menstruating, pregnant, or breastfeeding. In this context, fulfilling personal hygiene rights also becomes part of the right to health guaranteed in the Nelson Mandela Rules, stipulating that health care standards in prisons must be the same as those in the general community (Rule 24). Furthermore, the Bangkok Rules also require health services addressing the reproductive health needs of female prisoners, including pregnancy history and sexual violence trauma (Rules 6 and 10).

Women's rights during their reproductive years must be realized in practice through the provision of adequate facilities. This includes the

⁵³ Renda Hizanatul Ulumi, dan Any Suryani Hamzah, "Perlindungan Hukum Terhadap Tenaga Kerja Wanita Harian Lepas: Studi Kasus PT. Rinjani Tirta Abadi Di Desa Aik Berik", *Private Law* vol. 2, no. 2, (2022). p.416-424. <https://doi.org/10.29303/prlw.v2i2.1173>

⁵⁴ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), Rule 10 ayat one dan 2.

provision of free sanitary pads for those who are menstruating,⁵⁵ antenatal services for pregnant women, and safe and proper childbirth and postnatal services. The hospital where prisoners give birth is a government hospital collaborating with the BPJS Health service.⁵⁶ The problem is that not all prisoners have BPJS services. Therefore, in the future, the government, through the Correctional Institution, is obliged to collaborate with the local BPJS so that prisoners do not have to bear the burden of caring for this themselves.

In addition, increasing the capacity of medical personnel and prison officers, as well as cooperation and partnerships between various parties, can be strategic steps in supporting the overall health of female prisoners.⁵⁷ Officers need to be equipped with knowledge about gender and age-based justice and the skills to apply appropriate rehabilitative approaches. This training can cover how to treat female prisoners with sensitivity to reproductive health issues, fulfil the rights of pregnant and postpartum women, and provide psychological support to prisoners' children.⁵⁸

Fulfilling the reproductive rights of female prisoners reflects the state's commitment to implementing a humane, fair, and civilized correctional system, in line with the values of the Second Principle of Pancasila. These reproductive rights are not only part of human rights, but also reflect the recognition of women's biological needs and dignity as whole individuals.

⁵⁵ Results of interviews with female inmates at Class IIA Correctional Institution Bandar Lampung.

⁵⁶ Interview results with the Head of Prisoner/Student Guidance at Class IIA Correctional Institution Bandar Lampung.

⁵⁷ Alisya Salsa Bila dan Mitro Subroto, "Kesehatan Reproduksi Dan Kehamilan Bagi Narapidana Perempuan: Tinjauan Terhadap Akses, Tantangan, Dan Upaya Peningkatan Kesejahteraan", *Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik, Dan Humaniora*, vol. 7, no. 3, (2023), p. 809-813, <https://doi.org.10.31604/ji.v7i3.2023.809-813>

⁵⁸ Desy Kristiani Rahma Putri, *et.al.*, "Peran Lembaga Pemasyarakatan dalam Memenuhi Hak Narapidana Perempuan Hamil dan Pasca Melahirkan", *Jurnal Konstruksi Hukum*, Vol. 3, No. 1, (2022), p. 125-129, <https://doi.org.10.22225/jkh.3.1.4246.125-129>

Human Rights of Female Prisoners in Domestic Roles

Female prisoners performing domestic roles, particularly their natural role as mothers, still have fundamental rights to carry out their maternal responsibilities, including the right to care for, breastfeed, and accompany their children during the early stages of their lives. This provision is legally confirmed in Article 62 of Law Number 22 of 2022 concerning Corrections, stating that children of female prisoners or detainees brought into detention centers or prisons, or who are born in prisons, can stay with their mothers for up to 3 (three) years.⁵⁹ This provision emphasizes an approach that prioritizes the child's best interests in the correctional system. This is conducted by ensuring that children receive love and care from their biological mothers during critical phases of their growth and development. This not only protects the rights of children but also supports the mental health of female prisoners, who often experience severe stress due to separation from their children. In the context of justice-based and humane correctional systems, the presence of children alongside their mothers can also encourage a more effective rehabilitation process because the role of mothers motivates female prisoners to maintain good behavior and actively participate in rehabilitation programs.

The above provision is reinforced by Article 11, section (1), letter c of Law Number 4 of 2024 concerning the Welfare of Mothers and Children in the First Thousand Days of Life. This article emphasizes that children have the right to receive exclusive breastfeeding from birth until 6 months, followed by breastfeeding and complementary foods until the age of 2 years, unless there are medical reasons. This right is directly related to the mother's right to breastfeed and provide complete care during the critical early stages of a child's development. In line with this, the Bangkok Rules (Rule 48 section (2)) explicitly state that female prisoners should not be prevented from breastfeeding their children, unless there are valid health reasons.

Correctional institutions must provide facilities that support the optimal fulfilment of these rights, including proper lactation rooms, safe and educational playrooms for children, child health services equivalent to community service standards, and access to nutritious food for

⁵⁹ Ingrid Angelina Lukito Arif, dan Evi Retno Wulan, "Pembatasan Usia Terhadap Perlindungan Hukum Dari Anak Narapidana Perempuan", *Iblam Law Review* vol. 4, no. 1, (2024). p.527-537. <https://doi.org/10.52249/ilr.v4i1.322>

breastfeeding mothers and their children. Nutrition facilities in women's correctional institutions are critical. Correctional institutions collaborate with health institutions such as community health centers to provide nutritious complementary foods (MPASI), vitamins, and immunizations for toddlers in correctional institutions.⁶⁰

Efforts to fulfil the rights of mothers and children in prisons are not only aimed at protecting rights, but also at ensuring that children living with their mothers in correctional institutions continue to feel safe and comfortable. This is stated in the Bangkok Rules (Rule 49), explaining that the decision to allow children to live with their mothers in prison must be based on the best interests of the child. Children living in jail with their mothers should not be treated as prisoners. The stigma against these children must be eliminated through a supportive parenting approach, both for children accompanying their mothers in prison and children living outside. For children who do not live in prison, a long-distance parenting system needs to be facilitated with support for visits, communication services, and adequate psychosocial support. This is important so that the maternal role is maintained and the emotional bond between mother and child is not severed.⁶¹ One of the efforts is through long-distance communication, such as video calls and prison telephone booths.⁶²

The Bangkok Rules (Rule 26) emphasize that correctional institutions should encourage and facilitate various forms of interaction between female prisoners and their families, children, guardians, and legal representatives of children, as long as it is within reasonable limits. This reflects the view that physical separation due to imprisonment should not completely sever the emotional and social ties between mothers and their children. These bonds are an essential part of a woman's identity as an individual and mother. In the context of gender-

⁶⁰ Results of an interview with the Head of Prisoner/Student Guidance at the Class IIA Correctional Institution in Bandar Lampung.

⁶¹ Bianca Agnetha, dan Irma Cahyaningtyas, "Perlindungan hukum bagi anak yang lahir di penjara dalam perspektif hak asasi manusia", *Jurnal USM Law Review* vol 5, no. 2, (2022), p.593-605, <https://doi.org/10.26623/julr.v5i2.5723>

⁶² Interview results with the Head of Prisoner/Student Guidance at Class IIA Correctional Institution Bandar Lampung.

responsive corrections,⁶³ Maintaining relationships with family not only positively impacts the psychological well-being of prisoners but also serves as an essential factor in the process of social reintegration. Visits from children and family can encourage female prisoners to participate more actively and sincerely in rehabilitation programs, as they are motivated to improve themselves to return to their family environment. In addition, maintaining good relationships will also reduce the negative psychological impact on children who are left behind, who are at risk of experiencing trauma due to long-term separation from their mother.⁶⁴

The Bangkok Rules (Rule 28) emphasize the importance of visits involving children in an environment that supports positive and meaningful interaction between mothers and children. This involves physical aspects, such as providing child-friendly visiting rooms, and the attitudes and training of correctional facility staff accompanying the visitation process. Correctional facility staff must be sensitive to the emotional dynamics between female prisoners and their children. They must not treat visits as mere administrative activities, but rather as relational events that require warmth and an empathetic approach. With safe, clean, comfortable visiting rooms equipped with facilities such as play areas, children will feel more relaxed and less stressed while interacting with their mothers. This also helps preventing children from forming negative perceptions of correctional institutions and supports the understanding that their mothers still have a role in the parenting process even while serving their sentences. Overall, this provision reflects that a gender-responsive and child-friendly correctional system is part of fulfilling human rights that cannot be postponed.

Human Rights of Female Prisoners from Discrimination and Violence

Law No. 22 of 2022 on Corrections in Article 3 letter g affirms that "loss of freedom is the only punishment," which means that other

⁶³ Risni Jukeni Yuhan, "Keadilan dan Kesetaraan Gender: Pilar Kesehatan Mental Keluarga", <https://nasyiah.or.id/Berita/baca/540/Keadilan-dan-Kesetaraan-Gender-Pilar-Kesehatan-Mental-Keluarga.html>, accessed 25 Jul 2025

⁶⁴ Patricia J. J. Thomson and Nancy J Harm, "Parenting from prison: helping children and mothers", *Comprehensive Child and Adolescent Nursing: Building Evidence for Practice*, vol.23, no.2, (2009), p.61-81, <https://doi.org/10.1080/014608600 50121402>

fundamental rights must remain guaranteed and protected during rehabilitation.⁶⁵ Female prisoners, especially those who have a history of being victims of physical, psychological, and sexual violence, are entitled to complete protection from all forms of discrimination and violence while in prison. This protection is not only a moral obligation, but also a constitutional mandate as stipulated in Law No. 39 of 1999 on Human Rights, where Article 3 section (2) emphasizes that everyone has the right to recognition, guarantees, protection, and certainty of fair legal treatment and equal treatment before the law.⁶⁶

This provision states that the state must protect all citizens, including prisoners, without distinguishing their legal status, gender, or social background. This is important considering that many women in prison are victims of violence, and the criminal proceedings they undergo are prone to not breaking the chain of violence they have long experienced, and sometimes even exacerbate it. Data from the National Commission on Violence against Women (Komnas Perempuan) reveals that female prisoners are vulnerable to violence, including physical violence such as rape by prison officials.⁶⁷

Protection for female prisoners and female detainees from sexual violence and torture is mandated by the constitution and specifically regulated in Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) and Law No. 5 of 1998 concerning the Ratification of the Convention against Torture, Cruel or Inhuman Treatment or Punishment. Meanwhile, prison and detention center security is regulated in Regulation of the Minister of Law and Human Rights Number 33 of 2015 concerning Security in Correctional Institutions and State Detention Centers and Law Number 22 of 2022 concerning Corrections.⁶⁸ Article 3 section (3) of Law Number 39 of 1999

⁶⁵ Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan, Pasal 3 huruf g.

⁶⁶ Khoirul Amin, "Perlindungan Hukum terhadap penetapan status tersangka ditinjau dari perspektif hak asasi manusia", *JOSH: Journal of Sharia* vol. 3, no. 01, (2024). hlm 1-18.

⁶⁷ Lia Hutasoit, "Komnas Soroti Kasus Pemerkosaan Napi Perempuan: Evaluasi Sistem", <https://www.idntimes.com/news/indonesia/komnas-soroti-kasu-s-pemerkosaan-napi-perempuan-evaluasi-sistem-00-sbfjrch6jwk>, accessed 15 Jun 2025

⁶⁸ Komnas Perempuan, "Siaran Pers Komnas Perempuan Memperingati Hari Pemasyarakatan", <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-ko>

concerning Human Rights states that every person is entitled to the protection of human rights and fundamental freedoms without discrimination.⁶⁹

In the context of correctional facilities, this means that the state has an obligation to create a correctional and rehabilitation system that is not only gender neutral but also responsive to the traumatic experiences of female prisoners. This approach is known as trauma-informed care, which is a rehabilitation approach understanding the physical and psychological impact of violence on a person and adjusts the service system so as not to exacerbate existing trauma.⁷⁰ This requires training for correctional officers so that they can recognize signs of trauma, use non-intimidating language, and avoid practices that could trigger memories of violence, such as invasive physical examinations or oppressive authoritarian attitudes. Implementing these principles will bring the correctional system closer to the substantive fulfilment of human rights and make correctional institutions spaces for recovery, not just places to serve sentences.

The Bangkok Rules (Rule 1) emphasize the importance of considering the specific needs of female prisoners in all correctional rules. Rule 25 specifically requires the provision of mental health services and support for female prisoners who have experienced physical, mental, or sexual violence. This is in line with Law No. 22 of 2022 on Corrections (Article 60, Section 2, letter a), guaranting the right of prisoners to health services, including mental health. The Nelson Mandela Rules (Rule 1) prohibit discrimination and ensure humane treatment and protection from cruel or degrading treatment. Rule 2 further emphasizes that these rules must be applied without discrimination based on gender or other status. Therefore, the application of these principles requires specific policies and procedures

[mnas-perempuan-memperingati-hari-pemasyarakatan?utm_source=](#), accessed 20 Jul 2025

⁶⁹ Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia, Pasal 3 Ayat 3.

⁷⁰ International Society of Substance Use Professionals, "Konsep trauma dan bimbingan untuk pendekatan trauma-informed", (SAMHSA:Trauma and Justice Strategic Initiative,USA,2022), p.115.

that protect female prisoners from discrimination and revictimization in correctional institutions.⁷¹

From a psychological perspective, correctional institutions must also pay special attention to female prisoners who have suffered trauma due to past violence or psychological pressure due to separation from their children. The Bangkok Rules (Rule 12) encourage the provision of comprehensive, gender-sensitive, and trauma-based mental health services for female prisoners.⁷² The Nelson Mandela Rules emphasize a similar point, stating that every correctional institution must have health services that evaluate, promote, protect, and improve the physical and mental health of prisoners, with special attention to prisoners having special health needs or health problems that hinder their rehabilitation process (Rule 25).⁷³ In fact, not all prisons are equipped with psychologists/counsellors, and counselling assistance is only provided in urgent circumstances or when female prisoners experience moderate mental health conditions.⁷⁴

Ideally, regular psychological counselling should be an integral part of maintaining the mental stability of female prisoners and supporting their successful social reintegration. Psychological counselling is aimed at restoring and improving the mental health of female prisoners, thereby optimizing the rehabilitation process.⁷⁵ Psychological counseling in prisons uses two approaches: individual psychological counseling therapy, which psychologists regularly use to better understand prisoners' psychological conditions, and group therapy, providing a space for prisoners to dialogue.⁷⁶ Psychological

⁷¹ The Nelson Mandela Rules are the United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 1, 2, Article 1.

⁷² United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), Rule 12.

⁷³ The Nelson Mandela Rules are the United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 25.

⁷⁴ Interview results with the Head of Prisoner/Student Guidance at Class IIA Correctional Institution Bandar Lampung.

⁷⁵ Nia Ananda Yusriani dan Ali Muhammad, "Pendekatan Psikologi dalam Mengatasi Stres Pada Narapidana", *JUSTITIA : Jurnal Ilmu Hukum dan Humaniora*, vol.8,no.6,(2021),p.1676 1682, <https://doi.org/10.31604/justitia.v8i6.1676-1682>

⁷⁶ Royyani Habibah, *et.al.*, "Peran Pamong Atau Wali Napiter Dalam Proses Deradikalisasi Narapidana Terorisme Perempuan Di Lembaga Pemasyarakatan (Studi Kasus Lembaga Pemasyarakatan Perempuan Kelas IIA Jakarta Periode Tahun 2023-

counselling covers three aspects: cognitive, affective, and behavioral.⁷⁷ The cognitive aspect focuses on changing mindsets and beliefs. This can help female prisoners instil the belief that past mistakes can be valuable lessons, not an identity that sticks with them forever. Meanwhile, the affective aspect touches on managing emotions such as anger, shame, and resentment and developing empathy to understand victims' feelings. The behavioral element aims to form positive behavior and social skills that support reintegration into society.

Research conducted by Subandi found that the forgiveness therapy method for female prisoners was successful and effective in repairing and restoring trauma from violence and other mental health problems that female prisoners are prone to experiencing. Many of them experienced positive changes, were willing to accept their circumstances and conditions, and were able to improve their psychological well-being.⁷⁸

Given the enormous benefits of counselling and therapy for female prisoners, the state needs to prioritize easy access to mental and psychosocial health support for female prisoners as a group that is vulnerable to discrimination and violence. Currently, the presence of counsellors/psychologists in the practical field experience is only situational, depending on the condition of the prisoners.⁷⁹

Therefore, a more systematic, comprehensive, and sustainable approach is needed to provide correctional institutions counselling and clinical psychology services. Ideally, This service should be curative (addressing issues after they arise), preventive, and promotive. One crucial step is to ensure the permanent presence of psychologists in every correctional unit, not just as external support staff who are present on an incidental basis. In addition, it is necessary to develop a routine psychological assessment program for all prisoners from the beginning

2024), *LEX PROGRESSIUM: Jurnal Kajian Hukum Dan Perkembangan Hukum*, vol. 1, no. 2, (2024). hlm 71-82.

⁷⁷ Titi Rahmah, "Psikologi Rehabilitasi: Pengertian, jenis, tujuan, tahapan", <https://dosenpsikologi.com/psikologis-rehabilitasi>, accessed 20 jun 2025.

⁷⁸ Subandi, *et.al.*, "Peningkatan Kesejahteraan Psikologis Narapidana Wanita melalui Terapi Pemaafan", *Gadjah Mada Journal of Professional Psychology*, vol.8, no.1, (2022), p.46-65, <https://doi.org.10.22146/gamajpp.74069>

⁷⁹ Interview results with the Head of Prisoner/Student Guidance at Class IIA Correctional Institution Bandar Lampung.

of their detention, accompanied by periodic monitoring of their mental condition.

Recommendations

The protection of human rights for female prisoners is the responsibility of the state. The Ministry of Immigration and Corrections must develop fair and gender-responsive policies. Thus, the fulfilment of human rights for female prisoners integrates the principles of non-discrimination, freedom from torture, recognition of women's vulnerability, respect for motherhood and reproductive health, and the elimination of stigma. Public campaigns and community education programs on the importance of social reintegration can be strategic efforts to eliminate societal stigma.⁸⁰ On the other hand, building social support networks such as alum groups can increase their confidence and empowerment.

Formulating more specific and technical policies as derivatives of Law Number 22 of 2022 concerning Corrections, also adopting the Bangkok Rules, is a crucial step that must be implemented immediately. This policy must include detailed guidelines regulating treatment standards, human rights protection, specific rights, and guidance for rehabilitating female prisoners as a vulnerable group. In addition, another recommendation is the development of oversight and complaint mechanisms for human rights violations occurring in prisons by the National Human Rights Commission, the National Commission on Violence against Women, academics, and non-governmental organizations.

Conclusion

The fulfilment of human rights for female prisoners in Indonesia faces problems and disparities, even though the legal basis is already in place. Law No. 22 of 2022 on Corrections and international guidelines such as the Bangkok Rules and the CEDAW Convention explicitly guarantee the rights of female prisoners, including the right to humane and fair treatment and protection from discrimination. However, the

⁸⁰ Mitro Subroo dan Sucipto Widodo,” Dampak Stigma Sosial Terhadap Rehabilitasi Narapidana Perempuan Di Lembaga Pemasyarakatan”*Ensiklopedia Of Journal*, vol.7,no.1,(2024), <https://doi.org/10.33559/eoj.v7i1.2661>

implementation of these legal norms is still not optimal. Regulations have not been fully translated into gender-sensitive technical policies. Many correctional institutions are still unable to provide gender-friendly facilities, including reproductive health services, separation based on prisoner categories, and rehabilitation programs tailored to the specific needs of women. In addition, discriminatory practices, a lack of trained personnel, high levels of stigma, and minimal monitoring and evaluation of human rights standards continue to be found.

The construction of human rights protection for female prisoners in the correctional system is based on the recognition that female prisoners are a vulnerable group with unique and different biological, psychological, and social needs. The approach to rehabilitation cannot be the same as that for male prisoners. The system must be based on the principles of non-discrimination and respect for dignity. To achieve this, it is necessary to formulate operational policies, rehabilitation programs that prioritize women's natural rights, protection from discriminatory treatment and torture, the provision of psychological counseling programs, gender-sensitive officers, adequate facilities, and the involvement of the National Human Rights Commission, the National Commission on Violence against Women, the government, academics, communities, and women's organizations in monitoring and evaluation functions.

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Dona Raisa Monica, Indra Joseph Marpaung, Shaker Suleiman Ali Al Akayleh,
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