
LEGAL PROTECTION FOR BREASTFEEDING FEMALE DRUG CONVICTS AND THE CHILDREN OF PRISONERS (STUDY AT CLASS III WOMEN'S CORRECTIONAL INSTITUTION MATARAM)

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ABSTRACT

Perpetrators of criminal acts may be of any gender, as criminal behavior is not limited by gender. When offering protection and support to women who commit crimes, especially those who are breastfeeding, it is crucial to recognize the inherent differences between men and women. It is essential to consider the legislative policy regarding female drug convicts who breastfeed and the children of prisoners in correctional institutions, along with the practical implementation of this policy at the Mataram Class III Women's Correctional Institution. It is crucial to recognize the impact of a mother's presence and living conditions on a child's growth and development. Given the context, it is prudent for the author to conduct a comprehensive review of the imprisonment policy for women convicted of narcotics offenses, especially those who are breastfeeding, and the children of incarcerated individuals. The research methodology employed in this study is normative-empirical legal research, utilizing three distinct approaches: the statutory approach, the conceptual approach, and the sociological approach. The legislative policy regarding female drug convicts who are breastfeeding and the children of prisoners in Correctional Institutions is outlined in Article 9 and Article 62, Paragraphs (1), (2), and (4) of Law Number 22 of 2022 concerning Corrections. The implementation of policies concerning female drug convict mothers who are breastfeeding and their children at the Mataram Class III Women's Penitentiary refers to Law Number 22 of 2022 on Penitentiaries, Government Regulation Number 32 of 1999 concerning the Requirements and Procedures for Implementing the Rights of Inmates, and Law Number 23 of 2002 concerning Child Protection.

Keywords: *Legal Protection, Drug Convicts, Women Who Breastfeed, Mataram Women's Prison*

INTRODUCTION

The field of criminal procedural law pertains to situations where individuals or groups contravene criminal statutes, thereby being identified as perpetrators of criminal acts. Perpetrators of criminal acts may be of any gender, as criminal behavior is not limited by gender. However, when providing protection and support for women who commit crimes, particularly those who are breastfeeding, it is important to acknowledge the inherent differences between men and women. Men and women differ in various aspects, encompassing physical and psychological characteristics, problem-solving approaches, and daily habits. Recognizing

and addressing these differences is essential in ensuring fair and appropriate treatment within the criminal justice system.¹ Women should be treated differently and specifically, including breastfeeding women who are carrying out court decisions that have permanent legal force as convicts. Considering the things mentioned above, it is necessary to study and think further about the issue of breastfeeding women because it is directly related to the whereabouts of their children, especially if the crime committed is a narcotics crime. Policies related to criminal acts, criminal sanctions and criminal implementation, especially imprisonment for breastfeeding women, certainly need to remember their dignity, character and nature.

In addressing the issue of crimes committed by women, it is important to approach the matter with sensitivity and consideration. Rather than solely portraying women as perpetrators of crimes, it is crucial to recognize that these individuals may also be victims themselves.² Likewise in drug crimes.

The role of women in society is of paramount importance, equivalent to that of men, albeit with specific and unique attributes. This is tied to the inherent nature of women as mothers, responsible for bringing forth future generations. In today's rapidly globalizing world, both men and women play indispensable roles, particularly in the realm of information and technology. Furthermore, their standing within the legal framework is fundamentally equal. However, legal safeguards and considerations for women, particularly those who are breastfeeding and involved in criminal activities, may necessitate distinct provisions compared to those for men.

Law Number 35 of 2009 regarding Narcotics treats male and female offenders equally, including those who are breastfeeding and the potential impact on their infants. In cases where women who are breastfeeding receive a court ruling with permanent legal validity, they serve their sentence in a correctional institution. As stated in Article 62, paragraph (1) of Law Number 22 of 2022 concerning Corrections, it is stipulated that the children of prisoners, including those of female prisoners who are brought to a detention center or prison, or those born in prison, can remain with their mother until the child reaches 3 years of age. Furthermore, Article 63 specifies that additional provisions regarding the care of detainees, children, convicts, and assisted children are to be regulated by government regulations.

The recent amendments to the Law on Corrections have brought about changes, yet the regulations pertaining to the incarceration of breastfeeding women remain defined in Article 20, paragraphs 1, 3, 4, and 5 of Government Regulation No. 32 of 1999 concerning the Requirements and Procedures for Implementing the Rights of Correctional Inmates, in conjunction with Article 28, paragraphs 3, 4, and 5 of Government Regulation No. 58 of 1999 concerning the Requirements and Procedures for Exercising Authority, Duties, and Responsibilities for the Care of Prisoners. These regulations primarily address the provision of additional food and access to healthcare services for incarcerated individuals in case of illness, offered at the nearest clinic, health center, or hospital.

Considering this, it is essential to consider the legislative policy regarding female drug convicts who breastfeed and the children of prisoners in correctional institutions, along with the practical implementation of this policy at the Mataram Class III Women's Correctional Institution. It is crucial to recognize the impact of a mother's presence and living conditions on a child's growth and development. Given the context, it is prudent for the author to conduct a comprehensive review of the imprisonment policy for women convicted of narcotics offenses, particularly those who are breastfeeding, and the offspring of incarcerated individuals. This review can be addressed through a research study entitled "Legal Protection for Breastfeeding

¹Rodliyah, 2011, *Pembaharuan Hukum Pidana tentang Eksekusi Pidana Mati Perempuan Hamil Pokok-Pokok Pikiran Revisi Undang-undang Nomor 2/Pnps/1964*, CV. Arti Bumi Intaran, Yogyakarta, hlm. 2.

²*Ibid.*, hlm. 3

Female Drug Convicts and Children of Prisoners: A Study at the Mataram Class III Women's Penitentiary."

METHOD

The research methodology employed in this study is normative-empirical legal research, utilizing three distinct approaches: the statutory approach, the conceptual approach, and the sociological approach. The primary data was gathered through in-depth interviews with informants from Class III Mataram Women's Penitentiary Officers and Mataram Community Health Center Officers, as well as respondents from female narcotics convicts who were breastfeeding and bringing their children with them in prison. Additionally, the primary data is supplemented by secondary data sourced from legal materials as follows:

- a. The primary legal materials to be mindful of include Law Number 22 of 2022 concerning Corrections, Law No. 23 of 2002 concerning Child Protection, Law Number 35 of 2009 concerning Narcotics, and Government Regulation Number 32 of 1999 concerning Requirements and Procedures for the Implementation of Citizens' Rights Correctional Development.
- b. Secondary legal materials encompass a wide range of sources, including scholarly journals, reference books, and the findings of academic research. These resources provide in-depth analysis of legal issues, often incorporating insights from other social sciences. Additionally, they may comprise legal theses, dissertations, and journal articles, offering valuable explanations and perspectives on various legal matters.³
- c. Secondary legal materials encompass a diverse array of sources, including scholarly journals, reference books, and the findings of academic research. These resources offer comprehensive analysis of legal issues, often integrating insights from other social sciences. Moreover, they may consist of legal theses, dissertations, and journal articles, providing valuable explanations and viewpoints on various legal matters.⁴

The research involved the application of techniques and the collection of secondary legal materials through library research. Primary data was obtained through in-depth interviews,⁵ conducted with Rita Inayati, A.Md.Kep. (Head of the Class III Mataram Women's Prison Development Subsection), Arum Wahyuningtyas (Personality Development Manager, Class III Mataram Women's Prison Development Subsection), and Ni Nengah Setiawati (Nutrition and Development Information and Growth Section of the Mataram Community Health Center). Additionally, interviews were held with female drug convicts who were breastfeeding and caring for their children at the Class III Mataram Women's Correctional Institution, namely Annisa Citra Pertiwi and Nur Alifah Lutfiana, who were randomly selected. The data gathered will undergo qualitative descriptive analysis using a sociological juridical approach.

RESULT AND DISCUSSION

Legislative Approaches to Breastfeeding Policies for Incarcerated Women and the Care of Children of Prisoners in Correctional Facilities" Legislative Policy towards Breastfeeding Female Drug Convicts and Children of Prisoners in Correctional Institutions

³Suratman dan H. Phillips Dillah, 2012, *Metode Penelitian Hukum*, Alfa Beta, Bandung, hlm. 155.

⁴Soerjono Soekanto, 1998, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Rajawali Press, Jakarta, hlm. 1.

⁵Burhan Ashshofa, 2013, *Metode Penelitian Hukum*, Rineka Cipta, Jakarta, hlm. 21.

Legislative policy in this instance refers to legal policy crafted in the form of laws by legislative institutions. In Indonesia, the legislative institution is commonly recognized as the People's Consultative Council (DPR). The authority to create laws is derived from the stipulations of Article 20, paragraph (1) of the 1945 Constitution, which vests legislative power within the People's Representative Council. However, each draft law undergoes deliberation by the House of Representatives and the President to secure mutual approval.⁶

Correctional Institutions, also known as Lapas, are governed by Law Number 12 of 1995 concerning Corrections. Over time, it has become apparent that the evolution of social law has not entirely aligned with the requirements for implementing the correctional system. As a result, Law Number 12 of 1995 concerning Corrections has been replaced by Law Number 22 of 2022 concerning Corrections. Corrections are an essential component of the comprehensive criminal justice system established by the government as part of the law enforcement process, focusing on both provision and guidance for social reintegration.⁷

The corrections system is a component of the criminal justice system responsible for law enforcement and the rehabilitation of individuals in custody, including prisoners, juveniles, and inmates.⁸ Inmates⁹ among them are prisoners¹⁰. The treatment of suspects, defendants, and individuals deprived of their liberty should be founded upon the principles of legal protection and respect for human rights, in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia.¹¹

In the context of Law Number 22 of 2022 regarding Corrections, Chapter II delineates the entitlements and responsibilities of prisoners, minors, and detainees. This study prioritizes the rights of prisoners, and as stipulated in Article 9, prisoners are entitled to twelve specific rights, including:

- a. The rights to practice worship in accordance with one's religious faith or personal beliefs

Every prisoner possesses the right to worship according to his religion and beliefs. Religious services may be conducted within the prison facilities or at locations external to the prison, in accordance with the correctional facility's program.¹²

- b. The right to obtain physical and spiritual support

Every prisoner is entitled to spiritual and physical support.¹³ Spiritual support involves guidance and moral education, which necessitates the presence of spiritual guidance and character education officers at every correctional facility. The Head of Prisons may cooperate with relevant organizations, community groups, or individuals in providing this guidance and education.¹⁴

Every incarcerated individual has the right to receive physical care, including access to sports and recreation opportunities, as well as adequate clothing¹⁵ sleeping, and bathing

⁶Article 20 paragraph (2) of the 1945 Constitution

⁷Considering point b of Law Number 22 of 2022 concerning Corrections

⁸Article 1 paragraph (1) Law Number 22 of 2022 concerning Corrections

⁹Article 1 paragraph (3) Law Number 22 of 2022 concerning Corrections

¹⁰A convict is a convict who is serving a prison sentence for a certain period of time and for life or a death row convict who is awaiting the implementation of a decision, who is undergoing guidance in a correctional institution, Article 1 paragraph (6) of Law Number 22 of 2022 concerning Corrections

¹¹Considering point a of Law Number 22 of 2022 concerning Corrections

¹²Article 2 paragraph (1) and paragraph (2) Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates..

¹³Article 5 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

¹⁴Article 6 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

¹⁵What is meant by clothing equipment for female prisoners in the form of: 2 (two) sets of uniforms;

Explanation of Article 7 of Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

facilities. The provision of these necessities takes place promptly following the registration of the prisoner.¹⁶ In addition, prisoners are mandated to wear the prescribed uniform, which is specially designated attire in the form of an orange vest.

- c. The right to education, teaching and recreational activities alongside avenues for personal growth and development.

The educational focus in question prioritizes religious education as outlined in Article 3 of Government Regulation Number 32 of 1999 regarding Requirements and Procedures for Enforcing the Rights of Correctional Inmates. This stipulates that correctional facilities must provide religious education and guidance officers, whose numbers are determined based on each facility's needs at the discretion of the Prison Head. In the delivery of religious education and guidance, the local prison Head may engage in partnerships with relevant agencies, community organizations, or individuals. Additionally, Article 4 mandates that all inmates and correctional students must participate in a religious education and guidance program aligned with their respective religions and beliefs.

Each prison is required to carry out educational and teaching activities for the prisoners¹⁷ so that every prison's facility is equipped with educational resources, it is essential to appoint education and teaching officers. The Head of Prisons is encouraged to collaborate with governmental agencies responsible for Education and Culture, as well as community organizations involved in education and teaching, to effectively carry out educational programs within the prison system.¹⁸

Education and teaching services for prisoners are conducted within the confines of the correctional facility. In circumstances where additional educational opportunities not available in the prison are required, such services may be facilitated outside the prison. The educational programs within the correctional facility adhere to the curriculum standards applicable to educational institutions at a similar level. The oversight of educational activities is the responsibility of the Head of Prisons.¹⁹ To effectively fulfill the assigned duties, the Director of Correctional Facilities strategizes, executes, and oversees educational programs within the prison system.²⁰ Upon fulfillment of their educational and instructional duties, each detainee is entitled to procure a Certificate of Learning Completion (STTB) from the relevant governing body²¹ specifically educational institutions that provide education and teaching for prisoners.

- d. The right to receive adequate health services and food in accordance with nutritional needs²²

It is essential to ensure that every prisoner has access to sufficient healthcare services. Therefore, it is necessary for each correctional facility to be equipped with a polyclinic and its necessary amenities, and to have at least one physician and one additional healthcare

¹⁶Article 7 letter b Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

¹⁷Article 9 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

¹⁸Article 10 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

¹⁹Article 11 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

²⁰Article 12 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

²¹Article 13 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates.

²²What is meant by "decent food service in accordance with gizi needs" is the fulfillment of nutritional adequacy figures, determining standards for food ingredients, and determining food menus. Explanation of Article 9 letter d of Law Number 22 of 2022 concerning Corrections

professional available.²³ Health services within the prison are overseen by medical professionals. If the designated prison doctor is not available, alternative health workers are authorized to administer certain health services.²⁴

Health assessments are conducted on a monthly basis and documented in the health records. If a prisoner reports a health concern, it is mandatory for the medical staff in the correctional facility to conduct an examination. In the event of a diagnosis indicating the presence of an infectious or hazardous ailment, the prisoner will receive specialized treatment.²⁵

In cases where a prisoner necessitates additional medical attention, the prison physician will recommend to the Head of the Prison that the individual be transferred to a government general hospital outside the premises for health services. The provision of healthcare to inmates in external medical facilities requires written authorization from the Head of Prisons. Prisoners receiving treatment in hospitals will be accompanied by prison officers and may, if needed, request assistance from law enforcement officers. All expenses incurred for inmate healthcare in hospitals will be covered by the state. In the event of an inmate falling ill, the Head of Prisons is required to promptly notify the individual's family.²⁶

Prisoners are entitled to food and drink that meet health requirements, in addition to health services. These provisions are essential as nutrition directly impacts the well-being of individuals in confinement. Foreign national prisoners who are not residents of Indonesia may receive culturally appropriate food, as directed by a medical professional, with the condition that the cost does not exceed 1 1/2 times the price of the standard food provided to prisoners.²⁷

Inmates who are sick, pregnant or breastfeeding have the entitlement to receive supplementary food as prescribed by a medical professional. Furthermore, additional provisions of food are allocated to inmates engaged in specific forms of labor. The offspring of incarcerated individuals or female inmates who enter the correctional facility or are born there, commonly referred to as in-prison children, are accommodated with their mothers. They are placed in designated areas with female inmates and provided with extra nourishment as directed by a physician or dietitian until the child reaches three years of age.²⁸ Upon a child reaching the age of 3 (three) years, arrangements should be made to ensure their custody is transferred to their father, relatives, or another party with the consent of the mother, and this transfer should be documented in an official report.²⁹

The Head of Prisons is responsible for food management, which includes:³⁰

- a. food procurement, storage, and preparation.
- b. food hygiene and compliance with health and nutritional requirements; and

²³Article 14 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates.

²⁴Article 15 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

²⁵Article 16 paragraph (1), paragraph (2) and paragraph (3) Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

²⁶Article 17 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates.

²⁷Article 19 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

²⁸Article 62 Paragraph (1), Paragraph (2) and Paragraph (4) of Law no. 22 of 2022 concerning Corrections in conjunction with Article 20 Paragraph (3) and Paragraph (5) of Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Prisoners. The maximum age limit for children of prisoners living in prisons has undergone changes, initially based on Article 20 Paragraph (3) and Paragraph (4) of Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Prisoners. Prison is 2 (two) years and since the promulgation of Law no. 22 of 2022 concerning Corrections in Article 62 Paragraph (1) determines the maximum age for children of prisoners living in prison, namely 3 (three) years.

²⁹Article 20 Paragraph (4) Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

³⁰Article 21 paragraph (1) Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

c. maintenance of cooking, eating and drinking equipment.

While the prisoner is incarcerated, it is the responsibility of the Head of Prison to manage the provision of food for prisoners, ensuring that the quality and quantity of food ingredients meet the needs of the prisoners in accordance with the relevant laws and regulations.³¹ In addition to the provision of meals to inmates, correctional facilities allow for the families or relatives of inmates to supply food as well. However, it is mandatory for every inmate receiving outside food to secure permission from the Prison Head. Additionally, all food items must undergo inspection by a Prison Officer before being handed to the inmate.³² The provision of food and/or drink to prisoners is prohibited due to potential health, security, and order-related issues.³³ To fulfill the responsibilities of the Head of Prisons regarding the management of food, particularly in relation to food hygiene and meeting health and nutritional standards, this provision is implemented.

d. Rights to information

e. Rights to legal socialization and legal assistance

f. The right to submit complaints and/or grievances

g. The right to obtain reading materials and follow mass media broadcasts that are not prohibited;

h. The right to receive humane treatment and be protected from acts of torture, exploitation, neglect, violence, and all acts that are physically and mentally harmful;

i. The right to obtain work safety guarantees, wages or work premiums;

j. Rights to social services;³⁴ and

k. The right to accept or refuse visits from family, advocates, companions and the community.

The rights of prisoners do not make any difference in terms of age, gender (male or female) or the type of crime they have committed.

When considering female drug convicts who breastfeed and their children, it's important to address the twelve prisoner rights that are closely related. These include the right to receive physical care, access to health services, and adequate nutrition tailored to their needs, as well as the right to avail social services.

As per the guidelines outlined in the Corrections Law, the initial identification of the requirement for access to healthcare services and the right to undergo treatment is conducted during the intake process of prisoners through an evaluation of their health status³⁵ In addition to ensuring the validity of documents, it is important to consider copies or excerpts of court decisions that have permanent legal authority, as well as records of decision implementation and prisoner handover.³⁶ Prisoners are placed in correctional facilities based on various factors such as age, gender, and the outcomes of risk and needs assessments conducted by the Correctional Assessor.³⁷ The release of prisoners is carried out in the following cases:³⁸

a. health care;

b. there are still other things;

c. implementation of coaching;

³¹Pasal 25 Peraturan Pemerintah Nomor 32 Tahun 1999 tentang Syarat Dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan

³²Pasal 22 Peraturan Pemerintah Nomor 32 Tahun 1999 tentang Syarat Dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan

³³Pasal 24 Peraturan Pemerintah Nomor 32 Tahun 1999 tentang Syarat Dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan

³⁴What is meant by "social services" includes, among other things, obtaining social assistance and security in the form of Social Security Administering Agency facilities and a Certificate of Incompetence. Explanation of Article 9 letter k of Law Number 22 of 2022 concerning Corrections

³⁵The prisoner's health condition is proven by a medical letter from a government doctor stating that the prisoner is in good health. Explanation of Article 36 paragraph (2) of Law Number 22 of 2022 concerning Corrections

³⁶Pasal 36 ayat (2) dan ayat (3) Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan

³⁷Pasal 36 ayat (4) Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan

³⁸Pasal 36 ayat (4) Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan

- d. there are other important reasons; And
- e. emergency conditions³⁹.

In accordance with the provisions outlined in Article 60 and Article 62, Law Number 22 of 2022 regarding Corrections, a more comprehensive treatment is provided. Article 60 addresses general applications, stipulating that Detention Centers, LPAS, Lapas, and LPKA are required to provide care for detainees, children, prisoners, and assisted children while carrying out their service and guidance functions. Treatment consists of maintaining health⁴⁰, rehabilitation⁴¹ and the fulfilment of fundamental rights⁴². This is different from Article 62, which is more specific for children of prisoners or children of female prisoners who are taken to detention or prison, or who are born in prison, it is determined that:

1. can stay with the mother for a maximum of up to 3 (three) years of age
2. placed specifically with the female detainee or convict.
3. if the child is a child with special needs, the child can be placed in a disability services unit.
4. Children can be given additional food as directed by a doctor or nutritionist.

Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate, optimally in accordance with human dignity, and receive protection from violence and discrimination.⁴³ Child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity and dignity, as well as receive protection from violence and discrimination, for the sake of realizing Indonesian children who are of good quality, have noble character and prosperity.⁴⁴ The state, government, community, family and parents are obliged and responsible for implementing child protection.⁴⁵ The state and government are also obliged and responsible for providing support for facilities and infrastructure in implementing child protection.⁴⁶ In providing child protection, the State and government guarantee the protection, maintenance and welfare of children by taking into account the rights and obligations of parents, guardians or other people who are legally responsible for children and supervising the implementation of child protection.⁴⁷

In accordance with Law No. 23 of 2002 concerning Child Protection, it is stipulated that every child is entitled to the knowledge and care of their biological parents.⁴⁸ The law emphasizes the right of every child to be nurtured by their natural parents, unless specific legal provisions and justifiable reasons dictate that separation is unequivocally in the child's best interests.⁴⁹ Should the parents be unable to ensure the child's welfare or should the child be neglected, the law grants the child the right to be fostered or legally adopted by a suitable

³⁹What is meant by "emergency conditions" include, among other things, serious illness, childbirth, fire, riots, riots, natural disasters, and other emergency conditions determined based on the assessment of the head of prison. Explanation of Article 36 paragraph (4) letter e of Law Number 22 of 2022 concerning Corrections

⁴⁰What is meant by "health care" includes health education and disease prevention, basic health care, vulnerable groups, infectious diseases, mental illnesses, palliatives, environment and sanitation, and referral care. Explanation of Article 60 paragraph (2) letter a of Law Number 22 of 2022 concerning Corrections

⁴¹Rehabilitation in this provision is carried out in accordance with the provisions of laws and regulations in the field of preventing and eradicating narcotics crimes. Explanation of Article 60 paragraph (2) letter b of Law Number 22 of 2022 concerning Corrections

⁴²What is meant by "fulfilment of basic needs" is the provision of clean water, drinking water, nutritious and adequate food, personal and environmental hygiene equipment, clothing, special equipment for women and babies, and sleeping equipment. Explanation of Article 60 paragraph (2) letter c of Law Number 22 of 2022 concerning Corrections

⁴³Pasal 1 Ayat (2) Undang-undang No 23 Tahun 2002 tentang Perlindungan Anak.

⁴⁴Article 3 Law No. 23 of 2002 concerning Child Protection.

⁴⁵Article 20 of Law No. 23 of 2002 concerning Child Protection..

⁴⁶Article 22 of Law No. 23 of 2002 concerning Child Protection..

⁴⁷Article 23 of Law No. 23 of 2002 concerning Child Protection.

⁴⁸Article 7 Paragraph (1) Law No. 23 of 2002 concerning Child Protection.

⁴⁹Article 14 of Law No. 23 of 2002 concerning Child Protection.

caretaker in compliance with the prevailing legislation.⁵⁰ Furthermore, every child is entitled to receive comprehensive healthcare and social support tailored to their physical, mental, emotional, and social needs.⁵¹

Every child under the care of parents, guardians, or any other responsible party is entitled to protection from discrimination, exploitation (including economic and sexual exploitation), neglect, abuse, violence, injustice, and any other form of mistreatment.⁵²

Efforts to protect children are carried out as early as possible, namely from the fetus in the womb until the child is 18 (eighteen) years old. Starting from the concept of complete, complete and comprehensive child protection, this law places the obligation to provide protection to children based on the following principles:⁵³

The following principles should be kept in mind:

- a. Non-discrimination.
- b. The best interests of the child.
- c. The right to life, survival, and development; and
- d. Respect for children's opinions.

The provision of guidance, development, and protection for children necessitates the involvement of the community, whether through child protection institutions, religious organizations, non-governmental organizations, community groups, social organizations, the business sector, mass media, or educational institutions.⁵⁴

The establishment of accountability among parents, families, communities, government, and the state involves a set of ongoing activities aimed at safeguarding the rights of children. These activities must be sustained and tailored to ensure the holistic growth and development of children, encompassing their physical, mental, spiritual, and social well-being. The objective of these efforts is to create the optimal conditions for children, who are anticipated to become the future leaders of the nation, characterized by strength, a deep-rooted sense of national pride, noble ethical values, and a fervent commitment to preserving the unity and integrity of the nation and the state.⁵⁵

The government has an inherent responsibility to ensure the provision of facilities and the organization of comprehensive health initiatives for children with the active participation of the community. This is to ensure that every child receives an optimum level of healthcare from the prenatal stage onward. These comprehensive healthcare initiatives encompass promotional, preventive, curative, and rehabilitative measures, covering basic healthcare services as well as referrals, which are provided free of charge to families who are unable to afford them.⁵⁶

It is the responsibility of parents and families to ensure the well-being of children, starting from the time they are in the womb. If parents and families are unable to fulfill these responsibilities, it is imperative for the government to step in and take on that role.⁵⁷ It is the responsibility of the state, government, families, and parents to ensure the protection of newborns from diseases that pose a threat to their survival and may result in disability.⁵⁸

Even within carceral settings, the entitlements of expectant, nursing, and mothering female detainees remain imperative. The right to health, safeguarded under Article 4 of Law Number 36 of 2009 concerning Health, extends to female prisoners. Presently, the dearth of

⁵⁰Article 7 Paragraph (2) Law No. 23 of 2002 concerning Child Protection.

⁵¹Article 8 of Law No. 23 of 2002 concerning Child Protection..

⁵²Article 13 Paragraph (1) Law No. 23 of 2002 concerning Child Protection.

⁵³Article 13 Paragraph (1) Law No. 23 of 2002 concerning Child Protection.

⁵⁴Article 13 Paragraph (1) Law No. 23 of 2002 concerning Child Protection.

⁵⁵Explanation of Law No. 23 of 2002 concerning Child Protection.

⁵⁶Article 44 Paragraph (1) to Paragraph (4) of Law No. 23 of 2002 concerning Child Protection.

⁵⁷Article 45 Paragraph (1) and Paragraph (2) of Law No. 23 of 2002 concerning Child Protection.

⁵⁸Article 46 of Law No. 23 of 2002 concerning Child Protection.

adequate facilities and proficient healthcare personnel within correctional institutions stands as a decisive factor contributing to the absence of healthcare services for detained individuals, particularly women.⁵⁹ The lack of midwives in fulfilling the health rights of female prisoners is a classic problem that can be solved by collaborating with other agencies. For example, in detention centers or prisons there are no expert health workers who can collaborate with health agencies in areas in the city so that prisoners' health rights can be fulfilled. According to academics from the University of Lampung, Maya Shafira⁶⁰ If prisoners continue to face challenges in ensuring access to healthcare for inmates and maintaining adequate infrastructure, one potential solution could involve modifying the approach to punishment. This could entail empowering law enforcement officials to offer alternative sanctions to female defendants who are pregnant or breastfeeding, rather than resorting to criminal penalties.

Analysis of the procedures governing female drug convicts who are nursing and the welfare of the children of inmates at the Class III Mataram Women's Penitentiary.

A correctional institution, also known as Lapas, serves as an entity or facility for providing physical and spiritual coaching to incarcerated individuals. The aim is to facilitate their reintegration into society. As an independent implementation agency in the correctional system, the Department of Justice is hierarchically subordinate to the Directorate General of Corrections and administratively under the Regional Office of the Department of Justice.⁶¹

The classification of prisons in terms of the type of service is divided based on age and gender factors as follows:⁶²

a. General prison

To accommodate adult male prisoners over 25 years old.

b. Special prison

1. Women's prison to accommodate adult female prisoners who are over 21 years old or married.
2. Youth prison to accommodate youth prisoners aged 18-25 years.

Children's prison

a. Boys' prison

b. Women's prison

Class III Mataram Women's Prison is a technical implementation unit of a vertical agency under the Regional Office of the Ministry of Law and Human Rights, West Nusa Tenggara Province. The Mataram Class III Women's Prison Office is one of the places for training female convicts which is under the auspices of the Ministry of Law and Human Rights of West Nusa Tenggara (NTB). The Mataram Class III Women's Prison Office was established based on the approval letter from the Minister of Administrative and Bureaucratic Reform Number: 2289/M.PANRB/06/2016 dated 21 June 2016 and Number: B/2322/M.PANRB/06/2016 dated 23 June 2016, as well as the Decree Minister of Law and Human Rights of the Republic of

⁵⁹Humas, *Meski Berada Dalam Lapas, Hak Khusus WBP Perempuan Yang Hamil, Menyusui dan Membawa Anak Tetap Harus Dipenuhi*, <https://www.balitbangham.go.id/detailpost/meski-berada-dalam-lapas-hak-khusus-wbp-perempuan-yang-hamil-menyusui-dan-membawa-anak-tetap-harus-d>, Diakses pada tanggal 14 August 2023.

⁶⁰Humas, *Meski Berada Dalam Lapas, Hak Khusus WBP Perempuan Yang Hamil, Menyusui dan Membawa Anak Tetap Harus Dipenuhi*, <https://www.balitbangham.go.id/detailpost/meski-berada-dalam-lapas-hak-khusus-wbp-perempuan-yang-hamil-menyusui-dan-membawa-anak-tetap-harus-d>, Diakses pada tanggal 14 Agustus 2023.

⁶¹NN, *Sejarah Pemasyarakatan*, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/sejarah-pemasyarakatan>, Diakses pada tanggal 15 Agustus 2023.

⁶²NN, *Sejarah Pemasyarakatan*, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/sejarah-pemasyarakatan>, Diakses pada tanggal 15 Agustus 2023.

Indonesia Number: M.HH-10.OT.01.01 of 2016 concerning the Establishment of Women's Correctional Institutions.⁶³

Mataram Class III Women's Prison was de jure established based on the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.05-PR.01.04 of 2016, precisely on December 9 of 2016 concerning the Establishment of a UPT for Women's Correctional Institutions within the Ministry of Law and Human Rights of the Republic Indonesia. Then, after the issuance of the Decree on the Establishment of the Mataram Women's Correctional Institution, the Republic of Indonesia Minister of Law and Human Rights issued a Letter Number: SEK-33.KP.03.03 on December 14 of 2016 concerning Dismissal from and in Administrative Positions at the Indonesian Ministry of Law and Human Rights which appointed and appointed the Head Mataram Class III Women's Penitentiary.⁶⁴

The Class III Mataram Women's Prison, which was previously called LPP Mataram, was still affiliated with the Class IIA Mataram Correctional Institution. Then on Monday, September 28 2020, the Head of the Mataram Class IIA Penitentiary carried out a handover of State Property to the Head of the Mataram Class III Women's Penitentiary, in accordance with the Minutes of Handover Number: W21.EM.PB.04.01-1904, so now The Class III Mataram Women's Penitentiary occupies the Class IIA Mataram Penitentiary building.⁶⁵

The Mataram Class III Women's Prison building is located in Mataram City, precisely on Jalan Hos Cokroaminoto No. 5 Mataram with the following boundaries:

North side: Army Hospital

East: Jalan Raya Hos Cokroaminoto

South: Tiemti Hotspot and Mataram Mayor's Hall

West side: Residential housing

The Mataram Class III Women's Prison is equipped with 5 office rooms, 1 clinic room, a biker's room, and a basic kitchen. The facility comprises 2 residential block floors, with the upper block housing 16 rooms and 4 cell rooms, and the lower block containing 14 residential rooms and 4 cell rooms. Additionally, the Women's Correctional Institution features a mosque, a temple, and a field for inmates to exercise. In the execution of its responsibilities, Mataram Class III Women's Prison collaborates with the West Nusa Tenggara (NTB) Provincial Legal and Human Rights Regional Office, as well as other relevant parties at the provincial and district/city levels.⁶⁶

Based on data at the Class III Mataram Women's Prison for the period from 2019 to 2023. As of August 2023, the total number of inmates was 410 people with 27 types of crimes. The crimes most frequently committed by Class III Mataram Women's Prison inmates were narcotics for 191 inmates (4.66%), embezzlement for 28 inmates (0.07%) and fraud for 24 inmates (0.06%). For narcotics crimes committed by prisoners, it is regulated in Law no. 35 of 2009. Article 112, Article 112 Paragraph (1) and Article 114 of Law no. 35 of 2009 which is the basis for the punishment of many prisoners in the Mataram Class III Women's Penitentiary with the number of Article 112 there are 36 prisoners (0.19%), Article 112 Paragraph (1) there are 35 prisoners (0.18%) and Article 114 there were 22 prisoners (0.12%).

The provisions in Article 112 and Article 114 of Law no. 35 of 2009 as follows:

Article 112 determines that:

⁶³Selayang Pandang Satuan Kerja, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/selayang-pan-dang-satuan-kerja>, Diakses pada tanggal 15 Agustus 2023.

⁶⁴Selayang Pandang Satuan Kerja, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/selayang-pan-dang-satuan-kerja>, Diakses pada tanggal 15 Agustus 2023.

⁶⁵Selayang Pandang Satuan Kerja, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/selayang-pan-dang-satuan-kerja>, Diakses pada tanggal 15 Agustus 2023.

⁶⁶Selayang Pandang Satuan Kerja, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/selayang-pan-dang-satuan-kerja>, Diakses pada tanggal 15 Agustus 2023.

- (1) Any person who without right or against the law owns, keeps, controls or provides Class I non-plant Narcotics, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 800,000,000.00 (eight hundred million rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion rupiah).
- (2) In the event that the act of possessing, storing, controlling or providing Class I non-plant Narcotics as referred to in paragraph (1) weighs more than 5 (five) grams, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and the maximum fine as referred to in paragraph (1) plus 1/3 (one third).

Article 114 determines that:

- (1) Any person who without right or against the law offers to sell, sells, buys, receives, becomes an intermediary in buying and selling, exchanges or delivers Class I Narcotics, shall be punished by life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah).
- (2) In the event of the act of offering for sale, selling, purchasing, becoming an intermediary in buying and selling, exchanging, handing over or receiving Class I Narcotics as intended in paragraph (1) which in plant form weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunk or in non-plant form weighing 5 (five) grams, the perpetrator is punished with the death penalty, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third).

Article 112 and Article 114 differ in the status or actions of the defendant and the criminal threat because Article 112 emphasizes the phrase without rights or against the law to possess, store, control or provide class I narcotics, not plants. More about possession of class I narcotics, not plants. For Article 114, the emphasis is on the phrase without rights or against the law, offering for sale, selling, buying, receiving, becoming an intermediary in buying and selling, exchanging or handing over class I narcotics. It is more concerned with legal events in the form of buying and selling transactions for class I narcotics. included in class I narcotics contained in attachment I to Law no. 35 of 2009.

The two articles above, both Article 112 and Article 114 of the Narcotics Law, both discuss the abuse of class I narcotics, with the weight discussed in both articles also having the same thing, namely a weight of five grams for non-plant types of narcotics. If the weight of the narcotics exceeds this limit, the punishment for the perpetrator will be increased.

Among the inmates in the Class III Mataram Women's Prison, there are inmates who are pregnant or breastfeeding and bringing their children to the prison. From the data available from 2019 to 2023, there are 9 inmates. Similar to the crimes committed by many inmates at the Class III Mataram Women's Penitentiary, many inmates who were pregnant or breastfeeding and brought their children with them in prison were convicted of committing narcotics crimes with a total of 6 inmates.

The chronology of those involved in narcotics cases was stated by Annisa Citra Pertiwi that:

Annisa originally relocated from Bandung to Mataram accompanied by a friend. Upon settling in Mataram, she secured a position at a cafe in Senggigi. Unfortunately, Annisa became entangled in a legal matter following an incident involving a package received by her boyfriend, which ultimately led to the authorities implicating her in a drug-related case. Subsequently, her boyfriend's actions, including placing his cellphone in Annisa's wallet, resulted in her arrest two days after he was apprehended. Initially considered a witness,

Annisa's legal status transitioned to that of a suspect under the jurisdiction of the Regional Police.⁶⁷

The chronology is different from Nur Alifah Lutfiana who said that:

She migrated to Lombok then was introduced by a friend to her husband. The husband is the target of the police. Her husband is a drug store. Never saw my husband carry out drug transactions. Nur herself did not know that her husband was storing drug substances. Her husband never told her and Nur was dragged into the case because she lived with her husband in that house. Nur's husband was sentenced to 9 years and imprisoned in Kuripan Prison.⁶⁸

If we look at the crimes committed by prisoners who were pregnant and breastfeeding and brought their children with them in prison, the longest prison term given by the court was 9 (nine) years. Annisa Citra Pertiwi, a prisoner from Bandung, West Java, was sentenced under Article 112 of Law no. 35 of 2009 concerning Narcotics and sentenced to 7 years in prison. Annisa has been in prison for one year starting September 2023. Since January, she has been 6 months pregnant in prison and Annisa's child is now 3 months old, named Starla.⁶⁹ Nur Alifah Lutfiana, a prisoner from Bekasi, West Java, was sentenced under Article 112 Paragraph (2) of Law no. 35 of 2009 concerning Narcotics and sentenced to 9 years in prison. He has been in prison for 3 years and 8 months. Previously he was a prisoner at the Regional Police, after a court decision he was transferred to prison when it was corona. It took quite a long time at the Regional Police.⁷⁰

For spiritual care through spiritual guidance and character education in accordance with the mandate of Article 5 of Government Regulation Number 32 of 1999, Mataram Class III Women's Prison has a Development Subsection which is tasked with developing prisoners in the form of activities organized to improve the quality of personality and independence of prisoners.⁷¹ as well as providing care services in the form of activities organized to support the maintenance of the physical and psychological condition of prisoners. The Development Subsection consists of a Head of Development Subsection officer, and a Personality Development Management officer.⁷²

In Mataram Class III Women's Prison, there are several types of skills development programs such as sewing, culinary arts, beauty salons, weaving and batik.⁷³ To carry out guidance and education, in accordance with the provisions in Article 6 of Government Regulation Number 32 of 1999, the Head of Prisons can collaborate with related agencies, community bodies or individuals, in the case of a skills development program for the Head of Prisons in collaboration with third parties including from SMKN 5 Mataram to provide assistance. Implementation of the skills development (training) program based on information provided by Rita Inayati, A.Md. Kep. (Head of Development Sub-Section, Development Sub-Section,

⁶⁷Results of an interview with Annisa Citra Pertiwi (Female narcotics convict who has children from inmates in Class III Mataram Women's Prison) in the living room of the Head of Class III Mataram Women's Prison on August 14 2023 at 10.46 WITA.

⁶⁸Results of an interview with Nur Alifah Lutfiana (Female narcotics convict who has children from inmates in Class III Mataram Women's Prison) in the living room of the Head of Class III Mataram Women's Prison on August 14 2023 at 10.21 WITA..

⁶⁹Results of interviews with Annisa Citra Pertiwi.

⁷⁰of an interview with Nur Alifah Lutfiana.

⁷¹Article 1 Number 10 Law no. 22 of 2022 concerning Corrections..

⁷²Article 1 Number 12 Law no. 22 of 2022 concerning Corrections.

⁷³Nirkomala, *Lapas Perempuan Mataram Memberikan Keterampilan Bagi Warga Binaan*, <https://mataram.antaranews.com/berita/276417/lapas-perempuan-mataram-memberikan-keterampilan-bagi-warga-binaan?page=all>, Diakses pada tanggal 13 September 2023.

Mataram Class III Women's Prison) is carried out every Monday to Friday, while Saturday and Sunday are filled with cleaning activities, congregational prayers, tadarusan, special video call kiosks to communicate with families, of course with the supervision of officers.⁷⁴ Rita Inayati further explained that prisoners who breastfeed and bring their children with them in prison do not take part in training because they focus on looking after and breastfeeding their children.⁷⁵ This condition is also in accordance with the information conveyed by Nur Alifah Lutfiana that her only activity was caring for her child from the moment she entered prison. Moreover, the activity area is on the 2nd floor and there are lots of sharp objects that are dangerous for children.⁷⁶

For the psychological and spiritual development of prisoners, especially narcotics prisoners who breastfeed and bring their children with them in prison, according to Rita Inayati:

With regard to prison inmates with narcotics cases, so far inmates who breastfeed and carry their children have been approached psychologically and spiritually to say that what they did was wrong. The Development Officer provides advice by collaborating with external parties to explain what can and cannot be done and motivates people to get closer to God. Approach yourself to God to be able to sort out what is good or bad. None of the inmates are atheists. The Development Officer takes these approaches to them. For psychology, Development Officers collaborate with psychologists, while for spiritual matters, Development Officers adapt to their religion in collaboration with the Ministry of Religion. Periodic or tentative psychologist if needed according to the prisoner's condition. No one gets stressed because they are always invited to communicate to convey thoughts that might seem burdensome. Stress usually occurs at the beginning before entering prison, during the inquiry and investigation process.⁷⁷

Every prisoner has the right to receive physical care in the form of providing opportunities for sports and recreation, providing clothing and sleeping and bathing equipment. Based on information provided by Arum Wahyuningtyas (Personality Development Manager at the Class III Mataram Women's Prison Development Subsection), that:

For children of prisoners there are no special rooms, only differentiated rooms. So the rooms are specifically for pregnant and breastfeeding mothers, so the rooms for children of prisoners are combined with other adults, meaning that pregnant and breastfeeding prisoners share a room with the children of prisoners. Yesterday before it was renovated, there was a play area (there was a slide and cars) for visitors, usually they played there or on the field.⁷⁸

Rita Inayati emphasized that children of prisoners in prison who remain in prison cannot go out, only visit and play in the playground in prison. A playground for children aged up to 3 years is in the play corner. A special room for pregnant and breastfeeding mothers with a bathroom in the room.⁷⁹ Arum Wahyuningtyas further explained that:

During Corona they stay in the room because we don't have visits. Pregnant and breastfeeding women are not affected by corona. Even if there was corona at that time, they were still screened from the Mataram Community Health Center and isolated, separate rooms for those affected

⁷⁴Results of interviews with Rita Inayati, A.Md. Kep., Head of Development Sub-Section, Development Sub-Section, Class III Mataram Women's Prison in the room of Head of Development Sub-Section for Class III Mataram Women's Prison on May 12 2023 at 10.39 WITA.

⁷⁵Results of interviews with Rita Inayati, A.Md. Kep.

⁷⁶Results of an interview with Nur Alifah Lutfiana

⁷⁷Results of an interview with Rita Inayati.

⁷⁸Results of an interview with Arum Wahyuningtyas (Personality Development Manager in the Class III Mataram Women's Prison Development Subsection) in the room of the Head of the Mataram Class III Women's Prison Development Sub-Section on May 12 2023 at 10.39 WITA.

⁷⁹Results of an interview with Rita Inayati.

by corona, separate blocks from their friends, as long as the Puskesmas advised them they could still stay independently here (in prison), unless their complaints were serious. But thank God no one got corona yesterday. Like a flu cough, they feel like it's normal, but the results are reactive, the advice from the community health center is to isolate, and they understand.⁸⁰

For rooms for pregnant or breastfeeding prisoners and children of prisoners, Nur Alifah Lutfiana added that:

Currently one room contains 6 adults, 5 children of prisoners and one pregnant person. I was appointed as head of the room because I had lived in prison for a long time. Each room has a head of room who is in charge of the room. When there are new residents, their job is to explain the regulations that apply in prison (what can and cannot be done in prison). If new people bring children, they are usually introduced and explained the environmental introduction period (mapenalin). If someone is sick, inform the prison authorities. There was never any fuss.⁸¹

For the daily necessities of the children of prisoners, Nur Alifah Lutfiana explained that there are no families in Mataram, they are originally from Bekasi, while her husband's family lives far away in Central Lombok and East Lombok, none of them are in Mataram. The woman's husband's brothers follow her husband. I rarely visit because I'm busy so I buy my own pampers at the cooperative. Clothes for the children were donated by mothers of prison officers.⁸² This was the same condition conveyed by Annisa Citra Pertiwi, who received assistance for baby equipment from mothers who work in prison because their families are far away. Didn't get a visit from his family because he was far away in Bandung. Living alone. The boyfriend (father of the baby) is in Kuripan Prison. The baby sleeps on his own allotment mattress which is downstairs with me.⁸³

Here it appears that prisons provide clothing, sleeping equipment and toiletries more specifically for the needs of their inmates, while children of inmates are handed over to the inmates and their families to provide for them, except for mattresses for the inmates' children's beds. This condition occurs because equipment is not always available for the children of prisoners, considering that it is rare for prisoners to enter prison while pregnant, giving birth or even carrying children of prisoners. Apart from that, differences in the ages and body sizes of prisoners' children affect the size of their clothes.

For adequate health and food services in accordance with nutritional needs in order to fulfill prisoners' rights, the Class III Mataram Women's Prison provides a clinic within the prison and its facilities and from the Order List of Ranks of Civil Servants at the Class III Mataram Women's Prison as of 16 August 2023, it shows that there are 3 young nurses with a final education of D-IV or Bachelor's degree in Nursing/health and 1 first nurse with a final education of Bachelor's degree in Nursing/health. There are no prison doctors in the prison, so further health services are provided by doctors at the Mataram City Health Center, Army Hospital and Mataram City Hospital which are located close to the prison and have collaborated with the prison. Handling the health of prisoners, especially pregnant, breastfeeding prisoners and children of prisoners, if they leave prison, they must obtain written permission from the Head of Prison. Inmates who are taken and treated in hospital must be escorted by prison officers and, if necessary, can ask for help from police officers. In the sense that it complies

⁸⁰Interview results with Arum Wahyuningtyas.

⁸¹Results of an interview with Nur Alifah Lutfiana

⁸²Results of an interview with Nur Alifah Lutfiana

⁸³Results of interviews with Annisa Citra Pertiwi.

with the prison SOP. In the event that a prisoner is sick, the Head of Prisons must immediately notify his family. The costs of health care in hospitals for prisoners based on Article 17 of Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Prisoners are borne by the state.

Health service procedures for pregnant, breastfeeding prisoners and children of prisoners brought and treated outside prison are based on Rita Inayati's explanation as follows:

For pregnant, giving birth and breastfeeding women, they are checked outside because the prison has limited medical and health facilities, so according to the applicable SOP, the PP session first then asks for the approval of the Head of the Prison with a diagnosis statement and the conditions that must be met before they can be taken out, of course, with escort. After the pregnancy check, he returned to prison. For the health needs of prisoners' children, such as immunizations, the prison collaborates with the Mataram City Health Center. Children of prisoners still receive immunizations according to the government program. Milk is given periodically. Pregnant women are also given vitamins regularly. For examinations, there is also a health clinic in the prison, inmates can come for a health check.

During pregnancy in prison, there are routine checks at the clinic to weigh yourself and check for pregnancy complaints. For routine checks outside because the prison does not have a doctor. The doctor is at the Mataram City Health Center but it is periodic, so for external examinations there is a Maternal and Child Health (KIA) book. For those who give birth, if there are contractions, we immediately take them outside because of limited facilities and infrastructure, we do not have midwives or obstetricians. So we're not afraid of something undesirable happening here, so we take it out. The handling action to give birth was outside, due to limited human resources and facilities and infrastructure in prison. Of course, in accordance with the applicable SOP. Can be accompanied by family with restrictions on not doing things that violate the law. Accompanying families must also comply with applicable regulations. Of course, there must be family accompanying them because the officer is only looking after them. If someone needs medicine, for example, to fill a prescription, if the officer goes out, there will be no one there to look after him. The focus guard is on standby. If a prison resident gives birth and has no relatives to accompany them, they return to the officers for help. Postpartum mothers are monitored by nurses in prison, if they want to be checked by a gynecologist according to the SOP. During Covid, no one gave birth, but if someone gave birth, due to prison limitations, they were taken outside according to health protocols. When you return to prison, of course it will be done quickly. In the morning there is a rapid test.⁸⁴

Based on information from Arum Wahyuningtyas that:

There are no birth costs from prison. So prisoners who are due to give birth in advance are asked whether they have BPJS or not. If not, his family is told to take care of his BPJS. Once there was someone who didn't have BPJS, Mrs. Rita Inayati coordinated with the Department of Health to help or her family paid for it. Only some of his family are far from the city of Mataram. The prison already has collaboration with the Department of Health and the Mataram City Health Center, so we went straight there.⁸⁵

Based on Annisa's experience, when she gave birth normally (no cesarean section), she was taken to the Community Health Center, while for pregnancy control in prison. He once

⁸⁴Results of an interview with Rita Inayati.

⁸⁵Interview results with Arum Wahyuningtyas.

went out for an ultrasound at the Army Hospital next to the prison when he was detained by the Prosecutor. Currently my child and I are coughing and cold but have received medicine from a visiting doctor here. The child has been immunized and will be immunized again on August 19 2023.⁸⁶ The situation is different from Nur Alifah Lutfiana. Nur Alifah Lutfiana explained that

Giving birth while a prison resident. Initially he was taken to the Army Hospital which is next to the prison but the rooms were full so he was immediately referred to the Mataram City Hospital. Giving birth by cesarean at the Mataram City Hospital because at the second opening, the baby was diagnosed with a weak heart and could not wait to be born with a normal process. The doctor advised me to have a cesarean so a cesarean was taken. At the Mataram city hospital for 2 days and 1 night, prison guard officers and 1 family member were waiting for him. At that time, it was still corona in 2021. In the emergency room, we had to do a swab screening, check whether we had opened or not and get an x-ray, after that we were prepared for a cesarean. The child was observed for 8 hours and immediately given breast milk. The Posyandu was still smoothly taken to the Mataram City Health Center, because during pregnancy the control was there. If your child ever gets sick, especially in a crowded room, it's easy to get infected. Usually the treatment is taken to the clinic in the prison. If you seek treatment outside prison, the costs will be borne by BPJS because they have BPJS.⁸⁷

Based on the information above, the prison only has a clinic with 4 nurses who provide primary health services for prison residents and the prison does not have a doctor. If the health condition of prison residents cannot be handled by prison nurses or requires further action from a doctor, health services are provided by prison doctors by implementing prison SOPs for prison inmates who are referred to the Mataram City Community Health Center, Army Hospital or Mataram City Hospital which has a collaboration with prisons. . This is the case with the handling of prison residents during the Covid era.

Health checks for prison inmates are carried out at least 1 (one) time in 1 (one) month and recorded in the health card. If a prisoner has a complaint about his health, the prison nurse is obliged to carry out an examination. If the results of a health examination (diagnosis) reveal an infectious or dangerous disease, then the patient is treated specifically in accordance with the provisions of Article 16 paragraph (1), paragraph (2) and paragraph (3) of Government Regulation Number 32 of 1999 concerning Requirements and Procedures Implementation of the Rights of Correctional Inmates. These conditions have been implemented in the handling of prisoners who gave birth, namely Annisa Citra Pertiwi and Nur Alifah Lutfiana. It's just that the costs of health care in hospitals, especially for Class III Mataram Women's Prison inmates, are borne by the inmates and their families, which tends to be in the form of BPJS. If the prisoner and his family are financially unable, the prison seeks financial assistance from the Department of Health.

Apart from health services, every prisoner has the right to receive food and drink according to the number of calories that meet health requirements. Considering that food and drink affect the health of prisoners. The food and drink standards referred to are regulated in Article 19 and Article 20 of Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates as follows: inmates who are sick, pregnant or breastfeeding, have the right to receive additional food according to the doctor's instructions. Children of prisoners who are brought or born in prison can be given additional food under the doctor's instructions, no later than the child is 2 (two) years old.

⁸⁶Results of interviews with Annisa Citra Pertiwi.

⁸⁷Results of an interview with Nur Alifah Lutfiana

In the event that the child has reached the age of 2 (two) years, he must be handed over to his father or relatives, or another party with the consent of his mother and made in an official report. In the interests of children's health, the Head of Prisons can determine additional food other than based on the doctor's considerations.

Even though prisons provide food for their inmates, they do not rule out the opportunity for the inmates' families/relatives to provide food to the inmates. It's just that every prisoner who receives food from outside the prison must obtain permission from the Head of the Prison, and before the food is handed over to the prisoner, it must first be checked by a Prison Officer.⁸⁸ Food and/or drink given to prisoners is prohibited which could cause health, security and order problems for prisoners.⁸⁹ Food and/or drink given to prisoners is prohibited which could cause health, security and order problems for prisoners.⁹⁰

According to Nur Alifah Lutfiana:

For food needs during pregnancy, follow the prison's routine schedule. Meal measurements are the same as the others. Prepare a special plate with equal measurements. Likewise, during Covid, it's the same for everyone, there is no additional food. If you're hungry at night, eat your roommate's spare food. During pregnancy, get vitamins. When giving birth, breast milk flows smoothly without pumping. Even though they are offered formula milk from the prison, they don't get enough breast milk alone. Complementary food for breast milk (instant porridge) is brought by the family. Usually from prison you get one box of instant porridge a month. One box of instant porridge is enough for a child's food needs for 2 days. After 9 months of having teeth, I eat rice using my own portion in my own place and a different menu. There is a cooperative in prison that sells food and can order porridge for children. You can sleep at night because there is a fan in the room, and the room is not too narrow.⁹¹ Likewise, Annisa said that breast milk was smooth, because she was the third child. Breast milk only, no formula milk.⁹²

Rita Inayati explained that:

Family consignment service for food for pregnant or breastfeeding mothers or additional food for children of inmates during weekday hours. For mothers who give birth in hospital and do not have breast milk, they are immediately given formula milk. So far there have been no problems with breast milk, because the family supports it by entrusting it with vegetables which support the smooth flow of breast milk. Prisons do not have breast milk storage facilities. During Covid, there are no visits, only video calls. The prison provides a special telephone booth with supervision from officers, while under normal conditions you can visit the hall. There are no communication obstacles with the family.⁹³

Arum Wahyuningtyas explained that if you want to eat at midnight you cannot order from outside the prison. There is no circulation of money, it is permissible to tap the chas or swipe the ATM so that you call the family to transfer it and then swipe it at the cooperative in the canteen in the prison. Tap chas via BNI. Periodically there is money from LP but not every day in the form of pempers and milk because the funds are insufficient.⁹⁴

⁸⁸Article 22 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

⁸⁹Article 24 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

⁹⁰Article 24 Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementing the Rights of Correctional Inmates

⁹¹Results of an interview with Nur Alifah Lutfiana

⁹²Results of interviews with Annisa Citra Pertiwi.

⁹³Results of an interview with Rita Inayati.

⁹⁴Interview results with Arum Wahyuningtyas.

Ni Nengah Setiawati from the Nutrition and Growth and Development Information Section of the Mataram City Health Center explained that:

There is no cooperation between the Mataram City Health Center and the Mataram Class III Women's Prison regarding nutrition, growth and development of children of prisoners in prison, so the Puskesmas does not yet know the data and list of children of prisoners in prison. Usually cooperation is in the form of an MoU. Except for the TB program, Community Health Centers are asked to provide health services to prison inmates. Judging from the area, it includes the Mataram City Health Center area, while for the posyandu for children of convicts, the Mataram City Health Center area is in a Javanese village or if you want to hold it yourself, that's okay for immunization, growth and development, vitamins, worming and hipa. It's just that the Community Health Center was not informed, was not asked and was never involved in handling the nutrition of children of prisoners in prison.

The right to receive additional food services and social services for breastfeeding inmates and children of inmates in Mataram Class III Women's Prison is very limited. Especially social services for health care outside prisons (both health centers and hospitals). If you look at the information given by the prison officer, namely Rita Inayati, A.Md.Kep. and Arum Wahyuningtyas and female drug convicts who breastfeed and bring their children with them at the Mataram Class III Women's Penitentiary, namely Annisa Citra Pertiwi and Nur Alifah Lutfiana, BPJS from the individual of each inmate even if they receive assistance from the Special Health Department for emergency conditions when the inmate is concerned. and his family are financially incapacitated. Here, there is a need for a Prison MoU with government or non-government institutions to cover the health costs of prisoners such as Community Health Centers, Basarnas and the Ministry of Social Affairs.⁹⁵

CONCLUSION

The legislative policy regarding female drug convicts who are breastfeeding and the children of prisoners in Correctional Institutions is outlined in Article 9 and Article 62 Paragraphs (1), (2), and (4) of Law Number 22 of 2022 concerning Corrections. This law specifies 12 rights of prisoners, with further implementation details set out in Government Regulation Number 32 of 1999 concerning Conditions and Procedures for the Implementation of the Rights of Correctional Inmates. It is important to note that the maximum age of children allowed to stay with their imprisoned parents is 3 years, in line with the rights of children as mandated in Law No. 23 of 2002 concerning Child Protection. Some of the rights are especially relevant to female drug prisoners who are breastfeeding and to the children of prisoners, such as the right to receive physical care, the right to receive adequate health and food services tailored to their nutritional needs, and the right to receive social services.

The implementation of policies regarding female drug convict mothers who are breastfeeding and their children at the Mataram Class III Women's Penitentiary refers to Law Number 22 of 2022 on Penitentiary, Government Regulation Number 32 of 1999 concerning the Requirements and Procedures for Implementing the Rights of Inmates and Law Number 23 of 2002 concerning Child Protection. However, it has been found that breastfeeding inmates do not attend skills training due to their focus on caring for and breastfeeding their children, especially since the activities take place on the second floor and there are many sharp objects that pose a danger to children. Psychological and spiritual guidance for inmates is conducted

⁹⁵ Results of an interview with Ni Nengah Setiawati (Nutrition and Development and Growth Information Section of the Mataram City Health Center) in the Nutrition and Development and Growth Information Section of the Mataram City Health Center on August 14 2023 at 11.59 WITA.

through psychological and spiritual approaches by Correctional Officers in collaboration with psychologists, and for their spiritual needs, in collaboration with the Ministry of Religious Affairs. Psychologists provide periodic or tentative counseling based on the inmates' condition. Breastfeeding inmates are accommodated in the same room as their children. Before the renovation, there was a play area for the children of the inmates because they are not allowed to leave the prison and can only play in the designated area within the prison, which is also accessible to visitors.

During the COVID-19 pandemic, incarcerated individuals were required to stay in their rooms due to restricted visitation. The prison provides basic necessities such as clothing, sleeping materials, and toiletries tailored to the needs of inmates. However, the responsibility of fulfilling additional needs for inmates' children, except for bed mattresses and dinner plates, falls on the inmates and their families.

In terms of healthcare, the prison operates a clinic with four nurses who offer primary health services to the residents. It's important to note that the facility does not have a resident doctor. If a prisoner or their child requires medical attention beyond the scope of the nurses' services, they are referred to designated healthcare facilities, such as the Mataram City Community Health Center, Army Hospital, or Mataram City Hospital, per the prison's Standard Operating Procedures (SOP).

The provision of adequate nutrition, additional food, and social services for breastfeeding inmates and their children within the prison is notably limited. This limitation extends to healthcare services outside the prison, where inmates are required to utilize personal funds, except in emergency situations when financial assistance is provided by the Department of Health (Diskes) for those who are experiencing financial hardship.

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BIBLIOGRAPHY

Burhan Ashshofa, 2013, *Metode Penelitian Hukum*, Rineka Cipta, Jakarta.

Rodliyah, 2011, *Pembaharuan Hukum Pidana tentang Eksekusi Pidana Mati Perempuan Hamil Pokok-Pokok Pikiran Revisi Undang-undang Nomor 2/Pnps/1964*, CV. Arti Bumi Intaran, Yogyakarta.

Soerjono Soekanto, 1998, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Rajawali Press, Jakarta.

Suratman dan H. Phillips Dillah, 2012, *Metode Penelitian Hukum*, Alfa Beta, Bandung.

Internet:

Humas, Meski Berada Dalam Lapas, Hak Khusus WBP Perempuan Yang Hamil, Menyusui dan Membawa Anak Tetap Harus Dipenuhi, <https://www.balitbangham.go.id/detailpost/meski-berada-dalam-lapas-hak-khusus-wbp-perempuan-yang-hamil-menyusui-dan-membawa-anak-tetap-harus-d>, Diakses pada tanggal 14 August 2023.

Nirkomala, *Lapas Perempuan Mataram Memberikan Keterampilan Bagi Warga Binaan*, <https://mataram.antaranews.com/berita/276417/lapas-perempuan-mataram-memberikan-keterampilan-bagi-warga-binaan?page=all>, Diakses pada tanggal 13 September 2023.

NN, *Sejarah Pemasyarakatan*, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/sejarah-pemasyarakatan>, Diakses pada tanggal 15 Agustus 2023.

Selayang Pandang Satuan Kerja, <https://lppmataram.kemenkumham.go.id/profil/tentang-satuan-kerja/selayang-pandang-satuan-kerja>, Diakses pada tanggal 15 Agustus 2023.

Tim Hukum online, *Perbedaan Pasal 112 dan 114 UU Narkotika*, <https://www.hukumonline.com/berita/a/perbedaan-pasal-112-dan-114-uu-narkotika-lt62069dd88341d/?page=3>, Diakses pada tanggal 29 Agustus 2023.

Regulation:

Undang-Undang Dasar 1945

Undang-undang No 23 Tahun 2002 tentang Perlindungan Anak, Lembar Negara Tahun 2002 Nomor 109 Tambahan Lembar Negara Nomor 4235.

Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan, Lembar Negara Tahun 2022 Nomor 165 Tambahan Lembar Negara Nomor 6811

Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika Lembar Negara Tahun 2009 Nomor 143 Tambahan Lembar Negara Nomor 5062

PP No. 32 Tahun 1999 tentang Syarat Dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan

PP 58 Tahun 1999 tentang Syarat-Syarat Dan Tata Cara Pelaksanaan Wewenang, Tugas Dan Tanggung Jawab Perawatan Tahanan.