
The effectiveness of the implementation of the rights of women assisted citizens in realizing the purpose of Penitentiary in Penitentiary Class II A Rantauprapat

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Abstract

This article tries to explain the rights of protection for people in detention centers. Many laws are made by the state. But practically, authorities in detention centers focus on the obligations and responsibilities of detainees rather than on their rights. So, this research group found some findings at its research site in Rutan, about unfair treatment, discrimination, rights violations, and other mistreatment.

Keywords: rights; detention centers; unfair treatment; discrimination; violations

INTRODUCTION

The change in the prison system to the penal system that began in 1964 requires a change in the view that the punishment imposed on prisoners is not an act of revenge from the state, but an attempt to guide them so that by the time they are released they can return to life and blend in as people in general. As directed by Dr. Sahardjo, S.H., the concept of penitentiary aims “ ” in addition to causing pain to the convict because of the loss of freedom to move, guide the convict to repent, educate him to become a useful member of the Indonesian socialist society”. To achieve this goal, the government cooperates with the community to provide material, spiritual, and skill coaching to inmates. From this we can understand that coaching is a form of effort to protect the human rights of inmates in a penitentiary institution, although some of these rights have been restricted.

Adhering to Article 36 paragraph (1) Gestichtenreglement (Ordinance of December 10, 1917 no. 708), Indonesia made a separation between male inmates and female inmates. Jane C. Ollenburger and Hellen A. Moore suggests that women rarely commit crimes when compared to men. According to Hurwitz, this is due to several things, namely, among others, the female physique is generally less strong and the presence of typical psychic disorders and conditions protected by the environment, which many women work at home so as to avoid drinking. Although now this view has begun to shift, it is undeniable that both consciously and unconsciously, society has held selective inattention against female inmates. The socio-cultural conditions of society view women as people who are smooth, soft, and far from violence so that when a woman commits a criminal act, society considers that she has violated her nature as a woman.

As a result, sometimes the government and society turn a blind eye to the fact that as a woman, female inmates in a community society have different needs than men. For example, a woman will experience a menstrual cycle so that hygiene problems become something that needs to get more attention. In addition, women who are pregnant or about to give birth also need special care to ensure the health of the mother and child. When the child is born, the woman is also able to breastfeed. This example is only a few of the circumstances that show that there are differences between women and men that require different treatment between the two. Unfortunately, the situation in penitentiary institutions often does not reflect these

differences so that the rights to the fulfillment of the special needs possessed by the woman are not protected. Without adequate facilities, women inmates are not only limited in their rights as inmates in general, but also have difficulties when they have to face the circumstances that become her nature as a woman. In fact, given that the concept developed in Indonesia is coaching and not retribution, the government should pay more attention to the special needs of women.

Therefore, this paper aims to examine how the actual situation in a women's Penitentiary and how the implementation of the protection of their human rights, be it their human rights in general or as women. Thus, the author can examine whether the situation in the penitentiary permepuan remain faithful to its original purpose, namely as a facility to guide and educate its assisted citizens to become good members of society.

RESEARCH METHODS

Because the nature and activities of this research is a field research, the research method used is juridical empirical, which is a legal research that aims to examine the effectiveness or work of law in the reality of community life.

Because this study takes an empirical juridical approach, the type of data used in this study is primarily primary data, namely data obtained directly from the field. Although it is said that this study uses empirical juridical methods and therefore the data used is primary data, in practice this study will not be able to rule out the importance of secondary data, namely data obtained through literature studies. The use of secondary data in legal research, even if the research uses empirical juridical methods seems to be a necessity and can not be avoided. Because there may not be a legal research that does not use secondary data because of the fact that legislation and supporting books are always needed in every legal research.

Data collection methods that will be used in this study include field observations, interviews with the subjects mentioned above, and the study of documents related to the subject matter in this study.

RESULTS AND DISCUSSION

A. Implementation of the rights of inmates Detention House Penitentiary institution class IIA Rantauprapat

In terms of the implementation of the rights of women inmates, it will be seen how the fulfillment of the rights of prisoners and inmates in the detention House of the penitentiary institution class IIA Rantauprapat. This detention house is structurally in accordance with its function under the Directorate General of Penitentiary of the Ministry of Law and human rights of the Republic of Indonesia. This study discusses the fulfillment of rights in general, such as the right to good infrastructure, as well as the rights listed in Article 14 of law no. 12 year 1995

1. Right to good infrastructure

In supporting construction, a good infrastructure is needed. Good infrastructure itself, among others, has a bedroom that meets hygiene and health standards, a hospital, correctional officers, a special room for convict meetings with relatives and family mapun lawyers

2. Right to worship

Implementation of the fulfillment of the right to worship in the Penitentiary detention house class IIA Rantauprapat. Places of worship for various religions have been provided. In addition, there are clergy who come to accommodate the need to carry out religious activities for assisted citizens. This is in accordance with the obligation of the penitentiary institution to provide officers to provide education and religious guidance as stated in Article 3 Paragraph (1) of PP no. 32 year 1999

3. Right to education and instruction

Penitentiary detention house class IIA Rantauprapat has a program to pursue Package B in order to fulfill the right to education and teaching. The Program is awarded for obtaining a diploma equivalent to junior high school. In addition to education, there is also the construction of beauty salons, handicrafts, and cooking classes. This is good for improving skills and activities for inmates, but the variety of skill training programs and work activities still show stereotyping of female gender jobs, and these jobs are often not what residents want or are not high value jobs.

4. The right to health care and the provision of adequate food

In this detention house, there is a hospital consisting of general Poly, dental Poly, midwife, inpatient, and children's room. This includes the provision of complete health services. What is not included in health services here is psychological health services. According to Gerham Sykes, the pain or pain due to the psychological loss of independence (imprisonment) will be carried away until out of prison and will only be lost if the prisoner has been able to adapt to society. Psychological suffering such as loss of self-personality, and loss of self-esteem. The importance of psychological treatment of assisted citizens. Moreover, seeing the presence of mixing between prisoners and prisoners as well as those who are adults and children and the number of residents of tananan houses that exceed the existing capacity. Unfortunately now there is no special psychological health service.

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

Regarding the reading material is not yet known what has been provided for assisted citizens. However, regarding other mass media, each cell has 1 14 inch television. So that assisted citizens can follow the broadcast and news through television.

6. The right to get wages or premiums for the work done

In this Detention House a lot of work is done by inmates. Based on research carried out in 2021, there are assisted citizens who sell Officer Food, sell phone credit vouchers, and service work to other residents such as washing clothes, replacing work pickets, massaging, to providing clothes and toiletries. In addition, it also sells handicrafts that they have made on teaching skills.

7. The right to receive family visits, Legal Counsel, specific persons

The room for the visit is given an open space provided by a tarpaulin as a roof and chairs. In the visiting hours the room will be full and rowdy so that sometimes it will be difficult to communicate with the inmates. Then because the room is open, many adults also smoke, so that children can be exposed to the smoke. This room is less friendly for children, but it does not accommodate the needs of the inmates in order to interact more closely with their children.

8. The right to obtain a reduction in the Criminal period (remission), assimilation, as well as parole

The fulfillment of this right has been carried out but is related to changes in the procedure for implementing the rights of assisted citizens with narcotics cases, corruption, terrorism, crimes against state security, serious human rights crimes, and other transnational organized crimes, to obtain remission, assimilation and liberation in accordance with PP no. 99 of 2012, many inmates complained about the requirement because it burdens them in obtaining their rights

B. Impact of the fulfillment of the rights of inmates of the Penitentiary detention house class IIA Rantauprapat

In the case of Rantauprapat class IIA Penitentiary detention House, the rights of prisoners that have been fulfilled properly are the right to worship, the right to get education and teaching, the right to health services and proper food, the right to get reading materials and follow other mass media broadcasts, the right to get wages or premiums for work done, the right to receive family visits and legal counsel. While the rights of prisoners that have not been fulfilled properly is the right to get good infrastructure, the right to get psychological guidance. the right to obtain a reduction in the criminal period or remission, the right to assimilate opportunities, parole, and leave before release. Therefore, in relation to the purpose of Penitentiary, there are several impacts that arise with the implementation and / or non-implementation of the rights of The Prisoner

1. Positive Impact On The Fulfillment Of The Rights Of Assisted Citizens

First, the rights of prisoners that have been fulfilled have a positive impact on the inmates. From a social point of view, the fulfillment of the rights of prisoners prepares the residents of the Penitentiary detention House of Class IIA Rantauprapat to return to society. In this case, based on the theory of the function of law as a means of social change, there are two functions of social change in the fulfillment of prisoners ' rights, namely as a means of social control and as a means to carry out social construction (social engineering). As a means of social control, the law has the duty to keep the community in the patterns of behavior that have been accepted by it, in addition to being seen from the obligations of assisted citizens to meet the order, social control can also be seen in the fulfillment of the rights of assisted Citizens, for example the right of assisted citizens to get education and teaching, the right to get reading materials and follow other mass media broadcasts. Through the fulfillment of these two

rights, inmates can relearn, know and follow the development of the state of society outside the detention house, so that despite being separated from the outside community, inmates remain in generally accepted patterns of behavior while preparing for reintegration.

Then as a means of social construction, the fulfillment of prisoners' rights aims to cause a real social change by means of control or direction using the law to a situation that is aspired. In this case, the purpose of fulfilling the rights of the inmates is Correctional itself, that is, so that the inmates can become whole people, regret and not repeat mistakes, and prepare to return to society. Because the goal is to become a complete human being, the human rights of assisted citizens are guaranteed and protected by law. Then in terms of psychological development, the inmates of the Penitentiary detention House of Class IIA Rantauprapat get moral support through the fulfillment of the right to meet family and / or legal counsel at the scheduled visiting hours.

Finally in terms of economy and culture. Fulfillment of the rights of inmates of the detention House of the penitentiary institution class IIA Rantauprapat has a cultural impact, namely implementing culture or shaping the culture of inmates. For example, the right to worship is fulfilled by the provision of worship space in the detention House of Class IIA Penitentiary Rantauprapat, both prayer rooms, temples, and chapels. Cultural impact is also obtained by assisted citizens with the fulfillment of the right to get education and teaching various activities of interest and talent development held in the Penitentiary detention House of Class IIA Rantauprapat such as handicraft and sports activities, or activities related to coaching directly such as duty schedules and pickets that form the mind and habit patterns of assisted citizens. While the economic impact also arises from the fulfillment of the right of assisted citizens to get wages or premiums for work done, for example through handicrafts sold, or wages of assisted citizens who are believed to be tamping.

2. Negative Impact Of Non-Fulfillment Of The Rights Of Assisted Citizens

The unfulfilled rights of prisoners, on the contrary, have a negative impact on the inmates. First of all, the negative impact is related to the unavailability of psychological assistance, such as, for example, counseling, for assisted citizens. Losing the right to freedom has become a pressure for the inmates. In addition, the situation at the Class II a detention House in East Jakarta exceeded the capacity. And there is a union between prisoners with prisoners, children with adults, as well as all criminal acts ranging from murder, theft, to narcotics all collected into one. Of course, this has little or much effect on the psychological condition of assisted citizens. Not to mention if there are problems with fellow residents of the detention House and with the system that applies in the detention House. There are some inmates who experience mild or severe stress, and there are also those who have a tendency to commit suicide.

Second, other negative impacts are caused by constraints on the fulfillment of The Prisoner's right to obtain a reduction in the criminal period or remission, the right to assimilate opportunities, parole, and leave before release. In PP no. 99 of 2012, there

were several problems that resulted in the difficulty of prisoners to get remission, assimilation opportunities, parole, and leave before release. These problems include :

- a. Requirements management is done by the residents themselves;
- b. The submission process is protracted with a short period of time;
- c. The requirement of fines makes it difficult for incapacitated assisted citizens;
- d. There are different interpretations of the justice collaborator;
- e. There are discrepancies between PP no. 99 of 2012 with Ministerial Regulation under it

The result is overcapacity due to the decline in the rate of remission/assimilation / leave application granted drastically. Due to the difficulty of fulfilling the right of remission/assimilation/leave, psychological impact arises, that many assisted citizens become frustrated, lost hope of freedom because it is difficult to meet the prerequisites for obtaining their rights to commit suicide attempt.

Third, the next negative impact is the problem of inadequate infrastructure. As previously mentioned, the number of inmates of the Rantauprapat class IIA Penitentiary detention House currently exceeds the capacity that can be accommodated.

By exceeding the capacity that can be accommodated, the impact that arises is the social impact, that is, the inhibition of Correctional effectiveness, that is, the positive results of the use of human labor, tools, organizations and methods. In the Penitentiary detention house class IIA Rantauprapat, this can be seen from the dense atmosphere of the detention House. Inmates often commit violations of the code of conduct because the inmates think it is useless to behave well because they will not get results or profits and can not take care of anything. For example, not all inmates both inmates and prisoners get a bed, so to sleep in the room must be rotated, while for those who do not get a bed in the bedroom in the hallway block. So the violation of the code gives them the opportunity to "enjoy" the punishment chamber alone

CONCLUSION

Basically, the legislation in force in Indonesia has provided a legal umbrella for the fulfillment of the rights of assisted citizens in Penitentiary institutions, but the problem that until now still occurs is the implementation of the legislation. The purpose of the establishment of this Penitentiary institution was to return inmates back to being part of a whole society. As explained above, the negative impact on the non-fulfillment of the rights of these inmates has more influence on psychological conditions, such as mild stress to severe stress to the formation of a tendency to commit suicide.

In addition to the problems of the implementation of existing legislation, other problems are the enforceability of PP no. 99 of 2012. With the enactment of PP no. 99 year 2012 this raises new problems. The problems are related to the right of prisoners to obtain remission, parole, and assimilation, which in this PP further complicates these rights to be obtained for prisoners in Penitentiary institutions. With the increasing difficulty of prisoners getting remission, parole, and assimilation, this will have an impact on the overcapacity of existing Penitentiary institutions, which will also affect the psychological condition of prisoners in Penitentiary institutions.

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