

PROTECTION OF THE RIGHTS OF WOMEN AND CHILDREN PRISONERS IN THE CORRECTIONAL PROCESS IN REALIZING GENDER AND AGE-BASED JUSTICE

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Abstract. Protecting the rights of women and children prisoners in the correctional process is an important component of realizing comprehensive justice. Both have special needs that differ from other prisoners, and gender and age factors are particularly important to consider. However, the criminal legal system often shows more significant discrimination and human rights violations against them. The purpose of this study is to analyze correctional policies in Indonesia in guaranteeing the basic rights of women and children prisoners, including non-discriminatory treatment and access to appropriate health, education and rehabilitation services. The research method used is normative with a statute approach, which examines legal principles and regulations related to the protection of their rights in a descriptive qualitative manner. This protection is essential to ensure fair treatment and support humane social reintegration, based on the principles of gender and age justice.

Keywords: Rights of Women and Children Prisoners, Corrections, Gender and Age-Based Justice.

INTRODUCTION

The protection of the rights of women and children prisoners in the correctional system is an important aspect that shows the seriousness of a state in respecting human rights, especially for groups with special needs. In this case, the state has the responsibility to ensure that the correctional system does not only function as a place of detention, but also as an effective means of rehabilitation. This is in line with human rights principles that demand fair and humane treatment of all individuals, regardless of gender or age. The correctional system in Indonesia, which is regulated in Law No. 22 of 2022 on Corrections (Corrections Law), provides an important legal basis for protecting the rights of prisoners. The Act emphasizes the rehabilitation aspect, which aims to enable prisoners, including women and children, to return to society as productive individuals who contribute to society. Thus, corrections is not just a punishment, but also a process of continuous social integration.

The basic rights of prisoners have been explicitly recognized in the Prison Law, including the right to protection, access to adequate health, education, and rehabilitation (Shandyana, 2024). However, in reality, women and children often experience discrimination and treatment that is not in accordance with their special needs. This discrimination can be seen in various forms, such as the placement of female prisoners in general correctional institutions that do not have facilities that support their reproductive health needs. This condition ignores the basic needs of women, such as access to adequate reproductive health services and protection from acts of sexual violence or harassment. As a result, women prisoners not only face physical harm due to lack of attention to their health, but also experience deep psychological impacts, such as trauma and stress, which can interfere with their overall rehabilitation process. This situation emphasizes the importance of more gender-sensitive treatment in the correctional system, so that the basic rights of prisoners, especially

for this most vulnerable group, can be optimally fulfilled and they can better undergo the rehabilitation process.

Meanwhile, children who are serving sentences in Special Development Institutions also face significant challenges. One of the main issues faced is limited access to adequate education. As individuals going through a period of growth and character building, children need the opportunity to receive adequate education and skills training to prepare themselves for their future (Muhammad Fadhil Gunawan et al., 2024). Education, which should be a basic right for every child, is often neglected during the foster care period. This not only hampers their rehabilitation process but also deprives them of the opportunity to obtain a better future after they return to society. In addition, there are reports of juvenile prisoners being placed with adult prisoners, which is contrary to the principles of child protection set out in the Convention on the Rights of the Child as well as the national regulations contained in the Corrections Act. Inappropriate placement can threaten the safety and well-being of children, and potentially have negative effects on their psychological and social development. This can worsen the conditions faced by children in the correctional system.

Discriminatory actions against women and children prisoners in the correctional system often reflect a lack of understanding and response to gender and age needs. In fact, the principles of gender and age-based justice demand a tailored approach to the specific needs of women and children prisoners. For example, women prisoners need access to reproductive health services, protection from sexual abuse, and rehabilitation programs that take into account their social roles as mothers or heads of households. Meanwhile, children need an approach that focuses on education, skills training and psychological rehabilitation that can help them overcome trauma and build a better future. This approach is not only important to support the rehabilitation of women and child prisoners, but also to ensure that they can return to society with the necessary skills and support. It aims to reduce the likelihood of re-offending and improve their quality of life after their sentence ends (Mufti & Riyanto, 2023). In addition, limited infrastructure and human resources are also an obstacle to providing adequate protection. Many correctional institutions in Indonesia are not equipped with gender- and age-friendly facilities. For example, gender-based justice requires that the special needs of women are met, while age-based justice ensures developmentally and socially appropriate treatment for children.

The lack of training for prison officers in dealing with women and children prisoners using appropriate approaches also exacerbates this situation. Coupled with societal stigmatization of women and child prisoners, women are often more heavily stigmatized than male prisoners. Meanwhile, children of prisoners are often treated as criminals without considering their age, which is still vulnerable to environmental influences. Therefore, the protection of the rights of women and children prisoners must be prioritized in the reform of the correctional system in Indonesia. This needs to be done by taking into account their specific needs, so that the system can be more effective in providing rehabilitation, reducing recidivism rates, and creating an environment that supports social justice. These reforms are not only important to protect their human rights, but also to ensure that corrections contribute significantly to the formation of an inclusive and just society. This situation requires correctional policy reforms, infrastructure improvements, training for officers, as well as cross-sectoral cooperation that is indispensable for realizing a correctional system that is more responsive to the needs of women and children. Thus, the application of gender and age-based justice principles can be a strong basis for the establishment of an inclusive and future-oriented correctional system, so that it is expected that this system is not only able to provide inclusive justice, but also contribute to effective rehabilitation and social reintegration for women and children prisoners.

The research "Protection of the Rights of Women and Children Prisoners in the Correctional Process in Realizing Gender and Age-Based Justice" has a broader scope and focus than previous research by Loyalin, Rosa, and Andi Kurniawan entitled "Implementation of the Fulfillment of the Rights of Children of Women Prisoners at the Women's Correctional Institution Class IIA Jakarta" in the

Nusantara Scientific Journal in 2024 (Loyalin & Kurniawan, 2024). Loyalin et al.'s research emphasizes the fulfillment of the rights of children born to women prisoners, especially in facilities and services at the Jakarta Class IIA Women's Correctional Institution, focusing on issues of health, education, and the basic needs of children who are with their mothers in prison. In contrast, this research examines the rights of women and child prisoners more thoroughly, including the protection of children's rights as prisoners in the Special Development Institute for Children as well as women prisoners with a gender and age-based approach. It also addresses issues such as segregated facilities, restorative approaches, and correctional policy reform, providing a more holistic and integrative view than Loyalin et al.'s study, which focused on one specific location and group. The purpose of this study is to explain how the correctional process can be optimized to protect the rights of women and children, and how gender and age-based justice can be realized in practice. Based on the description above, the problem discussed in this study is how the correctional process can be optimized to protect the rights of women and children, and how gender and age-based justice can be realized in practice.

RESEARCH METHOD

The research method used is normative research method, using a *statute approach* and related to the protection of the rights of women and children prisoners in the correctional process in realizing gender and age-based justice. The normative research method is a process for finding legal rules, legal principles, and legal doctrines in order to answer the legal issues at hand (Nurhayati et al., 2021). The *statute approach* is to examine matters concerning legal principles, legal views and doctrines, and laws and regulations and legal facts regarding the protection of the rights of women and child prisoners and will be analyzed descriptively qualitatively (Khoiril Jamil & Rumawi, 2020).

RESULT AND ANALYSIS

1.1. Protection of the Rights of Women and Children Prisoners in the Correctional System

The correctional system has an important responsibility to protect the rights of prisoners, including women and children, who are a special needs group that requires more attention. This protection includes not only the fulfillment of basic needs such as food and shelter, but also certain rights tailored to gender and age characteristics. In Indonesia, the protection of the rights of women and child prisoners is specifically regulated through Law No. 22 of 2022 on Corrections (Corrections Law). This law provides the legal basis to ensure that all prisoners, including women and children, are treated fairly, humanely, and in accordance with their specific needs. These protections include segregated places of detention, access to basic rights such as education and health, and the fulfillment of gender and age-specific needs. The aim is to ensure that the correctional process focuses not only on punishment, but also on rehabilitation and social reintegration.

The Corrections Law provides a clear legal framework to protect the rights of prisoners, including women and children. In this law, women and child prisoners are recognized as a special needs group that requires special treatment. This points to the importance of providing facilities and rehabilitation programs that suit their needs. The Corrections Law emphasizes the importance of segregating prisoners by gender and age, so that women and children are not mixed with adult prisoners, especially men. This separation not only aims to protect women and child prisoners from the risk of physical or sexual violence, but also to create a safe environment and support their rehabilitation process. Women prisoners are housed in women-only prisons, while children are housed in Children's Special Development Institutions. Children's Special Development Institutions are specifically created to meet the needs of children, such as access to education and skills training, as well as providing protection from the adverse influences that may arise if they are mixed with adult prisoners.

In the context of protecting the rights of women and children prisoners, Article 61 of the Corrections Law is very relevant. This article emphasizes that women and children prisoners are included in

special needs groups, so they are entitled to treatment and facilities that suit their needs (Nova & Elda, 2022). This includes the provision of a safe and comfortable environment, gender- and age-sensitive rehabilitation programs, and access to health and education services. This special treatment aims to ensure that their rights are guaranteed, as well as to minimize the risk of violence and exploitation, which is often a problem for prisoners in the correctional system. The rights of women and children prisoners are regulated in detail in Article 9 and Article 12 of the Corrections Law. Article 9 states that every prisoner has the right to humane and dignified treatment, protection from physical and psychological violence, as well as access to basic needs such as food, health services, and freedom of religion (Anjani et al., 2023). In the context of women and child prisoners, these rights include additional protections, such as access to reproductive health services for women and education for children. Meanwhile, Article 12 specifically regulates the rights of child prisoners. Children serving sentences are entitled to legal protection, formal education, skills training, and psychological guidance that can help them overcome trauma (Bramandita, 2023). In addition, they have the right to be separated from adult prisoners to prevent violence and negative influences. The fulfillment of these rights aims to ensure that children can be properly rehabilitated and have the opportunity to return to society as productive individuals.

Every prisoner has human rights that must be protected, including the right to be free from torture, the right to medical care, education, and freedom of religion. Humane and dignified treatment is a fundamental principle in the correctional system. Women and child prisoners, as a special needs group, require special attention to ensure that their rights are maximized. The right to protection from torture, for example, should include protection from sexual abuse of women and discriminatory treatment of children. The right to medical care includes not only access to basic health services, but also reproductive health services for women and specialized care for children who need the best nutritional and health support. The right to education and skills training is essential to prepare prisoners, especially children, to adapt and lead a better life after release.

Women prisoners have specific needs that must be met to support their rehabilitation process and their lives while in prison. Their rights include protection from sexual violence and inappropriate treatment, which is often a major risk in the prison environment if not properly managed. In addition, women prisoners are entitled to privacy in their interactions with correctional officers, particularly in situations related to physical examinations or health conditions. Another important right is access to reproductive health services, which are often overlooked. These services include routine medical check-ups, care for pregnancy, as well as addressing other health needs specific to women. Juvenile prisoners have the right to be separated from adult prisoners to prevent negative influences and potential exploitation. They are also entitled to formal education and skills training that can prepare them for the future. This education includes not only academic subjects, but also character development and skills essential for reintegration into society. In addition, juvenile offenders must be protected from physical and psychological abuse during the correctional process. An ageappropriate approach to rehabilitation is key to ensuring that children do not lose their future due to their status as prisoners.

1.2. Problems in Protecting the Rights of Women and Children Prisoners

Indonesia's correctional system, despite being governed by regulations that guarantee the rights of prisoners, still faces challenges in protecting women and children prisoners. Women and children prisoners often face discriminatory treatment, inadequate facilities, and inappropriate approaches to their specific needs. Some of the main problems in protecting the rights of women and children prisoners include stigma and discrimination, limited infrastructure and resources, and a lack of understanding and training of correctional officers. One of the biggest challenges in protecting women and child prisoners is the social stigma attached to their status as offenders. Women prisoners often face a greater burden of stigma than their male counterparts, especially in societies with conservative views on gender roles. Incarcerated women are often perceived as failing to fulfill traditional roles as a mother, wife, or housekeeper. As a result, they face not only formal punishment

from the justice system, but also social punishment in the form of discrimination and ostracization from society (Fitri, 2017).

Juvenile offenders also face stigma that is harmful to their psychological development. They are often perceived as "bad boys" or criminals who have no hope of change, regardless of their background or the environmental influences that brought them into the correctional system (Pertiwi & Saimima, 2022). This stigma often makes children feel unappreciated and lose motivation to improve themselves, thus worsening their rehabilitation process. Discrimination is also seen in the treatment within correctional institutions. Women and child prisoners are often treated the same as other prisoners without considering their specific needs. For example, female prisoners do not always get access to reproductive health services, while children are often deprived of the right to adequate education. This inappropriate treatment not only violates their human rights, but also hinders the main objectives of correctional institutions, namely rehabilitation and social reintegration.

Limited infrastructure and resources in correctional institutions are also one of the main obstacles in protecting the rights of women and children prisoners (Utami, 2020). Many correctional institutions in Indonesia are not designed to meet gender- and age-specific needs. Reproductive health services for women, for example, are often unavailable or very limited. Often, female prisoners have to share health facilities with male prisoners, which not only violates their privacy but also increases the risk of sexual harassment and violence. For children, lack of access to education is a serious problem. Many Special Development Institutions for Children do not have adequate educational facilities, both in terms of teaching staff, teaching materials, and infrastructure. Children who should be receiving formal education and skills training for their future are deprived of these opportunities while in the correctional system. In addition, juvenile detention facilities often do not effectively segregate them from adult prisoners, which can expose them to negative influences or even violence (Samar et al., 2023).

Limited budgets and human resources also exacerbate this situation. Many prisons lack professionals, such as psychological counselors, educators, or health workers, who are needed to support the rehabilitation of women and children in prison (Wardana & Subroto, 2023). This points to the need for greater investment in infrastructure and resources to ensure that prisons can adequately meet the needs of all prisoners. Lack of understanding and specialized training of correctional officers is another issue that hinders the protection of the rights of women and children prisoners. Correctional officers often lack knowledge of gender- and age-specific needs, so the approach used in dealing with women and children prisoners tends to be homogenous and insensitive to their needs.

Inappropriate approaches can be seen in various aspects, from the way officers interact with prisoners to the policies implemented in correctional institutions. Female prisoners, for example, are often subjected to body searches conducted by male officers without consideration for their privacy and comfort. Children, on the other hand, are often treated as adults without regard to their need for guidance that is educational rather than punitive. Specialized training for correctional officers is essential to address these issues. Officers need to be equipped with knowledge about gender and age-based justice, as well as the skills to apply appropriate rehabilitative approaches. This training could include how to deal with female prisoners with sensitivity to reproductive health issues, how to provide psychological support to children, and how to create a safe and supportive environment for the rehabilitation process of prisoners.

1.3. Gender and Age-Based Justice in Prisons

The theories of justice proposed by Thomas Aquinas and Aristotle provide a relevant philosophical basis in discussing gender and age-based justice in the correctional system. Aristotle explains justice as giving each individual what is due to them in proportion to their needs. This view is known as *justice as proportional equality*, where fair treatment does not mean equal treatment, but treatment

in accordance with the conditions, situations, and needs of each individual (Keladu, 2023). Meanwhile, Thomas Aquinas developed the concept of justice from a theological perspective, emphasizing distributive justice, which is the responsibility of the state or authority to distribute resources and rights fairly to the community, especially to groups with special needs (Nikodemus & Endi, 2023). In the correctional context, these two theories can be applied to support gender- and age-based approaches. Gender-based justice is in line with Aristotle's ideas, which demand proportional treatment for female prisoners through the provision of facilities such as reproductive health services and rehabilitation programs that suit their needs as women. On the other hand, agebased justice is in line with Aquinas' principle of distributive justice, where children as a vulnerable group should be prioritized in education, protection, and rehabilitation in order to develop optimally. By integrating these two theories, the correctional system can create a more inclusive and responsive environment, providing fair treatment according to the specific needs of women and child prisoners.

The implementation of gender and age-based justice principles in the correctional system is an important effort to create fair treatment for women and child prisoners. Gender-based justice underscores the need for segregated detention spaces between men and women to protect women from the risk of sexual violence and discriminatory treatment (Raflis et al., 2016). Furthermore, a gender-based approach also demands the implementation of rehabilitation programs that consider the psychological and social needs of women prisoners. This includes providing access to reproductive health services, psychological counseling, and skills training appropriate to their social roles, including as mothers or heads of households. In this regard, it is important to recognize that women prisoners often carry additional burdens, such as trauma from violence or their role as caregivers of children that must be maintained despite being in prison. Meanwhile, age-based justice emphasizes the importance of differentiating the treatment of child prisoners according to their status and needs. Children who are perpetrators of criminal offenses should not be treated the same as adult prisoners, given their age which is still in the stage of emotional and psychological development. In addition, child prisoners who are victims in criminal cases should receive special treatment that better supports their recovery and rehabilitation. In both situations, age-based justice requires an educational and restorative approach, which helps children understand their mistakes and gives them the opportunity to improve themselves.

A restorative approach for women and children prisoners in the correctional system is one of the key steps to creating an effective rehabilitative environment. This approach focuses not only on punishment, but also on restoring social relations, conflict resolution, and productive social reintegration (Hafrida et al., 2015). For women, restorative approaches can help them overcome the trauma of violence or abuse they experienced before or during the correctional process. For children, it provides space to learn from their mistakes and receive guidance that supports their personal development. This approach has also proven effective in reducing recidivism rates, as prisoners are given the opportunity to understand the impact of their actions and improve themselves. Gender- and age-friendly development is also an important element in protecting the rights of women and children prisoners. Education and skills training should be a top priority in corrections, as they are key to successful social reintegration. Women and child prisoners are often deprived of the opportunity to develop life skills during their sentences. Therefore, formal education programs for children and skills training such as sewing, cooking, or basic technology for women, can help them rebuild their lives after release. This education not only provides knowledge, but also boosts self-confidence and opens up better economic opportunities for them in the future.

In addition, health and psychological protection are important needs that are often overlooked in the correctional system (Siboro & Subroto, 2023). Female prisoners need access to adequate reproductive health services, such as antenatal check-ups, family planning services, and other health care specific to women. Meanwhile, children require special attention to their mental health, especially if they have been traumatized by crime or conditions of detention. Psychological counseling and emotional support are important elements to ensure that the rehabilitation process

goes well. Separate detention facilities for juvenile and female prisoners should also be a priority in the correctional system. This separation not only protects them from violence or abuse, but also creates an environment more conducive to rehabilitation. Women's prisons and Special Development Institutions for Children should be equipped with facilities specifically designed to meet their needs, such as playrooms for children who are with their mothers in prison, as well as education and skills training spaces (Putri & Subroto, 2023).

To overcome these problems, correctional policy reform is an urgent step that must be taken. Correctional policies need to be more responsive to gender and age needs, with improved women- and child-friendly facilities. Examples include the construction of special rooms for mothers who bring their children, reproductive health facilities, and study rooms for child prisoners. In addition, rehabilitative policies should emphasize the importance of psychological and social coaching, designed to help prisoners better return to society. Training and strengthening the capacity of officers is also an important step to improve the effectiveness of protecting the rights of women and child prisoners. Correctional officers need to be provided with training on gender and age-based justice, so that they can understand the specific needs of these prisoners and use appropriate approaches in guidance. Training should also include trauma management and counseling, so that officers can provide adequate psychological support. Finally, cooperation with social institutions and nongovernmental organizations needs to be enhanced to support the rehabilitation process of women and children prisoners. These agencies can help provide additional services, such as counseling, skills training, and social reintegration support. This collaboration not only strengthens the capacity of the correctional system, but also ensures that prisoners receive more humane treatment and supports positive changes in their lives.

CONCLUSION

Protecting the rights of women and child prisoners in the correctional system is an important part of the commitment to gender and age-based justice aimed at ensuring their humane, dignified and appropriate treatment. Law No. 22 of 2022 on Corrections provides the legal foundation to guarantee these rights, including segregation of detention facilities, access to health services, education, and rehabilitation programs that are sensitive to gender and age needs. Women prisoners are entitled to protection from sexual violence, privacy, and reproductive health services, while child prisoners have the right to education, skills training, and protection from physical and psychological violence. The fulfillment of these rights is not only aimed at rehabilitation, but also at preparing them to return to society as productive and dignified individuals, so that the correctional system can function as an inclusive and fair development tool.

Protecting the rights of women and child prisoners in the correctional system still faces various challenges, including social stigma, discrimination, limited infrastructure, and lack of training for correctional officers. Women prisoners often receive treatment that is insensitive to their needs, such as lack of access to reproductive health services, while child prisoners are often deprived of their right to education and exposed to harmful influences if not separated from adult prisoners. Limited facilities, budgets, and professionals, such as psychological counselors and educators, further exacerbate this situation. In addition, correctional officers often lack an understanding of gender- and age-based approaches, so the treatment of prisoners tends to be homogenized and unresponsive to their needs. Therefore, reforms are needed in the correctional system through improved infrastructure, resource allocation, as well as officer training to create an environment that is safe, supportive, and in line with the principles of gender and age-based justice.

Gender- and age-based justice in the correctional system is critical to ensuring fair, humane, and appropriate treatment for the specific needs of women and child prisoners. This approach emphasizes segregated detention facilities, access to reproductive health services, education, and skills training, and psychological support for effective rehabilitation. This principle of justice also encourages the application of restorative approaches that focus not only on punishment, but also on social recovery and reducing recidivism. To achieve this, policy reforms that are more responsive to gender and age,

training for correctional officers, and cooperation with social institutions and NGOs are needed. With these measures, the correctional system can become more inclusive and support the social reintegration of women and children prisoners more effectively.

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