



## The Paradigm of Protecting the Reproductive Rights of Pregnant and Breastfeeding Female Prisoners in the Indonesian Correctional System


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**Abstract:** This article examines the protection of the rights of pregnant and breastfeeding female prisoners within the Indonesian correctional system from the perspectives of law and reproductive justice. Although the rights of prisoners have been regulated in various statutory frameworks, previous studies have largely been dominated by descriptive-normative approaches and have not critically addressed the gap between the legal framework and its implementation, particularly in fulfilling women's specific reproductive health needs within correctional settings. This study aims to critically analyze the fulfillment of the rights of pregnant and breastfeeding female prisoners and to evaluate the limitations of their implementation in correctional practice. This research employs a normative juridical method using statutory and conceptual approaches, supported by documentary studies of various legal sources and academic literature. The findings indicate that, normatively, the state has established an adequate legal protection framework. However, in practice, there is a significant gap between norms and implementation, as reflected in limited facilities, the lack of comprehensive reproductive health services, and the absence of an optimal gender-responsive approach within the correctional system. This study affirms that existing protections remain at the level of normative compliance and have not fully reflected substantive justice. Theoretically, it contributes by integrating a reproductive justice perspective into correctional law studies, while practically offering directions for policy reconstruction that are more responsive, inclusive, and aligned with global human rights standards.

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**Keywords:** protection of prisoners' rights, female prisoners, reproductive justice, reproductive health, correctional system, pregnant and breastfeeding women

**Abstrak:** Artikel ini mengkaji perlindungan hak narapidana perempuan hamil dan menyusui dalam sistem masyarakat di Indonesia dalam perspektif hukum dan keadilan reproduktif. Meskipun pengaturan mengenai hak narapidana telah diatur dalam berbagai peraturan perundang-undangan, kajian sebelumnya masih didominasi oleh pendekatan deskriptif-normatif dan belum secara kritis mengkaji kesenjangan antara kerangka hukum dan implementasinya, khususnya dalam memenuhi kebutuhan spesifik perempuan terkait kesehatan reproduksi di lingkungan masyarakat. Penelitian ini bertujuan untuk menganalisis secara kritis pemenuhan hak narapidana perempuan hamil dan menyusui serta mengevaluasi keterbatasan implementasinya dalam praktik masyarakat. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan konseptual, yang didukung oleh studi dokumenter terhadap berbagai sumber hukum dan literatur akademik. Hasil penelitian menunjukkan bahwa secara normatif negara telah menyediakan kerangka perlindungan hukum yang memadai. Namun, dalam praktiknya terdapat kesenjangan signifikan antara norma dan implementasi, yang ditandai oleh keterbatasan fasilitas, minimnya dukungan layanan kesehatan reproduktif yang komprehensif, serta belum optimalnya pendekatan berbasis kebutuhan gender dalam sistem masyarakat. Penelitian ini menegaskan bahwa perlindungan yang ada masih berada pada tahap pemenuhan normatif dan belum sepenuhnya mencerminkan keadilan substantif. Secara teoretis, penelitian ini berkontribusi dengan mengintegrasikan perspektif keadilan reproduktif ke dalam kajian hukum masyarakat, sementara secara praktis menawarkan arah rekonstruksi kebijakan yang lebih responsif, inklusif, dan selaras dengan standar hak asasi manusia global.

**Kata kunci:** perlindungan hak narapidana, narapidana perempuan, keadilan reproduktif, kesehatan reproduksi, sistem masyarakat, perempuan hamil dan menyusui

## Introduction

The state bears a constitutional responsibility to ensure the respect, protection, and fulfillment of human rights for every individual, including those serving sentences in correctional institutions.<sup>1</sup> This principle affirms that prisoners remain legal subjects endowed with fundamental rights that cannot be revoked,

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<sup>1</sup> Michael Jonathan and Wilma Silalahi, "Pidana Pengawasan Dalam Sistem Peradilan Pidana Indonesia: Kajian Konseptual Dan Implementasi," *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan* 24, no. 1 (June 1, 2025): 31-40, <https://doi.org/10.30863/ekspose.v24i1.8825>.

as stipulated in Law Number 12 of 1995 on Corrections.<sup>2</sup> These rights include the freedom to practice religion, access to healthcare services, education, adequate nutrition, and the right to communicate with family members and legal counsel. Accordingly, the correctional system fundamentally represents a manifestation of a humanistic approach that recognizes prisoners as individuals who must be treated with dignity and justice.

Over time, the correctional system in Indonesia has undergone a transformation from a punitive prison system to a rehabilitative system grounded in the principle of *pengayoman*.<sup>3</sup> This concept, introduced by Sahardjo, emphasizes that the purpose of punishment is not merely repressive, but also rehabilitative and reintegrative. This shift is reflected in the change of nomenclature from “Prison House” (*Rumah Penjara*) to “Correctional Institution” (*Lembaga Pemasyarakatan*), indicating a paradigmatic transition in the treatment of prisoners.<sup>4</sup>

Several previous studies have examined the protection of female prisoners’ rights from various perspectives. Research conducted by Hanida Martiyanto and Mitro Subroto highlights the fulfillment of female prisoners’ rights based on the Correctional Law, yet it remains largely focused on normative aspects without in-depth implementation analysis.<sup>5</sup> Another study by Rahma Putri and colleagues explores the role of correctional institutions in fulfilling the rights of female prisoners after childbirth; however, it has not comprehensively integrated a needs-based approach to reproductive health.<sup>6</sup>

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<sup>2</sup> Yuarini Wahyu Pertiwi and Ika Dewi Sartika Saimima, “PERANAN KONTROL SOSIAL DAN OPTIMALISASI KEBIJAKAN KEADILAN RESTORATIF PADA ANAK PELAKU TINDAK PIDANA,” *Jurnal Hukum Dan Peradilan* 11, no. 1 (March 31, 2022): 109, <https://doi.org/10.25216/jhp.11.1.2022.109-133>.

<sup>3</sup> Yunita Sari and Ibrahim Fikma Edrisy, “Implementasi Restorative Justice Terhadap Perkara Pelaku Pidana Anak Di Indonesia,” *PESHUM : Jurnal Pendidikan, Sosial Dan Humaniora* 4, no. 4 (June 12, 2025): 6167-77, <https://doi.org/10.56799/peshum.v4i4.10155>.

<sup>4</sup> Rudi Margono, *Penjara Bukan Solusi-Mencari Alternatif Pemidanaan Yang Manusiawi* (PROFESOR RUDI MARGONO, 2026).

<sup>5</sup> Hanida Martiyanto and Mitro Subroto, “Perlindungan Hukum Terhadap Anak Dari Narapidana Perempuan Di Lembaga Pemasyarakatan Indonesia,” *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 12, no. 02 (November 27, 2023), <https://doi.org/10.19109/intelektualita.v12i002.19698>.

<sup>6</sup> Desy Kristiani Rahma Putri, Anak Agung Sagung Laksmi Dewi, and Ni Made Puspasutari Ujianti, “Peran Lembaga Pemasyarakatan Dalam Memenuhi Hak Narapidana Perempuan

Meanwhile, research by Nur Alia Latifa and Rugun Romaida Hutabarat emphasizes legal protection for pregnant female prisoners, but it primarily concentrates on formal juridical aspects without examining the gap between normative provisions and actual practices in the field.<sup>7</sup>

Nevertheless, in practice, the fulfillment of the rights of pregnant and breastfeeding female prisoners continues to face various structural constraints. This group has specific biological, psychological, and social needs, thereby requiring a distinct protection approach compared to prisoners in general. Normatively, the right to healthcare services has been guaranteed under Law Number 22 of 2022 on Corrections and Government Regulation Number 32 of 1999. However, implementation in practice reveals limitations in medical personnel, inadequate maternal healthcare facilities, and the absence of supporting services such as lactation rooms and psychological counseling.<sup>8</sup>

Beyond physical health considerations, the fulfillment of the mental and emotional needs of pregnant and breastfeeding female prisoners also remains suboptimal.<sup>9</sup> The lack of psychological counseling services and adequate reproductive health education may adversely affect the well-being of both mother and child. This condition contradicts the principles of child protection, which emphasize the importance of a healthy and supportive environment for optimal child development, including for children born and raised within correctional institutions.

Based on the foregoing discussion, it can be identified that previous studies have largely adopted a descriptive-normative approach and have not comprehensively examined the protection of the rights of pregnant and breastfeeding female prisoners through a reproductive justice framework.

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Hamil Dan Pasca Melahirkan,” *Jurnal Interpretasi Hukum* 2, no. 3 (November 27, 2021): 550–54, <https://doi.org/10.22225/juinhum.2.3.4135.550-554>.

<sup>7</sup> Nur Alia Latifa and Rugun Romaida Hutabarat, “Hak Khusus Narapidana Hamil Di Lembaga Pemasyarakatan Di Indonesia,” *Riwayat: Educational Journal of History and Humanities* 8, no. 4 (October 31, 2025): 7889–95, <https://doi.org/10.24815/jr.v8i4.50851>.

<sup>8</sup> Yuniarta Lasriado Siahaan and Muh. Jufri Ahmad, “ANALISIS PERLINDUNGAN HAK NARAPIDANA PEREMPUAN DI LEMBAGA PEMASYARAKATAN DARI PERSPEKTIF HAM,” *COURT REVIEW: Jurnal Penelitian Hukum (e-ISSN: 2776-1916)* 5, no. 06 (July 10, 2025): 137–53, <https://doi.org/10.69957/cr.v5i06.2299>.

<sup>9</sup> Mitro Subroto and Jehan Aidil Ruwanda, “Pemenuhan Pelayanan Kesehatan Narapidana Perempuan Hamil Dan Menyusui Didalam Lembaga Pemasyarakatan,” *Innovative: Journal Of Social Science Research* 4, no. 5 (2024): 3857–64.

Moreover, a gap persists between the existing legal norms governing such protection and the realities of implementation, which continue to face various constraints.

This study seeks to address this gap by proposing a reproductive justice approach as an analytical framework to assess and reconstruct the protection of the rights of female prisoners. In contrast to prior research, this article not only examines normative aspects but also offers a critical evaluation of policy implementation and formulates directions for strengthening protection in a manner that is more gender-responsive and equitable.

Accordingly, this research is expected to contribute theoretically to the development of correctional law studies while also serving as a foundation for the formulation of more comprehensive policies to ensure the protection of the rights of pregnant and breastfeeding female prisoners in Indonesia.

## **Method**

This study constitutes normative legal research<sup>10</sup> that focuses on analyzing positive legal norms governing the protection of the rights of pregnant and breastfeeding female prisoners within the correctional system in Indonesia. It not only examines statutory regulations but also evaluates the extent to which these legal norms align with their implementation in practice, particularly from the perspective of reproductive justice.

The approaches employed in this research include the statute approach and the conceptual approach. The statute approach is used to analyze various regulations related to corrections and the protection of prisoners' rights, such as the Correctional Law and its implementing regulations. Meanwhile, the conceptual approach is applied to examine the concepts of reproductive justice and human rights as analytical frameworks for evaluating the protection of female prisoners' rights.

Data collection is conducted through a documentary study, involving a systematic review of relevant legal documents and academic literature. The legal materials utilized in this research consist of primary and secondary sources. Primary legal materials include statutory regulations related to corrections, as well as other relevant legal instruments. Secondary legal materials comprise

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<sup>10</sup> Zuhcri Abdussamad, *Metode Penelitian Kualitatif* (Makassar: Syakir Media Press, 2021).

books, scholarly journals, and previous research findings concerning the rights of female prisoners and reproductive justice.

Data analysis is carried out qualitatively using a prescriptive analytical method. This analysis aims to identify gaps between legal norms and their implementation, as well as to formulate legal arguments that can serve as a basis for reconstructing the protection of female prisoners' rights. In the analytical process, this study also employs deductive legal reasoning by drawing conclusions from general norms to specific cases that form the object of analysis.

In addition, this research integrates a reproductive justice perspective as an analytical framework to assess the extent to which correctional policies have accommodated the specific needs of women, particularly those related to reproductive health, pregnancy, and breastfeeding. This approach is employed to strengthen the critical analysis of existing policies and to formulate recommendations that are more gender-responsive and equitable.

## **Result and Discussion**

### **The Implementation of the Protection of the Rights of Pregnant and Breastfeeding Female Prisoners within the Indonesian Correctional System**

The protection of the rights of pregnant and breastfeeding female prisoners within the Indonesian correctional system has been normatively regulated through various legal instruments.<sup>11</sup> These regulations affirm that the state is obligated to ensure the fulfillment of prisoners' fundamental rights without discrimination, including for vulnerable groups such as women during pregnancy and breastfeeding. The existence of the Correctional Law and its implementing regulations reflects the state's commitment to providing legal protection for this group.<sup>12</sup>

Normatively, such regulations encompass several essential aspects, including the right to healthcare services, the fulfillment of nutritional needs, and the protection of children born to prisoners. Provisions concerning supplementary nutrition (*extra feeding*) and maternal healthcare services

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<sup>11</sup> Rini Fathonah et al., "Legal Study on Fulfilling the Rights of Women Prisoners in Correctional Institutions," *Journal of Law and Sustainable Development* 11, no. 12 (December 12, 2023): 1-12, <https://doi.org/10.55908/sdgs.v11i12.2204>.

<sup>12</sup> Nur Paikah, "Responsibility for Fulfilling the Rights of Women Prisoners," *Journal of Indonesian Scholars for Social Research* 3, no. 2 (July 12, 2023): 88-92, <https://doi.org/10.59065/jissr.v3i2.110>.

constitute integral components of correctional policies aimed at safeguarding the health of both mother and child during their time in correctional institutions.

In practice, the implementation of these protections has been carried out through various programs provided by correctional institutions. Healthcare services represent one of the most prominent forms of rights fulfillment, including routine medical examinations at prison polyclinics, monitoring of pregnancy conditions, and referrals to more advanced healthcare facilities when necessary. This demonstrates a tangible effort to ensure the health and well-being of female prisoners throughout their pregnancy.

In addition, the protection of children constitutes an important concern within the correctional system. Children born to prisoners are granted access to healthcare services, including immunization and the fulfillment of basic nutritional needs. This policy reflects the recognition that children possess inherent rights that must be safeguarded, even when they are born under constrained circumstances such as within correctional institutions.<sup>13</sup>

Policies that allow children to reside with their mothers up to a certain age also form part of this protective framework. Such policies are grounded in psychological and emotional considerations, acknowledging that the presence of a mother plays a crucial role in early childhood development. In this context, correctional institutions seek to accommodate these needs despite limitations in space and facilities.

Beyond co-residence policies, there are also innovations such as remote breastfeeding services, which enable prisoners to continue fulfilling their children's right to breastfeeding even when they do not live together. This practice demonstrates policy adaptation in response to the specific needs of female prisoners, while also reflecting recognition of the importance of reproductive rights and maternal roles.

Nevertheless, the implementation of such protections continues to face various limitations. One of the primary challenges is the lack of specialized facilities to support the needs of pregnant and breastfeeding women, such as

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<sup>13</sup> Eleanor Bard, Marian Knight, and Emma Plugge, "Perinatal Health Care Services for Imprisoned Pregnant Women and Associated Outcomes: A Systematic Review," *BMC Pregnancy and Childbirth* 16, no. 1 (December 29, 2016): 285, <https://doi.org/10.1186/s12884-016-1080-z>.

the absence of adequate lactation rooms. This condition indicates that, although regulations have been established, infrastructural support remains insufficient.<sup>14</sup>

In addition to infrastructural constraints, the limited number of medical personnel also poses a significant obstacle to the optimization of healthcare services. In many cases, healthcare providers within correctional institutions are required to serve a large number of inmates, resulting in services that fall short of ideal standards, particularly for groups with specific needs.<sup>15</sup>

Another issue identified is the suboptimal separation of housing between pregnant prisoners and other inmates. This condition poses potential risks to the health and comfort of female prisoners who are in a vulnerable state. The absence of designated facilities indicates that the protection approach being implemented remains general in nature and has not yet fully incorporated a gender-responsive, needs-based framework.<sup>16</sup>

Moreover, psychological support services and reproductive health education have not been systematically integrated into the correctional system. In fact, mental well-being and health literacy play a crucial role in supporting the welfare of both mother and child. The absence of such services suggests that the protection provided continues to focus primarily on physical aspects, while psychological and educational dimensions have yet to receive adequate attention.

### **Normative and Substantive Gaps in the Protection of the Rights of Pregnant and Breastfeeding Female Prisoners in Indonesia**

The findings of this study indicate that the protection of the rights of pregnant and breastfeeding female prisoners in Indonesia is still predominantly characterized by a normative-administrative approach. This is reflected in the

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<sup>14</sup> Andi Talitha Miranda Imasti and Mitro Subroto, "Dampak Overcrowded Bagi Kesehatan Narapidana Wanita Hamil Di Lembaga Pemasyarakatan," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 12, no. 02 (November 29, 2023), <https://doi.org/10.19109/intelektualita.v12i002.19836>.

<sup>15</sup> Ahmad Sanusi, "Aspek Layanan Kesehatan Bagi Warga Binaan Pemasyarakatan Dan Tahanan Di Lembaga Pemasyarakatan Dan Rumah Tahanan Negara (Aspects of Health Carestowards Convicts And Inmates)," *Jurnal Ilmiah Kebijakan Hukum* 10, no. 1 (March 31, 2016): 37–56, <https://doi.org/10.30641/kebijakan.2016.V10.37-56>.

<sup>16</sup> Imasti and Subroto, "Dampak Overcrowded Bagi Kesehatan Narapidana Wanita Hamil Di Lembaga Pemasyarakatan."

existence of various regulations that formally govern the fulfillment of prisoners' basic rights, including healthcare services and nutritional needs. However, the presence of such legal norms has not been fully accompanied by implementation that ensures substantive protection.<sup>17</sup>

From a national legal perspective, this condition indicates a gap between legal norms (*das sollen*) and implementation realities (*das sein*). Existing regulations tend to emphasize the fulfillment of rights within a general framework, without adequately accounting for the specific needs of women as a vulnerable group with distinct biological and social conditions. As a result, the protection provided remains generic and insufficiently responsive to the specific needs of pregnant and breastfeeding female prisoners.

This normative tendency is evident in regulations that primarily focus on administrative aspects, such as the provision of supplementary nutrition and basic healthcare services. While such policies are important, there is still no comprehensive regulation governing reproductive healthcare services, including antenatal care, postnatal care, and adequate psychological support. This demonstrates that existing regulations have not fully accommodated the complexity of women's needs during pregnancy and breastfeeding.

In addition, the absence of specific standard operating procedures related to reproductive healthcare services in correctional institutions further reinforces the indication of regulatory gaps at the implementation level. Without clear standards, the implementation of rights protection becomes highly dependent on the policies of individual institutions, which may result in disparities in service quality across correctional facilities.

From a legal protection perspective, the approach applied remains oriented toward a narrow form of preventive protection, primarily focused on maintaining security and order within correctional institutions. This approach does not yet encompass gender-responsive protection that recognizes women as subjects with specific needs requiring differentiated treatment. Consequently,

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<sup>17</sup> Binsar Reski Simamora and Fitri Ramadhani Siregar, "Legal Protection of the Rights of Pregnant Women Prisoners in Lubuk Pakam Correctional Institution," *International Journal of Law and Society* 1, no. 2 (April 23, 2024): 160–71, <https://doi.org/10.62951/ijls.v1i2.41>.

the legal protection provided has not fully addressed substantive aspects related to the welfare and dignity of women.<sup>18</sup>

A formalistic legal approach is also evident in the way regulations are interpreted and implemented. The emphasis on compliance with rules often overlooks the aspect of substantive justice, namely the extent to which these rights are effectively fulfilled in practice. In this context, law has not yet functioned optimally as an instrument for achieving social justice, particularly for vulnerable groups.

This condition indicates that the Indonesian correctional system remains at the stage of providing only minimal standards of rights fulfillment. Such fulfillment is basic in nature and has not yet addressed broader dimensions, such as psychological, social, and reproductive needs. Ideally, comprehensive protection should not only focus on physical aspects but also encompass overall well-being.

Furthermore, the lack of integration of a gender perspective within correctional policies constitutes one of the factors reinforcing these limitations. Gender-neutral policies, in practice, may inadvertently overlook the specific needs of women, thereby resulting in inequities in implementation. This highlights the necessity of a paradigm shift from a formalistic approach toward a more inclusive and gender-responsive framework.

Thus, it can be concluded that although the national legal framework provides a sufficient basis for the protection of female prisoners' rights, its implementation still faces various structural and conceptual limitations. Therefore, strengthening policies is required, not only oriented toward formal rights fulfillment but also toward achieving substantive justice that accommodates the specific needs of pregnant and breastfeeding female prisoners.<sup>19</sup>

### **The Reproductive Justice Paradigm in the Correctional System**

From a theoretical perspective, the findings of this study indicate that the protection of pregnant and breastfeeding female prisoners in Indonesia

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<sup>18</sup> Evy Harjono et al., "Perlindungan Hukum Terhadap Ibu Dan Anak Usia 0 - 3 Tahun Di Lembaga Pemasyarakatan," *Jurnal Lemhannas RI* 10, no. 4 (January 30, 2023): 25-40, <https://doi.org/10.55960/jlri.v10i4.368>.

<sup>19</sup> Lasriado Siahaan and Jufri Ahmad, "ANALISIS PERLINDUNGAN HAK NARAPIDANA PEREMPUAN DI LEMBAGA PEMASYARAKATAN DARI PERSPEKTIF HAM."

continues to operate within a framework of formal and administrative rights fulfillment. Although healthcare services and basic needs have been provided, the approach employed does not yet fully reflect the principles of reproductive justice, which position women as subjects with specific biological, psychological, and social needs. This suggests that the correctional system remains oriented toward meeting minimum standards rather than achieving comprehensive well-being.<sup>20</sup>

The concept of reproductive justice emphasizes that women possess the right to reproductive health, bodily autonomy, and the ability to exercise their maternal roles with dignity, even under constrained conditions such as within correctional institutions. Within this framework, protection is not only measured by the existence of formal services, but also by their quality, accessibility, and relevance to women's actual needs. Accordingly, this approach requires the integration of legal, health, and social welfare dimensions into a cohesive system.

When related to the findings of this study, it is evident that services available in Indonesian correctional institutions remain partial and insufficiently integrated. The fulfillment of rights is primarily focused on physical aspects, such as basic healthcare services and supplementary nutrition, while other dimensions—such as mental health, emotional support, and reproductive education—have not yet been systematically incorporated into policy frameworks. This condition demonstrates a reduction of rights protection into merely administrative compliance, without adequately considering the substantive dimensions of women's well-being.

In the international context, standards for the protection of female prisoners have evolved toward a more progressive approach. Instruments such as the United Nations Rules for the Treatment of Women Prisoners (Bangkok Rules) emphasize that pregnant and breastfeeding women must be afforded special treatment that takes into account their physical and psychological conditions. These standards include the provision of comprehensive

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<sup>20</sup> Dian Yuni Astuti et al., "PERLINDUNGAN HUKUM BAGI IBU HAMIL DAN MENYUSUI PADA PT TELKOM PROPERTY DITINJAU DARI HUKUM POSITIF DI INDONESIA DARI SUDUT PANDANG KESELAMATAN DAN KESEHATAN PEKERJA," *Jurnal Darma Agung* 30, no. 3 (December 31, 2022): 1437, <https://doi.org/10.46930/ojsuda.v30i3.3818>.

reproductive healthcare services, adequate nutrition, a safe environment for mothers and children, and support for the mother–child relationship as part of human rights protection.<sup>21</sup>

A comparison with practices in several countries reveals significant differences in approach. In the United Kingdom, for instance, correctional institutions provide dedicated *mother and baby units* designed to support child development while maintaining the emotional bond between mother and child. These facilities are equipped with healthcare services, psychological support, and structured parenting programs, ensuring that protection extends beyond physical needs to include psychosocial dimensions.

In Canada, a reproductive justice–based approach is implemented through the integration of reproductive healthcare services with continuous social support. Female prisoners have access to counseling, antenatal and postnatal care, as well as social reintegration programs that take their maternal roles into account. This approach demonstrates that correctional systems can function not only as mechanisms of control, but also as rehabilitative spaces that empower women.<sup>22</sup>

In contrast, the situation in Indonesia still reflects limitations in adopting such approaches. The absence of facilities such as lactation rooms, the limited availability of medical personnel, and the lack of comprehensive reproductive healthcare standards indicate that existing policies are not yet fully responsive to gender-specific needs. Moreover, current regulations do not explicitly provide space for women to exercise decision-making over their bodies and maternal roles, which constitutes a crucial element of reproductive justice.

This disparity indicates that the existing gap is not merely technical in nature, but also paradigmatic. The Indonesian correctional system remains oriented toward a control-based and administratively driven approach, whereas a reproductive justice–based framework demands a shift toward a more humane, inclusive, and welfare-oriented system. Accordingly, the necessary

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<sup>21</sup> Martiyanto and Subroto, “Perlindungan Hukum Terhadap Anak Dari Narapidana Perempuan Di Lembaga Pemasyarakatan Indonesia.”

<sup>22</sup> Putra Raihan Samudera, Handika Pratama, and Rio Armanda Agustian, “Perlindungan Hak Reproduksi Narapidana Perempuan Di Lembaga Pemasyarakatan Perempuan Kelas III Kota Pangkal Pinang,” *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (2025): 7697–7706, <https://doi.org/10.61104/alz.v3i5.2481>.

transformation is not limited to the level of operational policy, but also extends to the underlying perspective that views female prisoners as legal subjects with inherent rights.

Theoretically, this study contributes by integrating the reproductive justice perspective into correctional law scholarship. This approach broadens the understanding of legal protection from merely fulfilling normative rights to an analytical framework that emphasizes substantive justice based on gender-specific needs. In this way, the study offers a new perspective that positions reproductive rights as an integral component of human rights within the context of punishment and incarceration.

The implications of these findings point to the need for a reconstruction of correctional policies that are more responsive to women's needs. This includes the formulation of standard operating procedures for reproductive healthcare services, the provision of specialized facilities such as lactation rooms and mother-and-child units, the strengthening of psychological support services, and the enhancement of medical personnel capacity. Furthermore, the integration of a gender perspective at every stage of correctional policy-making is essential to ensure that protection is not merely formal, but also capable of guaranteeing women's overall well-being. Through these measures, the Indonesian correctional system can move toward a more equitable model that aligns with international standards.

## **Conclusion**

This study concludes that the protection of the rights of pregnant and breastfeeding female prisoners in Indonesian correctional institutions has been normatively regulated within the existing legal framework. The state has recognized prisoners' fundamental rights, including the right to healthcare services, the fulfillment of nutritional needs, and the protection of children born to inmates. In addition, special treatment measures—such as supplementary nutrition, maternal healthcare services, and other supporting facilities—demonstrate a degree of attention toward this vulnerable group.

The findings indicate that these rights have been implemented through various services, including medical examinations at prison polyclinics, antenatal and delivery care, child immunization, as well as the provision of vitamins and *extra feeding* for breastfeeding mothers. However, the implementation has not

yet been fully optimal, as several limitations remain, such as the absence of lactation rooms, insufficient separation between pregnant prisoners and other inmates, and the lack of an integrated reproductive healthcare system.

From a theoretical standpoint, this study contributes by shifting the perspective on the protection of female prisoners from a purely normative approach toward a reproductive justice framework. It demonstrates that the fulfillment of rights should not be assessed solely on compliance with statutory regulations, but also on the extent to which policies are able to substantively meet women's biological, psychological, and social needs. In this regard, the study broadens correctional law scholarship by integrating gender and reproductive justice perspectives as analytical frameworks.

From a practical perspective, these findings imply the need for a reconstruction of correctional policies that are more responsive to the specific needs of pregnant and breastfeeding female prisoners. This may be achieved through the provision of more adequate facilities, such as lactation rooms and dedicated spaces for pregnant inmates, increasing the number and quality of medical personnel, and integrating reproductive healthcare services and psychological support within the correctional system. Such an approach is expected to enhance the quality of rights protection in a more comprehensive and equitable manner.

This study is limited by its normative focus and documentary research approach, which does not fully capture the broader empirical conditions across correctional institutions. Therefore, future research is recommended to adopt an empirical or socio-legal approach, expand research locations, and directly examine policy implementation in the field to obtain a more comprehensive understanding.

This study affirms that the protection of the rights of pregnant and breastfeeding female prisoners cannot be understood merely as compliance with formal legal obligations, but must be situated within efforts to achieve substantive justice that respects human dignity. Accordingly, the Indonesian correctional system must continue to transform into a system that is not only rule-compliant, but also responsive, inclusive, and aligned with the evolving standards of human rights at the global level.

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## Author Contributions Statement

AA, contributed to the conceptualization of the study, data collection, data analysis, and manuscript drafting. NS contributed to the methodology, validation, and manuscript revision. All authors have read and approved the final version of the manuscript.

## AI Usage Statement

The authors declare that the use of Artificial Intelligence (AI) in this research was limited to supportive functions, such as language editing, grammar checking, and improving clarity and readability. AI was not used to generate the main ideas, conduct substantive analysis, interpret data, or draw scientific conclusions. The authors take full responsibility for the originality, accuracy, and academic integrity of the entire content of this article.

## Conflict of Interest

The authors declare that there is no conflict of interest regarding the research and publication of this article.

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