



Legal Counseling on The Mechanism for Handling Women in Conflict with The Law

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Abstract

Introduction: Over Capacity: Correctional institutions continue to be a deeply rooted issue in Indonesia's criminal justice system. This poses a challenge for officers in fulfilling basic rights, especially for vulnerable groups such as women. In addition, the mechanisms for handling women who come into conflict with the law remain susceptible to gender injustice, particularly in terms of fulfilling basic rights such as rehabilitation, facilities and infrastructure, as well as access to what is entitled to inmates.

Purposes of The Devotion: This legal counseling aims to increase understanding regarding the mechanisms for handling women in conflict with the law at the Class II A Pontianak Women's Correctional Institution.

Method of The Devotion: Legal counseling activities are conducted using a lecture method to deliver material, followed by a question-and-answer session between inmates and the presenter. Observations are conducted for evaluation and monitoring after the counseling session.

Results Main Findings of the Devotion: The results of this study indicate that the mechanism for handling Women in Conflict with the Law in relation to legal aid is still not optimal due to the lack of socialization and limited access to obtain it. Therefore, this study is expected to contribute as an effort to increase the understanding of officers and inmates about the handling mechanism related to legal aid for inmates by offering access to legal aid through the Legal Aid Institute at the Faculty of Law, Tanjungpura University.

Keywords: Legal Aid; Women; Fulfillment of Basic Rights.

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INTRODUCTION

Indonesia's ethnic diversity contributes to a diverse culture and customs. Patriarchy, a cultural trait in Indonesia, positions men above women.¹ This impacts women's social status in society, often deeming them marginalized and vulnerable. This inequality leads to discriminatory treatment of women in society. Discriminatory treatment experienced by women is a form of gender inequality. Gender inequality can take the form of marginalization, subordination, stereotypes, and violence.² This inequality contributes to women's vulnerability when they encounter the legal system, whether as perpetrators, victims, or witnesses. According to data from Komnas Perempuan (the National Commission on Violence Against Women) in 2024, 95 (ninety-five) cases of GBV were

¹ Anisa Munasaroh, "Problematisasi Kekerasan Berbasis Gender Dan Pencapaian Gender Equality Dalam Sustainable Development Goals Di Indonesia," *IJouGS: Indonesian Journal of Gender Studies* 3, no. 1 (2022): 1-20, <https://doi.org/10.21154/ijougs.v3i1.3524>.

² Bestha Inatsan Ashila et al., *Pedoman Pendamping Perempuan Berhadapan Dengan Hukum* (Jakarta: Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia (MaPPI FHUI), 2019), <https://mappifhui.org/wp-content/uploads/2019/08/Booklate-MaPPI-Revisi-Final-06.pdf>.

recorded in the state, in connection with 23 cases involving women in conflict with the law.³ Essentially, criminalization and Inequality toward women in conflict with the law. (PBH) occur not only during the judicial process but also continue while serving their sentences in correctional institutions. These discriminatory acts take the form of not only physical or psychological violence but also the disregard for the fundamental rights inherent in PBH. This disregard, for example, is demonstrated through limited access to health services, legal aid, and legal information that they should have received while serving their sentences.

In addition to the physical and psychological violence experienced by PBH, Komnas Perempuan (the National Commission on Violence Against Women) noted several occurrences of violence recorded several instances of violence experienced by PBH during the legal process and in prisons.⁴ Violence such as extortion, abuse, and sexual violence such as rape and pregnancy committed by law enforcement officers have been documented since 2006. Komnas Perempuan stated that these forms of violence still occur frequently, especially in areas or places where a person's liberty is deprived, such as detention centers and prisons or similar places. Furthermore, the existence of an unequal power relationship between law enforcement officers and PBH worsens the situation, resulting in increasing pressure and inequality, which impacts the physical and psychological health of PBH. The violence experienced by PBH is a very tragic irony, because it is perpetrated by the state, in this case law enforcement officers who are supposed to provide protection for PBH.

One of the main factors contributing to the vulnerability of women with disabilities to criminalization and discrimination is their limited knowledge of their legal rights, particularly regarding how they should be treated and handled to ensure their rights are not neglected. Restricted access to legal information and an absence of education. make women, especially female inmates, vulnerable. Discriminatory practices and gender stereotypes toward women within the justice system are closely linked to their ability to access justice. The greater the discrimination they face, the more restricted their access becomes.⁵

The Women's Correctional Institution (Lapas) plays a strategic role as a state institution responsible for providing guidance to female inmates. Currently, the number of inmates at Pontianak Women's Correctional Institution (Lapas) has reached 264, exceeding the ideal capacity of 150.⁶ With only two residential blocks available, this overcapacity condition results in a very crowded and less than ideal correctional environment. In addition to the limited knowledge of their basic rights both during the judicial process and while serving their sentences, overcapacity can also impact the quality of guidance and basic services, but also increase the vulnerability of inmates to discrimination and criminalization, especially by Law Enforcement Officers (APH). In such conditions, the fulfillment of basic rights of female inmates, such as access to legal information, health services, and fair treatment, is also vulnerable to being neglected.

³ Komnas Perempuan Indonesia, "Ringkasan Eksekutif Menata Data, Menajam Arah: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan 2024" Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2024," Vol. 2025 (Jakarta, 2025), <https://Komnasperempuan.Go.Id/Download-File/1316>.

⁴ Komnas Perempuan Indonesia, "Catatan Tahunan Komnas Perempuan Tahun 2020," *Catahu* 2021 53, No. February (2021): 2021, <https://doi.org/10.1080/09638288.2019.1595750><https://doi.org/10.1080/17518423.2017.1368728><https://doi.org/10.1080/17518423.2017.1368728><https://doi.org/10.1016/J.Ridd.2020.103766><https://doi.org/10.1080/02640414.2019.1689076>

⁵ Ashila et al., *Pedoman Pendamping Perempuan Berhadapan Dengan Hukum*.

⁶ Ariffannur Romadon, "Lapas Perempuan Pontianak Harapkan Peningkatan Sarana Prasarana," *Borneotribun*, 2025, <https://www.borneotribun.com/2025/04/lapas-perempuan-pontianak-harapkan.html>.

Therefore, in order to implement the Tri Dharma of Higher Education, lecturers of the Faculty of Law, Tanjungpura University contributed to conducting counseling at Pontianak Women's Correctional Institution. The material in this legal counseling not only refers to the general principles of protecting women's rights as contained in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which has been ratified through Law Number 7 of 1984, but also technically will emphasize legal provisions directly related to PBH, including: Law Number 22 of 2002 concerning Corrections, Government Regulation No. 99 of 2012 amendments to Government Regulation No. 32 of 1999 concerning Requirements and Procedures So far, there has been no regulation that explicitly regulates the mechanism for handling PBH comprehensively and technically, thus creating a gap in understanding both among inmates and Law Enforcement Officers (APH).

Thus, it is crucial to conduct legal counseling at Pontianak Women's Prison as a preventive measure to prevent criminalization and discrimination against women's rights abuses in women's prisons, particularly focusing on increasing understanding and awareness of the mechanisms for handling women's rights abuses. Considering the lack of knowledge of female inmates regarding their basic rights, which is one of the main factors causing this vulnerability, legal counseling is important not only as a form of education but also to increase legal awareness and strengthen protection for women's rights abuses in the correctional environment.

METHOD OF THE DEVOTION

Legal counseling at the Class IIA Pontianak Women's Prison was carried out as an implementation of the Tri Dharma of Higher Education which aims to enhance the quality and quantity of community service for the Faculty of Law, Universitas Tanjungpura. This legal counseling was conducted using a lecture method delivered by two speakers, followed by a question and answer session related to the rights of inmates and the procedures or mechanisms for fulfilling those rights. In addition, evaluation and monitoring were carried out as a follow-up to this activity, to ensure that this legal counseling had an impact and changed the mechanisms for fulfilling the rights of inmates.

RESULTS AND DISCUSSION

Pontianak Women's Correctional Institution is a Technical Implementation Unit (UPT) under the Ministry of Law and Human Rights of the Republic of Indonesia., which is administrative is at within the working area of the West Kalimantan Regional Office of the Ministry of Law and Human Rights. This prison stand as form the state's commitment to do coaching and mentoring to prisoners and children educate correctional facilities. Pontianak Women's Prison is situated on Kakap Street, Pal IX, Sungai Kakap District, Kubu Raya Regency, West Kalimantan 78381, Indonesia. Institutionally, Pontianak Women's Prison is led by the Head of Prison, Endang Margiati. Under under his leadership, the prison runs function correctional facilities with put forward mark humanism, protection right basic human, and approach gender- based.

Pontianak Women's Prison has Power accommodates 150 people, but based on the data obtained moment activity This done recorded as many as 273 people, consisting of of the 52 detainees and 221 prisoners who became inmates of Pontianak Women's Prison. Out of the total number overall inhabitant foster care there are 218 prisoners adults, 3 prisoners

children under 18 years old, and 52 prisoners adults. In addition, of the total population fostered, there are a number of inhabitant foster care with category specifically, including 42 recidivists, 1 baby who is in together his mother, 3 mothers pregnant, and 1 mother breastfeeding. The existence of group prone to This need different attention and handling, especially related with service health, needs nutrition, as well as adequate facilities.

The constitutional rights applicable to every Indonesian citizen Encompass human rights and citizens' rights guaranteed in the 1945 Constitution of the Republic of Indonesia. The 1945 Constitution of the Republic of Indonesia even affirms that "Everyone has the right to be free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment." Article 3 of Law Number 22 of 2022 concerning Corrections states that correctional institutions are implemented based on the principles of protection, non-discrimination, humanity, diversity, justice, equality of treatment and service, education, development, respect for human dignity, and recognition of the rights of inmates.

According to Law Number 22 of 2022 concerning Corrections, inmates retain basic rights that must be respected, protected, and fulfilled by the state, including by prison officers. The following are also provisions regarding the requirements and procedures for the implementation of the rights of inmates in correctional institutions, which are further regulated in Government Regulation Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999. Based on results of dialogue and discussion with inhabitant fostered at the time do counseling, there is a number of mechanism Handling of Women Facing with the Law in the identified Women's Prison. The mechanism the consists of from:

A. Mechanism Admission and Initial Assessment

Mechanism admission and assessment beginning implemented since a Woman official become inhabitant fostered. This process No only covers registration identity and legal status recording, but also examination health in a way comprehensive as well as assessment psychosocial aims for: a) For identify Need Special: Many women entered to the prison has vulnerability special, for example inhabitant foster care currently pregnant, breastfeeding, having history of trauma or own disturbance mental health. Without assessment beginning, needs the Can neglected so that potential cause discriminatory treatment or even human rights violations; b) The Basics of Proper Placement: Prisoners or inhabitant foster care correctional facilities in prison comes from from various background behind action the crime he committed, so that required an assessment process for determine placement and needs coaching. Assessment results used for determine placement inhabitant fostered, whether placed in a block general, space special, or even facility health.

Pontianak Women's Prison has 2 blocks residence that is The Rose Block and the Jasmine Block each have 5 rooms. inhabitant foster care to in block and room certain No done in a way random, but rather customized with results assessment beginning that includes condition health, especially levels and types the sentence served: a) Development Program Design Individual; b) Assessment beginning produce profiling that becomes base planning coaching, good in field education, skills, religion, and counseling. This means coaching can personal and appropriate needs, not uniform; c) Preventive Efforts to Risk: With know condition physical, psychological and social since Initially, the prison authorities can prevent occurrence problem Serious like Sick chronic that is not detected, depression, or

even effort kill self to citizens fostered; d) Embodiment Humanist Principles in Community Development: Assessment beginning confirm that objective correctional facilities No solely punish, but rather build and protect. Treatment human since beginning will help inhabitant foster care adapt with situation new in a way more healthy. Based on matter field observations and interviews visiting that Mechanism Initial Acceptance and Assessment has been implemented quite optimal.

B. Mechanism for Fulfilling Basic Rights

From the results discussion, that no all inhabitant foster care know in a way clear related What just rights the basis it has during undergoing a period of rehabilitation at Pontianak Women's Prison. However, in matter mechanism fulfillment right the basis at Pontianak Women's Prison is already can it is said walk with good. Inmates get access to service health, food, sanitation, activities religious, as well as coaching and communication programs with family. Worship facilities such as prayer room and church available, service health base still given, and activities coaching spirituality and vocational training is also routinely carried out. This matter show existence effort serious from prison authorities to guard dignity inhabitant foster care in accordance with principle that criminalization No may delete rights base they as man.

However thus, based on results of dialogue and discussion with inhabitant fostered, there are One aspect right the basis that has not been fulfilled optimally, namely right on help law. Inmates convey that they Still experience limitations in access mentoring law, good during the trial process and after decision dropped. Unavailability service consultation law in a way regular, minimal socialization about institution help laws that can accessible for free, as well as No existence facility special support access justice become constraint main. Condition This cause part inhabitant fostered, especially those who come from from background behind economy low, no fully understand rights laws inherent in oneself they or procedure advanced related to the legal status that is currently lived.

The gap in fulfillment right on help law This show that although in a way general standard fulfillment right base has fulfilled, there is aspect important things that haven't been walk in accordance with mandate Constitution Number 22 of 2022 concerning Community Development and principles right basic human beings. In fact, human rights on help law is element important for ensure access to justice (access to justice), which should be guaranteed without discrimination, including for Woman status inhabitant fostered.

C. Mechanism Protection Special Gender Based

Mechanism protection special gender- based applied for answer need special inhabitant foster care women. Mechanism This leave from principle that Woman own different vulnerabilities with men, so that required a more approach sensitive towards gender. One of the form protection special the is existence detention area boundaries which are strict no may entered by men, including officer male. Terms This enforced for guard privacy, comfort, and sense of security inhabitant fostered women, at the same time prevent potential occurrence violation, harassment, or forms violence gender- based.

At Women's Prison, the implementation of the boundaries of this area executed with Enough firmly. Residential area, bathroom, to blocks certain only can accessed by officers women. Presence officer man restricted only in certain and deep areas the real condition required, with procedure strict supervision. This in line with governing principles in the

United Nations Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders (Bangkok Rules), which emphasizes importance environment safe, protected, and correctional facilities free from discrimination and potential violence sexual.

In addition, protection gender -based in Pontianak Women's Prison is also visible from existence placement officer Woman For do inspection physical, including search, so that residents foster care No feel intimidated or harassed. Facilities certain, such as room health, also equipped service inspection special for women, including moderate ones pregnant or breastfeeding. However regarding with the woman who is pregnant and breastfeeding, based on observations and information obtained from Pontianak Women's Prison, the mechanism the Not yet fully implemented. Pregnant and breastfeeding women Still placed on the block same residence with inhabitant foster care that is not pregnant and breastfeeding.

D. Mechanism coaching and rehabilitation

Mechanism coaching and rehabilitation is one of the important pillars in system correctional. The main objective from mechanism This is for restore dignity, building independence, as well as prepare inhabitant fostered to be able integrate return with public after serving a prison term. Guidance No only discipline - oriented, but also includes aspect education, skills, and spirituality.

At Pontianak Women's Prison, the development and rehabilitation program has executed with involving Work The same between prison authorities and institutions external. Inmates, for example, are given chance for follow training skills work like sewing, making craft hands, culinary arts, to activity entrepreneurship simple. These programs often implemented through collaboration with the Department of Manpower, organizations society, institutions religious, as well as college high. Partnership pattern This important Because no only enrich variation coaching, but also opening up access for inhabitant foster care for get certification useful skills after they free.

Condition This reflect that Pontianak Women's Prison has make an effort implement paradigm new correctional institutions that emphasize a restorative approach, namely criminalization that is not only nature punish, but also restore. However thus, the sustainability and effectiveness of the coaching program This still depend on support budget, commitment institutional, as well as expansion network Work The same with party external.

E. Mechanism Monitoring and Evaluation

Mechanism monitoring and evaluation is instrument important for ensure that all over service correctional, starting from fulfillment right base until coaching and rehabilitation, walking in accordance with principle law and rights basic human. Supervision done Good both internally and externally external, while evaluation done in a way periodically for evaluate effectiveness of the program that has been executed.

Pontianak Women's Prison, mechanism internal supervision is implemented through strict system of rules, reports daily officers, as well as mechanism complaints that can be accessible to citizens fostered. This matter can seen from Success officer thwart smuggling this, it started moment officer search on behalf of Desviyanti carry out inspection against 3 (three) visitors, 2 (two) men and 1 (one) woman who wanted to visiting his family is in prison moment body check, officer suspect gestures visitors woman.

Evaluation towards the coaching and service programs are also carried out in a way periodic, good through report administration and visit field from party external. For example, activities training skills that work the same with institution outside evaluated from aspect participation inhabitant development, achievement goals, and the benefits for preparation reintegration social. Evaluation This important for identify weaknesses, improve deficiencies, and improve quality of coaching programs.

However, the results of the dialogue with inhabitant foster care show that although mechanism monitoring and evaluation has walking, access to channel complaint Still considered limited. Until moment Currently, Pontianak Women's Prison has not yet own room or facility special for inhabitant fostered for convey complaint in a way safe and confidential, good related service, treatment officers, as well as condition facilities. Absence room complaint special This potential hinder inhabitant foster care for express complaint them and reduce effectiveness internal supervision. This indicates that system supervision at Pontianak Women's Prison is still need strengthened with create mechanism more complaints safe, confidential and easy accessible, so that inhabitant fostered own more space big for speak out the problems they face experience. With thus, it can concluded that mechanism supervision and evaluation at the Pontianak Women's Prison has walking, but not yet completely optimal. Required effort repairs, especially in expand access complaints and improve transparency evaluation, so that the principles accountability and respect to right basic inhabitant foster care truly realized.

CONCLUSION

The mechanism for handling women in conflict with the law at Pontianak Women's Prison has been running quite well. This can be seen from the implementation of the Initial Acceptance and Assessment Mechanism, Fulfillment of Basic Rights, Gender-Based Special Protection, guidance and rehabilitation, Supervision and Evaluation. However, in terms of the mechanism for fulfilling the basic rights of inmates, namely those related to access to legal aid, it has not yet been implemented. This is due to limited information so that there is no cooperation or partnership to obtain access to legal aid for inmates at the Women's Prison who are women in conflict with the law. Legal counseling from the Faculty of Law, Tanjungpura University at Pontianak Women's Prison is expected to be the beginning of the mechanism for handling women in conflict with the law, especially in terms of obtaining access to legal aid. Therefore, in the legal counseling carried out, it was stated that the Faculty of Law, Tanjungpura University, through the Legal Aid Institute, is open to inmates at Pontianak Women's Prison for consultation or access to legal aid.

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