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Violence within women's prisons and its implications on reintegration effectiveness

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Abstract

The involvement of women in various aspects of life, both socially and economically, has exposed the potential for criminal behaviour among women. This situation has led to the phenomenon of women's involvement in criminal acts commonly associated with men, such as robbery, murder, organized crime, and human trafficking. Poor social and economic conditions tend to be triggering factors and solid reasons for women to engage in criminal activities. This background has become the basis for the increasing number of women in prison in Indonesia, opening the possibility of various forms of violence within women's prisons. This presents a significant challenge for the management of women's prisons in optimizing the reintegration system due to the escalation of significant demotivation resulting from the violence experienced by female inmates, both among themselves and with prison staff. This research employs an exploratory qualitative approach, focusing on women involved in criminal cases and sentenced to prison. Primary data from interview results are descriptively analysed, producing a comprehensive, authentic, and representative narrative. The findings of this study indicate that the concept of punishment in Indonesia still emphasizes punitive functions over corrective functions, where both physical and mental violence are considered effective forms of punishment, especially for women. Violence occurring within women's prisons is then negatively responded to and becomes a driving factor for the decreased interest of female inmates in succeeding in the reintegration program. This reluctance then triggers a negative response from the staff in the form of violence against female inmates. A solution to mitigate violence in women's prisons is the placement in open prisons, with the involvement of independent external parties in both the supervision process and the implementation of reintegration programs to achieve an inclusive and constructive effect for all parties involved.

Keywords: Violence, Women's Prisons, Reintegration

1. Introduction

Most studies on the criminal justice system in Indonesia, especially those related to prison management, often focus on male inmates. Meanwhile, perspectives and studies on the reality of women's prisons with their various complexities have not received proportional attention. This is partly due to the perception of women more commonly being associated as victims rather than perpetrators of crimes. Several studies suggest that women have a lower tendency to be involved or be the main perpetrators of criminal acts compared to men (Markku Heiskanen & Lietonen, 2016; Nagel & Hagan, 1983; Sumarauw, 2008). However, the theories presented in these studies have undergone dynamic changes.

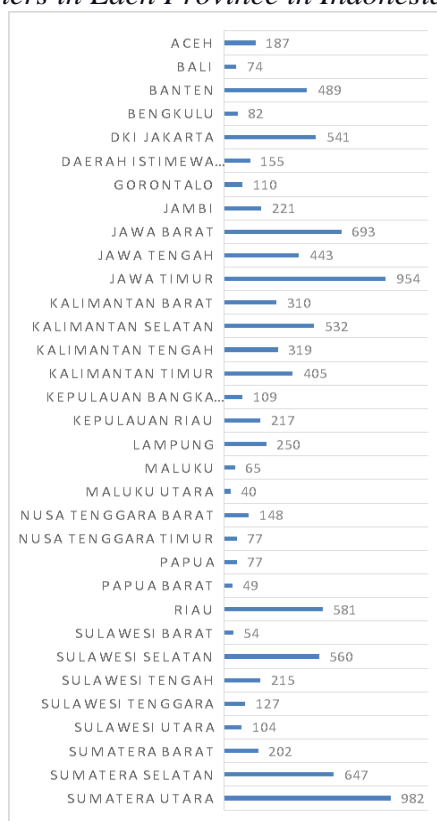
The involvement of women in various aspects of life, both socially and economically, has exposed the potential for criminal behavior among women. A study states that there has been an increase in crime cases involving or committed by women in the last few decades, driven by the growing role of women in societal life (Campaniello, 2019). As a result, women as subjects have increased their roles in both the job market and the criminal market. Therefore, while there is still gender inequality in the demographic profile of crime perpetrators, it is undeniable that there has been an increase in the number of women involved in criminal activities (Dalenogare et al., 2022).

In general, there are several criminal activities often associated with women, such as cases of kidnapping/abduction of minors (Article 328 of the Criminal Code), abortion (Article 348 of the Criminal Code), assault (Article 351 of the Criminal Code), theft (Article 362 of the Criminal Code), aggravated theft (Article 363 of the Criminal Code), robbery with violence (Article 365 of the Criminal Code), fraud (Article 378 of the Criminal Code), and drug abuse (Law No. 22 of 1997). However, social dynamics open the potential for women to be involved in criminal acts commonly committed by men, such as robbery, murder, organized crime, and human trafficking (Aday & Dye, 2019; Bronson & Sufrin, 2019; Campaniello, 2019; Dalenogare et al., 2022; Sutinah & Kinuthia, 2019; Ukwayi et al., 2019). In another study, it is stated that there are also social phenomena that act as driving factors or indicators of women's involvement in criminal cases, such as a poor social environment and difficult economic conditions, which are strong reasons for women to engage in activities considered deviant from existing norms (Sumarauw, 2008).

Indonesia is one of the countries with a high rate of female incarceration in prisons and detention centers. As published by the Directorate General of Corrections Indonesia in December 2023, there were at least 10,019 female inmates across all regions of Indonesia. The provinces of East Java and North Sumatra were identified as the major contributors to the female inmate population, each having over 900 individuals. Although this number is significantly lower than the male inmate population, it is evident that a substantial number of women are involved in criminal cases. With the increasing number of women in prisons, there is a corresponding rise in the incidence of crimes committed by female inmates, especially when exacerbated by overcrowded and under-equipped prison conditions.

Figure 1.

Distribution of Female Prisoners in Each Province in Indonesia.



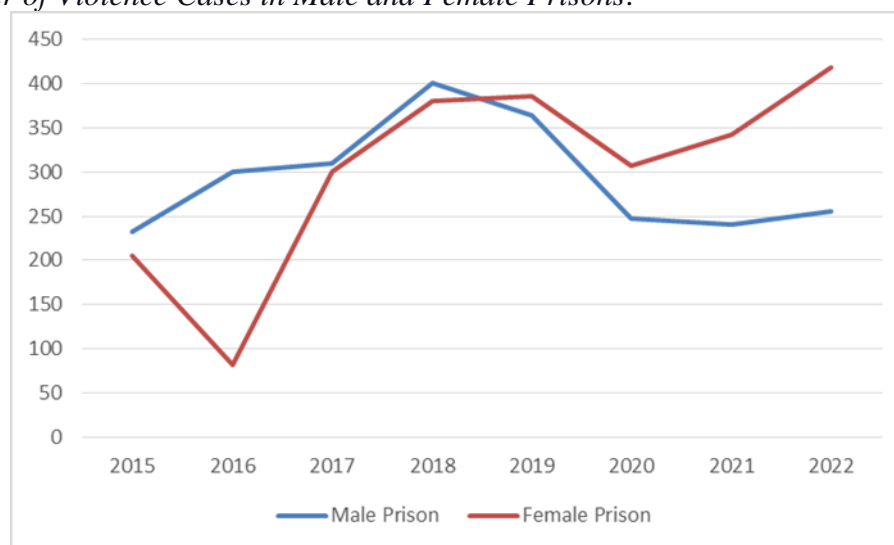
(Source: Indonesian Directorate General of Corrections)

Violence in women's prisons poses not only a direct threat, both physically and mentally, to female inmates but also has significant implications for their potential to reintegrate into society as productive members and steer clear of criminal activities (Augsburger et al., 2022). Violence in women's prisons can take various forms, ranging from physical violence, such as beatings and assaults, to psychologically impactful violence, like sexual harassment. These cases of violence may give rise to serious human rights violations, hindering the reintegration and rehabilitation processes significantly. In several studies, acts of violence are even considered to potentially decrease cognitive and social capabilities significantly, especially in terms of intelligence (Alviani et al., 2021; Astuti, 2014).

The psychological impact of violence in women's prisons cannot be ignored. In various studies, the resulting trauma can exacerbate the mental conditions of female inmates, creating additional barriers to rehabilitation efforts. It also diminishes their ability to build and maintain positive relationships with fellow inmates and prison staff, creating a socially challenging environment for them to receive support and solidarity (Moore et al., 2021; Zielinski et al., 2021). Furthermore, some studies have found that the sustained effects of violence within women's prisons can heighten the complexity of reintegration due to the development of low self-esteem, social isolation, and strong negative stigma against former inmates in society (Alves et al., 2022; Augsburger et al., 2022; Camplain et al., 2022; Shoham & Timor, 2014).

Figure 2.

The Number of Violence Cases in Male and Female Prisons.



The level of violence within women's prisons has experienced a significant increase. It is noted that there were at least 419 cases of violence per 1,000 female inmates in 2022, which is 21 percent higher than data from the past two decades. This violence rate is 65 percent higher than the rate of violence in male prisons, where an average of 255 cases occurs per 1,000 inmates. Prison guards in various locations have expressed their concerns about this rising trend. Moreover, during the Covid-19 pandemic, when inmates were confined for at least 23 hours a day and only allowed 1 hour in public areas, the situation exacerbated.

Given the complex impact of violence within prisons, especially women's prisons, there is a strong urgency to delve deeper into the effects of violence on and among female inmates in prisons. This includes examining its impact on the effectiveness of reintegration programs, which heavily rely on the mental and physical health, as well as the transformation of perspectives regarding criminal behavior, that female inmates possess before being reintroduced into society as integral and productive members of the community.

2. Methods

The approach taken in this research is an exploratory qualitative approach, focusing on women involved in criminal cases and charged with imprisonment. The study utilizes primary data generated through interviews with the research subjects, namely female inmates in several specialized women's prisons in Indonesia. The data are obtained from correctional institutions in Indonesia, with a total of 120 research subjects. Female inmates included in the interview process are those proven to have experienced or committed acts of violence within the prison, based on reports provided by guards and officials within the prison. The data collection process took place from August to October 2023. The identities of all female inmates involved in the data collection process will be kept confidential, and the interview results will be presented descriptively. The data collection tool consists of interview questions covering respondent characteristics and experiences related to acts of violence, whether as victims or perpetrators. In addition to primary data, this research also incorporates secondary data gathered from various literature deemed significantly relevant to the subjects discussed in this study. The literature selected includes books or articles published in scholarly journals.

3. Results and Discussion

In Law No. 12 of 1995, female inmates are required to be separated from male inmates, aiming to protect both male and female inmates from deviant behavior and eliminate the potential for sexual violence against female inmates in prisons. Concerning the management system and personnel regulations, they are executed uniformly as derivatives of the regulations specified by the government in a centralized manner. These regulations serve as the foundation to be complied with by all parties involved in the management of correctional institutions, including inmates.

In their daily lives, female inmates engage in various rehabilitation and preparation activities to ready them for reintegration into society. The primary focus of these activities is to encourage the emergence of constructive effects while also instilling a deterrent effect, preventing inmates from repeating their offenses after their release. One common approach is the implementation of skills enhancement programs. In these programs, inmates are equipped with various job skills so that upon release, they have the capability to meet their needs.

The general rules enforced in Indonesian prisons include prohibitions on causing riots or disturbances, escaping, fighting, or taking justice into their own hands among fellow inmates, and damaging the surrounding environment, such as littering, scribbling on walls, or damaging prison property. These prohibitions are accompanied by sanctions and penalties for violations. Disciplinary actions for female inmates who violate these rules include warnings, special assignments, strict warnings involving confiscation of belongings, revocation of certain rights like the right to family visits, remission rights, and assimilation rights. Harsher punishments in the severe category include isolation and the intensification of imprisonment penalties.

Crime that commonly leads individuals to be incarcerated is often related to drug abuse or the distribution of narcotics and illegal drugs. However, there is a small percentage of serious crimes such as murder, human trafficking, and corruption. Economic background is a major factor driving individuals to commit crimes, with the allure of substantial profits in a short period serving as a trigger for involvement in criminal activities. Additionally, a lack of self-control and poor emotional regulation can contribute to the participation of individuals, particularly women, in criminal activities. Due to these uncontrolled emotional states, female inmates are often involved in cases of verbal, physical, and sexual violence within prisons, both as perpetrators and victims.

The management concept of prisons in Indonesia still predominantly follows a punitive imprisonment approach (Rahardiawan & Subroto, 2023). This can be observed in the substandard conditions and facilities provided to detainees or inmates in several prisons. The majority of prisons in Indonesia also suffer from overcrowding issues, with conditions falling below capacity standards (Ardiansyah, 2020; Fadhil, 2021; Fadilah & Subroto, 2023; Hamja, 2022; Isnawati, 2022; Jamilah & Disemadi, 2020; Lidya Suryani Widayati, 2012; Patras, 2020; Ricky Fahriza, 2020; Rizaldi, 2020; Saputra et al., 2021; Solehudin & Wibowo, 2021; Tobing, 2019; Wibowo & Subroto, 2022). Inadequate attention to nutritional aspects in meals, roofs made of materials that do not withstand heat, limited clean water facilities, and minimal amenities create challenges for inmates, especially vulnerable groups like women who have various biological vulnerabilities. This situation increases the potential for various forms of violence, including physical, psychological, sexual, and economic violence, particularly for women.

As expressed by one female inmate, in addition to experiencing physical abuse, the detention rooms are very small. When the detention rooms are crowded, inmates are forced to sleep in a sitting position. The detention rooms lack essential elements such as beds, sufficient ventilation, or basic necessities for women like bathing facilities and sanitary napkins. It is not uncommon for female prisoners to have to purchase their own food or seek help from friends and family to obtain meals.

In addition to physical violence, female inmates often experience psychological violence. Almost all interviewed female inmates reported experiencing psychological violence. According to their accounts, some experiences of psychological violence include being labeled with nicknames associated with the crimes they committed, such as child killer, abortionist, and other derogatory terms. Furthermore, hurtful words from officers, such as calling the inmates dogs, were mentioned. All sources stated that these hurtful words led to feelings of pressure, depression, and stress.

Sexual violence is also a prevalent form of violence in women's prisons. However, cases of sexual violence are often challenging to uncover as disclosure is considered shameful by female inmates. Despite this, women expressed issues related to sexual needs. Many female inmates redirect their focus on sexual needs by engaging in religious activities, vocational training, or other social activities inside and outside the cells. Sexual violence among female inmates is not uncommon as an attempt to fulfill their sexual needs. Most women's prisons in Indonesia still do not provide adequate facilities to meet the sexual needs of female inmates, such as conjugal visitation rooms.

Physical violence against female inmates is not limited to their time in custody but is also often experienced during the rehabilitation process. This violence is often fueled by the non-compliance of female inmates with the authorities. According to one officer, 90% of women participating in rehabilitation programs claim to be victims and resist their presence in prison. Additionally, some women are the primary breadwinners for their families. Therefore, their imprisonment often leads to a tendency to resist, and this resistance is then responded to by officers with physical disciplinary actions such as beating with a bamboo stick, shouting, or threats of extended detention.

The right to be free from torture is one of the fundamental human rights, as articulated in Article 5 of the Universal Declaration of Human Rights, which states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment," and Article 7 of the International Covenant on Civil and Political Rights (ICCPR), which states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation." According to both regulations, no inmate should be treated inhumanely,

including physical or psychological violence, as experienced by the female inmates who participated in this research.

Due to the high levels of violence, female inmates often experience demotivation or a decline in motivation to engage in various constructive programs implemented in the prison. Economic needs within the prison also contribute to the decreasing interest of female inmates in participating in training programs. Female inmates tend to prioritize efforts to meet their personal needs rather than thinking about their future after serving their sentences. Many female inmates generally state that the likelihood of finding a job outside the prison is very low, especially because they are women with a former inmate status. This demotivation is often harshly responded to by officers as an act of disobedience.

From the results of this research, it can be concluded that female inmates are in a vulnerable situation to experience violence. Violence often occurs from the arrest process to detention inside the prison. The violence is also supported by the low quality of facilities and physical and non-physical conditions in the prison. This concerning situation is often utilized by officers as a form of punishment to instill a deterrent effect. Additionally, social relations within the prison frequently lead to conflicts among female inmates, triggering violence both among and against them.

The acts of violence that occur within women's prisons, which are then met with demotivation from female inmates, have diminished the effectiveness of the reintegration programs implemented within the prison. When female inmates refuse to participate in rehabilitation programs as a form of protest against violence, they become susceptible to both physical and psychological violence. This cycle is challenging to break because prisons are still perceived as punitive institutions, established to impose punishment on female inmates rather than being designed to generate behavioral improvements for broader social rehabilitation.

4. Conclusion

The concept of punishment in Indonesia still prioritizes punitive functions over rehabilitative ones. Torture as a form of punishment is still found to occur, especially against women. Physical violence in law enforcement processes and inadequate prison conditions and facilities inflict physical and mental suffering on female inmates. There is a need for a criminal justice system improvement that emphasizes policies prioritizing rehabilitation goals. A transformation of detention standards is necessary, including a prohibition on torture for any reason. One solution that can be implemented to avoid violence is placing inmates in open prisons with a community-based correction concept. The management of these open prisons should be independently monitored by authorized entities such as human rights commissions or non-governmental organizations. Serious improvements in management and administration, along with enhanced understanding of Human Rights and gender, are needed to ensure that the specific needs of women, such as reproductive health in prisons, can be optimally met.

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