

KONSEPSI PEMBINAAN DI LUAR LEMBAGA TERHADAP WARGA BINAAN PEREMPUAN DENGAN KONDISI HAMIL DAN/ATAU MEMILIKI TANGGUNGAN ANAK

Oleh
Muhamad Fauzi¹, Dani Krisnawati²

INTISARI

Penelitian ini bertujuan untuk mengetahui implementasi pemenuhan hak dan kewajiban serta urgensi pembinaan di luar lembaga terhadap Narapidana Perempuan dengan kondisi hamil dan/atau dengan tanggungan anak.

Jenis penelitian yang digunakan adalah normatif-empiris. Penelitian normatif-empiris digunakan untuk melihat implementasi pemenuhan hak dan kewajiban Narapidana Perempuan dengan kondisi hamil dan/atau memiliki tanggungan anak serta urgensi pembinaan di luar lembaga agar berkesesuaian dengan peraturan perundang-undangan di Indonesia.

Hasil penelitian menunjukkan implementasi hak dan kewajiban terhadap Narapidana Perempuan dalam kondisi hamil dan/atau dengan tanggungan anak di Rutan Kelas IIB Balikpapan belum semuanya terpenuhi. Hal tersebut disebabkan keterbatasan sarana dan prasarana, anggaran dan sumber daya manusia, tidak adanya tenaga profesional dan ketidaksesuaian fungsi lembaga. Oleh karena itu, pembinaan di luar lembaga menjadi hal yang *urgent* di terapkan di Indonesia Selain itu, perkembangan konsepsi pembinaan non-lembaga dalam peraturan perundang-undangan Indonesia, memberikan pemahaman dan tawaran konsepsi pembinaan di luar lembaga dengan pidana pengawasan. Diperlukan pengaturan berupa peraturan menteri sebagai pedoman pelaksanaan pembinaan di luar lembaga dan peraturan pemerintah tentang KUHP Baru yang mengatur tentang tujuan dan pedoman pemidanaan dengan menambahkan klausula kondisi hamil dan dengan tanggungan anak sebagai bahan pertimbangan pemidanaan terhadap Narapidana Perempuan dengan tetap memperhatikan jenis, sanksi, dan pengurangan tindak pidana.

Kata Kunci: Narapidana Perempuan dengan kondisi hamil dan/atau tanggungan anak, Pembinaan, di Luar Lembaga.

¹ Mahasiswa Pasca Sarjana, Program Magister Ilmu Hukum, Fakultas Hukum Universitas Gadjah Mada (muhammadfauzi95@mail.ugm.ac.id)

² Dosen Departemen Hukum Pidana, Fakultas Hukum Universitas Gadjah Mada (danikris@ugm.ac.id)

***THE CONCEPTION OF OUTSIDE INSTITUTIONAL DEVELOPMENT
FOR WOMEN INFORMED CITIZENS WHO ARE PREGNANT AND/OR
WITH CHILDREN***

By

Muhamad Fauzi³, Dani Krisnawati⁴

ABSTRACT

This research aims to determine the implementation of fulfilling rights and obligations as well as the urgency of coaching outside the institution for female convicts who are pregnant and/or with dependent children.

The type of research used is normative-empirical. Normative-empirical research is used to see the implementation of fulfilling the rights and obligations of female convicts who are pregnant and/or have dependent children as well as the urgency of coaching outside the institution so that it is in accordance with laws and regulations in Indonesia.

The results of the research show that the implementation of the rights and obligations of female prisoners who are pregnant and/or with dependent children in the Class IIB Balikpapan Detention Center has not been fully fulfilled. This is due to limited facilities and infrastructure, budget and human resources, the absence of professional staff and incompatibility of institutional functions. Therefore, coaching outside of institutions is an urgent matter for implementation in Indonesia. Apart from that, the development of the concept of non-institutional coaching in Indonesian legislation provides an understanding and offers the concept of coaching outside of institutions with criminal supervision. Regulations are needed in the form of ministerial regulations as guidelines for the implementation of guidance outside the institution and government regulations regarding the New Criminal Code which regulates the objectives and guidelines for punishment by adding clauses on conditions of pregnancy and dependent children as consideration for the punishment of female convicts while still paying attention to the type, sanctions and repetition. criminal act.

Keywords: *Female convicts who are pregnant and/or have dependent children, guidance, outside the institution.*

³ Postgraduate Student, Magister of Legal Scienc Program, Faculty of Law Gadjah Mada University (muhammadfauzi95@mail.ugm.ac.id)

⁴ Sosio Yustisio Street, Criminal Law Departement, Faculty of Law, Gadjah Mada University (dani.krisnawati@ugm.ac.id)