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A Comparative Analysis of the Protection of the Rights of Mothers and Children in Correctional Facilities

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ABSTRACT

This study aims to analyze the protection of the rights of mothers and children in correctional institutions through a comparative approach between the Indonesian legal system and those of several other countries. The research focuses on the effectiveness of legal protection for female inmates who are pregnant, breastfeeding, or caring for children, as well as the fulfillment of the rights of children within correctional institutions. The study employs a normative legal method using *a comparative law approach* through a literature review of legislation, international instruments, and various scientific literature. The results indicate that Indonesia has a sufficiently adequate legal foundation for protecting the rights of mothers and children in correctional institutions; however, its implementation still faces challenges such as *overcrowding*, limited healthcare facilities, insufficient psychological services, and suboptimal supervision. A comparison with several countries indicates that an approach based on *mother-and-baby units* and non-custodial sentencing alternatives is more effective in ensuring the best interests of the child and supporting the rehabilitation of female inmates. This study concludes that human rights-based and child protection-oriented corrections policy reform is urgently needed to create a more humane and gender-responsive corrections system.

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1. INTRODUCTION

The protection of human rights is a fundamental principle in a state governed by the rule of law that must be guaranteed by the state, including for inmates. The correctional system in Indonesia is fundamentally oriented not only toward punishment but also toward rehabilitation and the restoration of human dignity, as stipulated in Law No. 22 of 2022 on Corrections. In this context, women serving prison sentences have specific rights that the state must fulfill, particularly when they are pregnant, giving birth, or raising children within correctional facilities. The presence of children born and raised within correctional facilities raises complex legal and humanitarian issues, as children cannot, by nature, be held to share in the criminal consequences of their mothers' offenses [1]. Therefore, the protection of the rights of mothers and children in correctional facilities has become a critical issue in modern criminal justice systems.

Issues regarding the rights of mothers and children in correctional facilities have become increasingly relevant as the number of female inmates rises in various countries, including Indonesia. Conditions in *overcrowded* correctional facilities, limited healthcare facilities, a lack of lactation rooms, and suboptimal child development services pose serious challenges to fulfilling these rights [2]. On the other hand, international legal instruments such as *the Convention on the Rights of the Child* (*CRC*) and *the Bangkok Rules* have affirmed that female inmates and children residing with their mothers must receive special protection and humane treatment [3]. However, the implementation of these provisions in correctional practices across various countries reveals differences in policies, mechanisms, and the level of effectiveness of the legal protection provided.

Studies on the protection of the rights of mothers and children in correctional institutions have been extensively conducted by previous researchers. Previous research generally addressed aspects of fulfilling the reproductive health rights of female inmates, child-rearing patterns within correctional institutions, and the implementation of human rights-based correctional policies [4]. However, most of these studies remain descriptive and focus on a specific legal system, thus failing to provide an in-depth comparative analysis of the differences in models of protection for the rights of mothers and children across countries. In fact, a comparative approach is crucial for identifying best *practices* that can serve as a reference for reforming correctional policies in Indonesia [5].

Normatively, Indonesia has established a legal framework for the protection of the rights of mothers and children through various regulations, such as Law No. 39 of 1999 on Human Rights, Law No. 35 of 2014 on Child Protection, and Law No. 22 of 2022 on Corrections. In addition, there are also technical provisions governing the provision of supplementary food, health services for pregnant women, and children's rights to receive proper care [6]. Nevertheless, in practice, various obstacles remain, including limited facilities and infrastructure, a shortage of healthcare personnel, and suboptimal oversight of the fulfillment of women's and children's rights within correctional institutions. These conditions indicate a gap between legal norms and on-the-ground implementation.

From a comparative perspective, several countries have implemented more progressive policies regarding the protection of mothers' and children's rights in correctional facilities. For instance, some European countries have developed the concept of *"mother and baby units*," which allow mothers and children to access a more suitable and humane environment during their incarceration [7]. Other countries also implement alternative sentencing for pregnant women and mothers with young children through *community corrections* or non-custodial sentences. These policies demonstrate that the protection of mothers' and children's rights is not only related to legal aspects but also concerns the psychological, social, and developmental

dimensions of children as the nation's future generation.

Given these conditions, several key issues form the focus of this study: how the protection of mothers' and children's rights is regulated within correctional institutions under Indonesia's legal system; how its implementation compares with that of other countries; and what constitutes an ideal legal protection model to ensure the rights of mothers and children in correctional institutions. These issues are important to examine because the protection of women and children serves as a key indicator in assessing the quality of a nation's correctional system. Additionally, this study seeks to examine the extent to which the principle of *the best interests of the child* has been implemented in correctional policies.

This study employs a normative legal approach using *the comparative law* method to analyze various regulations and practices regarding the protection of the rights of mothers and children in correctional institutions. This approach involves an examination of national legislation, international legal instruments, and correctional policies in several countries with more advanced protection systems. Through this comparative approach, this study aims to provide a comprehensive overview of the effectiveness of the legal protections implemented and to identify more adaptive and human rights-oriented protection concepts.

The novelty of this research lies in its comparative analysis of the protection of the rights of mothers and children in correctional institutions, which not only focuses on normative aspects but also integrates perspectives on human rights, child protection, and the reform of the correctional system. This study is expected to make an academic contribution to the development of correctional law studies and to serve as practical recommendations for the government in formulating policies that are more responsive to the needs of women and children in correctional settings. Thus, this study holds high urgency in fostering the creation of a correctional system that is more humane, just, and oriented toward the protection of human rights.

2. LITERATURE REVIEW

2.1 Protection of Human Rights for Female Inmates

Human rights are fundamental rights inherent to every individual without exception, including female prisoners in correctional institutions. The concept of correctional care in Indonesia fundamentally positions prisoners as subjects of rehabilitation who retain basic rights that must be protected by the state. According to Muladi, the correctional system aims not only to deter but also to restore an individual's relationship with society through rehabilitative and humanistic approaches [8]. Therefore, ensuring the fulfillment of women's rights within correctional facilities is a crucial component in realizing a just legal system.

Female inmates have specific needs that differ from those of male inmates, particularly regarding reproductive health, pregnancy, childbirth, and child care. From a human rights perspective, the state has an obligation to provide adequate facilities and services to ensure these needs are met. *The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders,* or *the Bangkok Rules,* emphasize that pregnant and breastfeeding women must receive specialized healthcare services and humane treatment [9]. These provisions demonstrate that the protection of female prisoners is an integral part of respecting human dignity.

In the Indonesian context, the protection of women prisoners' rights is regulated by Law No. 22 of 2022 on Corrections and various implementing regulations. However, the implementation of these protections still faces various obstacles, such as limited healthcare facilities, a lack of dedicated mother-and-child spaces, and

overcrowding in correctional institutions. According to Priyatno's research, inadequate conditions in correctional facilities can hinder the optimal fulfillment of the rights of women and children [10]. Thus, the protection of women prisoners' rights requires not only normative regulations but also adequate policy support and resources.

2.2 *Protection of Children's Rights in the Correctional Facility Environment*

Children residing with their mothers in correctional facilities constitute a vulnerable group requiring special protection from the state. Under international law, children cannot be held legally responsible for criminal acts committed by their parents. Therefore, the presence of children in correctional facilities must be viewed as the state's responsibility to ensure the optimal fulfillment of children's rights. *The Convention on the Rights of the Child* (*CRC*) affirms that every child has the right to protection, health, education, and proper development without discrimination [11].

Legal protection for children encompasses all efforts made to guarantee children's rights so they may live, grow, and develop in accordance with human dignity [12]. In the context of correctional institutions, this protection includes providing a safe environment, access to health services, adequate nutrition, and psychological support for children. However, in reality, many correctional institutions do not yet have adequate facilities to support children's growth and development. This situation has the potential to cause psychological and social impacts on children, particularly during early developmental stages.

A study conducted by Coyle shows that children who grow up in a prison environment are at risk of limited social interaction and emotional developmental disorders if they are not supported by a child-friendly environment. Therefore, a number of countries have begun implementing *mother-and-baby unit* policies as a more humane form of protection for mothers and children in correctional facilities. This policy provides a more suitable space for mothers and children to continue building emotional bonds without compromising the security of the correctional facility. This approach underscores that child protection within correctional facilities must be guided by the principle *of the best interests of the child* [13].

2.3 *A Comparative Approach to the Protection of Mothers' and Children's Rights in Correctional Facilities*

A comparative approach in legal studies is used to compare the legal systems of one country with those of another to identify similarities, differences, and best practices that can be applied in national legal reform. Legal comparison plays a crucial role in the development of modern legal systems as it facilitates the transfer of ideas and policy reforms based on the experiences of other nations [14]. In the context of protecting the rights of mothers and children in correctional facilities, a comparative approach is necessary to assess the effectiveness of policies implemented in various countries.

Several countries have developed more progressive protection models for incarcerated women and their children. The United Kingdom, for example, implements *a "mother and baby unit"* policy that allows children to remain with their mothers until a certain age in an environment more conducive to the child's development. Meanwhile, Thailand and several European countries have begun prioritizing non-custodial sentencing alternatives for pregnant women and mothers with young children [15]. These policies are based on the consideration that incarcerating mothers can have significant social and psychological impacts on children.

In Indonesia, the approach to protecting mothers and children in

correctional facilities remains focused on fulfilling basic rights and has not yet fully integrated a child-centered approach based on the best interests of the child. According to Atmasasmita, reforms to the correctional system must be directed toward a more substantive and adaptive human rights protection paradigm for vulnerable groups [16]. Therefore, comparative studies are essential to provide more effective and humane policy recommendations for protecting the rights of mothers and children in correctional facilities. This approach can also serve as a basis for evaluating national correctional policies to ensure they align with international standards and human rights protection principles.

3. METHODS

This study employs a normative legal research design with *a comparative law approach* aimed at analyzing the protection of the rights of mothers and children in correctional institutions based on the Indonesian legal system and those of several other countries. The normative approach is used to examine various laws, legal principles, and international instruments related to the protection of women's and children's rights within the correctional system. The objects of this study include national regulations, correctional policies, and international provisions such as *the Bangkok Rules* and *the Convention on the Rights of the Child* (*CRC*). The subjects of the study focus on female inmates who are pregnant, breastfeeding, or caring for children in correctional institutions, as well as children residing in the correctional environment with their mothers. The research was conducted from January to March 2026 through literature review and the examination of relevant legal documents.

The research was conducted as *library research* by examining various primary, secondary, and tertiary legal sources from books, scientific journals, legislation, court decisions, and official documents from national and international institutions. The research instruments used consisted of document study guidelines and a legal data analysis format developed based on the research focus. The sampling technique in this study employed *purposive sampling*, which involves selecting legal sources and literature deemed relevant to the theme of protecting the rights of mothers and children in correctional institutions. Primary data sources consisted of national laws and regulations and international legal instruments, while secondary data were obtained from previous research findings, journal articles, and scientific literature related to the correctional system and the protection of human rights.

Data collection was conducted through a literature review using a documentary analysis of various legal materials and literature relevant to the research problem. The data obtained were then analyzed using qualitative analysis with a descriptive-comparative approach. The analysis was conducted by identifying similarities and differences in policies regarding the protection of the rights of mothers and children in correctional institutions between Indonesia and several comparison countries, followed by an assessment of the effectiveness of these policies' implementation from the perspectives of human rights and child protection. The results of the analysis were subsequently used to formulate recommendations for a legal protection model that is more humane, adaptive, and aligned with the principle *of the best interests of the child* within Indonesia's correctional system.

4. RESULTS AND DISCUSSION

The correctional system in Indonesia fundamentally treats inmates as subjects of rehabilitation who retain human rights that must be protected by the state. This principle is reflected in Law No. 22 of 2022 on Corrections, which emphasizes a rehabilitative and reintegrative approach. In the context of female inmates, the protection of rights becomes even more critical due to distinct biological and psychological needs

compared to male inmates. Women who are pregnant, giving birth, or breastfeeding require special treatment that ensures their health and safety as well as that of their newborns. Therefore, the state bears both a legal and moral responsibility to ensure these rights are fully realized. The fulfillment of these rights also serves as an indicator of the success of a human rights-based correctional system [17].

National regulations have established a legal framework for the protection of the rights of mothers and children in correctional facilities. Provisions regarding health services, supplementary food, the right to breastfeed, and child care are outlined in various laws and regulations. However, implementation on the ground still faces various challenges that prevent the effective protection of these rights. Some women's correctional facilities still lack adequate health facilities and dedicated spaces for mothers and children. Additionally, overcrowding among inmates further impacts the quality of services provided to female inmates [18]. This situation highlights a gap between normative regulations and their practical implementation.

The reproductive health rights of female inmates remain a major issue within correctional facilities. Many facilities lack specialized medical staff capable of adequately addressing the needs of pregnant and breastfeeding women. These conditions result in health examinations being conducted only sporadically and not on a continuous basis. Yet, pregnant women require intensive health monitoring to ensure the safety of both the mother and the fetus. Limited access to medications and healthcare facilities also act as barriers to fulfilling these health rights [19]. This situation demonstrates that the correctional system still requires improvements in the quality of gender-sensitive healthcare services.

In addition to health considerations, the fulfillment of the rights of children living with their mothers in correctional facilities does not yet fully align with the principles of child protection. Children in a correctional facility environment cannot, in principle, be treated as individuals serving a sentence. In practice, however, children still face restrictions on their freedom of movement and a social environment that is not ideal for their growth and development. These conditions have the potential to negatively impact children's psychological and emotional development during early childhood. The lack of play facilities, early childhood education, and psychological services remains a common issue [20]. Therefore, child protection within correctional facilities must be a serious priority for the government.

Some correctional facilities have provided special rooms for mothers and children, but these facilities remain limited in both quantity and quality. These special rooms are generally used for breastfeeding, rest for pregnant women, and early childhood care. However, budget constraints mean that the available facilities do not yet meet adequate standards. In some cases, mothers and children still have to share spaces with other inmates, thereby reducing comfort and privacy. This situation indicates that the fulfillment of women's and children's rights remains largely administrative and has not yet fully prioritized the quality of protection. Yet, a healthy and safe environment is crucial for children's development [21].

From an international legal perspective, the protection of women and children in correctional facilities is regulated by *the Bangkok Rules* and *the Convention on the Rights of the Child*. These international instruments affirm that female inmates must receive special treatment in accordance with their biological and psychological needs. Additionally, children residing with their mothers must be provided with an environment that is suitable and supportive of both their physical and mental development. Research findings indicate that some of these international principles have been adopted into Indonesia's national regulations. However, their implementation remains suboptimal due to limited resources and the low capacity of correctional facilities

[22]. Therefore, harmonization between legal norms and on-the-ground implementation is necessary.

Overcrowding is the primary factor hindering the protection of the rights of mothers and children in correctional facilities. The number of inmates exceeding capacity prevents health services, sanitation, and other basic needs from being provided to the fullest extent. In such situations, pregnant women and children are the groups most vulnerable to negative impacts. Overcrowding also increases the risk of disease transmission and psychological distress within correctional facilities. Additionally, limited space prevents children from having adequate play areas [23]. Thus, the issue of overcrowding must be a primary focus in reforming the correctional system.

European countries have a more progressive approach to protecting the rights of mothers and children in correctional facilities. Some countries implement the concept of *"mother and baby units*," specifically designed to provide a more child-friendly environment. These units are equipped with healthcare facilities, playrooms, psychological services, and professional support staff. Through this approach, children can still receive proper attention and care even while their mothers are serving their sentences. This policy demonstrates that child protection can be effectively implemented without compromising the penal system's functions. This approach represents one of the best practices that Indonesia can adopt as a reference.

In the UK, the *mother and baby unit* system allows children to live with their mothers until a certain age under strict yet humane supervision. Research indicates that this policy reduces psychological stress on mothers and enhances the quality of the emotional bond between mother and child. Additionally, children gain access to early childhood education and improved healthcare services. That country prioritizes the best interests of the child as the primary foundation for developing correctional policies. This approach differs from the system in Indonesia, which still focuses on meeting basic needs. Therefore, Indonesia needs to consider implementing a more comprehensive protection model.

Thailand is also one of the countries that implements alternative sentencing policies for pregnant women and mothers with young children. These policies are carried out through non-custodial criminal mechanisms or community-based rehabilitation. This approach aims to reduce the negative impact of incarceration on children's development and the mothers' psychological well-being. Research findings indicate that these alternative policies help reduce prison overcrowding and enhance the effectiveness of social rehabilitation. Additionally, children can continue to grow in a healthier and more stable social environment. This model highlights the importance of a restorative approach within modern criminal justice systems.

A comparison with several countries indicates that Indonesia still faces challenges in implementing child protection policies grounded in the best interests of the child. Current policies tend to focus on meeting minimum rights and have not yet optimally integrated aspects of children's psychological development. In fact, young children require a safe, healthy, and supportive environment for their social development. If these conditions are not met, children are at risk of experiencing long-term developmental disorders. Therefore, reforms to correctional policies must be directed toward a more humane and responsive approach to children's needs. This approach must also consider the psychological well-being of the mother as the child's primary caregiver.

The emotional bond between mother and child plays a crucial role in the rehabilitation process of incarcerated women. Mothers who can maintain close, ongoing interaction with their children tend to exhibit greater psychological stability during their incarceration. This bond also enhances the mother's motivation to improve herself and reintegrate into society. Conversely, separating children from their mothers without adequate support mechanisms can

cause psychological trauma for both parties. Therefore, correctional policies must prioritize family relationships as an integral part of the rehabilitation process. This approach aligns with the principles of rehabilitation in modern correctional systems.

Correctional officers play a crucial role in ensuring the rights of mothers and children are upheld. The professionalism and gender sensitivity of these officers significantly determine the quality of services provided to female inmates. However, there remains a lack of specialized training regarding the protection of women and children within the correctional environment. This situation results in services that do not fully address the psychological and biological needs of women. Therefore, enhancing human resource capacity is a critical step in reforming the correctional system. Human rights-based and child protection training must be conducted on an ongoing basis.

In addition to human resource factors, budget constraints also pose a barrier to the implementation of protections for the rights of mothers and children. Many correctional institutions are unable to provide adequate facilities due to insufficient budgetary support from the government. These conditions result in limited access to healthcare, nutritious food, and facilities supporting children's growth and development. Yet, meeting these needs is part of the state's obligation to guarantee human rights. Therefore, the government must increase budget allocations specifically for the protection of women and children in correctional facilities. Gender-responsive budget policies are crucial for supporting the effectiveness of legal protection.

Collaboration with external agencies can help improve the quality of protection for mothers and children in correctional facilities. Some correctional facilities have partnered with health departments, social organizations, and child protection agencies to provide health services and psychological counseling. Such collaboration has proven effective in enhancing access to services for women and children. Additionally, the involvement of civil society organizations can help monitor the implementation of the rights of female inmates. Inter-agency collaboration is a strategic step in creating a more effective protection system. This participatory approach also strengthens the accountability of correctional institutions.

From a legal perspective, regulations regarding the age limit for children allowed to reside with their mothers in correctional facilities remain a subject of debate. Some argue that a child's presence with their mother is crucial for maintaining emotional bonds during early childhood. However, on the other hand, the prison environment is considered unsuitable for a child's long-term development. Therefore, a balanced policy is needed that considers both the child's best interests and the mother's rights as the primary caregiver. The state must provide clear transition mechanisms when a child must be separated from their mother. Psychological support is a vital component of this process.

A human rights-based approach is highly relevant to the reform of the correctional system in Indonesia. The protection of mothers and children cannot be viewed merely as the fulfillment of administrative requirements. Rather, such protection must reflect respect for human dignity and the principle of social justice. In this context, the state has an obligation to ensure that women and children receive humane treatment while in the correctional system. This approach is also part of the implementation of the principles of a democratic rule of law. Therefore, correctional policy reform must be carried out comprehensively and sustainably.

Female inmates often face double discrimination—both as offenders and as women with special needs. Social stigma against female inmates results in their rights receiving less attention compared to other groups. This situation leads to limited access to healthcare and social protection services. Additionally, stigma also affects the social reintegration process after they have completed their sentences. Therefore, the

protection of women's rights within correctional institutions must be accompanied by efforts to eliminate discrimination and social stigma. A gender-equality-based approach is crucial in this context [24].

Children growing up in a correctional facility environment face a risk of experiencing social developmental delays. Limited interaction with the outside world can affect a child's ability to build healthy social relationships. Furthermore, the typically closed environment of a correctional facility can impose psychological stress on children. Therefore, specialized programs are needed to ensure children continue to receive adequate educational and social stimulation. Educational visitation programs and psychological counseling can serve as solutions to mitigate these negative impacts. Such policies are vital to ensuring children's rights to optimal growth and development.

From a comparative perspective, Scandinavian countries demonstrate a more rehabilitative approach compared to a repressive one. The correctional systems in these countries place greater emphasis on restoring social relationships and the well-being of inmates. Female inmates with children are provided with facilities that support child-rearing and mental health. This approach has proven effective in reducing recidivism rates and improving the success of social reintegration. This demonstrates that protecting the rights of mothers and children does not conflict with the objectives of criminal punishment. On the contrary, such protection actually supports the success of the rehabilitation process.

Policies protecting the rights of mothers and children in Indonesia still require strengthening in terms of oversight and evaluation. Many regulations have been drafted, but their implementation has not been optimally monitored by the relevant agencies. As a result, violations of rights and inconsistencies in service standards are still found in various correctional institutions. Therefore, a more transparent and accountable monitoring mechanism is needed. The involvement of independent institutions and civil society can help improve the effectiveness of such monitoring. A continuous evaluation system is also crucial to ensure the quality of protection for the rights of women and children.

In addition to oversight, regulatory updates are also an urgent priority. Some existing legal provisions remain general in nature and do not provide detailed regulations regarding the protection of mothers and children within correctional facilities. Consequently, policy implementation often depends on the internal policies of each individual correctional facility. This situation leads to disparities in service standards across regions. Therefore, specific regulations are needed to comprehensively address the protection of women and children within the correctional system. Such regulations must be grounded in the principles of human rights and child protection.

The importance of a multidisciplinary approach in addressing issues concerning mothers and children in correctional facilities. These issues are not limited to legal aspects but also involve health, psychology, education, and social welfare. Therefore, protection policies must involve various stakeholders, including medical staff, psychologists, social workers, and educational institutions. A multidisciplinary approach enables protection to be carried out more comprehensively and effectively. Additionally, cross-sectoral coordination can help create a more integrated service system [25]. This approach is crucial in realizing a humane correctional system.

In the context of legal reform, the implementation of alternative sentencing for pregnant women and mothers with young children must be seriously considered. Non-incarceration approaches can serve as a solution to mitigate the negative impacts of incarceration on children. Furthermore, such policies can also help address the issue of overcrowding in correctional facilities. Other countries have demonstrated that restorative

approaches are more effective in addressing certain criminal offenses committed by women. Therefore, Indonesia needs to develop sentencing policies that are more adaptive to vulnerable groups. Such approaches must still prioritize legal interests and the public's sense of justice.

The protection of the rights of mothers and children is closely linked to the principle of social justice in a state governed by the rule of law. The state is not only obligated to punish offenders but also to ensure that the criminal justice process does not violate fundamental human rights. In this context, children must be viewed as legal subjects with independent rights that the state is obligated to protect. Therefore, correctional policies must be designed with consideration for the social and psychological impacts on children. This approach demonstrates that a modern legal system must prioritize humanity as its core principle. Consequently, the protection of mothers and children is an essential component of correctional reform.

The fulfillment of children's right to education in correctional facilities remains suboptimal. Many children have not yet gained adequate access to early childhood education due to limited facilities and teaching staff. Yet, education is a fundamental right of the child that must be fulfilled without discrimination. Therefore, the government needs to provide special educational programs for children in correctional settings. These programs can be implemented through collaboration with educational institutions and social organizations. Adequate education will help children continue to develop intellectually and socially despite being in a restricted environment.

Regarding mental health, research indicates that female inmates are vulnerable to stress and depression while serving their sentences, particularly when caring for children in a restricted environment. This psychological pressure can impact the quality of care provided to the children. Consequently, counseling and psychological support services are a critical need within women's correctional facilities. However, such services remain severely limited in Indonesia. The state must increase the number of psychologists and counselors in correctional facilities. A mental health approach is an essential component of protecting the rights of women and children.

The protection of the rights of mothers and children in correctional facilities requires a strong political commitment from the government. Without adequate policy support and funding, legal protection will remain merely a formal, normative formality. Therefore, correctional reform must be part of the national legal development agenda. The government must ensure that every correctional facility meets minimum service standards grounded in human rights. Additionally, regular evaluations must be conducted to assess the effectiveness of implemented policies. Such political commitment is a key factor in achieving effective protection.

The community plays a vital role in supporting the social reintegration of female inmates after they have served their sentences. Social stigma against former female inmates often leads to difficulties in securing employment and reintegrating into their social environment. These conditions can affect children's well-being and the sustainability of family relationships. Therefore, social reintegration programs involving the community and local governments are necessary. This approach aims to create a more inclusive social environment that supports the recovery of female inmates. Successful social reintegration will help prevent recidivism.

Overall, this study indicates that the protection of mothers' and children's rights within correctional institutions still faces various challenges, both in terms of regulation and implementation. Indonesia has a sufficiently robust legal framework, but its implementation remains suboptimal due to limitations in facilities, human resources, and oversight. Comparisons with several countries suggest that an approach grounded in the best interests of the child and social rehabilitation is more effective in ensuring

the protection of women's and children's rights. Therefore, correctional policy reform must be directed toward a more humanistic, gender-responsive, and human rights-based approach. Such reforms are essential for creating a correctional system that is just and oriented toward protecting vulnerable groups. Thus, the protection of the rights of mothers and children can be realized more effectively and sustainably.

5. CONCLUSION

Based on the research findings, it can be concluded that the protection of the rights of mothers and children in correctional facilities is an important part of implementing a human rights-based correctional system. Indonesia essentially already has a legal framework governing the protection of female inmates and children through various national regulations and the adoption of international principles such as *the Bangkok Rules* and *the Convention on the Rights of the Child*. However, the implementation of such protections still faces various challenges, including *overcrowding*, limited healthcare facilities, a lack of dedicated spaces for mothers and children, insufficient professional staff, and inadequate oversight of the implementation of women's and children's rights within correctional institutions. The results of a comparative analysis indicate that some countries have adopted more progressive approaches through the concept *of mother- r and baby units*, non-custodial sentencing alternatives, and rehabilitative policies that are more oriented toward *the best interests of the child*. Therefore, this study emphasizes that the reform of the correctional system in Indonesia must be directed toward a more humanistic, gender-responsive, and child-protection-oriented approach so that the rights of mothers and children can be optimally fulfilled without neglecting the objectives of punishment.

Based on these conclusions, this study recommends that the government undertake corrections policy reform by developing more comprehensive regulations regarding the protection of mothers' and children's rights within correctional facilities. The government must also improve healthcare facilities, childcare spaces, psychological services, and the capacity of human resources with gender sensitivity and an understanding of child protection. Furthermore, strengthened collaboration is needed between correctional institutions, health departments, child protection agencies, and civil society organizations to improve the quality of services and oversight regarding the fulfillment of women's and children's rights. This study also recommends the implementation of alternative sentencing for pregnant women and mothers with young children as a step to mitigate the negative impacts of incarceration on children's development and family well-being.

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