



## Analysis of Legal Efforts Against the Supporting Rights of a Prisoner's Wife in a Detention Center (Case Study of Medan Class 1 Detention Center)

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**Abstract** - Marriage is an agreement that binds a man to a husband and wife in a household. The result that arises in a marriage is the creation of rights and responsibilities between men and women that are united by the family. Rights and responsibilities are things that are obtained and required to fulfill. However, certain situations arise when some married people cannot fully fulfill their duties and obligations as a couple, and the husband cannot fully fulfill his wife's needs, such as a husband who, with the status of a prisoner, cannot fulfill his wife's rights in the form of spiritual and physical support. With this, the author wants to examine how and what kind of efforts can be made to fulfill the living rights of a wife whose husband is imprisoned. In this research the author conducted empirical legal research. Empirical law is legal research carried out by conducting studies on the topics to be discussed by conducting interviews and field observations carried out by the author. And the result of this research is that not all efforts to fulfill the living rights of a prisoner's wife can be fulfilled and facilitated by the Medan Class I Detention Center. And regarding spiritual support, the Medan Class I Detention Center cannot facilitate all of these subsistence needs. What can be facilitated in relation to this subsistence is a room for family visits and a telephone shop if the inmate misses and wants to confide in his wife.

**Keywords:** Wife, Prisoner, Rights, Livelihood

### I. INTRODUCTION

Marriage is an agreement that binds a man to a husband and wife in a household. The result that arises in a marriage is the creation of rights and responsibilities between men and women that are united by the family. Rights and responsibilities are things that are obtained and required to be fulfilled by both husband and wife.

The rights and responsibilities of husband and wife are maintenance. The rights and responsibilities of husband and wife are maintenance. Maintenance is the right of the wife and children to get food, clothing and housing, and various other basic needs and medical treatment even though the wife is a wealthy woman. Maintenance in this form is mandatory according to the Qur'an, al-Sunnah and ijma" ulama. If both spouses are adults, the husband is automatically obliged to provide food, clothing, and board for his wife and children, proportional to the social status of the couple and the customs of the community where they live (Doi, 2002).

The rights and responsibilities that give rise to obligations between husband and wife require that everything be given and fulfilled (Abdullah, 2011).

In the household, the husband has the right to the property while the wife owns it. Once the contract is implemented and its conditions and harmony are met, there are legal consequences that automatically give rise to rights and responsibilities as husband and wife

in the family. These include: Joint rights of husband and wife, rights of husband to wife, rights of wives to husbands.

If we talk about livelihood, it can be classified into two parts. First, material income/birth such as food, clothing, shelter, and other living costs, including children's education costs. The second is intangible inner sustenance such as intimate relationships, love and attention.

But certain situations arise when some married people cannot fully fulfill their duties and obligations as a couple, and the husband cannot fully fulfill his wife's needs, such as physical and spiritual support. Factors that might cause this are differences such as; location of residence, distance, and other causes. Not only that, increasing demands within the family to fulfill needs can sometimes cause a husband to make mistakes in seeking a living to support his family, whether intentionally or not, resulting in unlawful actions and making him a convict who must serve a sentence (a prisoner). A husband who is convicted is one of the factors that can cause distance and disharmony in the household, making it difficult for the husband to provide both material and non-material support. So, it is difficult for husbands to provide a living, both physical and mental support.

However, if the husband who is in custody or has the status of an inmate to fulfill his livelihood, the inmate's husband can request his right to get premiums and family visits as stated in Law Number 12 of 1995 concerning Correctional Institutions in article 14 paragraph (1) which states that:

"Prisoners have the right:

- a. perform worship in accordance with their religion or beliefs;
- b. receive care, both spiritual and physical care;
- c. receive instruction and education;
- d. receive sufficient health and food services;
- e. file a complaint;
- f. obtain reading materials and watch other permissible mass media broadcasts;
- g. receive pay or premiums for work done;
- h. receive visits from relatives, attorneys, or other individuals;
- i. receive a reduction in the length of the criminal sentence (remission);
- j. receive opportunities for assimilation, including time off to visit relatives;
- k. obtain parole;
- l. receive leave prior to being released;
- m. gain additional rights in compliance with the rules and regulations that may be relevant.

The article above states that a prisoner still has the opportunity to provide support for their wife. Because it is stated in point G that prisoners also have the right to receive wages for the work they have done while in prison and these wages can be given to their respective wives during the rest period from the family later. However, institutionally, the right to support a prisoner's wife can only be channeled through affection during the visiting period. This is because there are no specific regulations governing the fulfillment of prisoners' sexual needs as fulfilling the spiritual needs of prisoners' wives.

Seeing this phenomenon, researchers were interested in examining the livelihood needs of a prisoner's wife. Regarding this matter, what the author will examine in more depth is the efforts built by law and institutions to fulfill the maintenance rights of a prisoner's wife.

Based on the explanation above, the researcher wants to examine the actual efforts made by the detention center to provide support for prisoners' wives, and put it in a journal entitled " Analysis of Legal Efforts Against the Supporting Rights of a Prisoner's Wife in a Detention Center (Case Study of Medan Class 1 Detention Center)".

## **II. METHOD**

In the authorship of this study, the researcher uses a type of empirical research. The meaning of empirical research is a type of research that focuses on phenomena, events, and events that occur in a non-library-based society, institution, or country, by observing phenomena that exist in society (Nasution, 2008). The researcher uses this method in

conducting research because it aims to investigate issues regarding the fulfillment of maintenance that occurs in the Class I Medan Detention Center. This qualitative analysis was carried out by the researcher through field observations and interviews with the head of the Class I Detention Center in Medan, staff and inmates in the Class I Detention Center in Medan.

### **III. RESULT AND DISCUSSION**

#### **1. Limitation on the size of a convict's support for his wife**

Islam has a broad and universal scope, one of which is in terms of livelihood. An explanation of who is responsible for providing maintenance includes wife, children, relatives, parents and dependents. The focus of the explanation is more on support for the wife and children, which must be provided by the husband as head of the family.

Support can be given at any time, whether daily, weekly, monthly or annually. The amount of maintenance that a husband must provide to his wife and children is not clearly defined as to the minimum and maximum amounts. Providing income is adjusted to the husband's abilities. This is in accordance with Indonesian laws and regulations which determine the limits or amount of support that must be provided by a husband based on his abilities. This is in line with Law Number 1 of 1974 concerning marriage explained in article 34 paragraph (1) which states: "The husband is obliged to protect his wife and provide all the necessities of married life according to his ability."

Meanwhile, in the complications of Islamic law (KHI), article 80 paragraph (4) states that: "In accordance with his income, the husband bears: a. living, kiswah, and residence for the wife; b. household costs, care costs, and medical costs for wives and children; and c. educational costs for children".

Thus, the size limit regarding alimony is not determined nominally, but based on the husband's ability to fulfill the alimony. Likewise, husbands who have inmate status will fulfill their livelihood according to their abilities from the results of the training they have done in the detention center. For example, A earns a monthly premium of Rp. 200,000,- from the results of the coaching carried out in the detention house and the premium is given to his family or wife, then the husband has fulfilled his maintenance obligation according to his ability.

**Legal Efforts Against the Supporting Rights of the Wife of a Prisoner in the Class I A Detention Center in Medan**

Basically, all rules regarding the rights and responsibilities of husband and wife in a household ultimately aim to enable married couples to understand each other, understand their natural role as individual couples, and uphold eternal and sacred vows. This means that the fulfillment of the rights and obligations of each party is a must.

The review of the status of inmates held by her husband will certainly have an impact on her domestic life, especially in fulfilling both material and emotional obligations. This cannot be ignored with an attitude of disdain "well what can I do / what else to say", which shows the reluctance to accept the situation. And here the author classifies between the maintenance that we know that there are 2 parts of birth and inner maintenance.

#### **a. The Birth of a Convicted Husband to His Wife in the Class I A Detention Center in Medan**

A husband incarcerated in prison will encounter numerous challenges in supporting and tending to his family, particularly his wife, due to the restrictions on his mobility. Essentially, the prisoner will forfeit his freedom as a consequence of his actions.

With respect to pay, this fulfillment can be done when a spouse gives the premium (compensation) gotten from the comes about of exercises carried out at the Medan Lesson I Detainment Center in Medan to his spouse as a frame of bolster. Directions with respect to prisoners' right to get premiums or compensation are directed in Law Number 12 of 1995 concerning Correctional Institutions, article 14 letter g which states "getting compensation or premiums for the work carried out;"

According to the latest 2024 data that the author obtained regarding the independent activities carried out by inmates at the Medan Class I A Detention Center, there are 3 types of

independent guidance, with a total of 23 independent activities. This is according to the following table:

**Table.**  
**Type of self-reliance guidance**

No.	Manufacturing	Agribusiness	services
1	Making sandals	Cultivating free-range chickens	Laundry
2	Bag making	Duck cultivation	Barber shop
3	Furniture	Freshwater fish cultivation	Cowboy coffee shop
4	Paving blocks and bricks	Ornamental fish cultivation	Doorsmeer
5	Handycrafts	Bird cultivation	Motorcycle shop
6	Sew	Bonsai and fruit cultivation	Car repair shop
7	Painting	Hydroponics	
8	Welding		
9	Stone Carpentry		
10	Aquascape		

Based on the table above, it states the types of self-reliance activities, of which there are 36 people from manufacturing activities, 13 people from agribusiness activities and 24 people from clothing activities, so the total of all participants who took part in self-reliance activities at the Medan Class I Detention Center is 73 people.

Regulations regarding the amount of premiums are contained in the Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PP.02.01 of 1990 concerning Supporting Funds for the Development of Prisoners and Incentives for the Work of Prisoners Article 5:

"The use of compensation for services provided by third parties to employed prisoners is regulated as follows:

- a) 50% as an incentive for prisoners' work
- b) 35% as funds to support prisoner development
- c) 15% deposited to the state treasury office" (1990)

Examples :

Partner A collaborates with prisons to produce women's sandals with the following details:

- a) Material capital per pair of women's sandals Rp. 30.000,-
- b) Selling price per pair of women's sandals Rp. 60.000,-
- c) Sales profit (a-b) Rp. 30.000,-

Distribution of profits amounting to Rp. 30,000,- is carried out in accordance with the decision of the Minister of Justice of the Republic of Indonesia Number M.01-PP.02.01 of 1990 as follows:

- a) Incentivize inmate work  
50% X Rp. 30.000,- = Rp.15.000,-
- b) Funds to support prisoner development (capital, cooperatives)  
35% X Rp. 30.000,- = Rp.10.500,-
- c) State treasury (non-tax state revenue/PNBP)  
15% X Rp.30.000,- = RP. 4.500,-

From the example above, it can be seen that from 1 pair of women's sandals made by the inmates, they get a profit of IDR 15,000, - which, if multiplied by several pairs of sandals made by each inmate, is how much the premium or wage they get. For the training activities described above, each participant will receive wages or premiums from the results of the work and works created by the participants in different amounts, where the premium is what can support the family of the convicted husband.

The Head of the Medan Class I Detention Center stated that "The Medan Class I detention center provides savings book facilities for every inmate. This savings account contains the wages or premiums earned by each prisoner. The convict husband's living expenses will be taken through a savings book which will be given to the wife or family when visiting them. "The time for taking or disbursing the premium is permitted at any time within a weekly or monthly period from the premium proceeds obtained by the convicted husband." (SHM, 2024) The explanation given by the head of the Medan Class I Detention Center proves that husbands who are convicts can still carry out their obligation to provide birth support to their wives in accordance with their abilities while in detention.

However, with prisoner status, not all prisoners receive premiums or wages, this is because some prisoners do not participate in self-reliance guidance activities. This independence guidance activity is carried out for prisoners who wish to take part. The Medan Class I Detention Center will not force you.

So it is the right of every prisoner to participate or not. As in the following table, there are several prisoners who receive premiums or wages:

**Table.**  
**List of Premium Receiving Training Participants**  
**Work Activity Guidance Sub-Section**  
**Medan Class I Detention Center**  
**March-October 2023**

No	Name	Case	Punishment	Pavilion	Independence guidance	Wages
1	FF	Criminal	6 thn 3 bln	Classroom D	Coord, furniture tamping & workshop	Rp. 2.025.000
2	ASS	Criminal	2 thn 6 bln	Classroom D	Tamping laundry	Rp. 1.330.000
3	SH	Criminal	4 thn	Classroom D	Tamping welding	Rp. 340.000
4	DP	Criminal	2 thn 6 bln	Classroom D	Tamping laundry	Rp. 2.450.000
5	AR	Criminal	2 thn 6 bln	Classroom D	Tamping laundry	Rp. 1.765.000
6	BS	Criminal	1 thn 9 bln	Classroom D	Tamping lukis	Rp. 38.000
7	IS	Criminal	2 thn 6 bln	Classroom D	Tamping laundry	Rp. 285.000

8	JY	Criminal	3 thn	G- 1/9	Training- results management	Rp. 80.000
9	AM	Criminal	2 thn 6 bln	G- 4/13	Tamping laundry	Rp. 110.000
10	RY	Criminal	2 thn	Classroom D	Tamping laundry	Rp. 400.000
11	AS	Criminal	1 thn	Classroom D	Tamping laundry	Rp. 200.000
12	AF	Criminal	3 Thn	Classroom D	Training- fisheries, birds & chickens	Rp. 600.000

Based on the explanation and table above, it can be concluded that the implementation of the birthright of a husband who has the status of a prisoner to his wife can be fulfilled and has been facilitated by the Medan Class I Detention Center and this implementation again depends on whether the husband who has the status of a prisoner wants to take part in guidance activities or not so that he gets a premium. or wages. Fulfillment of birth support can be fulfilled according to the capabilities, circumstances and premiums obtained by the husband.

#### **b. The Mental Support of a Convicted Husband to His Wife in a Class I Detention Center in Medan**

Mental support is very synonymous with sexual relations, but in fulfilling it for a prisoner's husband, this inner support is not regulated in law or ministerial decrees so that the Medan class 1 detention center does not provide any facilities for fulfilling mental support in the form of sexual relations. However, in this case, fulfillment of spiritual support in the form of sexual relations can still be achieved for some prisoners who meet the requirements through leave to visit family taken by prisoners. As the head of the Medan class 1 detention center said;

"Regarding the fulfillment of mental sustenance, such as having sexual relations, there are actually no regulations that discuss this, so the Medan class 1 detention center does not provide facilities for inmates, but if the inmate is on leave, then the fulfillment of the right to inner sustenance is carried out..." (SHM, 2024)

Prisoners have the right to take leave to visit their families in accordance with Article 14 paragraph (1) letter (j) of Law Number 12 of 1995 concerning Correctional Institutions. Which reads "getting the opportunity to assimilate including leave to visit family; ". Applications for leave to visit family can of course be carried out if they meet the requirements in accordance with the following ministerial regulations:

- a. "good behavior is proven by not undergoing disciplinary punishment within the last 9 (nine) months;
- b. actively participate in the coaching program well; And
- c. has served 2/3 (two thirds) of the criminal period, provided that 2/3 (two thirds) of the criminal period is a minimum of 9 (nine) months." (2022)

If all the conditions have been met, the prisoner can go on leave to visit his family, who will be accompanied and supervised by prison officers for 2 x 24 hours (1999). During the implementation of leave to visit the family (CMK), the convict's husband is free to carry out any activities at home, including fulfilling the convict's husband's spiritual support.

Apart from mental sustenance in the form of sexual intercourse which cannot be facilitated by the class 1 detention center in Medan, in the class I detention center in Medan, efforts are made to fulfill the right to mental subsistence in the form of psychology, namely by providing a visiting room and a telephone shop (wartel). Psychological forms of spiritual support are often carried out through visits to the convict's husband's family and telephone calls to the family.

Visits are something that the inmates look forward to because it gives them the opportunity to meet and interact face to face with their wives and children. During these visits, they can express their longings for each other, share stories, and become a source of motivation to maintain family stability. Visits also increase the inmates' enthusiasm for activities, because they can breathe fresh air and experience a new environment that refreshes their body and soul compared to being confined in a crowded prison cell. Meeting emotional needs through face-to-face interactions during visits involves more than just looking at each other. This includes engaging in warm conversations, offering advice, providing education, listening to each other's feelings, and sharing jokes. Therefore, fulfilling emotional needs through wife visits makes it easier for the inmates to express their longings and ensures that family communication is maintained so that misunderstandings do not occur as expressed by one of the inmates.

"I just fulfill my inner livelihood through visits because I think that alone is enough and keeps my relationship with my wife maintained. "My wife is also diligent in visiting me, usually she visits twice a week and when she visits she always cooks for me, there we let go of our longing with a hug..." (Ucok, 2024)

From the prisoner's expression above, it is clear that the mental support needs of a husband who is a prisoner can also be implemented and fulfilled even with home visits.

This form of spiritual support can also be done over the telephone. The Medan Class I Detention Center also facilitates a telephone booth (telephone stall) where inmates can make telephone calls with their families every day to ask about news and share their hearts and thoughts with each other and can even exchange affectionate, seductive or romantic words when communicating. via the telephone. This is what one prisoner said:

"Because I came here, my wife ended up having to work to meet my children's needs, so sometimes I didn't have time to visit, so I just telephoned. There are kiosks here. We communicated on the phone, said we missed him, sometimes we even talked on the phone...." (Andi, 2024)

From the prisoner's expression above, it can be seen that the prisoner also often misses his family so that his mental support is fulfilled through telephone calls made at the kiosk to his family when he is not visiting.

Based on the explanation above, the efforts made by the Medan Class I Detention Center regarding fulfilling the right to spiritual support can only facilitate mental maintenance in the form of family visits and providing telephone kiosks for prisoners who wish to contact their families. Regarding the fulfillment of the right to subsistence in sexual relations in a class 1 detention center, Medan cannot provide it because there are no special regulations regarding this right, but prisoners can still exercise it by taking leave to visit family with conditions determined by ministerial regulations.

#### **IV. CONCLUSION**

Based on all the explanations above, it can be concluded that:

1. The implementation of the fulfillment of the birth support rights of a husband who is an inmate to his wife can be fulfilled and facilitated by the Medan Class I Detention Center and the actualization depends on whether the husband who is an inmate wants to participate in independence guidance activities or not. The independence activities of the inmates consist of manufacturing, agribusiness, and services so that the inmates can get premiums or wages from the works they sell and the services carried out during the foster.
2. The efforts made by the Medan Class I Detention Center regarding the fulfillment of the right to inner support can only facilitate inner support in the form of family visits and provide wartels (phone stalls) for inmates who want to contact their families. Regarding the fulfillment of the right to alimony, sexual relations in the Class I Detention Center in Medan cannot provide it because there are no special regulations regarding this right, but inmates can still carry it out by taking leave to visit family with the conditions that have been determined by the ministerial regulation.

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