



PRISONERS' SEXUAL RIGHTS: A HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

Prisoners retain the right to fulfill their sexual needs with their spouses during imprisonment, however, Indonesia has yet to establish regulations that facilitate the exercise of this right. Although many scholars advocate addressing this issue from a human rights perspective, empirical research remains limited. Therefore, this study examines the fulfillment of prisoners' sexual rights through a human rights framework. Employing a qualitative case study design with a juridical-empirical legal approach, data were collected through field observations, in-depth interviews, and analysis of legal documents. The findings reveal that prisoners' right to sexual relations with their spouses has not been realized because prisons lack the necessary regulations and implementation mechanisms. Furthermore, national legislation does not provide standard operating procedures for fulfilling prisoners' sexual rights. The study concludes that ensuring the fulfillment of prisoners' sexual needs at Palu Prison requires a human right-based policy framework. As a practical contribution, it proposes the establishment of a Safe Counseling and Relationship Zone, a dedicated facility integrating psychological and marital counseling with a hygienic, private, and dignified space where prisoners and their spouses may maintain intimate relationships within an appropriate legal and institutional framework.

A. INTRODUCTION

Prisoners are social beings with a variety of needs in their lives, both physiological and psychological¹. Physiological needs are basic human survival needs, such as eating, drinking, breathing, sleeping, and maintaining a normal body temperature.² Psychological needs, on the other hand, relate to a person's mental or spiritual state and encompass feelings of safety, love, value, and independence. Prisoners, as convicts serving their sentences, may experience suffering, one of which is the loss of freedom of movement to fulfill these psychological needs due to being confined in prison.³ As a result, they are unable to fulfill their psychological needs, especially those related to sexual needs.

Sexual needs are one of the basic needs of prisoners that remain overlooked in Indonesia.⁴ Prisons, as a place for the development of prisoners, also fail to address their biological needs. In other words, from both a legal-normative and practical perspective, the state neglects the basic needs of prisoners. The theory of human rights views the fulfillment of an inmate's biological needs as not being linked to three basic human rights: the right to form a family, the right to humane treatment, the right to health, and a decent standard of living. These three rights serve as the perspective of this research in analyzing prisoners' biological needs as human rights that must be protected and fulfilled by the state.

To achieve satisfaction, a person must progress through levels.⁵ Regardless of how high a person has progressed, if the lower level of needs becomes unsatisfied or remains poorly fulfilled, they will return to that unmet level until it is adequately satisfied.⁶ Once physiological and safety needs are met, the need for belonging, social connection, and love becomes the next major focus. Individuals are highly affected by feelings of loneliness, isolation, social rejection, or the loss of friends or affection. Because of this, the need

¹ Craig Haney, "The Consequences of Prison Life: Notes on the New Psychology of Prison Effects," in *Psychology and Law: Bridging the Gap*, London: Routledge, 2008, 143. See too, Rodrigo J. Carcedo, Félix López, M. Begoña Orgaz, Katalin Toth, and Noelia Fernández-Rouco, "Men and Women in the Same Prison: Interpersonal Needs and Psychological Health of Prison Inmates," *International Journal of Offender Therapy and Comparative Criminology* 52, no. 6 (2008): 641.

² Peter A. Corning, "Biological Adaptation in Human Societies: A 'Basic Needs' Approach," *Journal of Bioeconomics* 2, no. 1 (2000): 41.

³ Bruce Arigo and Jenifer Leslie Bullock, "The Psychological Effects of Solitary Confinement on Prisoners in Supermax Units: Reviewing What We Know and Recommending What Should Change," *International Journal of Offender Therapy and Comparative Criminology* 52, no. 6 (2008): 622.

⁴ Desy Maryani and Zico Junius Fernando, "Psychological Study on the Sexual Needs of Prisoners," *INCOLS* 2, no. 2 (2022): 105.

⁵ Abraham Maslow, *Motivation and Personality*, (New York: Harper and Row, 1954), 35.

⁶ Herman Faler, Uwe Koch, Elmar Brähler, Martin Härter, Monika Keler, Holger Schulz, and Anja Mehnert, "Satisfaction with Information and Unmet Information Needs in Men and Women with Cancer," *Journal of Cancer Survivorship* 10, no. 1 (2016): 62.

for love remains significant throughout life. Love can be understood in two forms: Deficiency love (D love) and Being love (B love).⁷

Therefore, the fulfillment of sexual rights is determined by Regulation Number 22 of 2022 regarding prison management in Indonesia.⁸ Constitution Number 22 of 2022 states that prisoners are entitled to practice their religion or beliefs, obtain spiritual and physical guidance, access education and instruction, receive visits from family members, legal counsel, or other authorized individuals, and be granted sentence reductions (remissions). Based on the regulations, it can be seen that not a single article regulates the sexual needs of prisoners. In fact, sexual needs are very important for prisoners because they are related to the principles of human rights guaranteed by the Constitution. The Constitution has regulated that prisoners have basic rights, including sexual rights, even though they lose their freedom due to the criminal sentence they are serving. Various regulations related to universal human rights, for example, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), that determine the right to build a family and a healthy sexual life, so that the goal of correctional institutions can be achieved for the social reintegration of prisoners, not just providing punishment. Laws related to human rights in fulfilling the sexual needs of prisoners in Indonesia have been introduced, such as Regulation Number 39 of 1999 about Human Rights protection. This law is a form of Indonesia's moral and legal responsibility in respecting and implementing the Universal Declaration of Human Rights (UDHR), which includes the right of prisoners to have consensual sex.

Previous research has shown that prisoners whose biological needs are not met experience feelings of restlessness, frequent fantasizing, and masturbation.⁹ However, at the normative level, inmates can utilize several mechanisms to fulfill their sexual needs, including assimilation periods, parole, pre-release leave, conditional leave, and family visitation leave. However, these rights have not been able to fulfill inmates' sexual needs substantially. The fulfillment of an inmate's sexual rights is closely related to the right to form a family and the right to privacy. Regarding these civil rights, the primary

⁷ Sharon Krisek, "Two Forms of Love: The Problem of Preferential Love in Kierkegaard's Works of Love," *Journal of Religious Ethics* 36, no. 4 (2008): 595. See too, Miguel Clemente, Manuel Gandoy, Cesar Bugalo, Adela Reig-Botella, and Cristina Gomez-Cantorna, "Types of Love as a Function of Satisfaction and Age," *PsyCh Journal* 9, no. 3 (2020): 402.

⁸ Junedi Karso, "Reconstruction of Law Number 12 of 2022 Regarding Criminal Acts of Sexual Violence: The First Milestones in Eliminating Sexual Violence in Indonesia," *SENTRI: Jurnal Riset Ilmiah* 4, no. 8 (2025): 1431.

⁹ John Money and Carol Bohmer, "Prison Sexology: Two Personal Accounts of Masturbation, Homosexuality, and Rape," *The Journal of Sex Research* 16, no. 3 (1980): 258. See too, Bary Singer and Frederick M. Toates, "Sexual Motivation," *The Journal of Sex Research* 23, no. 4 (1987): 481.

legal argument rests on the principles outlined in Law Number 16 of 2019 concerning Marriage. In this regard, it is important to understand the relevance of the fulfillment of inmates' sexual rights in correctional institutions to the number of divorce cases and sexual misconduct within them. Therefore, in the spirit of correctional institutions grounded in human rights protection, restrictions on inmates' rights during the correctional process should not infringe on an individual's right to form a family and to protect their privacy. However, in reality, the state remains reluctant to provide affirmative solutions to fulfill inmates' sexual rights. Affirmative solutions must adhere to the socio-cultural and religious constructs that exist and thrive in Indonesia.

In Latin American and Central Asian countries like Uzbekistan, the sexual needs of prisoners are met in various forms, including conjugal visits and family visits.¹⁰ Conjugal visits are purely for the purpose of fulfilling inmates' biological desires, and the positive paradigm is to suppress sexual deviations among inmates.¹¹ The downside is that conjugal visits provide rights only to those with a spouse; what about those without? An interesting case in Uzbekistan involved inmates going on a hunger strike after the state abolished conjugal visits.¹² Of course, the state didn't immediately stop conjugal visits; according to available data, conjugal visits have become a legalization of prostitution in correctional facilities.

European countries also allow conjugal visits, allowing inmates to have their partners visit for 3 hours.¹³ The couple spends their time in a private room with a bed, bathroom, and other facilities. Similarly, in the United States, conjugal visits are granted to inmates with spouses for private visits and sexual intercourse. In Pakistan, male inmates are permitted to have their wives visit them twice a month for one night each time. In several other developed countries, conjugal visits can even be used as a reward for inmates who behave well during their sentences.

¹⁰ Panagiotis Vagenas, Lyuba Azbel, Maxim Polonsky, Nina Kerimi, Mirlan Mamyrov, Sergey Dvoryak, and Frederick L. Altice, "A Review of Medical and Substance Use Co-Morbidities in Central Asian Prisons: Implications for HIV Prevention and Treatment," *Drug and Alcohol Dependence* 132 (2013): 25.

¹¹ Robert M. Worley and Vidisha Barua Worley, "Inmate Public Autoerotism Uncovered: Exploring the Dynamics of Masturbatory Behavior Within Correctional Facilities," *Deviant Behavior* 34, no. 1 (2013): 11. See too, C. Cecannecchia, F. Cioffi, and A. Cioffi, "Conjugal Visits and Conception: Bioethical and Medico-Legal Challenges in Correctional Settings," *Medicine, Science and the Law* 66, no. 3 (2026): 283.

¹² Viktoria Akchurina, "When Elites Meet: The Struggle for Power and Its Social Meaning," in *Incomplete State-Building in Central Asia: The State as Social Practice*, (Cham: Springer International Publishing, 2022), 203.

¹³ Alexandra Vladu, Natasha Kalebic, Jody Audley, Alisa Stevens, and Pamela J. Taylor, "Benefits and Risks of Conjugal Visits in Prison: A Systematic Literature Review," *Criminal Behaviour and Mental Health* 31, no. 5 (2021): 343.

In reality, Indonesia currently lacks legislation governing prisoners' rights to sexual rights, particularly the provision of formal venues for sexual intercourse within correctional institutions. Therefore, some correctional institutions address inmates' sexual needs through a humanistic approach, such as providing limited time and space for meetings with partners. However, no regulation justifies providing such time and space for prisoners to have intercourse with their spouses. As such, a policy that does not breach the law is required to help prisoners fulfil their sexual needs during imprisonment. This policy can be fulfilled when prison authorities view the prisoners' sexual needs from a human rights perspective rather than breaching current regulations. To address this issue, this research focuses on strategies for the fulfillment of sexual needs of prisoners in Palu prisons from a human rights perspective to close the gap of the absence of regulation that guarantees prisoners' rights towards sexual fulfillment. This study aims to provide a better understanding and a comprehensive overview of the fulfillment of prisoners' sexual needs based on human rights theory. Therefore, this research will contribute to knowledge and legal practice development regarding the fulfillment of prisoners' human rights related to their sexual needs while in prison.

B. RESEARCH METHODS

This study employed a juridical-empirical legal approach, grounded in legislation and in research based on facts, reality, and problems in the field. Juridical-empirical research is legal research that examines the actual conditions occurring in society by seeking facts related to the research problem. This research begins with primary data collected directly from the community. This research is guided by Law Number 22 of 2022 regarding corrections and the fulfillment of the needs of prisoners' rights towards the right of sexual needs.

To obtain data for this legal research, the author employed several approaches, including the analysis of legal source documents such as laws (statute approach) and existing regulations. This research also employed qualitative methods, specifically a case study of a prison in Palu.¹⁴ Data were collected through direct observation, in-depth interviews, and document analysis, including standard procedures related to inmates' visitation rights, regulations, and other legal documents. The in-depth interviews involved six

¹⁴ Md Kausar Alam, "A Systematic Qualitative Case Study: Questions, Data Collection, NVivo Analysis, and Saturation," *Qualitative Research in Organizations and Management: An International Journal* 16, no. 1 (2021): 1. See to, Robert Yin, *Case Study Research: Design and Methods*, 3rd ed., (Thousand Oaks, London: Sage, 2003), 1.

informants from the prison, including the local leader of the Ministry of Law and Human Rights, the service division, the prison warden, and inmates.¹⁵

Data were analyzed using a thematic approach where the data analysis were begin through three level coding, which were open coding, axial coding, and selective coding.¹⁶ At the first stage, we began analysing data from observation, interviews, and documents to build general concepts. In the second stage, we aggregated all the concepts into themes that reflect similar topics. Finally, the themes were used to build specific themes and discussed them using relevant theoretical perspectives. The coding process was terminated when no more new themes were found in the data.

C. DISCUSSION

1. Legal Issue on Fulfillment of Prisoners' Sexual Rights Needs

The research findings show that Indonesian legal regulations, particularly Law Number 22 of 2022 concerning Corrections, do not explicitly regulate the fulfillment of inmates' sexual needs. Existing regulations place greater emphasis on fulfilling other basic rights, such as the right to worship, education, healthcare, and communication with family. This normative gap regarding sexual rights creates a gap between the principles of Human Rights (HAM), which guarantee natural human rights, and correctional practices in practice, particularly at the Class IIA Palu Penitentiary.

When analyzed through the perspective of Plato's tripartite theory of the soul, prisoners' sexual needs cannot be viewed solely as biological drives. Plato explained that the human soul consists of three interrelated aspects: the rational, emotional (spirited), and appetitive souls. In this context, fulfilling prisoners' sexual needs falls within the appetitive soul, which represents basic human biological drives. However, fulfilling this aspect does not stand alone; it must be balanced with rationality and emotional control to maintain a dignified life and align with social values.

The absence of legal regulations that accommodate the fulfillment of sexual needs has the potential to create an imbalance in the mental structure of prisoners. If biological urges (appetitive souls) are continuously suppressed without healthy mechanisms for their fulfillment, this can lead to psychological stress, emotional instability, and even deviant behavior in the prison environment. As a result, the spirited soul (emotions) becomes uncontrolled,

¹⁵ John H. Carney, Joseph F. Joiner, and Helen Tragou, "Categorizing, Coding, and Manipulating Qualitative Data Using the WordPerfect®+ Word Processor," *The Qualitative Report* 3, no. 1 (1997).

¹⁶ Victoria Clarke and Virginia Braun, "Thematic Analysis," *The Journal of Positive Psychology* 12, no. 3 (2017): 297.

and the inmate's rational soul struggles to function optimally. Thus, existing laws are not fully capable of realizing the spiritual balance envisioned by Plato.

The results of this study confirm that correctional regulations in Indonesia need to be expanded to not only focus on moral and social development but also consider fulfilling prisoners' sexual needs as part of humanization efforts. This aligns with Plato's tripartite theory of the soul, which emphasizes the balance of the three dimensions of the soul. Fulfilling prisoners' sexual needs with dignity through specific policies, such as the Safe Counseling and Relationship Zone (ZKRA) concept proposed by this study, could be a solution to maintaining prisoners' mental balance, strengthening mental health, and upholding human rights principles within the correctional system.

An analysis of existing regulations shows that there are no explicit rules governing the fulfillment of sexual rights for prisoners. Neither Law Number 12 of 1995 concerning Corrections nor its derivative regulations specifically address sexual rights. This results in inconsistent policies on the ground, dependent on each prison's interpretation. Several countries, such as Canada, Brazil, and Mexico, have implemented "conjugal visit" policies, allowing visits by spouses for a specified duration in a private room, as a means of fulfilling prisoners' sexual rights. Indonesia does not yet have such regulations, although the idea has emerged in discussions about revising the Corrections Law.

Legal regulations on the fulfillment of sexual needs of inmates in the penitentiary of Palu. In general, until now, there has been no positive legal regulation in Indonesia that explicitly regulates the fulfillment of sexual needs of inmates in correctional institutions, including in Class IIA in Palu penitentiary. The existing regulations are still general and do not directly touch on the sexual needs of inmates. Some regulations that serve as references in the management of prisons in Indonesia include Law Number 12 of 1995 concerning Corrections, which stipulates that inmates still have basic rights as human beings, such as the right to health services, the right to worship, and the right to relate to family, but does not specifically mention the right to sexual needs. Then there is Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for the Implementation of the Rights of Inmates, which provides for family visits but does not include private or conjugal visits. Furthermore, the Indonesian Ministry of Law and Human Rights has issued Regulation Number 6 of 2013 on the Procedure of Prisons and Detention Centers, which emphasizes order, security, and visiting procedures but does not address the sexual aspects of relationships between prisoners and their partners.

Based on data from the Class IIA Palu Prison, 415 inmates (59.9%) of the 693 inmates are legally married. Meanwhile, the remaining 278 inmates

(40.1%) are unmarried. This data indicates that the majority of inmates are socially and legally married, which is legitimate, and normatively also have the rights and needs for affective and sexual relations.



Figure 1. Status of prisoners

This fact provides an important foundation for understanding that fulfilling inmates' sexual needs is not a marginal or exceptional issue, but rather concerns the interests of the majority of inmates who have family ties and relational responsibilities. sexual needs, in this context, are not seen solely as biological drives, but as part of the right to reproductive health, psychological stability, and the integrity of household relationships.

Without regulations and facilities that support the safe, dignified, and humane fulfillment of sexual needs, the potential for serious problems increases. First, psychologically, prisoners who are denied the space to fulfill their sexual needs are at risk of experiencing mental disorders such as prolonged stress, depression, and even aggressive behavior.¹⁷ These psychological disorders not only impact individual prisoners but also disrupt the stability of the prison environment as a whole.

Second, from a behavioral perspective, the lack of adequate regulations and facilities can lead to sexual misconduct within prisons, both between inmates and between inmates and officers. This phenomenon not only creates health problems (such as the spread of sexually transmitted diseases) but also has implications for the breakdown of the principle of guidance within the correctional system. Prisons, which should be places of rehabilitation, can instead become spaces where new social problems are reproduced.

Third, from a family perspective, prisoners who are deprived of opportunities to connect with their legal partners are at risk of marital breakdown. Many divorce cases are triggered by the absence of intimate relationships within a marriage while one partner is serving a sentence. This

¹⁷ Soerjono Soekanto, *Sociology: An Introduction* (Jakarta: Rajawali Pers, 2007), 65.

undermines the goal of correctional facilities, which prioritize social reintegration, as prisoners lose family support as a key pillar in their reintegration into society. This situation emphasizes the need for a specific policy to address the issue of fulfilling prisoners' sexual rights. In other words, this situation requires the need for a specific policy to address the issue of fulfilling prisoners' sexual rights. The Hierarchy of Needs, sexual needs constitute one of the most basic physiological needs.¹⁸ Consequently, while imprisonment limits individual liberty, addressing prisoners' sexual needs within legal and ethical boundaries can be viewed as part of safeguarding their basic human dignity and promoting their overall well-being during incarceration. Some nations, such as Brazil and India, offer conjugal visits to preserve family ties, which correlates with improved mental health and heightened psychological well-being.¹⁹

From the perspective of Plato's tripartite theory of the soul, the fulfillment of inmates' sexual needs is part of the appetitive soul dimension (lust/biology) that cannot be ignored, as it is closely related to the balance of other dimensions, namely the rational soul (rationality) and the spirited soul (emotional).²⁰ When biological needs are suppressed without adequate regulation, inmates are vulnerable to emotional disturbances and a decline in rationality, which can ultimately hinder the process of social rehabilitation. The fulfillment of inmates' sexual needs is not solely a physical issue, but also involves efforts to maintain spiritual balance, mental health, and human dignity within the framework of a humanistic correctional system.

2. Regulation on Prisoners' Sexual Fulfilment in Palu City Prison

Based on findings and interviews with officials and staff at the Palu City Prison, they have neither developed nor implemented a specific policy regarding meeting inmates' sexual needs. As one informant stated:

Regarding the law on correctional institutions, Law Number 22 of 2022, there are 10 points on the fulfillment of inmates' rights. However, regarding the right to fulfill inmates' sexual needs, there are no clear regulations." Regarding visitation at Palu prison, only general visits are allowed, and intimate visits are not permitted.

¹⁸ David Lester, "Measuring Maslow's Hierarchy of Needs," *Psychological Reports* 113, no. 1 (2013): 15.

¹⁹ S. L. Schensul, M. A. Brault, P. Prabhughate, S. Bankar, T. Ha, and D. Foster, "Sexual Intimacy and Marital Relationships in a Low-Income Urban Community in India," *Culture, Health & Sexuality* 20, no. 10 (2018): 1087.

²⁰ Rachel Singpurwalla, "The Tripartite Theory of Motivation in Plato's Republic," *Philosophy Compass* 5, no. 11 (2010): 880. See too, Rachel Barney, "Colloquium 2: What Kind of Theory Is the Theory of the Tripartite Soul?" *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 31, no. 1 (2016): 53.

In an interview with a participant at the Palu correctional facility, it was stated that the existing regulations and visitation practices in correctional facilities are based on Law Number 22 of 2022 concerning Corrections, which stipulates ten main points regarding the fulfillment of prisoners' rights. However, there are no explicit regulations regarding the fulfillment of prisoners' sexual needs. According to the researcher, this informant's statement indicates two major problems: unclear regulations, particularly the Corrections Law, which strengthens the protection of prisoners' rights, particularly regarding their sexual needs. Sexual needs are an integral part of basic human rights, categorized as physiological needs according to Abraham Maslow. This legal vacuum reflects a narrow paradigm in viewing prisoners: they are viewed solely as lawbreakers, not as human beings with basic rights.

Second, in practice, the implementation of visits that are only general in nature without a dedicated space for intimate visits further emphasizes the limitations on the fulfillment of inmates' sexual rights. This situation creates a gap between legal norms and the human reality of inmates. As a result, inmates and their legal partners must accept the loss of their rights to fulfill their biological and emotional needs, which has implications for family harmony.

From a human rights perspective, the statement demonstrates the potential for violations of fundamental principles. First, the right to privacy, as guaranteed by Article 17 of the International Covenant on Civil and Political Rights (ICCPR), has not been adequately accommodated.²¹ Prisoners do not have the privacy needed to live a normal family life. Second, the right to form and maintain a family as stipulated in Article 28B paragraph (1) of the 1945 Constitution and Article 16 of the Universal Declaration of Human Rights is also threatened with loss when prisoners are denied the opportunity to pursue a sexual life with a legal partner.²² The lack of regulation and limited field practice has serious implications. Inmates can experience frustration, depression, and sexual deviance. Inmates' partners are at risk of losing emotional bonds and even facing the risk of divorce. This contradicts the goal of the correctional system, which emphasizes social development and reintegration.

The Head of the Prison Security Unit also emphasized the gap between the correctional system's ideal goals and its actual implementation. The Indonesian correctional system, as stipulated in Law Number 22 of 2022, is intended to shape inmates into whole human beings and prepare them for reintegration into society. However, if inmates' sexual needs are neglected,

²¹ United Nations, *International Covenant on Civil and Political Rights*, (New York: United Nations, 1966), 17.

²² The 1945 Constitution of the Republic of Indonesia," Article 28B paragraph (1).

the rehabilitation process becomes lopsided, as it fails to address one of the most fundamental aspects of human existence. This also demonstrates the need for a paradigm shift in how prisoners are viewed. They are not only criminal subjects, but also subjects of rights. Therefore, the state has an obligation not only to punish but also to protect and fulfill their basic rights, including sexual rights.

The analysis further strengthens the urgency of the research novelty in the form of the idea of establishing a Counseling Zone and Safe Relationships (ZKRA) in Palu City Prison. With the ZKRA, the regulatory and facility limitations identified by the Head of the Prison Security Unit can be addressed through a humanistic, integrative approach. This zone not only provides a space for inmates to fulfill their sexual needs with their legal partners but also facilitates marriage counseling, reproductive education, and strict supervision to prevent abuse. The results of the interviews provide empirical evidence that the current correctional system still has significant regulatory gaps. These gaps need to be addressed through innovative, human rights-based policies to truly achieve the goals of development, rehabilitation, and social reintegration. In addition, one informant from the prison administration section explained the policy at Palu city prison as follows:

“To date, there are no regulations regarding the fulfillment of sexual rights in this prison. The prison's standard operating procedure is very clear. There is no policy regarding sexual visits for married couples, either from the prison's internal leadership or from high-ranking officials at the headquarters.”

In an interview with another informant, it was also explained that, to date, there are no regulations specifically addressing the fulfillment of sexual rights in their prisons. He also stated that the prison's Standard Operating Procedure (SOP) clearly states that there is no policy on intimate visits between inmates and their legal partners. Furthermore, he emphasized that there has been no directive from either the prison's internal leadership or from senior leadership at the central level that would encourage the creation of an SOP regarding the fulfillment of these sexual rights.

This statement highlights a normative gap in the Indonesian correctional system. Existing regulations, including Law Number 22 of 2022 on Corrections, do guarantee inmates' rights, such as the right to worship, receive health care, receive education, and communicate with family. However, sexual needs are not explicitly accommodated at all. This situation creates a gap between prisoners' rights recognized within the human rights framework and those actually implemented in practice.

3. Legal and Human Rights Implications on Prisoners' Sexual Rights

The absence of these regulations and facilities has implications for potential violations of prisoners' rights from a human rights perspective, particularly the right to health, including reproductive and psychological health.²³ Furthermore, the right to family life, as guaranteed by the UN's minimum standard principles for the treatment of prisoners, and the right to be free from inhumane treatment, given that the psychological pressures resulting from sexual repression can lead to conflict, sexual violence, or sexual deviance within prisons.²⁴

From a human rights perspective, sexual needs are considered an element of overall health and a fundamental aspect of human dignity. Global human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, state that all people are entitled to safeguards for their physical and mental well-being.²⁵ This protection also extends to the right to experience a safe and healthy sexual life.²⁶ In Indonesia, although not explicitly stated in legislation, sexual rights can be linked to the right to health as stipulated in Article 28H paragraph (1) of the 1945 Constitution.

However, in practice, this right is often ignored under the pretext of security, morality, or limited facilities. Correctional institutions do not provide specific spaces or mechanisms for inmates to fulfill their sexual needs healthily and safely. This has the potential to lead to human rights violations, particularly in the form of psychological torture, mental health disorders, and the risk of deviant sexual behavior in detention. As stated by the Head of the Correctional Institution Security Unit, Mr. I Made Sudiasa, SH. He stated that inmates often complain about their sexual rights not being met. In an interview conducted in prison with another key informant, he stated:

"Many inmates in this prison have complained about their sexual needs, and when they asked the warden directly, he said there are no sexual services available for inmates at this time. We can fulfill all inmates' basic rights, such as healthcare, food and drink, worship, and exercise,

²³ K. Reiter, "Experimentation on Prisoners: Persistent Dilemmas in Rights and Regulations," *California Law Review* 97, no. 2 (2009): 501. See too, K. Kamber, "Remedies for Breaches of Prisoners' Rights in the European Prison Rules," *New Journal of European Criminal Law* 11, no. 4 (2020): 467.

²⁴ K. McCall-Smith, "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)," *International Legal Materials* 55, no. 6 (2016): 1180. See too, M. Esposito, K. Szocik, E. Capasso, M. Chisari, F. Sessa, and M. Salerno, "Respect for Bioethical Principles and Human Rights in Prisons: A Systematic Review on the State of the Art," *BMC Medical Ethics* 25, no. 1 (2024): 62.

²⁵ A. P. Vijapur and K. Savitri, "The International Covenants on Human Rights: An Overview," *India Quarterly* 62, no. 2 (2006): 1.

²⁶ M. N. Momen, "United Nations Universal Declaration of Human Rights," in *Encyclopedia of Quality of Life and Well-Being Research*, Cham: Springer International Publishing, 2023, 7372.

in this prison. However, we cannot yet provide sexual needs because there are no regulations governing this.”

The informant's statement indicates that although the correctional system has attempted to fulfill various basic rights of prisoners, one fundamental need remains neglected: the right to sexual satisfaction. This phenomenon is important to analyze further using Maslow's Hierarchy of Needs framework, as this theory can explain how unmet basic needs directly impact the psychological balance and personal development of prisoners. In Maslow's pyramid of needs, sexual needs are placed at the most basic level, alongside physiological needs for food, water, sleep, air, and shelter.²⁷ Physiological needs are the foundation of human life; if they are not met, they hinder the fulfillment of higher-level needs.

For inmates, the state, through correctional institutions, has met most of these physiological needs, such as providing food, drink, healthcare, and shelter, albeit with limitations. However, sexual needs remain completely unaddressed. The regulatory vacuum leaves prisons without the legal basis or facilities to meet these needs. This situation demonstrates an asymmetry in the fulfillment of inmates' physiological needs, where sexuality is viewed as taboo, despite being a fundamental biological need.

Maslow explains that after physiological needs are met, humans will move on to the need for love and belonging.²⁸ In the context of incarceration, these needs are typically realized through family relationships, communication with partners, and loving social interactions. However, when sexual needs, which are also an expression of affection, are not met, the marital relationship can be disrupted. Many studies show that the lack of facilities to fulfill sexual needs for prisoners contributes to the breakdown of households and increasing divorce rates.²⁹ This shows that the lack of fulfillment of sexual rights is not only a biological problem, but also a psychological and social problem that has implications for the integration of prisoners' families.

Furthermore, failure to meet sexual needs can impact the next layer of needs in Maslow's pyramid, namely self-esteem and self-actualization needs. Prisoners who are denied the opportunity to fulfill their sexual needs can experience decreased self-confidence, frustration, and even depression. They

²⁷ Abraham Maslow, *Motivation and Personality*, (New York: Harper and Row, 1954), 35.

²⁸ Wahyu Wibowo, “Maslow’s Hierarchy of Needs from the Perspective of Fulfilling Basic Rights,” *Journal of Humanistic Psychology* 8, no. 2 (2020): 120. See too, Wahyu Wibowo, “Maslow’s Hierarchy of Needs from the Perspective of Fulfilling Basic Rights,” *Journal of Humanistic Psychology* 8, no. 2 (2020): 120.

²⁹ Nurul Aini, “The Impact of Long-Term Criminalization on Household Harmony,” *Journal of Law and Human Rights* 6, no. 1 (2019): 45. See too, M.-C. Van Hout and R. Mhlanga-Gunda, “‘Mankind Owes to the Child the Best That It Has to Give’: Prison Conditions and the Health Situation and Rights of Children Incarcerated with Their Mothers in Sub-Saharan African Prisons,” *BMC International Health and Human Rights* 19, no. 1 (2019): 13.

feel their dignity as human beings is being neglected because basic needs recognized by psychology and international law are being denied. As a result, inmates struggle to achieve self-actualization, which means becoming individuals capable of self-acceptance, responsibility, and positive contributions after leaving prison. This contradicts the goals of the Indonesian correctional system, which emphasizes rehabilitation and social reintegration, as stipulated in Law Number 22 of 2022 concerning Corrections.³⁰

The source's statement also emphasized the gap between legal norms and the empirical needs of prisoners. The current correctional system focuses solely on moral development, education, health, and skills, but fails to provide space for the fulfillment of sexual rights. However, according to the principle of humanization in modern criminal justice, every prisoner remains a human being with basic rights that must not be ignored.

This research's contributions include being a pioneer in proposing a systematic approach to policies and facilities to fulfill prisoners' sexual rights, which have previously been neglected in the Indonesian correctional system. Furthermore, from a human rights perspective, this research offers a multidisciplinary approach across law, health, and psychology, making the fulfillment of sexual rights part of human rights advancement and prison reform. Furthermore, the Replicative Model for national prisons, the construction of policies and facilities in this study is replicable and adaptive, so that it can be used as a national model for other prisons in Indonesia that want to realize the fulfillment of sexual rights of prisoners in a dignified and measurable manner.

Theoretically, this study contributes to the literature by integrating a human rights perspective with Plato's philosophical framework to explain why the fulfillment of inmates' sexual needs should be regarded as part of comprehensive human development and rehabilitation. This interdisciplinary perspective extends existing discussions, which have largely emphasized legal or human rights dimensions without incorporating philosophical understandings of human well-being.

Practically, the findings provide several policy implications. First, the Ministry responsible for correctional institutions should develop explicit regulations governing the fulfillment of sexual rights for legally married inmates, including eligibility criteria, institutional procedures, health and safety standards, privacy protections, and monitoring mechanisms. Second, correctional institutions should pilot the ZKRA model to evaluate its feasibility and its effects on inmate well-being, family cohesion, institutional security, and rehabilitation outcomes. Third, prison officers, counselors, psychologists, and

³⁰ Indonesia Regulation Number 22 of 2022 Regarding Correctional Institutions," State Gazette of the Republic of Indonesia 2022 Number 141.

healthcare professionals should receive specialized training to ensure that implementation is ethical, transparent, gender-sensitive, and consistent with human rights standards.

D. Conclusion

This study concludes that constructing a framework for fulfilling the sexual needs of inmates in Palu prison requires a new, integrative policy model. This research offers a novel approach: the establishment of a Safe Counseling and Relationship Zone (ZKRA), a facility that combines psychological and marital counseling services with a hygienic, private, and dignified safe relationship space. The ZKRA not only meets inmates' biological needs but also strengthens family resilience, maintains mental health, and embodies the principle of humanization within the correctional system. Legal provisions regarding the fulfillment of the sexual needs of inmates in Palu prison are not yet explicitly regulated in Indonesian correctional regulations. This normative gap indicates a gap between human rights principles and correctional practices, particularly regarding the fulfillment of biological needs for inmates who are still legally married.

This study has several limitations. It was conducted as a qualitative case study in a single correctional institution, limiting the transferability of the findings to other prisons with different institutional characteristics or policy environments. The analysis primarily reflects the perspectives of prison officials and other relevant stakeholders within the selected case, and therefore may not fully capture the experiences of inmates' spouses or broader community perspectives. In addition, the proposed ZKRA model remains conceptual and has not yet been implemented or empirically evaluated. Consequently, its effectiveness in improving rehabilitation outcomes, family relationships, institutional order, or inmate mental health cannot yet be established. Future research should examine the implementation of the proposed model across multiple correctional institutions using comparative or mixed-methods designs. Quantitative studies could assess the relationship between regulated conjugal visitation, psychological well-being, disciplinary behavior, recidivism, and family resilience. Comparative studies involving countries that have established conjugal visitation policies would also provide valuable insights for adapting international best practices to the Indonesian correctional context while respecting local legal, cultural, and religious values.

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