



Received: 15-03-2026
Accepted: 25-04-2026

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

The Provision of Conjugal Visit Rights to Inmates in Correctional Facilities

¹ Rusmunandar, ² Mohd. Din, ³ Azhari

¹ Postgraduate Student of Master of Law, Faculty of Law, Universitas Syiah Kuala, Banda Aceh, Indonesia

^{2,3} Faculty of Law, Universitas Syiah Kuala, Banda Aceh, Indonesia

DOI: <https://doi.org/10.62225/2583049X.2026.6.3.6217>

Corresponding Author: **Rusmunandar**

Abstract

The regulation of conjugal visit rights for inmates in the Indonesian correctional system aims to achieve the goals of rehabilitation and social reintegration. Normatively, inmates should be treated as legal subjects whose basic rights remain protected by the state based on a humanist correctional paradigm, as mandated by Article 28B of the 1945 Constitution (UUD 1945), Law No. 39 of 1999 concerning Human Rights (HAM Law), Law No. 22 of 2022 concerning Corrections (Corrections Law), and the international standard Nelson Mandela Rules, which emphasizes the fulfillment of physiological needs and the protection of

human dignity. However, in the reality of law enforcement, conjugal visit rights have not been explicitly and technically regulated in positive regulations, resulting in a legal vacuum that has triggered various systemic problems such as psychological stress, sexual orientation deviations within prisons, and threats to the resilience of inmates' families. This study aims to examine the biological rights of inmates in correctional institutions and the regulation of biological visitation rights for inmates in correctional institutions within criminal law policy.

Keywords: Visitation Rights, Conjugal Visit, Inmates, Correctional Institutions

Introduction

Prisons are traditionally defined as places for punishing those who have committed crimes or violated the law through torture. However, prisons have now been transformed into correctional institutions known as Correctional Institutions (Lapas). Lapas are tasked with administering governmental affairs in the correctional sector as part of the legal system and are responsible for enforcing laws regarding the treatment of prisoners, children, and inmates, including providing guidance, counseling, and empowering inmates to prepare them for reintegration into society after serving their sentences. Lapas are currently under the jurisdiction of the Ministry of Immigration and Correctional Services (Kemimipnas).¹

Inmates have basic rights that must be humanely fulfilled while serving their sentences in correctional institutions. These rights include the right to conjugal visit, internationally known as a conjugal visit. Etymologically, a conjugal visit can be interpreted as a visit between a husband and wife, while literally, a conjugal visit refers to an opportunity for physical contact provided to an inmate and their partner, usually in the form of an overnight stay.²

One of the key documents governing conjugal visits is the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners, adopted in 2015, better known as the Nelson Mandela Rules. These rules affirm that all prisoners must be treated with dignity and respect, without discrimination based on race, color, sex, language, religion, political affiliation, or social origin. These rules provide clear guidelines for the proper treatment of prisoners worldwide.

Article 28B paragraph (1) of the 1945 Constitution mandates: "Everyone has the right to found a family and to procreate through a lawful marriage."

Law Number 22 of 2022 concerning Corrections provides a legal framework for the treatment of prisoners, emphasizing the importance of humane treatment and respect for human rights. However, it is interesting to note that this law does not explicitly prohibit biological visits for prisoners. This indicates that although biological visits are not specifically mentioned, there is no legal basis preventing their implementation.

¹ Pasal 17 Peraturan Presiden Republik Indonesia Nomor 157 Tahun 2024 Tentang Kementerian Imigrasi dan Pemasarakatan.

² Bryan A. Garner, ed. *Black's Law Dictionary Ninth Edition*, St Paul: Thomson Reuters, 2009. pp. 343.

Biological visits are a basic need for prisoners, just like eating, drinking, and resting. Abraham Maslow stated that eating, drinking, sleeping, and sex, which are physiological needs, are the most basic human needs in the hierarchy of needs theory.³ Fulfilling these rights is part of the principle of humane treatment as mandated in Article 9 letter i of Law Number 22 of 2022 concerning Corrections. Although biological visits are not specifically defined in the law, their essence cannot be ignored, as they are an integral part of human rights. However, the minimum rights⁴ of convicts must be regulated in detail, because citizens' rights cannot be ignored and must be clearly communicated.

From the perspective of the criminal justice system, prisons are an integral part of the law enforcement system. Prisons play a strategic role in supporting the goals of punishment, namely rehabilitation and social reintegration. The success of prisons in carrying out their functions depends heavily on the synergy between various elements within the criminal justice system, including the police, prosecutors, and courts.⁵ In line with the paradigm shift from retributive to preventive and rehabilitative, the position of prisoners in the legal system has also changed. Prisoners are no longer viewed solely as objects of punishment, but as legal subjects with basic rights that must be respected.

The importance of protecting prisoners' biological visitation rights can be viewed from various perspectives, including legal and moral aspects. The 1945 Constitution of the Republic of Indonesia stipulates that everyone has the right to legal recognition and protection, including those serving prison sentences. However, in practice, many challenges and obstacles remain, indicating that the implementation of human rights protection in Indonesia is not yet fully effective.

Beyond simply meeting biological needs, this policy also serves to maintain stable family relationships among inmates, ultimately supporting their post-release social reintegration process. This way, correctional institutions truly fulfill their function as places of development, not simply places of punishment.

This research seeks to determine the urgency of legal regulations specifically governing the granting of biological visitation rights to prisoners, with the aim of ensuring that the state fulfills these biological rights. This indicates a legal vacuum (a norm vacuum). To create certainty, revisions and additions to articles that accommodate the granting of biological visitation rights to prisoners are necessary in future laws (*ius constituendum*).

Based on the above description, it is interesting to further examine and research the Granting of Conjugal Visit Rights for Inmates in Correctional Institutions from a Criminal Law Policy Perspective to address the issues surrounding the granting of conjugal visitation rights to prisoners in correctional institutions.

³ Hidayat, A.A.A dan Uliyah M. *Pengantar Kebutuhan Dasar Manusia*, Salemba Merdeka, Jakarta, 2014. hlm. 9.

⁴ Erwin Susilo, *et al.*, Access to Justice: An Effective Pretrial Model to Guarantee the Right to Defense for Suspects in Indonesia, *Jurnal Hukum dan Peradilan* Vol. 14, No. 1 (2025), hlm. 324.

⁵ Yudi Krismen, *Sistem Peradilan Pidana Indonesia*, RajaGrafindo Persada, Depok, 2021, hlm. 3.

Research Methods

This legal research adopts the Normative Juridical method, a type of research that emphasizes the application of norms or rules in applicable positive law. Normative Legal Research serves to provide legal arguments when there are gaps, ambiguities, or conflicts in norms. Furthermore, this demonstrates the crucial role of Normative Legal Research in maintaining the critical nature of legal science as a distinct normative science. Therefore, the theoretical basis used is derived from Normative/Contemplative Legal Theory.

The results of doctrinal or normative legal research are recommendations regarding the importance of developing and establishing law in a broader sense.⁶

The approach applied in this research includes a statute approach, which requires attention to the structure of norms in the form of a sequence or hierarchy of statutory regulations. Furthermore, it is important to consider whether the norms are contained in specific or general statutory regulations, and whether they originate from older or newer regulations.⁷

This research also adopts a conceptual approach, which aims to analyze perspectives on existing problems and examine the legal concepts underlying the creation of a regulation, or to assess the norms contained within those regulations based on the concepts used in this research.⁸

The legal materials used in this research include primary, secondary, and tertiary legal materials.

This research is analyzed using a prescriptive approach, establishing the correct method, which should be based on predetermined standards or norms. This approach aims to provide guidance, recommendations, or assessments regarding actions that must be taken to achieve certain goals. This can certainly give rise to new regulations that will bring clarity to legal certainty.

Result and Discussion

1. Understanding the Right to Conjugal Visit for Inmates

The concept of biological rights for prisoners refers to the fulfillment of basic human needs, such as health, food, and care. Despite the loss of physical freedom, prisoners retain these rights, which are guaranteed by law, including Law Number 22 of 2022 concerning Corrections, which guarantees humane treatment.

Article 10 of the Corrections Law stipulates that, in addition to the rights referred to in Article 9, prisoners who meet certain requirements without exception are also entitled to:

1. Remission;
2. Assimilation;
3. Visiting leave or family visits;
4. Conditional leave;
5. Pre-release leave;
6. Conditional release; and
7. Other rights in accordance with statutory provisions.

Visiting leave or family visits, according to the explanatory appendix to the Corrections Law, is a development program

⁶ Djulaeka dan Devi Rahayu, *Buku Ajar Metode Penelitian Hukum*, Surabaya: Scopindo Media Pustaka. 2019, hlm 20.

⁷ I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum*, Jakarta: Kencana. 2016, hlm. 159.

⁸ Ani Purwati, *Metode Penelitian Hukum Teori dan Praktek*, Surabaya: CV. Jakad Media Publishing, 2020. hlm. 88-89.

to provide prisoners with the opportunity to assimilate with their families in their roles as parents, spouses, or children. In a prisoner's role as a husband, granting biological visitation rights is part of a development program based on the principles of respect for human dignity and the protection of human rights. This right is granted as a means for prisoners to continue fulfilling their roles and responsibilities within a legal marriage, so that the legal and social relationship between husband and wife is not severed due to the implementation of imprisonment. Granting biological visitation rights is in line with the goal of the correctional system, which does not emphasize retribution, but rather on the development and return of prisoners so they can reintegrate healthily into family and community life.⁹

Granting conjugal visit rights is a concrete manifestation of the correctional function, utilizing the family as the prisoner's closest social environment. Loss of freedom of movement as a result of criminal punishment does not eliminate other inherent rights of the prisoner, as long as these rights are not expressly revoked by law. Therefore, granting biological visitation rights must be understood as a legitimate and measurable correctional instrument, implemented based on the requirements and supervision stipulated by statutory regulations. Granting biological visitation rights not only provides legal certainty in fulfilling the prisoner's rights as a husband, but also serves to support the achievement of the ultimate goal of correctional education, namely, shaping prisoners into citizens who recognize their mistakes, improve themselves, and are able to responsibly resume their social roles after completing their sentence.¹⁰

In the context of prisoners, the prison sentence served as a result of a court decision essentially only limits the prisoner's right to freedom of movement and does not automatically revoke the civil rights of other parties, including the rights of the prisoner's spouse. The wife, as a legal partner in a marriage, retains her inherent rights, including biological rights, which are part of natural human rights. The punishment of a husband cannot be used as a basis for eliminating or removing the wife's rights, because the wife is not the subject of the criminal sentence and does not bear the legal consequences of the criminal act committed by the convict.¹¹

Normatively, respecting the biological rights of inmates' spouses aligns with the principles of human rights protection and principle of personal criminal responsibility, which emphasizes that punishment can only be imposed on the perpetrator of the crime. Therefore, within the framework of the correctional system, fulfilling the biological rights of

inmates' spouses must be viewed as part of efforts to maintain the integrity of the household and support the successful rehabilitation of inmates. This approach emphasizes that the implementation of imprisonment is not intended to sever family ties, but rather to foster inmates so that they remain responsible for their roles and obligations within their families and communities.

Internationally, biological visits are known as conjugal visits. Literally, the right to biological visits can be defined as physical contact granted to inmates and their legal partners in prison.¹² Inmates can use this time to be visited by their legal partners to exercise their biological rights. Granting biological visitation rights is seen as an instrument for fulfilling human rights for inmates, particularly the right to family life.

In this study, the right to biological visits refers to visits by spouses as a form of formal sexual fulfillment program conducted in a closed-off area within the correctional facility. To date, the fulfillment of inmates' sexual needs in correctional facilities has been hampered, causing anxiety among inmates.

According to Benjamin Karpman, individual biological desires cannot be "imprisoned," as sexual desire is fundamental and cannot be suppressed by incarceration. Granting biological visitation rights can ease tensions. It can be argued that granting biological visitation rights is crucial enough to be incorporated into policy to reduce tensions and deviant behavior related to sexuality among inmates in correctional facilities.

According to Baron and Byrne, biological visitation rights are a form of social support, as support from those closest to them provides a sense of comfort for individuals, both physically and psychologically. With this sense of security and comfort, an individual is expected to be able to face life's challenges. Three layers of people provide the most significant support to an individual: the immediate family, relatives or close friends, and the broader social environment. Support from those closest to them plays a crucial role in maintaining the psychological stability of prisoners during their sentence. From a social psychology perspective, social support is understood as an interpersonal resource capable of influencing an individual's attitudes, emotions, and behavior in dealing with stressful situations, including the loss of freedom experienced by prisoners.¹³

Social support theory in social psychology explains that individuals who receive emotional, instrumental, and informational support tend to have greater psychological resilience. The immediate family, such as spouses, parents, and children, is the primary source of emotional support for prisoners. The presence and attention of family can reduce feelings of isolation, foster a sense of acceptance, and strengthen the prisoner's identity as a meaningful part of the social system. This aligns with the concept of belongingness, which states that the need for acceptance and social connection is a fundamental human need.

In addition to the immediate family, relatives and close friends also serve as a second, equally important layer of support. Support from close friends is often affirmative,

⁹ Asmawati, Hermi. "Analisis Penguatan Sistem Pemasarakatan Melalui Konsep Reintegrasi Sosial", *Jurnal Mengkaji Indonesia* Vol. 1 No. 2, 2022. hlm. 184.

¹⁰ Yunus, "Pembinaan Narapidana Dalam Kerangka Pencapaian Tujuan Sistem Pemasarakatan (Studi di Lapas Pemuda Plantungan)", *Tesis Program Studi Magister Ilmu Hukum*, Universitas Diponegoro Semarang, 2012.

¹¹ Ahmad Firman Hidayatullah, "Kewajiban Nafkah Narapidana Terhadap Istri dan Anak Menurut Perundang-Undangan dan Hukum Islam Serta Impelementasinya di Lapas Kelas IIB Purwakarta", *Tesis Program Studi Hukum Keluarga Islam*, Universitas Islam Negeri Sunan Gunung Djati, 2023.

¹² Desi Maryani, dan Nur Rochaeti, *Reformulasi Penyediaan Ruang Asmara Bagi Narapidana di Lembaga Pemasarakatan*, Rajawali Pers, Depok, 2020. hlm. 103.

¹³ Rif'ati, M. I, et al., "Konsep dukungan sosial" *Jurnal Psikologi Universitas Airlangga*, Vol. 7, 2018. hlm. 2.

reinforcing inmates' self-esteem and their belief that they still have value in the eyes of others. According to social exchange theory, relationships maintained during imprisonment demonstrate commitment and trust, which in turn can increase inmates' motivation to behave positively and participate in correctional programs.

The third layer of support comes from the broader social environment, including the community and social institutions. In social psychology, this support is related to reducing social stigma and developing a more adaptive social identity. Inmates who do not feel completely rejected by society tend to have higher life expectancies and are better prepared for social reintegration after release. Social support at this level plays a role in shaping inmates' perceptions of the future and the likelihood of their reintegration into society.

Overall, support from those closest to them significantly impacts inmates' mental health and motivation. Social psychology theory asserts that positive social interactions can act as a protective factor against stress and psychological distress. Therefore, strengthening the role of family, close friends, and the social environment within the correctional system is a crucial part of rehabilitation-oriented and humanitarian inmate development efforts.

2. Granting Conjugal Visit Rights for Inmates in Correctional Institutions

Regarding regulation, according to the Big Indonesian Dictionary (KBBI), regulation is defined as the process, method, or act of regulating, namely arranging, compiling, and establishing provisions so that something runs in an orderly and directed manner. This definition emphasizes that regulation is not merely technical in nature but also contains binding norms that serve as guidelines for the implementation of a policy.

Legal experts also provide a broader definition of the concept of regulation. Satjipto Rahardjo states that legal regulation is an instrument for directing human behavior in accordance with the values of justice, utility, and legal certainty. Thus, regulation functions not only as a means of control but also as a means of protecting human rights in social and state life. Accordingly, regulation, from the perspective of state administrative law, is understood as a form of state intervention through legislation to ensure the fulfillment of citizens' rights and prevent abuse of power.¹⁴ Therefore, every regulation must be formulated proportionally, rationally, and oriented towards the interests of humans as legal subjects.

Regulations regarding the granting of biological rights to prisoners in correctional institutions represent a form of state responsibility in guaranteeing human rights for groups under state control. This regulation aims to provide legal certainty regarding the limits, mechanisms, and forms of fulfillment of biological rights that can be granted to inmates without neglecting the security and order of correctional institutions.

In the area of inmate development, the regulation of inmate biological rights serves as a means of supporting the creation of stable psychological conditions and a conducive

correctional environment. Policies that regulate the legal and controlled fulfillment of biological needs, such as biological visitation rights for eligible inmates, can strengthen family relationships and increase inmates' motivation during their sentences.

Sexual violence against prisoners is a paradox within a correctional system founded on humanitarian principles. Corrections should be spaces for development that uphold human dignity, yet a report released by the National Commission on Human Rights (Komnas HAM) still found various forms of violence, including sexual harassment and violence between prisoners and by officers. Closed power relations, inmates' dependence on officers, and informal hierarchies within prisons create vulnerable conditions for vulnerable groups such as women, new inmates, and those with low social standing within the prison system.¹⁵

Prisoners remain human beings with biological needs, but the penal system only restricts their freedom of movement without providing legitimate mechanisms for fulfilling these needs. When basic needs are completely suppressed within a confined space, substitution mechanisms emerge in the form of hidden sexual relations, coercion, exploitative practices, and even sexual violence. Family relationships, including marital relationships, are crucial for maintaining prisoners' psychological stability and preparing them for reintegration into society. Neglecting these needs not only has the potential to trigger sexual violence but also weakens the correctional function and exacerbates the social impact on families outside of prison.

The legal vacuum regarding the right to biological visitation for prisoners in Indonesia demonstrates a disconnect between the humanist goals of correctional institutions and their normative provisions. The correctional system has shifted from a paradigm of retribution to rehabilitation and social reintegration, yet positive regulations have not explicitly addressed the fulfillment of prisoners' biological needs. Consequently, the right to conjugal relations is not explicitly prohibited, but neither is it facilitated by the state. This situation creates a legal vacuum because correctional institutions lack the legal basis to provide such services, and therefore, fulfilling biological needs is not part of the prisoner development process.¹⁶

The absence of these regulations has a direct impact on the social and psychological well-being of inmates within correctional institutions. Unmet sexual needs trigger stress, behavioral disorders, and encourage informal practices to satisfy sexual needs. This phenomenon demonstrates that the problem is not simply a matter of individual morality, but rather a structural consequence of a system that ignores human needs. Furthermore, this legal vacuum also contradicts human rights principles and the goals of rehabilitation.

In correctional institutions, one program to indirectly mitigate the psychological impact of unmet biological needs inmates is the development of psychosocial-based development programs. These programs aim to redirect,

¹⁴ Siagian, Z. A. P., & Dompok, T, "Peranan penting perlindungan hak asasi manusia dalam sistem hukum tata negara", *Jurnal Riset Penelitian Universal*, Vol. 6 No. 1, 2025. hlm. 49.

¹⁵ Komnas HAM, Laporan Bersama Lima Lembaga Negara Tentang Pemantauan Tempat-Tempat Penahanan Periode 2013-2018, Jakarta: Komnas HAM, 2019, hlm. 56.

¹⁶ Faidatul Hikmah, *et al.*, "The Urgency of Implementing Conjugal Visit for Inmates from the Perspective of Positive Law and Human Rights", *USM Law Review*, Vol. 7 No. 3, 2024. hlm. 1343.

manage, and channel biological energy and drives constructively. Work activities and skills training serve as sublimation mechanisms, redirecting biological drives into productive activities. Programs such as training in crafts, agriculture, culinary arts, or formal education not only increase competence but also reduce free time that can trigger negative thoughts and behaviors.

Spiritual approaches have proven effective in helping individuals control biological drives. Religious development provides a moral framework and values of self-control, patience, and personal responsibility. Activities such as regular religious studies, spiritual guidance, and religious mentoring can strengthen inmates' emotional stability. Spiritual development helps shift the focus from biological drives to developing meaning in life, acceptance of circumstances, and hope for the future. Practices such as prayer, meditation, religious study, reading scriptures, and spiritual guidance serve as adaptive strategies that reduce anxiety and aggression. Furthermore, moral teachings emphasize patience, self-control, and respect for the dignity of oneself and others.¹⁷

Furthermore, clear regulations also serve as a preventative measure to prevent sexual misconduct, violence, and unhealthy practices in meeting the biological needs of inmates in correctional institutions. With legally based regulations, the fulfillment of inmates' biological rights is not carried out arbitrarily, but rather in accordance with the principles of humanity, health, and development.¹⁸

3. The Urgency of Granting Conjugal Visit Rights to Inmates

According to Barda Nawawi Arief, legal policy is "the foundation for the direction, substance, and limits of authority in law enforcement. Therefore, at this stage, weaknesses in legal policy will impact law enforcement policy." The goal of legal policy is to uphold central societal norms to combat crime, thus necessitating legal reform to create laws and regulations that are appropriate to the current situation, conditions, and the future.

Social reintegration is a philosophy of criminal justice in Indonesia that is closely linked to the notion of humanizing prisoners.¹⁹ This approach eliminates the principle of punishment as retribution. Punishment is also not intended solely to create a deterrent effect. Instead, punishment is directed at helping prisoners recognize their mistakes and understand the impact of their actions on themselves, the victim, and society. Therefore, punishment carried out in correctional institutions essentially only deprives a person of their freedom of movement, while other rights must still be fulfilled.

¹⁷ Yan Rusmanto, Kepala Kantor Wilayah Direktorat Jenderal Pemasyarakatan Aceh, *Wawancara* tanggal 19 Februari 2026.

¹⁸ Nendy Putra Salsabilla, *et al.*, "Sexual Behavior and Rights in Indonesian Prisons: A Qualitative Study Based on the Theory of Planned Behavior", *MPPKI*, Vol. 8, No. 10, 2025. hlm. 1149.

¹⁹ Nadia Utami Larasati, Lucky Nurhadiyanto, Muhammad Zaky, Abdur Rozak, "Analisis Manfaat dan Risiko Bilik Asmara di Lembaga Pemasyarakatan sebagai Upaya Pemenuhan Kebutuhan Biologis Narapidana", *Jurnal Hukum Pidana dan Kriminologi*, Vol. 4 No. 2, 2023. hlm. 37.

In practice, the lives of prisoners in correctional institutions do not always align with this philosophy. Freedom of movement is not the only suffering experienced by prisoners, but there are many other problems that make the conditions of prisoners even worse.²⁰ Gresham M. Sykes in (2007) calls it *The Pain of Imprisonment* which consists of:

1. Deprivation of liberty (kehilangan kemerdekaan untuk bergerak);
2. Deprivation of goods and services (loss of ownership of goods and services);
3. Deprivation of heterosexual relationships (loss of the right to relationships with the opposite sex);
4. Deprivation of autonomy (loss of the right to individual freedom to determine and control one's own life);
5. Deprivation of security (loss of the right to feel safe).

One form of suffering identified is Deprivation of Heterosexual Relationships, which is the inmate's loss of access to biological and emotional relationships with partners.²¹ In the past, this aspect was viewed as a key component of imprisonment, significantly impacting the inmate's psychological well-being. However, with the development of a more humanistic and human rights-oriented paradigm for punishment, the relevance of this view has begun to be questioned. Modern punishment no longer aims to increase suffering, but rather limits it to the loss of freedom.

In the current development of the correctional system, the fulfillment of inmates' biological rights is beginning to be understood as a fundamental human right that cannot be abolished by the state. Biological relationships with a legitimate partner are no longer seen merely as a pleasure to be deprived, but rather as a vital aspect of the inmate's mental health, emotional stability, and successful social reintegration. Furthermore, maintaining biological suffering as part of punishment potentially contradicts the goals of rehabilitation. Sexual and emotional frustration can trigger aggressive behavior and deviance, and hinder the rehabilitation process.

Within the context of punishment, inmates often experience significant restrictions on their family life. One issue that has emerged is the right to biological visitation, which is the opportunity for prisoners to meet their legal partners privately to maintain their marital relationship. The right to biological visitation can be seen as a concrete manifestation of respect for the right to family life as guaranteed by the Universal Declaration of Human Rights.

Granting biological visitation rights does not conflict with the objectives of sentencing, as long as it is strictly and responsibly regulated. In fact, this policy can support correctional goals, namely the rehabilitation and social reintegration of inmates. Maintaining family relationships has been proven to contribute to inmates' psychological stability, reduce the potential for sexual violence within correctional institutions, and reduce recidivism rates after release. Therefore, biological visitation rights are not simply about fulfilling biological needs, but also part of fulfilling human rights and a developmental strategy.

²⁰ Ibid.

²¹ Angkasa, A, "Deprivation of inmates in conducting imprisonment and guidance in penitentiary on victimology perspective", *Journal of Indonesian Legal Studies*, Vol. 5 Issue 1, 2020. hlm. 61.

Conjugal visit is closely related to the right to procreate, so a person has the right to procreate, a human right inherent in every individual, including inmates. Even though inmates are serving sentences and experiencing restrictions on their freedom, they do not lose all their human rights.

Therefore, the right to procreate must be respected as long as its implementation complies with laws and correctional regulations. The state is obliged to regulate and facilitate the fulfillment of this right proportionally, without neglecting the objectives of sentencing, security, and order in correctional institutions. This is important because Indonesia is a country based on Pancasila, and Pancasila is the national philosophy.²² The state is obligated to protect the rights of citizens, including the rights of prisoners. The exercise of these rights is inextricably linked to state bureaucracy, necessitating the protection of human dignity, even while prisoners are serving their sentences in correctional institutions.

Attention to human rights issues is not merely a domestic matter but has become an interconnected international issue. Even today, much financial assistance can only be provided if there is a guarantee that human rights issues are expressly regulated in each country's positive law and that there are no human rights violations. Although many countries declare that human rights issues are domestic matters that cannot be interfered with by other countries, in reality, almost all countries worldwide have incorporated human rights protection into their positive laws.

Conclusion

The right to conjugal visits for prisoners is a form of respect for inherent dignity and human rights, not merely the fulfillment of sexual needs. Imprisonment under Law Number 22 of 2022 only restricts freedom of movement without eliminating the civil rights of husband and wife, in accordance with the principle of personal criminal responsibility. Psychologically, this right maintains emotional stability, family integrity, and supports successful social development and reintegration.

The regulation of conjugal visits for prisoners in Indonesia remains problematic due to a lack of norms that are inconsistent with the paradigm of social reintegration. The law functions to protect dignity and fundamental rights even while serving a sentence. The absence of clear regulations triggers social dysfunction in correctional institutions, such as the emergence of informal hierarchies, exploitation, and violence and sexual deviation. Therefore, its regulation is an urgent legal and psychological need to maintain dignity, emotional stability, and the effectiveness of correctional services.

The right to conjugal visits for prisoners is an urgent need in a correctional system oriented towards social reintegration. Imprisonment should not only restrict freedom of movement, but in practice it also eliminates sexual and emotional relationships, resulting in psychological disorders.

Suggestions and Recommendations

It is recommended that the government and correctional authorities shift the paradigm by prioritizing inmates'

biological needs as part of their development and respect for humanity. The Visiting Leave or Family Visitation Program needs to be implemented progressively through the provision of adequate and safe facilities, accompanied by strict procedures that maintain privacy and dignity. Furthermore, public education is crucial to reduce stigma and strengthen social support for successful inmate reintegration.

It is recommended that the government harmonize regulations regarding biological visitation rights by establishing clear, accountable, and standardized implementation mechanisms, including aspects of health facilities and procedures that align with security. This policy should be positioned as part of a rehabilitation strategy to prevent deviations, strengthen family unity, and support inmates' reintegration into society.

References

1. Pasal 17 Peraturan Presiden Republik Indonesia Nomor 157 Tahun 2024 Tentang Kementerian Imigrasi dan Pemasarakatan.
2. Bryan A Garner, ed. Black's Law Dictionary Ninth Edition, St Paul: Thomson Reuters, 2009, hlm. 343.
3. Hidayat AAA, Uliyah M. Pengantar Kebutuhan Dasar Manusia, Salemba Merdeka, Jakarta, 2014, hlm. 9.
4. Erwin Susilo, *et al.* Access to Justice: An Effective Pretrial Model to Guarantee the Right to Defense for Suspects in Indonesia. *Jurnal Hukum dan Peradilan*. 2025; 14(1):hlm. 324.
5. Yudi Krismen. Sistem Peradilan Pidana Indonesia, RajaGrafindo Persada, Depok, 2021, hlm. 3.
6. Djulaeka, Devi Rahayu. Buku Ajar Metode Penelitian Hukum, Surabaya: Scopindo Media Pustaka, 2019, hlm 20.
7. I Made Pasek Diantha. Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum, Jakarta: Kencana, 2016, hlm. 159.
8. Ani Purwati. Metode Penelitian Hukum Teori dan Praktek, Surabaya: CV. Jakad Media Publishing, 2020, 88-89.
9. Asmawati Hermi. Analisis Penguatan Sistem Pemasarakatan Melalui Konsep Reintegrasi Sosial. *Jurnal Mengkaji Indonesia*. 2022; 1(2):hlm. 184.
10. Yunus. Pembinaan Narapidana Dalam Kerangka Pencapaian Tujuan Sistem Pemasarakatan (Studi di Lapas Pemuda Plantungan). Tesis Program Studi Magister Ilmu Hukum, Universitas Diponegoro Semarang, 2012.
11. Ahmad Firman Hidayatullah. Kewajiban Nafkah Narapidana Terhadap Istri dan Anak Menurut Perundang-Undangan dan Hukum Islam Serta Impelementasinya di Lapas Kelas IIB Purwakarta. Tesis Program Studi Hukum Keluarga Islam, Universitas Islam Negeri Sunan Gunung Djati, 2023.
12. Desi Maryani, Nur Rochaeti. Reformulasi Penyediaan Ruang Asmara Bagi Narapidana di Lembaga Pemasarakatan, Rajawali Pers, Depok, 2020, hlm. 103.
13. Rif'ati MI, *et al.* Konsep dukungan sosial. *Jurnal Psikologi Universitas Airlangga*. 2018; 7:hlm. 2.
14. Siagian ZAP, Dompok T. Peranan penting perlindungan hak asasi manusia dalam sistem hukum tata negara. *Jurnal Riset Penelitian Universal*. 2025; 6(1):hlm. 49.
15. Komnas HAM. Laporan Bersama Lima Lembaga Negara Tentang Pemantauan Tempat-Tempat

²² Erwin Susilo, *et al.*, Pretrial Justice and Third-Party Claims: Harmonizing Compensation Rights with Pancasila Legal Culture, *Widya Yuridika: Jurnal Hukum*, Vol. 9, No. 1 (2026), hlm. 252.

- Penahanan Periode 2013-2018, Jakarta: Komnas HAM, 2019, hlm. 56.
16. Faidatul Hikmah, *et al.* The Urgency of Implementing Conjugal Visit for Inmates from the Perspective of Positive Law and Human Rights. *USM Law Review*. 2024; 7(3):hlm. 1343.
 17. Yan Rusmanto. Kepala Kantor Wilayah Direktorat Jenderal Pemasyarakatan Aceh, Wawancara Tanggal, Februari 19, 2026.
 18. Nendy Putra Salsabilla, *et al.* Sexual Behavior and Rights in Indonesian Prisons: A Qualitative Study Based on the Theory of Planned Behavior. *MPPKI*. 2025; 8(10):hlm. 1149.
 19. Nadia Utami Larasati, Lucky Nurhadiyanto, Muhammad Zaky, Abdur Rozak. Analisis Manfaat dan Risiko Bilik Asmara di Lembaga Pemasyarakatan sebagai Upaya Pemenuhan Kebutuhan Biologis Narapidana. *Jurnal Hukum Pidana dan Kriminologi*. 2023; 4(2):hlm. 37.
 20. Nadia Utami Larasati, Lucky Nurhadiyanto, Muhammad Zaky, Abdur Rozak. Analisis Manfaat dan Risiko Bilik Asmara di Lembaga Pemasyarakatan sebagai Upaya Pemenuhan Kebutuhan Biologis Narapidana. *Jurnal Hukum Pidana dan Kriminologi*. 2023; 4(2):hlm. 37.
 21. Angkasa A. Deprivation of inmates in conducting imprisonment and guidance in penitentiary on victimology perspective. *Journal of Indonesian Legal Studies*. 2020; 5(1):hlm. 61.
 22. Erwin Susilo, *et al.* Pretrial Justice and Third-Party Claims: Harmonizing Compensation Rights with Pancasila Legal Culture, *Widya Yuridika: Jurnal Hukum*. 2026; 9(1):hlm. 252.