

The Issue of Meeting the Sexual Biological Needs of Inmates with Legitimate Life Partners: A Fundamental Human Right in the Context of Progressive Legal Paradigm

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Abstract

The fulfilment of sexual and biological needs for inmates with valid life partners who are undergoing sentences in correctional institutions is a fundamental human right. Human rights, as a legal and normative concept, highlight that individuals possess inherent rights simply because they are human beings. Human rights apply to everyone, anytime and anywhere, are universal, and fundamentally cannot be revoked (non-derogable rights). Therefore, addressing the right to fulfil sexual biological needs is not only a matter that should be considered but also a responsibility of the State to find solutions. As of now, there are no specific regulations governing this matter. Hence, in line with the primary goal of correctional institutions, which conceptualise themselves as places of punishment and facilities where inmates receive benefits for their future lives, it is crucial to treat inmates humanely. This aligns with the concept of a legal paradigm where the ultimate goal of the law is to promote human well-being. Therefore, this issue is intriguing to explore, and alternative concepts for the future should be sought.

Keywords: Correctional Institution, Sexual Needs, Inmates, Progressive Legal Paradigm, Human Rights.

Introduction

A primary objective of the legal system is to advance the welfare of individuals rather than impose restrictions or pose a menacing danger to them (Packer, 1968). Concurrently, a theoretical framework of thought materialised during this period, which Satjipto Rahardjo (2011) initially proposed. Fundamentally, this notion posits that when it comes to enforcing the law, one must not solely depend on the literal interpretation and text of the statutes but should also incorporate novel modes of reasoning. The concept is that the operation of the law is predicated on providing a roadmap. This map determines how the law operates and how a legal system perceives its function. Modifications

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to this guidance may lead to alterations in the operation and functionality of the legislation (Rifa'ie, 2011).

Nevertheless, the principles upheld by the colonial legal system (individualistic and liberal culture) continue to impact the Indonesian legal system significantly (Bedner & Vel, 2021). The law, however, is inseparable from the human context of a nation, given that it protects human existence (Sidharta, 2012). A prevalent perception in the colonial Dutch legal system was that law (*recht*) was primarily a statutory law (*wet*), which resulted in the implementation of inflexible, unyielding statutes alien to humanity's very nature. Historically, law enforcement has been predominantly focused on attaining formal justice as opposed to substantive justice, owing to the adherence to the principles of legal positivism (Efendi & Ibrahim, 2018).

Similarly, the prison (penitentiary), an establishment comprising the criminal justice system, was originally designed to administer punishment to wrongdoers, emphasising retribution as a deterrent against future offences (Caruso, 2021). Nevertheless, as time progressed, the notion transformed with the advent of the Correctional Institution. This establishment is dedicated to the reformation of incarcerated individuals and the holistic growth of those in Indonesian correctional custody. In contrast to a strict focus on punitive measures, the primary objective is rehabilitating convicted individuals. The objective is to sufficiently equip them with specific skills that they can utilise to reintegrate into society after serving their sentence in the correctional facility (Schneider, 1979).

By Correctional Institutions Law No. 12 of 1995, inmates must be treated humanely and with respect as individuals and as human resources (Rochaeti & Cahyaningtyas, 2021). Hence, the objective is not solely to impose penalties for their transgressions but also to furnish them with advantages and competencies that will serve them well in their post-sentencing years. However, there are ongoing difficulties in adequately providing for every inmate's need while they are incarcerated in correctional facilities. The provision for the sexual requirements of incarcerated individuals, particularly those who are married while they are incarcerated, is one such concern (Comfort et al., 2005).

The biological sexual needs of a married individual are, as is common knowledge, a fundamental human right (Gruskin et al., 2019; Shalev, 2000). The notion that human rights are intrinsic and all-encompassing is the foundation of human rights. Human rights are defined by Law No. 39 of 1999 on Human Rights as a collection of rights intrinsic to the being and existence of individuals, bestowed by a higher power, and necessitate safeguarding, preservation, and observance by the government, State, and law (Kusdarini & Kemala, 2023; Sardol, 2014). Each individual is entitled to human dignity and its protection.

Hence, the satisfaction of sexual biological necessities, notwithstanding confinement in correctional facilities, constitutes an inherent entitlement that ought not to be infringed upon (Firman et al., 2022; Utami & Mellynda, 2022).

The 1945 Constitution also regulates human rights, specifically the right to establish a family and procreate via a valid marriage (Djaja & Francis, 2023; Miqat et al., 2021). Consequently, this privilege ought to remain unaffected or uncompromising, notwithstanding the confinement of an individual during their incarceration in a correctional facility.

The situation in which one of the spouses is incarcerated for criminal offences could, conversely, make for an intriguing area of research. It would be unjust and imprudent to absolve the partner of the responsibility of satisfying sexual demands. Nevertheless, in criminal proceedings in Indonesia, no court ruling revokes the defendant's right to satisfy their physiological requirements. This subject is particularly intriguing to investigate in light of the possibility that prisoners will become exceedingly vulnerable and marginalised. In correctional institutions, corruption and bribery occur frequently at the hands of those who abuse their positions of authority. Consequently, it is critical to investigate how a progressive legal concept can be utilised to address the issue of providing for the sexual biological requirements of incarcerated individuals, as well as what shrewd solutions can be suggested to this dilemma.

Behind Bars: Inmates and the Fulfilment of Their Sexual Needs in Indonesian Correctional Institutions

Basic wants are something that is universally present in human beings, and one of these requirements is the fundamental desire to receive sexual satisfaction (Fitzgerald, 2016). Taking into consideration Maslow's (1943) hierarchy of requirements, sexual needs are considered to be the most fundamental of all human necessities. This highlights the fact that every individual needs to meet these needs. There is a close relationship between the fundamental civil rights that are enshrined in national and international human rights laws and the right to sexual satisfaction. When the sexual needs of prisoners are ignored, not only is it a disdain for their rights, but it also denies the intrinsic essence of the human beings who are being held in custody. Physiological demands, which include the need for food, drink, rest, sleep, and sexual activity, are the most fundamental requirements every individual must complete to continue living. Since this is the case, it is imperative that the sexual requirements of adult people, even those who are incarcerated, be addressed.

It has been emphasised in the past that inmates, at their heart, are ordinary people whose rights should be respected. The rights of inmates are outlined in

Law No. 12 of 1995, specifically Article 14, which covers a wide range of rules, including the following elements: The first paragraph: freedom to practise their religion or belief; access to comprehensive care, both spiritually and physically; opportunities for education and learning; provision of adequate healthcare and suitable nourishment; the ability to voice concerns and complaints; access to reading materials and participation in unrestricted mass media broadcasts; education and learning opportunities; and the ability to participate in unrestricted mass media broadcasts. The receipt of compensation or bonuses for work performed; the acceptance of visits from family members, legal advisors, or designated individuals; the eligibility for sentence reduction through remission; the opportunities for assimilation, including time off to visit family; the possibility of parole; the entitlement to pre-release leave; and the possibility of parole. Other rights are specified by the laws and regulations now in effect (Haidan & Santoso, 2016).

However, upon closer inspection, it is discovered that Article 14 of Law No. 12 of 1995 concerning corrections does not explicitly regulate the specific right to the fulfilment of sexual needs. This is the case even though, as a normal human being within the context of marriage, biological needs are a demand that can be equated with other primary needs (Paramitha & Sulasno, 2021).

It is clear that, when delving deeper into the rights of inmates, there is a possibility of addressing the fulfilment of sexual needs by exploiting legal loopholes stipulated in Article 14, subparagraphs (h), (j), and (k). These loopholes include the following: Receiving family visits, legal counsel, or specific individuals; Opportunities for assimilation, including leave to visit family; and Pre-release leave. Understanding that the fulfilment of sexual needs is undeniably a crucial factor for inmates in navigating their lives within the correctional institution, it becomes apparent that this is a possibility (Firman et al., 2022).

On the other hand, if this were to be applied straightforwardly, it would be not easy to implement in practice, as demonstrated by the following scenarios:

1. Each prison or correctional institution typically imposes stringent regulations, limiting visits to designated common visitation areas (except when legal advisors are provided with separate rooms). These regulations are based on subparagraph (h) provision that allows for visits from family members, legal counsel, or specific individuals. Taking into consideration the open nature of the surroundings and the fact that convicts and visitors constantly interact with one another, this arrangement does not let married inmates discuss their sexual demands openly. In addition, because of the pandemic caused by the COVID-19 virus, direct visits to correctional

facilities are restricted. Additionally, in order to avoid encounters, video call facilities are frequently utilised.

2. Utilising the provisions in subparagraphs (j) and (l) for possibilities for assimilation, such as leave to see family or pre-release leave, is subject to special restrictions that take significant time. There is no question that the sexual cravings that arise from an inmate who is attempting to satisfy their biological requirements cannot be compared to the conditions that are necessary for assimilation, which are known to be.

As a result of these conditions, inmates frequently engage in deviant behaviours, including same-sex relationships (homosexuality), harassment, and rape, with a special focus on vulnerable inmates who are thought to be weak. The introduction of sexually transmitted illnesses like HIV is also linked to this condition, which contributes to its development. On the other hand, there are signs that extortion activities are being carried out, which involve utilising facilities such as rented restrooms in penal institutions to areas with personnel. Certain excuses, such as family visit leaves or medical permits outside of the correctional institution, may be utilised to make it appear as if they are legal and not violating the law. These justifications may be used for convicts in a favourable economic situation. On the other hand, the acquisition of such advantages is not easily available and comes at a cost, so establishing a particular loophole is not in any way free of charge (Currier, 2021; De Mar, 2023).

Ironically, this is the case. The fulfilment of biological needs in correctional facilities has evolved into a “commodity” that is extremely difficult to acquire at a highly expensive price. According to experts’ findings, humans always have certain wants, referred to as biological needs, and these needs serve as a driving force that causes them to take particular activities. The fact that every human being is a living entity causes them to feel these wants. It is quite probable that the unfulfilled biological demands (sexuality) of the convicts are the root cause of the numerous issues that have arisen in Correctional Institutions and State Detention Centres in the present day. These issues include fights, arson, escapes, and other similar incidents. Because of this, inmates will resort to a variety of justifications in order to leave the prison or detention centre. These excuses include asking for leave, particular permissions, medical permits, and other similar reasons. One of the primary motivations for a person to leave a jail or detention centre is to satisfy their biological requirements, particularly for those who are already married (Utami & Mellynda, 2022).

What is even more discouraging is the fact that several research findings from a variety of prisons located in different parts of Indonesia indicate that there

is a prevalence of signs of sexual behaviour aberrations. Sixty per cent of twenty inmates had engaged in sexual activities, most of which consisted of masturbation, according to the conclusions of a study that was conducted by Ade Gunawati Sandi and colleagues on May 4, 2013, and which examined the head of a Class II detention centre in Bandar Lampung called A Way Hui. The presence of this ailment is evidence that individuals continue to have sexual drives. Prisoners who engage in masturbation are typically given sentences ranging from three to four years in prison. As an additional point of interest, Ingrid Weddy Viva Febrya and Elmirawati conducted a study in March 2018 at the women's prison Class IIA Pekanbaru, a facility for female lawbreakers. At the moment, there are 302 female inmates in the facility, regardless of whether or not they have been found guilty. According to the conclusions of an interview with the Chairperson of the women's jail Class IIA Pekanbaru, it is known that approximately fifty female detainees are inclined toward lesbianism, whether it is accepted or noticed based on their behaviour.

There has been no significant intervention by the government to examine efforts to provide a true and acceptable solution for the fulfilment of the biological demands of married inmates, as is evident when such situations are observed. This observation shows that there has been no serious involvement up until now. Without a doubt, when this circumstance is connected to progressive law, it is not in harmony since it positions people as subjects for the law rather than the law being for people. This disparity raises worries that the rehabilitation efforts in correctional facilities may not be able to properly achieve their aims due to the unstable mental conditions of convicts that are a direct result of this issue.

Towards a Future Solution: Addressing the Challenge of Meeting Inmates' Biological Sexual Needs in Correctional Facilities Through the Lens of Progressive Legal Paradigm

However, before attempting to address the second problem, it is necessary to understand what the Progressive Legal Paradigm indicates. It is well known that this paradigm came into being when Satjipto Rahardjo (2003) presented the concept of Progressive Law. Concern about the degeneration of the legal system, unhappiness among the general people, and distrust in the legal system and judicial institutions are all reflected in this. In its most fundamental form, the Progressive concept seeks to inspire members of the legal community, practitioners, and enforcers to liberate themselves from the constraints of positivistic and legal analytical thinking. It proposes going beyond merely setting rules and adhering to them and instead coming to terms with breaking the rules, not in an anarchic sense, but rather as a means of investigating new legal approaches, theories, and paradigms (Marwan, 2021).

The idea of Progressive Law, which Satjipto Rahardjo (2006) put forward, is an outstanding concept aimed at people responsible for enforcing the law, particularly those who have the authority to take legal proceedings in the process of restoring justice. In addition, it appeals to judges, advising them to avoid being constrained by legal positivism, which has frequently led to injustice for those seeking justice in the process of enforcing the law. Law enforcement is a process that takes intangible concepts, ideas, and goals and turns them into something that can be physically experienced (Soekanto, 1983). For law or legal ideals to achieve their ultimate purpose, they must be grounded in moral principles such as truth and fairness, which must be put into practice in the real world. The lack of morality in the legal system can cause it to become more detached from society, and the success of law enforcement can gauge the legitimacy of the legal system about the social reality of communities.

In the progressive legal paradigm, the essential meaning resides in understanding the world and law with a flowing perspective, which is analogous to the concept of "*panta rei*" (which means "everything flows"), which was proposed by the philosopher Heraclitus (Caglioti, 2012): In the first place, when it comes to progressive law, the paradigm states that "law is for humans". According to this fundamental view, humans are at the centre of the dynamics of the legal system, which does not consider law to be vital to legality. In the second place, progressive law declines to maintain the status quo in subjects of the law. The effect of maintaining the status quo is comparable to the effect that occurs when individuals say that the law is a standard for everything and that people are in

favour of the law. This approach to the law is consistent with positivism, normativity, and legalism. After a law has been drafted in a particular manner, there is very limited room for further modification unless the legislation is first updated. On the other hand, Progressive law is characterised by its adaptability, flexibility, and greater dynamic nature. In the third place, progressive law places a strong emphasis on the role that human behaviour plays in the legal system. This contradicts the common perception that the law primarily concerns regulations or rules. Considering that one should not strictly adhere to the formal text of a law is the result of the human function being discussed here.

The fundamental principle of progressive law is that it entails emancipation in both thinking and acting within the framework of the legal system. This liberation enables the law to flow organically to accomplish its obligation to serve humanity and other forms of humanity. In conclusion, the interpretation of progressive law is a legal system that develops flexibly and dynamically and can adapt to living justice within society. As a result, it can serve and guide the people towards prosperity and happiness.

The ideal operation of progressive law within the framework of the Indonesian law enforcement system is as follows: There is a thought that is quite intriguing and can be found in the book written by Satjipto Rahardjo (2010). He states that drafting national laws since independence was just the beginning. Creating national laws means something other than everything being in order. As we look to the future, we must admit that Indonesia is still dealing with many problems related to our national laws.

His train of thought suggests that even though we now have rules made by our nation, a significant amount of work still needs to be done and a substantial burden that needs to be addressed. In order to maintain our status as a civilised nation, it is essential to keep in mind that our laws have been firmly established in our cultural legacy ever since the time of our ancestors. When confronted with national symbols embodied in the judicial process and represented by legal enforcers themselves, this local wisdom may sometimes feel strange but is actually quite familiar.

In light of this circumstance, we question the kind of law that is truly by the spirit of this nation, comprised of a wide variety of ethnicities, customs, and ways of life, resulting in different lifestyle strata. The current phenomena, in which the legal paradigm is largely positivistic-legalistic, evaluate truth and justice purely based on what is written in texts and frequently becomes criminogenic, which means that it is a cause of new crimes. For example, a youngster who steals and is found guilty by a judge, by all of the provisions of Article 362 of the Criminal Code, may end up developing criminal talents. At the

same time, they are incarcerated since they are accustomed to associating with people who are considered to be responsible for criminal activity (Siroj & Marzuki, 2017).

Not only does the essence of progressive law consist of the creation and application of legal norms (rule-making), but it also involves the conclusion of the process (Suteki, 2015). Instead, there are specific circumstances in which legal techniques require what is known as rule-breaking, also known as legal breakthroughs. When it is determined that different legal texts cannot provide justice to society, individuals who enforce the law must have the courage to create legal breakthroughs beyond those texts. For example, the police have the authority to exercise discretion, which is an attempt to avoid applying the law that ought to be implemented, and the prosecutor can defer, which is a privilege to set aside a legal process already in progress. These rights are employed purely based on considerations when protecting greater public interests. This has been made abundantly clear in a case that has garnered the general public's attention. The case involves two heads of the Corruption Eradication Commission, Bibit Samad Riyanto and Candra Hamzah, who are accused of using their positions of authority improperly and engaging in extortion. In 2010, the Attorney General's Office decided to postpone the case. This decision was made by Article 35, paragraph C of Law No. 16/2004 about the Prosecutor's Office, which states that the Attorney General has the prerogative power to postpone or set aside a case.

Having gained knowledge from this case, it has been a significant step forward in the legal system when a case is regarded to have potentially more severe harmful repercussions if allowed to continue. This idea is not restricted to the Attorney General's Office alone; rather, it can be done by other law enforcement agencies, particularly those with authority positions. When they put the principles of legal utility and the values of justice at the forefront of their thinking, they can break the norms and achieve legal breakthroughs. Using the principle of discretion, for instance, the police can use alternative dispute resolution methods when handling a case. However, this is restricted to cases involving minor offences committed by those of a weaker or lower social class that have disrupted the community's sense of justice, as well as cases that involve material losses classified as minor criminal offences. Similarly, judges, who are the last bastions of justice, should be the pioneers in implementing progressive law. This will ensure that in the future, there will be no more cases like Grandma Minah's, in which she was found guilty and sentenced for the simple act of taking bad chocolate.

Harnessing The Progressive Law Paradigm for Addressing the Challenge of Meeting Inmates' Biological and Sexual Needs in Correctional Facilities

The Indonesian education system produces law enforcement officials, such as prosecutors, judges, advocates, and even those recruited into the correctional system. In order to address this second issue, we need to investigate a reality that applies to all of these individuals. In most cases, they do not have degrees in law (except police officers and correctional officers who are recruited through a hierarchical procedure), and they get a legal education that is largely positivistic. Compared to those who acknowledge both positive law and the living, community-preserving law, this indicates that law enforcement officers are shaped and trained from the very beginning to enforce the law solely. However, This term is distinct from those who recognise both.

In the second place, the institutional framework encompassing law enforcement is today dominated by positivistic law enforcement. There is a search for a relationship between the evidential system and a criminal crime alleged to have been committed against the offender while dealing with an issue. This search is conducted regardless of whether or not the system corresponds to statutory formulations.

According to Suparman Marzuki, the essential component of progressive law enforcement in law enforcement is not simply being subservient to the system now in place; rather, it is becoming more affirmative (affirmative law enforcement). Affirmative means having the bravery to break away from traditional methods and assert an alternative strategy, breaking through legal practices that have existed for a long time. Human rights law enforcement authorities must be grounded in reality and not dwell in ivory towers for progressive law enforcement to be effective. They must hone their intuition by descending to take in society's ever-changing ambitions. Judges should not only serve as employees of the legal system but also become agents of change. They need to have the courage to break barriers constructed by ideas that hinder social justice. Because legal writings leave little space for interpretation, they must break free from interpretations based on a single, authoritative interpretation. Progressive law enforcement places a higher priority on context than on simple rule wording.

On the other hand, Suparman Marzuki's (2011) viewpoint will surely conflict with the legal culture that has been prevalent for a long time. Consider the possibility of a law enforcement officer engaging in a behaviour widely regarded as a manifestation of progressive law enforcement. Such an individual may be regarded as peculiar, and in the worst-case situation, they might be forced to confront isolation within their professional community. Given that the legal

system may reject this particular individual, most lines in the criminal law enforcement system may eventually collapse into the culture inside law enforcement. It is common for the ultimate objective to be the implementation of legislation, rather than the achievement of breakthroughs that could more effectively fulfil a sense of justice and humanity.

Because of this, it is believed that Satjipto Rahardjo's profound ideas would be reduced to nothing more than a beautiful legal document, which may be understood by only a tiny number of legal minds in Indonesia. We, as practitioners, are content with the current State of affairs. Therefore, to collectively promote this idea, engaging in a collaborative effort is necessary, beginning with the subsystems of lawmaking, law enforcement, and education. He is trying to say that the ultimate objective of a legal state is to make the lives of the people and the nation joyful. He emphasises this point over and over again.

About the topics discussed before, the rights of detainees are controlled in Law No. 12 of 1995, specifically in Article 14. Providing for the sexual and biological needs of inmates is not covered by the first paragraph of Article 14 of the Constitution. Even though it is impossible to deny that the issue is a fundamental and significant aspect in attaining the aims of the correctional facility itself, the fact that correctional officials have taken such a firm stance on the matter suggests that they need to give the matter more consideration.

Various religions recognise the concept that sexual impulses are both normal and recognised for humans. Precise regulations in Islam govern the rights and responsibilities of both the husband and wife. In the framework of marriage, the obligation to supply sexual services, also known as intimacy, is specified clearly and concisely. If one of the spouses is incarcerated in a correctional facility, it becomes entirely impossible to fulfil this obligation. As a result, a wife cannot complete her obligation to have conjugal relations with her husband, and a husband cannot exercise his right to have marital relations with his wife. This is the automatic consequence. The State guarantees the rights and obligations of husbands and wives using Law No. 1 of 1974 about Marriage. Article 33 of this law states that "husbands and wives must love, respect, be loyal, and provide mutual physical and spiritual assistance to each other" (Pujiono et al., 2021). This law was enacted in 1974. Suppose a husband fails to provide his wife with the required maintenance for three months, both physically and spiritually, which makes the woman feel dissatisfied. In that case, Islamic law stipulates that the wife has the right to file a complaint against her husband before the Religious Court. In the context of the household, physical upkeep manifests as clothing, food, and shelter as daily necessities. On the other hand, spiritual needs

encompass both biological and psychological characteristics, such as affection, attention, and sexual intercourse.

The inner wants, particularly the sexual demands, are just as vital as the external needs, and both partners are responsible for ensuring that they are completely satisfied and satisfied (Mallory et al., 2019; Zhang, 2022). On the other hand, several studies carried out by academics and press reports concerning the biological requirements of inmates are reasons for the fact that the government has been neglecting biological rights for a considerable amount of time. In addition to eradicating the right to freedom, the jail regime has also eliminated the biological rights of those who are incarcerated. A denial of the biological demands of prisoners is a denial of the natural State of being that a prisoner is intended to be in as a human being. Because the family is a natural unit of society that must be preserved with its components by the government, Article 10 of Law No. 39 of 1999 respecting Human Rights guarantees the right to form a family and continue the lineage through a legitimate marriage (Judiasih et al., 2019; Panjaitan et al., 2022). This is because the family is a natural unit of society.

Upon deep examination, this issue can be addressed with a proper solution. It can be a subject of joint study where fulfilling the Biological Rights of Inmates is also a Right for their Life Partners. It is undoubtedly the government's responsibility to consider based on the paradigm of progressive law conceptualised by Satjipto Rahardjo above.

Creating a specific room or space known as the Adult Room is one of the things that needs to be done. This room or space can be isolated from or next to the Correctional Institution where the offender is serving his term. The purpose of this room is to receive visits from the spouse legally married within the confines of the institution. These visits are referred to as conjugal visits. This visit should be organised transparently, with qualifications and requirements conforming to conventional standards. During the pandemic caused by the COVID-19 virus, it is required that stringent health protocol restrictions be enforced in order to avoid the spread of diseases that are caused by interaction with the outside world.

On the other hand, to implement the policy of using the Adult Room and having a clear schedule and qualifications, official fees based on the economic capacity groups of the inmates can also be charged. This can be done online to prevent the misuse of the Adult Room and the charging of unofficial fees by irresponsible prison staff.

Another aspect of the Conjugal Visit policy that should be considered is the possibility of granting it to inmates who have accomplished particular merits as a form of award or recognition for their accomplishments. This would serve as a positive stimulant, motivating convicts to seek the opportunity to have a

Conjugal Visit. In any event, such visits should be partially abolished owing to the COVID-19 outbreak, especially now that the pandemic conditions are starting to subside. Consequently, in order to fulfil the Sexual Biological Needs of inmates, which is a natural right even though their freedom is temporarily taken away, it is necessary to reevaluate the rights of inmates.

Conclusion

The sexual biological requirements of married individuals are considered essential human rights due to the legal and normative notion of Human Rights, which recognises that humans possess inherent rights only by their humanity. Human rights apply to all individuals, at all times, and in all places. They are universal and, in principle, cannot be rescinded (non-derogable rights). Even incarcerated individuals who are legally married should have their sexual and biological needs addressed, notwithstanding their confinement. Ensuring this is not only a fundamental entitlement of individuals, but disregarding it frequently leads to adverse repercussions. It is believed to be the underlying factor behind numerous issues in correctional facilities.

Thus far, the State has neglected to adequately address the sexual biological requirements of inmates, resulting in instances of authority abuse and the proliferation of corrupt behaviours by irresponsible individuals within the correctional system who exploit the desires of inmates to satisfy their sexual biological needs.

Recommendations: Ensuring that inmates' biological rights are respected is equally applicable to their life partners, and the government unquestionably must take this into account, following the framework of progressive law developed by Satjipto Rahardjo. The idea is to establish a dedicated area, sometimes called the Adult Room, separate from the correctional facility where prisoners spend their sentences. This chamber is designated to accommodate visits by legally married spouses, commonly referred to as Conjugal Visits. The visits should be organised and by specified qualifications and standard standards. Amidst the COVID-19 pandemic, it is imperative to enforce stringent health protocols to mitigate the transmission of infections resulting from external interactions.

Implementing the Adult Room policy requires a well-defined timetable and specific requirements. Additionally, it may involve collecting official fees depending on the inmates' economic capacity groups. These payments can be collected online as non-tax state revenue. The objective is to deter the exploitation of the circumstances and unauthorised imprisonment by irresponsible individuals within the penal system. Inmates who have demonstrated exceptional merits may

be allowed Conjugal Visits as a reward or recognition for their accomplishments. This affirmative stimulus would incentiveers to aspire to partake in Conjugal Visits.

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