

Intimate Rooms

by Nadia Larasati

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Intimate Rooms in Correctional Facilities: Dilemma between The Fulfillment of Inmates's Sexual Needs and Sense of Justice of The Community

9 **Nadia Utami Larasati**¹
Budi Luhur University, Jakarta
email: nadia.utamilarasati@budiluhur.ac.id

ABSTRACT

This article will discuss about intimate rooms in correctional facilities. One the one hand, correctional facilities as a public service agency that emphasizes the philosophy of social reintegration is required to fulfill the rights of inmates, including one of them is fulfillment of sexual needs. This is in line with the concept of The Pain of Imprisonment that stated by Gresham M. Sykes. It said that freedom of movement is the only thing that can be taken from an inmate. But on the other hand, the fulfillment of sexual needs in correctional facilities with the existence of intimate rooms can certainly hurt the sense of justice of the community. It is because people in Indonesia are still punitive and think that correctional facilities is a place to punish and deter. In addition, the opportunity for corruption and commercialization of that facilities is also become public concern. The contradiction between the perceptions of the community and the responsibility of correctional facilities in carrying out the public services for inmates then creates a dilemma in the body of Correctional Services. Therefore, although it has been discussed for a long time and quite a lot of studies, until now there is still no way out for this problem. This paper will explain intimate rooms from both sides and try to find and initial solution regarding the discourse of its existence in correctional facilities.

Keywords: intimate rooms, inmates, correctional facilities, social reintegration.

Introduction

Sigmund Freud, known as the father of psychology, believed that there are two basic forces that is driven human behavior. First, the need to survive such as need for food, water and shelter. Second, the need to defend the species, made procreation and sexuality. This second factor was the most powerful instinct, and for the many years it was believed as the central force in human behavior (Glassman & Hadad, 2009, p. 232). Therefore, when humans are able to overcome their sexual urges, it is considered that they will also be able to control their behavior.

The fulfillment of sexual needs at the normal situation, for people who are not deprived of liberty, may not be a significant problem. But for inmates, this is become a difficult thing to fulfill as long as they are still behind the bars. This is because correctional institutions, which actually only deprive the deprivation of liberty, in fact have taken many other rights from an inmates. Broken relationship with family, lost control of goods and services, lose of autonomy,

¹ Lecturer of Criminologi Major in Faculty of Social and Political Science, Budi Luhur University.

deprivation of a sense of security and deprivation of heterosexual relationship is a psychological pain that also must be experienced by inmates while in correctional facilities (Siegel, 1983, p.542).²

The impacts of lost opportunities ⁵ to fulfill the sexual needs in correctional facilities are various. The deviations in fulfilling sexual needs cannot be avoided. Homosexuality and masturbation among inmates increased (Priyanto, 2009, p. 71). The appearance of the characters “child” (wife character), “father” (husband character), “prostitute” (homosexual), “eentogan/wartil” (sexual intercourse in correctional facilities without permission), “memerian” (sexual intercourse outside correctional facilities without permission) as venting of sexual desire is also become a matter that is considered as normal (Simon & Sunaryo, 2011, p.1).

Not only that, the restrictions on sexual needs fulfillment in correctional facilities also raise deviation in prison management itself. The existence of the sexual needs of inmates are considered by unscrupulous officers as something that can be facilitated. As a consequence, rooms or facilities that can be used by prisoners to fulfill their sexual desires, emerge. Certainly, this facilities is not given for free, paid for the rich inmates. There are many facts that support the premise. For instance, Freddy Budiman the inmates with drug case that made an uproar because he allegedly often used the warden room with his girlfriend by paying some money to the officers (Shah, 2016). Or the revealed of the presence of intimate rooms in Sukamiskin Prison during the trial of Wahid Husen, ex warden of Sukamiskin Prison. The rooms was used by corruption inmates, Fahmi Darmawasnyah along with his wife, even rented out to other prisoners (Ramadhan, 2018). These cases of course lead to a conclusion that is to fulfill the sexual needs of inmates, unscrupulous officers have commercialized the prison facilities.

The polemic on the fulfillment of sexual needs, then raise the idea of biological room or intimate room in correctional facilities. This discourse was concern to overcome the problem of the sexual needs of prisoners as biological needs, which in principle is a right that cannot be harmed. This policy is also considered to be able to solve the bribery issues that committed by unscrupulous officers to rent out the intimate rooms. But on the discussion, this issue received a fairly diverse response in the community. Provision of facilities to fulfill sexual needs bring out controversion because it was considered serving prisoners and giving them conveniences. This policy is deemed not to have deterrent effect for the offenders. The controversion

² Psychological pain that experienced by inmates known as The Pain of Imprisonment which stated by Gresham M. Sykes.

regarding this problem have indeed been going on for a long time. But until now there is still no way out for that problems. For this reason, this paper will raise perspectives from both parties, those who supports and those who resist, and try to provide initial solutions that can be taken by Correctional Services.

The Fulfillment of Inmates' Sexual Needs in Correctional Facilities

According to the regulation number 12 on 1995 about Correctional Services Article 14, the right that granted to inmates is to receive family visits and legal counsel. It means, until now, there has not been a regulation that manage the fulfillment of prisoners' sexual needs in correctional facilities. In the implementation so far, the fulfillment of sexual needs also not facilitated yet by the correctional facilities. This is supported by the author's interview with four inmates at Lembaga Pemasyarakatan Klas I Cipinang which stated that inmates cannot vent their sexual needs in correctional facilities. As a result, masturbation is often done to overcome it. In other forms there are those who divert these needs by doing sports, work, pray and looking for other activities.

Based on the results of the Center for Detention Studies research during 2013-2015, the lack of access to fulfill sexual needs often leads to deviant behavior of inmates' when family visiting time. Inmates who are receiving visits from their partners often use of the modest visiting room for touching and doing other sexual behavior that is actually not appropriate to express in the public area. This is because, at the time of the family visit, visitors will be mingled and came from various age groups including children (Internal Research Document of CDS, 2013-2015).

Not only deviance behavior during family visits, the lack of access to fulfill sexual needs in correctional facilities also have impact in the emergence of deviant sexual behavior of inmates. The results of a study of the Center for Policy **Research and Development of the Ministry of Law and Human Rights** in 2009 in 11 correctional institutions, showed that 81% of 264 prisoners were uncomfortable with the lack of facilities to fulfill biological needs. As a result, as many as 78% of prisoners often fantasize about sex, 57% masturbate and 52% engage in sexual activity. In Rutan Klas I Salemba, the lack of access to legal sexual fulfillment is actually exploited by unscrupulous officers to be intermediaries for ordering prostitute. There is no doubt, such services only can be ordered by inmates who has money. Other deviations are, the increased of homosexuals and become one of the factors the spreading of HIV / AIDS in correctional facilities (Nugroho, 2015).

This condition actually does not only occur in correctional facilities in Indonesia, but also other countries that do not provide access to sexual needs such as implementing a conjugal visit for inmates. As Gresham M. Sykes's research in New Jersey prison, the absence of fulfillment of sexual needs in correctional facilities has made 35% of inmates involved in same-sex deviations or homosexual (Langden & Suantra, n.d). Benjamin Karpman (1948) suggested that inmates' biological desires that are not fulfilled as well as the prison's physical environment, support for the existence of abnormal sexual behavior. Overcrowded cells, the absence of separation between young inmates with adults, the beds are very close and inmates who are often shirtless in the room make the occurrence of deviant sexual behavior becomes very large.

This situation is certainly different from countries that allow inmates to fulfill sexual needs. Conjugal visit is a term commonly used as the time given to inmates in correctional facilities to spend several hours or days privately with their partners. In the conjugal visit, they are allowed to engage in sexual activity.

Conjugal visit was originally a program where inmates with their partners can spend time together in prison. It was first held at the Mississippi State Penitentiary in the United States in 1900. The initial goal was to make inmates work actively because sex was considered as an incentive that could increase inmates' productivity. At this time, conjugal visits are aimed to maintain family bonds and increase inmates' chances to succeed in the process of reintegration into the real life after being free. This visit is usually set in a room that is designed or provided for that purpose. The shape is like a trailer or small cabin and is equipped with mattresses, towels, soap and condoms (Hensley, et.al., 2002, p.143-156). This room is also equipped with two bedrooms so that children can visit. The family room is equipped with board games, cards and dominoes.

In Qatar, for example, Central Prison opens a villa where couples and children of inmates can visit them. In New York, the Department of Corrective Services, opened a conjugal visit program at the Wallkill Correctional Facility, a minimum security prison in Ulster County. For the construction of the visiting facility, The Law Enforcement Assistance Administration, a federal financing agency, budgeted as much as \$ 61,650 (McFadden, 1975, p.43). Whereas in Canada, every 2 months, inmates are allowed to spend 72 hours in a flat with their spouses, children, parents, siblings. They can cook together, play and feel like a whole family. Likewise with England, Wales, Scotland are countries that have a conjugal visit policy in prison, although they also allow home visits for low-risk prisoners (The Dark, 2016).

Debates about The Existence of Intimate Rooms in Correctional Facilities

In the Mandela Rules, on the section about relations with the outside world states that inmates must be permitted to communicate with their families, under the supervision of prison officials, by means of correspondence, telecommunications or direct visits. In addition, it was explained that when biological visits were allowed, this right had to be given to all prisoners without discrimination. This means that Mandela Rules, which is also a reference in the implementation of the Correctional Services in Indonesia, has opened opportunities for biological visits for inmates. Although later, in Regulation Number 12 of 1995 about Correctional Services Article 14 (h), this provision is only translated as receiving family visits and legal counsel and there are no specific provisions that regulates biological visits.

Sexual needs, which are basic human needs, have recently become very prominent and come as a reason that underlies the urge to issue policies that regulate the fulfillment of sexual needs in correctional facilities. One of them is by making an intimate room for conjugal visit. The demands, primarily, come from inmates who feel they need to fulfill biological needs. The results of research conducted by the Center for Policy Research and Development of the Republic of Indonesia ³ Ministry of Law and Human Rights, as many as 88% of inmates agreed with the existence of a conjugal visit. This opinion was supported by 78% of correctional services staff and 84% of the community.

Other thoughts come from human rights activists who believe that the right to fulfill sexual needs is closely linked to the ⁸ right to form a family and the right to privacy protection. Therefore, Correctional Facilities as a place of punishment that has leaved the philosophy of retributive and suffering behind, it is appropriate to prioritize punishment that based on the protection of human rights. Limitation of inmates' rights in prison should not damage the rights of individuals to form a family and receive protection for their personal lives (Nugroho, 2015).

While, the opposing party stated that the existence of an intimate room in correctional facilities which was used for a conjugal visit, would hurt the sense of justice in the community. Correctional facilities are considered as a place of punishment, which should not provide opportunities for inmates to enjoy their rights. Some people think that life in prison must be suffer, more difficult than outside. Though this is completely contrary to the principle of correctional services which said that the state must not make an inmates feel the conditions that worse than before he was in correctional facilities. The fulfillment of sexual needs is also considered will make inmates become comfortable in prison so will eliminate the deterrent effect of punishment.

The conjugal visit policy indeed, is still considered controversial, not only in Indonesia, but also in other countries. For correctional services in general, the fulfillment of sexual needs with a conjugal visit policy and build an intimate room in correctional services becomes a dilemma. Conjugal visit is considered not in line with the idea of punishment and have a security risk because there is a possibility that prisoners try to escape (Hensley, et.al., 2002, p.143-156). Opponents contend that the visits represent a "coddling" of inmates and that furloughs for trustworthy prisoners accomplish the same thing without setting up special facilities inside prisons (McFadden, 1975, p.43).

However, in several countries that have implemented it, the fulfillment of sexual needs by providing opportunities for conjugal visits and provide intimate rooms in correctional facilities has given many benefits. Based on a study at Florida International University in 2012, conjugal visits in prisons has proved can reduce prison rape and sexual offense in prisons. This study was conducted for 3 years from 2004 to 2006 in states that have a conjugal visit policy, California, Mississippi, New Mexico, New York and Washington. Sexual violence that occurs in states that prohibit conjugal visits are 226 out of 100,000 inmates and only 57 cases out of 100,000 inmates in states that allow conjugal visits (Alessio, et.al, 2012).

The positive impact of conjugal visit is to improve the function of marriage by maintaining the role of prisoners as husband or wife during their imprisonment, counter the effects of prisonization, and improve post-release success by enhancing the inmates' ability to maintain ties with his or her family. Conjugal visitation may also help attenuate the spread of AIDS in prison. Conjugal visit is also useful in reducing the frequency of riots in prisons. Donald Clemmer in his study also stated that inmates who maintain relationships with community members while in prison, have a greater success rate in the rehabilitation process.

Discussion

Based on to the correctional services philosophy that is social reintegration which prioritize that the process of treatment in correctional facilities is an effort to restore the relationship between inmates and the community, because crime is seen as a conflict between them, then the existence of an intimate room should be part of an effort to restore that relationship. This is because, in the philosophy of social reintegration, the more inmates are brought closer to the community, will be better. Correctional success is reached with the community acceptance of inmates. The termination of relations with family will actually complicate the process of reintegration (Grupp, 1971).

However, especially in Indonesian society that still tends to be punitive, this policy of course, will cause a long debate. Indonesian people still think that the criminals must be severely punished and correctional services is the right place for their execution. Therefore, a change in the paradigm of society towards the more restorative approach must be promoted.

In addition, in order to make the fulfillment of sexual needs of inmates does not become a prolonged dilemma for correctional facilities, this is the right time for Correctional Services to take concrete steps to written down the idea of fulfilling the sexual needs in legislation, for example in the Revision of Correctional Services Regulation Number 12 on 1995. So that in the future, inmates' rights are not just receiving visit from family and legal counsel but are also allowed to get conjugal visits from their partners. To overcome the resistance of the community that feel it hurt their sense of justice, the choices regarding the mechanism of conjugal visit also need to be regulated in detail (Citrawan, 2013). For example, conjugal visits can be made as rewards from prisoners who are consistent in following treatment, showing behavioral changes and productive while in prison. In addition, the serving of criminal period can also be used as one of the requirement for obtaining this privilege. The aim is to anticipate the concerns concerns that inmates who are given the right to fulfil the sexual needs are they who are already at low risk and are less likely to escape.

Furthermore, the construction of intimate rooms in correctional facilities as a conjugal visit infrastructure also needs to be regulated in order to minimize the occurrence of illegal act by unscrupulous officers. Illegal intimate rooms that are found in correctional services nowadays are suspected commercialized by unscrupulous officers. This means that there are transaction between officers and inmates. Therefore, it is necessary to consider the usage management of this intimate rooms if the conjugal visit policy will be implemented in correctional facilities. If the use of the room is for free, then all prisoners who have met the requirements can use it. However, if the use of the room is paid, the Correctional Services have to make a policy about paid public services at the correctional facilities, whose the income will go to state revenue, as well as other paid public services.

Another thing that also needs to be arranged is related to the duration and the parties who are permitted to visit inmates in this room. Do not let, the existence of a intimate rooms in correctional services is just like moving the prostitution into correctional services. If this occur, it must be there will be greater resistance from religious figures and the community. Therefore, it would be better if the intimate rooms are used not only to facilitate the sexual activity between husband and wife but also became an opportunity for the main family to gather. Thus the bond between father, mother and child will remain tied even though one of the

member of their family are in correctional facilities. This will certainly have a more significant impact than merely fulfill the inmate's sexual needs.

Conclusion

Until this day, the existence of intimate rooms as infrastructure conjugal visit in correctional facilities is still become a controversial issue in the community. Correctional services will still be faced with a dilemma between fulfill the sexual needs of prisoners and maintaining a sense of justice in the community. Although the benefits of the fulfillment inmates' sexual needs have been proven by many studies.

The long discussion about intimate rooms in correctional services should be concluded by taking concrete steps. It is better for Correctional Services to try to make a breakthrough by formulating its policy in advance, so that the issue of intimate rooms is no longer become prolonged discourse. The debates in the community should be overcome by involving many parties in formulating and providing input to the proposed policy. Because in the end, correctional services still have to return to their basic philosophy, namely, punishment is no longer a revenge or just give suffering. Punishment must be able to restore the inmates, make them aware of mistakes and make the community accept them again. One of the ways is to get them as close as possible to their families and communities. Do not make them alienated, because the only thing that can be taken from them, is deprivation of liberty.

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