



# Psychological Study on the Sexual Needs of Prisoners

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**Abstract.** So far, correctional institutions have only focused on fulfilling personality and skill development. At the same time, there is no sexual need for prisoners, even though every prisoner has the right to fulfill their sexual needs. Problems will arise in humans when the libido increases and sexual desire increases while the level of freedom and satisfaction is not channeled. In a correctional institution, it is not the same as in the broader community, which, of course, will cause obstacles in efforts to meet their sexual needs. This study looks at the sexual needs of prisoners from the study of the pyramid theory of human needs, the concept of loss in a heterosexual relationship, and the theory of social deviation.

**Keywords:** Psychological Studies · Sexual Needs · Prisoners

## 1 Introduction

Indonesia has replaced the prison system with a correctional system, which is a colonial legacy. The idea of Sahardjo is related to the Treatment of Offenders; that the concept of correctional is coaching using the multilaterally oriented Treatment of Offenders method. Correctional institutions have significant meaning because they change the pattern of the criminal prison system towards a correctional system, namely conducting guidance and coaching inmates. The guidance and development of prisoners are carried out with more emphasis on reintegrating prisoners according to correctional principles.

Sahardjo put forward ten principles of correctional. These principles are:

- a. Come on and give them life supplies so that they can carry out their role as good and valuable citizens of the community;
- b. The imposition of a crime is not an act of state revenge;
- c. Give guidance, not torture, so that they repent; “4”. The state has no right to make them worse or worse than before they were sentenced;
- d. During the loss of freedom of movement, prisoners and students must be introduced to and should not be isolated from society;
- e. The work given to prisoners and students should not be just a time filler, nor should they be given jobs to meet the needs of the service or the state’s interests at any time. The work given must be in line with the work in the community and support efforts to increase production;

- f. Guidance and education given to prisoners and students must be based on Pancasila;
- g. Prisoners and students, as lost people, are human beings, and they must be treated as human beings;
- h. Convicts and students are only sentenced to loss of independence as one of the sufferings they experience.
- i. It is therefore important to provide and foster facilities that can support rehabilitative, corrective, and educational functions in the correctional system

The ten correctional principles above show that Indonesia has released the prison system to the correctional system, which in the prison system emphasizes retaliation and imprisonment that causes suffering and torture, so that Indonesia turns it into a correctional system that emphasizes protection and guidance in the form of providing guidance and coaching. Both physically and spiritually, so that the realization of good integration into the community can foster prisoners.

In a penitentiary, prisoners live with other inmates they do not live with their families. Visiting time is also limited, not to mention the sentences given vary; some are long, and some are only for a matter of months. Besides that, the correctional institution does not provide unique rooms for prisoners. Visited by his wife, of course, the fulfillment of this desire will be disturbed. In essence, the rights of inmates are the same as those of humans in general; only their freedom is limited because they have to be held accountable for their actions in correctional institutions.

This means the biological needs of the prisoners will not be met for a long time by the sentence imposed on them. So, with the above, it is necessary to study, from psychological perspective related to the sexual needs of prisoners during their sentencing, whether is considered necessary, or vice versa, to minimize deviant behaviors in correctional institutions.

## **2 Method**

Legal research conducted in reviewing this research by examining library materials or secondary data can be called normative legal research or library legal research. It is carried out by collecting legal materials at all levels; primary, secondary, and tertiary. In order to get answers or solutions to problems (legal issues), namely a psychological study of the needs of prisoners, the approaches used are the statute approach, the conceptual approach, and the comparative approach. The nature of the research used in this research is descriptive and prescriptive. This research uses content analysis to classify legal materials.

## **3 Analysis and Discussion**

### **3.1 The Phenomenon of Prisoners Sexual Behavior Patterns**

Barda Nawawi Arief revealed that imprisonment deprives a person of freedom and has negative consequences for matters related to the deprivation of independence itself. Fulfilling sexual needs is essential in human life, both physiological and biological.

Many things need to be considered in regulating the mechanism for fulfilling the sexual needs of inmates.

The right to sexual needs is closely related to fundamental civil rights enshrined in national and international human rights regulations. Denying the existence of biological needs for prisoners is also a denial of a prisoner's state of nature (nature) as a human being. There are two classifications of rights in the ICCPR, namely Non-Derogable Rights and Derogable Rights. Non-derogable rights are absolute rights that the state cannot reduce, even in an emergency.

Prisoners, as human beings, have the same right to enjoy their fundamental rights. The fulfillment of these rights has been stated in Law Number 12 of 1995 concerning the Correctional System, which was previously confirmed internationally regarding the minimum provisions in the development of prisoners as outlined in the Standard Minimum Rules for the Treatment of Prisoners. Ninety-five articles must be the provisions of member countries in treating detainees, not least in Indonesia, which has become a member of the United Nations.

The negative side of prisons in Indonesia is an exciting discussion to study. One of the things that happened was the emergence of the epidemiological phenomenon of the growth and development of deviant sexual behavior. The prevalence of sexual abuse in prisons, which is 7.5 times more than in the general population, shows the tip of the iceberg of problems that lead to excess capacity and minimal resources. It is no secret that inhumane prison conditions and the number of inmates that exceeds capacity are a common sight that occurs in Indonesia. It is very inhumane, as expressed in the collection of writings "Succeeding from Behind Prison". Prisoners tend to vent their sexual needs by having sex with friends of the same sex through oral sex, anal sex, and masturbation, so that sexual behavior is limited to speaking and talking about sex, which hurts other inmates. Prisoners are small communities from marginalized communities, so they deserve attention. The treatment of people in prison should not emphasize their separation from society but rather on continuing their role as part of society. Correctional institutions should be able to provide the maximum possible service to protect the rights related to the interests of prisoners. One of the rights possessed by prisoners is the right to obtain sexual needs as regulated in the Correctional Law. The principles contained in the Universal Declaration of Human Rights (UDHR) are intended for all individuals without exception, including prisoners.

Suppose you look at the legal comparisons in several western European countries, such as Denmark, Sweden, Spain, and the Netherlands. In that case, they give conjugal visit permits with a specific time limit for the sexual needs of prisoners. In Indonesia, the practice of conjugal visits already exists as a romance booth or HSE (husband and wife relationship), but this practice indeed occurs illegally because there are no rules that discuss this facility; this facility can only be used for prisoners who have money.

## **3.2 Psychological Study of Prisoners Sexual Needs**

### **3.2.1 The Pyramid of Human Needs**

A humanistic psychologist, Abraham Maslow, argued that in every human being, there are five levels of needs:

- a. Physiological needs: food, drink, shelter, sexual satisfaction, and other physical demands;
- b. Security needs a sense of security and protection against physical and emotional harm, as well as assurance that these physical needs will continue to be met;
- c. Social needs: affection, belonging to a group, acceptance, and friendship;
- d. Appreciation needs: inner esteem factors such as outer self-esteem such as status, recognition, and attention;
- e. Self-actualization needs: growth, achieving one's potential and self-realization, the drive to become what one is capable of becoming.

Maslow's hierarchy of needs:

- a. Self-actualization;
- b. Award;
- c. Affection;
- d. Sense of secure;
- e. Physiological Needs.

Based on the Maslow's hierarchy regarding the hierarchy of human needs, prisoners living in correctional institutions in order to continue to live normally require various needs, as stated by Polak quoted by Didin Sudirman stating:

In order to maintain his life, humans have If these various needs are not satisfied, then the individual will become indecisive, angry or anxious and do various things to satisfy them. These needs arise due to various impulses that come from within. Besides that, Also caused by external stimuli, these internal drives (drives) have to do with organic needs, such as eating, sleeping, sex, and so on. Summer and Keller distinguish four drives: hunger, sex, fear of the unknown, and a desire to be praised. Ogburn and Nikmoff called it sociogenic drives, as, for example, the desire to be accepted, appreciated, and loved in a group. Gillin and Gillin called these the "primary drives for the needs to breathe, eat, drink, and be tired".

These needs urge people to always try to fulfill them. If this need is not satisfied, it will cause tensions that are felt individually, and by nature, he will always try to get rid of that tension through the fulfillment of satisfaction.

To meet these needs, people will be faced with norms and values. As long as the person can fulfill their needs based on the prevailing values and norms, the act is legal by everyone's expectations. However, if the norms and values do not support him, he will try to find ways to meet his needs even though they are done in the wrong way.

The environment in which imprisonment is carried out, namely the penitentiary, has limited prisoners' freedom of movement. The environment is everything around humans, from nature to other humans. In that environment, humans are looking for the satisfaction of their essential needs.

With its natural surroundings, the penitentiary is a small environment that is closest to its inhabitants, so it is the small environment that most influences prisoners.

In this regard, Didin Sudirman stated:

When viewed from the perspective of social science, including these people through a process of "coercion" into particular place (namely a prison or detention center) will

have a unique impact. The unique nature is caused by the operation of a force that comes from the needs of its inhabitants who interact with the limited wall environment.

Look in more detail at the contents of the wall. You will find a wide variety of people in terms of their age, occupation before becoming a resident, rank, education, the local language, and others. These diverse human beings, whose world was once limitless, now live in a narrow world of only a few hundred square meters. He was forced to associate with humans not previously known in his little world unless the prison staff were guilty of all those in his social environment. Not only that, his social world, where he has to live, is a world with one kind of sex.

In order for the prisoner to find the object of satisfying his needs properly, he needs to understand the environment, including the norms that apply as social boundaries and environmental habits. Prisoners must learn ways to find objects and satisfy their needs by following the applicable regulations. So the environment serves as a place for individuals to interact to satisfy their needs.

With its various regulations, the prison environment limits inmates from relating to the opposite sex. Thus, the fulfillment of prisoners' biological (sexual) needs is also limited. For prisoners whom marital bonds have bound (married), the purpose of their marriage is hampered, as Al-Ghazali said.

In marriage, there are five primary goals, including:

- a. To obtain offspring,
- b. To channel lust in the right way,
- c. To please the soul,
- d. To establish a household
- e. To lead women.

As for lust, it is created to arouse sexual desire so that men can remove their seeds from their syllabi bones to be sprinkled on women's farji. The sowing of this seed is accompanied by a feeling of tenderness to obtain the desired child.

The separation of prisoners, husband and wife, for a relatively long time results in the inability to channel biological (sexual) needs, and naturally, further stated by Ghazali, marriage is a means to channel biological needs in the right way. By channeling these biological needs, they will produce children. Lust and children are both destined by Allah; there is a strong bond between the two. Therefore, it should not be said that what is meant by marriage is to obtain pleasure in intercourse and children, because this is a necessity that cannot be avoided, like the necessity to defecate resulting from eating. In that lust, there is another wisdom; besides that, it can be a burden to obtain pleasure in the distribution of lust. The delicacy felt in intercourse is incomparable with any pleasure.

The implementation (implementation) of marriage, as mentioned by Ghazali, cannot be fulfilled in prisons because prisons naturally limit husband-wife relations for a while. Therefore, an approach is needed to overcome the barriers of a broken husband-wife relationship.

### 3.2.2 Loss of the Heterosexual Relationship Concept

According to Gresham M. Sykes in his book *The Society of Captives*, quoted by Soegondo, the concept of lost heterosexual relationships states:

Lost of Heterosexual Relationship (loss of relationship with the opposite sex) is not solely aimed at the absence of the opportunity to have sex with the opposite sex (sexual intercourse) but due to the absence of the opposite sex. This suffering also causes a spiritual escape (a psychological escape), which is manifested in the form of contemplation. Then it can lead to the satisfaction of sexual desires in the form of masturbation and same-sex intercourse (homosexual), which are prohibited in religion and the rules of penitentiary institutions. “Spiritual escape often leads to physical escape.”

Regarding the loss of a relationship with the opposite sex, Ronny Nitibaskara Citing the opinion of Gresham M. Sykes, he stated that the convict also needs to actualize himself. However, they feel a sense of limitation and loss—especially the loss of independence that causes suffering. Suffering is the loss of the ability to channel sexual desires between the opposite sexes. As a result, homosexual acts arise, such as homosexual rape and homosexual prostitution among fellow convicts. Then,

The suffering that arises causes the basic needs of prisoners to be unfulfilled, neglected, or intentionally abolished.

The prisoner can no longer have contact with his wife because the prison walls limit it; as a normal human being, he still has biological (sexual) urges even though his lust is still vibrant in solitude. As stated by Ghazali,

If lust is raging and cannot be restrained by the power of piety, then it can plunge itself into heinous deeds. If the temptation of lust can be controlled with the control of piety, then he should be able to guard his limbs against the invitation of his lust. That way, he can lower his eyes and can also protect his private parts from “evil deeds”.

Lust is a common temptation, but very few people can avoid it. From this statement, it is clear that prisoners are a group of people who cannot avoid the temptation of lust, even more so for those in a position locked up in a correctional institution and who have not been visited by their wives or relatives in a relatively long time. Sexual needs are physiological needs in humans; if they are not met, eating can cause tension or psychological turmoil and affect behavior. The impact on prisoners is the occurrence of deviant behavior or other crimes.

Ronny Nitibaskara, in his book *Criminal Records*, states:

“Suffering in prison generally includes the loss of the right to self-determination and a sense of security. Also, forfeit the right to own possessions. However, the most challenging part seems to be losing the ability and opportunity to have sex, especially heterosexually. While serving their sentences, the group of convicts is faced with being separated from their wives or husbands. In general, they are also separated from their friends for a relatively long time. So cut off all intimate relationships with close people. Meanwhile, sexual needs are basic human needs, no different from food, drink, and security that require fulfillment.

Attempts to meet biological (sexual) needs in a reasonable (usually) way through correctional ideals. The essence of the correctional system lies in fostering a cooperative relationship between the convict and the community. Convicts are given knowledge or education to adapt or integrate themselves with society. Starting with the prison system

as a whole, correctional institutions need to change, especially when it comes to their programs and programs that meet the biological needs of prisoners.

To fulfill the biological needs of prisoners, Ronny Nitibaskara further stated:

One of the alternatives implemented by developed countries is the conjugal visit program, or a visit from a family couple. Many experts believe that sexual misconduct in prisons could be reduced if convicts received “visits” from their husbands or wives. Unique visits to fulfill biological needs include conjugal visits, sex visits, and family visits. Conjugal visits provide an opportunity for husband and wife to carry out their sexual needs in one of the prison rooms. Meanwhile, the sex visit applies to male convicts who are not married by bringing in partners from outside, either social partners or prostitutes. The family visit is specifically for the close family of the convict, whether male or female, adult or immature. It is not solely for biological fulfillment but also acts as a sublimation. As a sexual escape, there is also a substitute for abnormal behavior through reading poetry, anecdotes, scandals, gossip, etc. Such a psychological approach may be an alternative and is considered relatively humane.

Provision of a romance room so that inmates who have entered the correctional institution are not tormented and experience psychological disorders, ultimately making their sexual orientation deviate because of their biological needs. Correctional institutions are intended to make prisoners receive good moral guidance and maintain harmonious relationships with their families so that when they leave the prison, they will return to everyday life and not commit other abnormal actions in the community. If their sexual needs are not met, it will have a negative impact. They transmit lousy behavior, sexual diseases, or do things outside the social norms of society, which they consider normal, because of bad habits that are usually done while in prison.

### 3.2.3 Convict Sexual Deviance

Sexual deviance is a sexual activity undertaken by a person to obtain sexual pleasure that is not appropriate. Usually, the method used by the person is to use a strange sex object. The causes of this disorder are psychological or genetic, such as experiences as a child, the social environment, or genetic factors.

According to Edwin H. Sutherland, in the theory of differential association, the deviation is learned through a process and becomes a part of the culture because deviations occur due to different associations. Deviant culture has become a habit because it is continuously practiced. There are several processes for the formation of deviant behavior, namely:

- a. Deviance is a result of poor socialization. According to socialization theory, whether deviant or not, human behavior is controlled by internalized norms and values. If the socialization process is not perfect, it results in deviant behavior. The imperfect socialization process arises because the values or norms learned are not understood in the socialization process, so someone acts without considering the risks. According to Edwin H. Sutherland, 3. People think that not being able to control social norms can lead to social deviation.

- b. Deviations brought about by the socialization of deviant sub-cultural values. According to Edwin H. Sutherland, deviant behavior stems from different associations. Friendship is not always a good thing, and when it isn't, it can lead to bad behavior.

Furthermore, the theory put forward by Edwin M. Lemert is an important figure in the development of the theory of forms of deviation. "Regarding the problem of crimes committed",

FM Lemert distinguishes three forms of deviation, namely:

- a. Individual deviation, where the emergence of deviations is caused by psychological pressure from within;
- b. Situational deviation caused by stress or pressure in the situation;
- c. A systematic deviation is a pattern of organized crime behavior in sub-cultures or behavioral systems.

FM Lemert also distinguishes between primary deviance and secondary deviation, namely:

"Primary deviations arise in socio-cultural contexts and are highly variable and only have side effects on the individual's physical structure." Meanwhile, "secondary deviance is deviant behavior or social roles based on primary deviance." According to him, "once such a label attached to a person, a defiant or criminal behavior has been set in motion".

According to Labeling Theory, the secondary deviation is the center of attention because of deviations arising from the interaction process. Furthermore, according to Emile Durkheim, who stated:

"Difference is caused by three factors: heredity, differences in the physical environment, and social environment. This means that evil will always exist because even people with evil characteristics will always exist. The function of crime is to balance morality and the law to allow normal development. This theory is called the "function theory."

Humans are not forever, or all behave normally. Some of them tend to misbehave. One example is deviant sexual behavior. Sexual deviation, sexual abnormality, sexual perversion, or sexual harassment is a way to get sexual pleasure or gratification from sexual objects in a strange way.

It is called unusual because sexually deviant behavior is followed by sexual fantasies aimed at obtaining orgasm through relationships outside of heterosexual sex with the same sex or sexual relations that are normatively contrary to the norms of sexual behavior recognized by society in general. This is the reason why people think that sexual deviation is a way to abuse human nature.

Sexual deviance is a sexual activity carried out by a person to get sexual satisfaction unnaturally. The way to do that is by using sex objects unnaturally. The causes are the development of psychiatric or psychological disorders caused by early life experiences, environmental factors, and genetics.

Based on the above definition of sexual deviation, the following are examples of sexual deviation:



- a. Fetishism is a sexually deviant behavior in which sexual satisfaction is gained through masturbation or masturbation with inanimate objects like pants, bras, dresses, and so on.
- b. Homosexuality is a disorder in which a person likes to have sex with men of the same sex, which is often called “gay”.
- c. Lesbianism is a disorder in which a person prefers to have sex with women of the same sex, who are commonly referred to as lesbians.
- d. Sadomasochism is a sexual perversion in which a person experiences sexual pleasure after hurting his or her sexual partner.
- e. Masochism is a sexual disorder in which a person enjoys sex after being tortured by their partner first;
- f. Voyeurism is sexual deviant behavior in which a peaking at other people having sexual intercourse, being naked, taking a bath, and the like provides sexual satisfaction
- g. Pedophiles are adults who like to have sex with minors;
- h. “Bestially” is a sexual disorder where a person likes to have sex with animals such as dogs, horses, goats, chickens, and others;
- i. Incest is someone who has sex with a fellow family member (blood);
- j. Necrophilia is a sexual disorder in which a person enjoys having sex with dead people.
- k. “Zoophilia” is a sexual disorder in which a person feels aroused after seeing animals having sex;
- l. Sodomy is a sexual disorder in which a man prefers to have sex through his partner’s anus;
- m. Frotteurism is a sexual disorder in which a man feels sexual satisfaction by rubbing his genitals against a woman’s body in public places like buses, trains, and the like.

Based on some of the sexual deviations listed above, it’s clear that sexual deviations are caused by both internal and external factors in a person’s environment, including the actions of prisoners in correctional facilities.

Many consequences result from being deprived of one’s independence, resulting in negative impacts of losing that independence. These negative impacts include the loss of normal sexual relations with their partners, leading to sexual deviations in correctional institutions. So, deviant behavior is a pattern of behavior that can’t change to fit the situation, especially when it comes to having sexual relationships in prison.

A prisoner in a correctional institution also needs to have sexual relations with his partner fulfilled because sexual relations are a basic human need. Specifically, an order concerning the direction of fostering prisoners based on “Pancasila,” which is carried out in an integrated manner between the fostering coaches and the community to improve the quality of prisoners so that they are aware of their mistakes, improve themselves, and do not repeat themselves.

## 4 Conclusion

In the results of the research study, it was found that in meeting their sexual needs, prisoners adapt to their environment in the correctional institution. Because sexual needs

are fundamental or essential for every human being, they are inseparable from the human being serving a criminal period in a correctional institution. Based on the analysis of psychological studies, the study of the pyramid theory of human needs, the concept of loss in a heterosexual relationship, and the theory of social deviation, The result is a significant relationship between the fulfillment of the sexual needs of prisoners, deviant behavior, and sexual crimes in the penitentiary. Juridically normative against the applicable laws and regulations, no clear and specific regulation regulates the fulfillment of sexual needs for prisoners. Sexual needs, both empirically and theoretically, are critical needs for mature humans biologically and physiologically. If these needs are not met, the state can be considered a violation of human rights.

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