

## PREVENTION OF LESBIAN CASES IN INDONESIA CORRECTIONAL INSTITUTIONS: SOCIOLEGAL APPROACH

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### ABSTRACT

The case of lesbians in Correctional Institutions is phenomenal and has already come to the attention of all groups; there are also health impacts that threaten the community's safety if Lesbians are indicated. Lesbian cases, in particular, occur not only in the community but have also penetrated Correctional Institutions (*Lapas*), so early prevention is needed to maintain security and order in Correctional Institutions. This study will use a Sociolegal Approach; data collection is carried out using interview techniques with prisoners. The data analysis is carried out in the form of a Sociolegal Approach with rules relevant to the topic of discussion. The result is that regulations regarding preventing Lesbians in Correctional Institutions are not found. Still, the researchers found that officers can review granting rights to each prisoner if the prisoner commits an act that disturbs conductivity in the Correctional Institutions. The imposition of a measurable sentence against the prisoner is also enforced. The vision and mission within Correctional Institutions, which focus on coaching, have also been carried out because coaching is the right of convicts. Guidance is generally not only on the religious side but also on positive activities for self-development in line with the assessment of Community Guidance.

**Keywords:** Correctional Institutions; Guidance; Lesbian; Prevention.

### 1. INTRODUCTION

Lesbian is a same-sex sexual condition that occurs among fellow adult women. According to Sujana, Setyawati, and Ujanti, which is currently being discussed by various circles and disciplines<sup>1</sup>. The Lesbian case is a case that is addressed in the newspaper<sup>2</sup>, there discusses sexual behavior among humans in general, especially in women; the development of this Lesbian case coincides with the issue of Lesbian in Indonesia since 1982. The results of research by Dudun & Dwiwantika in 2015 say that the current conditions for the possibility of lesbians in Indonesia are very much in conflict with Pancasila as the guide and national personality, especially in the first precept, Belief in God, the majority of Muslims *taboo* and contrary to the norms of noble values in Indonesia<sup>3</sup>. The Indonesian government, in general, considers that the actions and behavior of lesbians do not reflect Eastern culture and Indonesian culture, which upholds the nation's dignity<sup>4</sup>.

In addition, when viewed in the context of the Human Rights (*Hak Asasi Manusia*) constitution in Art. 28, it is clear that all people must respect human rights, exercise their freedom, and submit to and obey the

- 1 I Nyoman Sujana, Komang Arini Setyawati, and Ni Made Puspasutari Ujanti, "The Existence of the Lesbian, Gay, Bisexual and Transgender (LGBT) Community in the Perspective of a State Based on Pancasila," *Mimbar Hukum* 30, no. 1 (2018): 127–39, <https://doi.org/10.22146/jmh.28655>.
- 2 Antaranews.com, "Bersama Membendung LGBT Di Indonesia," diakses 2 Maret 2023 pukul 22.00. antaranews.com, 2022, <https://www.antaranews.com/berita/2930741/bersama-membendung-lgbt-di-indonesia>.
- 3 Dadun dan Zola Dwiwantika, "Pandangan Pekerja Terhadap Lesbian, Gay, Biseksual Dan Transgender (LGBT) Di Jabodetabek: Study Kualitatif Pengetahuan, Sikap Dan Praktek Pekerja Mengenai LGBT" (Jakarta, 2015).
- 4 Yam Saroh and Mei Relawati, "Indonesian Youth'S Pererspective Towards LGBT," *Humanus* 16, no. 1 (2017): 71–82, <https://doi.org/10.24036/jh.v16i1.7323>.

law. In addition, when referring to Law Number 39 of 1999 about Human Rights (*Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia*), it explains regulated freedom of expression, and Article 73 it is said that the point is that rights and liberties are highly regulated in the Law<sup>5</sup>. Thus, the existence of Lesbians, in general, has been directed to the conclusion that they threaten the sustainability of society in Indonesia. Then, Law Number 1 of 1974 in Article 1 concerning Marriage explains that the essence of marriage is an inner and outer bond between a man and a woman to form a happy and eternal household based on Belief in God<sup>6</sup>. The basis of the purpose of the law is to protect all people or citizens, so it is in stark contrast to lesbians who conceptually cannot produce offspring. So, when it is related to norms and justice, the two concepts cannot be handled because of the various factors when discussing Lesbians.

Another factor that becomes another problem when there are many cases of Lesbians includes the health side, where the Indonesian government has banned the existence of Lesbian behavior among the community, especially regarding HIV health cases<sup>7</sup>. Data from Central Java Provincial Health Office it was noted that in the period years of 2016-2022, there was a significant increase. In 2010, cases of lesbians and Gays were still at  $\pm 7.129$ . kemudian dari beberapa lembaga survey menyebutkan bahwa setidaknya Indonesia pada tahun 2017 sudah terindikasi 3% dari total jumlah penduduknya terindikasi LGBT<sup>8</sup>, dan data HIV diperkirakan pada tahun 2012 sudah berada diangka 21.511 orang dan meningkat ditahun 2013 menjadi 29.037 orang<sup>9</sup>.

Then it increased rapidly in 2019, reaching  $\pm 50.282$  people, and the latest data was recorded in 2022 for the March period (First Quarter). There were  $\pm 10.525$  cases of people with HIV disease<sup>10</sup>. Another implication

5 "Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia" (1999).

6 "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," Pub. L. No. 1 (1974).

7 Fatkhur Rokhman, "Over Capacity as an Opportunity for the Directorate General of Correctors in Optimizing Revitalization," *Walisongo Law Review (Walrev)* 2, no. 2 (2020): 221–30, <https://doi.org/10.21580/walrev.2020.2.2.5325>.

8 Liwanti Subagio, Emmy Riyanti, and Syamsulhuda BM, "Perilaku Seksual Lesbian Terkait Personal Hygiene Di Kota Bandung," *Jurnal Kesehatan Masyarakat* 5, no. 3 (2017): 587–93.

9 Nirmala Herlani, Emmy Riyanti, and Bagoes Widjanarko, "Gambaran Perilaku Seksual Berisiko HIV AIDS Pada Pasangan Gay (Studi Kualitatif Di Kota Semarang)," *Jurnal Kesehatan Masyarakat* 4, no. 3 (August 5, 2017): 1059–66, <https://doi.org/10.14710/jkm.v4i3.13714>. within the city of Semarang been an increase in prevalence of AIDS from 5% to 12 %. From January to September 2015 within the city of Semarang has happened 388 case of HIV, 38 AIDS, and 2 people died. Research aims to understands picture sexual behaviour risky HIV AIDS to a gay couple within the city of Semarang. The methods used qualitative with the methods purposive, members of Rumah Pelangi Community. The research results show that age subject starting from 16-35 years old, education subject an average high school, the average subject derived from Semarang. All subject admitted habitually do anal sex and an oral sex, on average, they have sexual intercourse 2 times a week. The average subject being gay due to be a trauma sexual harrasment from closes people. In terms of knowledge, most of the subject included in the category good enough because they are often exposed to informtion from community, in terms of attitude said inadequate because all subject think that behaviour risky espescially an oral and anal is behaviour usual and most admitted that they were not advocated a spouse wearing a condom, while in terms of practices it can be said less all because the research shows that there is the acts of sex risky, but most of them are not do VCT and not use a condom when have sex, and community provide condoms free month. Sexual behavior high risk performed by couples gay among others indicated by several things that is the acts of relating to partner before, never usea condom, the high frequency intercourse with a partner, felt himself and a spouse healthy, so there should have been monitoring further on the use of condom.,"author":[{"dropping-particle":"","family":"Herlani","given":"Nirmala","non-dropping-particle":"","parse-names":false,"suffix":""},{dropping-particle":"","family":"Riyanti","given":"Emmy","non-dropping-particle":"","parse-names":false,"suffix":""},{dropping-particle":"","family":"Widjanarko","given":"Bagoes","non-dropping-particle":"","parse-names":false,"suffix":""}],container-title:"Jurnal Kesehatan Masyarakat","id":"ITEM-1","issue":"3","issued":{"date-parts":["2017","8","5"]},"page":"1059-1066","title":"Gambaran Perilaku Seksual Berisiko HIV AIDS Pada Pasangan Gay (Studi Kualitatif Di Kota Semarang

10 Nirmala Herlani, Emmy Riyanti, and Bagoes Widjanarko, "Description of HIV AIDS Risky Sexual Behavior in Gay Couples (Qualitative Study in Semarang City)," *Public Health Journal* 4, no. 3 (August 5, 2016): 1059–66, <https://doi.org/10.14710/jkm.v4i3.13714>. within the city of Semarang been an increase in prevalence of AIDS from 5% to 12 %. From January to September 2015 within the city of Semarang has happened 388 case of HIV, 38 AIDS, and 2

arising from the existence of this Lesbian case is not only in the field of HIV disease but also several other diseases, namely Sexually Transmitted Infections. Research by Noviany 2017 conducted research on the “*Sobat Community*” in Semarang as one of the groups that tend to be Lesbian in this case, in the city of Semarang itself until 2015, there were at least  $\pm 1,240$  lesbians with cases of infectious diseases throughout 2011-2012 totaling  $\pm 19,433$  cases. It is predicted to continue to increase because not all of the population of it is members are detected and recorded by the community<sup>11</sup>.

Lesbian cases occur not only in society but have also penetrated Correctional Institutions (*Lapas*) in Indonesia. This can happen due to various factors, including positive legal aspects in Indonesia, which have not regulated the behavior of Lesbians<sup>12</sup>. The factor is the length of the Correctional Institutions term above the average of 3-4 years so that biological instincts are channeled through negative ways or scientific genetics since childhood who have experienced abnormalities in their sexual orientation<sup>13</sup>. In addition, there is also research from Wieringa's<sup>14</sup> uncertainty about the law in Indonesia and not found explicitly regarding sexual orientation and gender, making the law in Indonesia unable to analyze or find a prohibition on the existence of Lesbians. So, violence and discrimination will continue year to year.

Case Lesbian In *Lapas*, this was also disclosed by the Head of the Regional Office (*Kepala Kantor Wilayah*) of West Java Province in 2019, who revealed that there were cases of Lesbian in their legal area caused by overcrowded Correctional Institutions and detention centers (*Rumah Tahanan*) which ideally only had  $\pm 15,658$  inmates. Still, there were  $\pm 23,681$  residents living in the built<sup>15</sup>. In addition, they were referring to Turner's opinion that in Correctional Institutions, convicts only face two things, namely indications of weak

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people died. Research aims to understand picture sexual behaviour risky HIV AIDS to a gay couple within the city of Semarang. The methods used qualitative with the methods purposive, members of Rumah Pelangi Community. The research results show that age subject starting from 16-35 years old, education subject an average high school, the average subject derived from Semarang. All subject admitted habitually do anal sex and an oral sex, on average, they have sexual intercourse 2 times a week. The average subject being gay due to be a trauma sexual harassment from closes people. In terms of knowledge, most of the subject included in the category good enough because they are often exposed to information from community, in terms of attitude said inadequate because all subject think that behaviour risky especially an oral and anal is behaviour usual and most admitted that they were not advocated a spouse wearing a condom, while in terms of practices it can be said less all because the research shows that there is the acts of sex risky, but most of them are not do VCT and not use a condom when have sex, and community provide condoms free month. Sexual behavior high risk performed by couples gay among others indicated by several things that is the acts of relating to partner before, never use a condom, the high frequency intercourse with a partner, felt himself and a spouse healthy, so there should have been monitoring further on the use of condom.”, “author”: [“dropping-part icle”:””, “family”:”Herlani”, “given”:”Nirmala”, “non-dropping-particle”:””, “parse-names”:false, “suffix”:””, {“dropping-particle”:””, “family”:”Riyanti”, “given”:”Emmy”, “non-dropping-particle”:””, “parse-names”:false, “suffix”:””, {“dropping-particle”:””, “family”:”Widjanarko”, “given”:”Bagoes”, “non-dropping-particle”:””, “parse-names”:false, “suffix”:””}], “container-title”:”Jurnal Kesehatan Masyarakat”, “id”:”ITEM-1”, “issue”:”3”, “issued”: [“date-parts”: [“2017”, “8”, “5”]], “page”:”1059-1066”, “title”:”Gambaran Perilaku Seksual Berisiko HIV AIDS Pada Pasangan Gay (Studi Kualitatif Di Kota Semarang

- 11 Dany Noviany, “Sexual Behavior Risks Sexually Transmitted Infections (STI) in Lesbi Groups in Semarang City,” *Journal of Health Education* 2, no. 2 (2017): 122–29, <https://doi.org/10.15294/jhe.v2i2.22613>.
- 12 Dianita Halim and Tundjung Hernin Sitabuana, “Legal Protection of LGBT Prisoners in Correctional Institutions According to the Conception of Human Rights,” in *National Seminar on Research Results and Community Service 2021 Nation's Economic Development Through Digital Innovation Research Results and Community Service* (Jakarta, 2021), 1385–92.
- 13 Indrid Weddy Viva Febrya and Elmirawati Elmirawati, “Analysis of Factors Causing Deviant Sexual Orientation in Female Prisoners in Class II A Penitentiary in Pekanbaru,” *Another Side of Reality* 2, no. 2 (2017): 13–30, [https://doi.org/10.25299/sisilainreita.2017.vol2\(2\).2462](https://doi.org/10.25299/sisilainreita.2017.vol2(2).2462).
- 14 S E Wieringa, “Criminalisation of Homosexuality in Indonesia: The Role of the Constitution and Civil Society,” *Australian Journal of Asian Law* 20, no. 1 (2019): 1–19, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3488561](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3488561).
- 15 Tribunnews.com, “Banyak Napi Di Lapas Dan Rutan Di Jabar Jadi Homo Dan Lesbi,” diakses 11 Maret 2023 Pukul 19.59. Tribunnews.com2, 2019, <https://www.tribunnews.com/regional/2019/07/09/banyak-napi-di-lapas-dan-rutan-di-jabar-jadi-homo-dan-lesbi?page>.

health and sexual orientation, which will be different<sup>16</sup>. Because there is no place or opportunity for convicts to do so, this opinion is reinforced by Lea III's statement that preventing other sexual orientations in correctional institutions must be addressed immediately by the administrator or authorized institution<sup>17</sup>. This will show a strong indication that the state's existence in reviewing cases in Correctional Institutions is not only on a particular rehabilitation program but also on the juridical side of every action in implementing a program because the steps given to convicts must have a solid legal basis from previous studies.

Following up on these cases is very important for Correctional Institutions in managing Correctional Institutions in various ways so that the expected goals can be achieved optimally, including by implementing multiple preventions. Referring to the Law Number 22 of 2022 about correctional (*Pemasyarakatan*), the prevention of various cases in Correctional Institutions must be carried out to provide a sense of comfort and security for all prisoners to continue to prioritize their rights of prisoners. Therefore, this research will lead to research that puts forward a juridical approach by analyzing several sources of literature, especially rules, legal basis, and others related to programs to prevent lesbian cases in Correctional Institutions. The research question for this article is how to avoid lesbian claims in Indonesian Correctional Institutions based on a sociolegal approach.

Novelty in this study will discuss preventing lesbian cases in prisons. The research will focus on identifying the use of sociolegal approach, which is currently minim used on this problem, especially in Indonesia. Detailed discussion is the key to this research, where combining interview results and sociolegal approach will make the analysis more complete. The results of this study will be related to the research objectives, namely as input and also the first step in giving opinions from an academic point of view that has gone through the previous research stages in in-depth sociolegal approach stages. The main discussion in this research includes conjugal visits in prisons, then followed by a discussion of penalties for offenders in prisons, especially for offenders who commit lesbianism, as well as confirmation of the prison's vision for preventing lesbians in prisons. then the realization of the mission of Lapas for the prevention of Lesbians.

## **2. METHOD**

This study used a sociolegal approach involving library materials or literature on lesbian cases in Correctional Institutions<sup>18</sup>. The collect data will be use online library sources and relevant previous research results and legal materials, both in the form of legal products of applicable laws and regulations and related to the sociolegal analysis of cases of handling lesbians in Correctional Institutions. Thus, the research discussion is not only based on facts but is supported by juridical aspects as the primary support for each conclusion.

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- 16 Mary Turner et al., "Ageing and Dying in the Contemporary Neoliberal Prison System: Exploring the 'Double Burden' for Older Prisoners," *Social Science and Medicine* 212 (2018): 161–67, <https://doi.org/10.1016/j.socscimed.2018.07.009>. numbers have doubled in the last two decades, and older prisoners now constitute the fastest growing section of the prison population. One key reason for this shifting prisoner demographic is the growing numbers of men convicted of 'historic' sexual offences, many of whom are imprisoned for the first time in old age, and housed in prisons not suited to their needs. These demographic changes have profound consequences, including increased demand for health and social care in prison, and rising numbers of anticipated deaths in custody. Using the findings from a recently completed study of palliative care in prison, this paper proposes that older prisoners face a 'double burden' when incarcerated. This double burden means that as well as being deprived of their liberty, older people experience additional suffering by not having their health and wellbeing needs met. For some, this double burden includes a 'de facto life sentence' whereby because of their advanced age and the likelihood that they will die in prison, they effectively receive a life sentence for a crime that would not normally carry a life sentence. There has been little popular or academic debate concerning the ethical and justice questions that this double burden raises. Drawing on the work of Wacquant and others, the paper proposes that these changes are best understood as unplanned but reasonably foreseeable consequences of neoliberal penal policies. Although the paper focuses on the UK (which by comparison with other European countries has high rates of imprisonment
- 17 Charles Herbert Lea III, Theodore K. Gideonse, and Nina T Harawa, "An Examination of Consensual Sex in a Men's Jail," *International Journal Prison Health* 14, no. 1 (2018): 56–62, <https://doi.org/10.1108/IJPH-08-2016-0047>.An.
- 18 Ali Achmad, *Revealing Legal Theory and Judicial Prudence Including Legisprudence: Volume 1 Initial Understanding* (Prenadamedia Group, 2016. p. 340).



To analyze the legal study material that has been collected, this research will be presented descriptively by clearly describing a regulation relating to the handling of lesbians in correctional institutions in Indonesia to become input and ideas from researchers as academics in viewing the phenomenon of lesbian existence in Indonesia. As for the primary source, material data containing laws and regulations will refer more to rules related to Correctional Institutions, like Law Number 22 of 2022 concerning Correctional and Law about Health. Decree of the Minister of Law and Human Rights Republic of Indonesia Number 38 of 2015 concerning Security at Correctional Institutions and Detention Centers. Besides that, the Decree of the Director General of Corrections Ministry of Law and Human Rights of the Republic of Indonesia about Standards for the Prevention of Disturbance to Security and Order in Correctional Institutions.

### 3. FINDINGS AND DISCUSSION

The prevention carried out by the *Lapas* as an effort to suppress the Lesbian case includes various schemes, including the following.

#### Conjugal Visit in Correctional Institution

Referring to research from Firman et al. in 2022<sup>19</sup>, the conjugal visit is a definition that is equated with visiting family. The conjugal visit is intended to give freedom to convicts to see their families for a short duration which is expected to have a positive emotional impact on convicts after not meeting their families for long, especially their partners<sup>20</sup>. The results of research conducted in the State of Israel by Einat & Robinovitz show a positive impact on female convicts when given a conjugal visit, where they will repair tenuous relationships due to crime with their families and partners<sup>21</sup>. Sofyan also revealed through his research results that the matrimonial visit system had been implemented in several countries, such as Canada, Brazil, England, the United States, Saudi Arabia, Ireland, Australia, and others<sup>22</sup>. Then, the system changes that occurred from the

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- 19 Chepi Ali Firman et al., "Sexual Needs Of Indonesian Prisoners In The Aim Of Punishment Perspective," MIMBAR : Jurnal Sosial Dan Pembangunan 38, no. 1 (2022): 171–79, <https://doi.org/10.29313/mimbar.v0i0.9327>. he is an ordinary human being who has the right to biological needs, which requires more attention from the government in terms of regulations or policies that regulate the needs of a biologist. The first problem is regarding government policies related to prisoners' sexual needs. The second one is the fulfilment of sexual needs in the perspective of the aim of punishment. This research method uses a normative juridical method, namely by analyzing the data qualitatively, meaning that the data obtained which leads to a theoretical study in the form of principles, legal doctrines and the contents of legal rules are first described systematically. This policy regarding imprisonment is still the alternative that is most often applied by law enforcers, which results in correctional institutions becoming over-capacity/overcrowded so that the sentencing process is not optimal, one of which is regarding the fulfillment of biological rights and creates a sense of lack of justice in it, in order to achieve a social policies, criminal policies, and law enforcement policies that are optimal and just, must be oriented to the aspired values. So the policy needs synergy between law enforcement officials and the community, for the sake of realizing justice.", "author": [{"dropping-particle": "", "family": "Firman", "given": "Chepi Ali", "non-dropping-particle": "", "parse-names": false, "suffix": ""}], [{"dropping-particle": "", "family": "Ravena", "given": "Dey", "non-dropping-particle": "", "parse-names": false, "suffix": ""}], [{"dropping-particle": "", "family": "Priyatno", "given": "Dwidja", "non-dropping-particle": "", "parse-names": false, "suffix": ""}], [{"dropping-particle": "", "family": "Emaliawati", "given": "Emalia wati", "non-dropping-particle": "", "parse-names": false, "suffix": ""}], [{"dropping-particle": "", "family": "Mulyan a", "given": "Aji", "non-dropping-particle": "", "parse-names": false, "suffix": ""}], "container-title": "MIMBAR : Jurnal Sosial dan Pembangunan", "id": "ITEM-1", "issue": "1", "issued": {"date-parts": [{"2022}], "page": "171-179", "title": "Sexual Needs Of Indonesian Prisoners In The Aim Of Punishment Perspective", "type": "article-journal", "volume": "38"}, "uris": [{"http://www.mendeley.com/documents/?uuid=0cab620-ea15-4f47-af1a-93fbb56531c3"}], "mendeley": {"formattedCitation": "Chepi Ali Firman et al., \"Sexual Needs Of Indonesian Prisoners In The Aim Of Punishment Perspective,\" <i>MIMBAR : Jurnal Sosial Dan Pembangunan</i> 38, no. 1 (2022)"}]
- 20 Bambang Sumardiono et al., "Reconstruction Of Conjugal Visit Patterns As Guidance For Prisoners In Correctional Institutions Based On Justice," Journal of Education and Social Sciences 10, no. 3 (2018): 61–69.
- 21 Tomer Einat and Sharon Rabinovitz, "A Warm Touch in a Cold Cell: Inmates' Views on Conjugal Visits in a Maximum-Security Women's Prison in Israel," *International Journal of Offender Therapy and Comparative Criminology* 57, no. 12 (2013): 1522–45, <https://doi.org/10.1177/0306624X12461475>.
- 22 Sony Sofyan, "Pemenuhan Kebutuhan Seksual Narapidana Dalam Lembaga Pemasyarakatan (Studi Kasus Di

Correctional Institutions system to the correctional system have also had new impacts that must be significant, including human biological affairs<sup>23</sup>. The study results also show that conjugal visit planning is not yet at an actual stage, but it has also progressed far in terms of planning and research. The *Lapas* are giving a conjugal visit through the Provision of Leave a Moment to Visit the Family (*short time*) with conditions including good behavior by being proven haven't committed severe and minor violations in the Correctional Institution, in other states that have served half. There are several other provisions that prisoners must obey<sup>24</sup>.

Another study from Liu, Pickett, and Baker in several places in the United States with a span of 40 years found that with family visits, the positive effects include managing inmates easier because they experience lower emotional levels<sup>25</sup>. As well as a success during social reintegration and socializing with the community will be easier. Another study also mentioned by Gul that in the State of Pakistan for convicts who practice lesbianism is evidence of the inability of Correctional Institutions to provide freedom for biological instincts to inmates, and in fact, there are  $\pm 14.8\%$  of convicts refuse to be imprisoned without the space given and  $\pm 85.2\%$  of convicts accept a conjugal visit as an exciting program to be taken<sup>26</sup>.

The results of research in the field are also strengthened by the physical condition of the prisoners who must receive full attention from Correctional Institutions officials from the Directorate General of Corrections and from the Ministry of Law and Human Rights of the Republic of Indonesia to make straightforward policy maker and rules regarding conjugal visits the. Research by Carcedo on the level of vulnerability to mental disorders in prisoners is also very influential if there are restrictions on sexual activity<sup>27</sup>. His research in Spain found that at least 55.2% experienced a rate of mental disorders and 5.3 times more significant experience health problems. Then another study from Goyal followed up on conditions in Correctional Institutions regarding lesbian cases, which can spread to all internal Correctional Institutions at any time if they don't get proper treatment<sup>28</sup>.

In addition, researchers get information that conjugal visits existing in Indonesia are integrated with the rights received by convicts, for example, Family Visiting Leave (*Cuti Mengunjungi Keluarga*=CMK) which requires good behavior and must have served half of the sentence, given at least once every three months, with a long duration of 2x24 hours, and other provisions which is legal and has been listed in Law Number 22 of 2022 Concerning Correctional. In addition, the researcher also analyzed that, in general, conjugal visits, which

- 20 Lembaga Pemasyarakatan Sukabumi)” (Universitas Indonesia, 2005, p.56).
- 21 Niken Subekti, Budi Utami, and Octa Nadia Mellynda, “Conjugal Visit : Juridical Review of the Fulfillment of Inmates Rights In The Correctional Perspective,” *Scientific Journal of Legal Policy* 16, no. 1 (2022): 97–118.
- 22 Stewart J. D’Alessio, Jamie Flexon, and Lisa Stolzenberg, “The Effect of Conjugal Visitation on Sexual Violence in Prison,” *American Journal of Criminal Justice* 38, no. 1 (2013): 13–26, <https://doi.org/10.1007/s12103-012-9155-5>.
- 23 Siyu Liu, Justin T. Pickett, and Thomas Baker, “Inside the Black Box: Prison Visitation, the Costs of Offending, and Inmate Social Capital,” *Criminal Justice Policy Review* 27, no. 8 (2016): 766–90, <https://doi.org/10.1177/0887403414562421>.such as types of visitors and frequency of visitation. The findings suggest that prison visitation contributes to the maintenance of inmates’ social capital and could potentially shape their perceptions of the informal costs of reoffending. Regular visitation during incarceration may play a crucial role in successful reentry.”,“author”:[{“dropping-particle”：“”,“family”：“Liu”,“given”：“Siyu”,“non-dropping-particle”：“”,“parse-names”：false,“suffix”：“”}],{“dropping-particle”：“”,“family”：“Pickett”,“given”：“Justin T.”,“non-dropping-particle”：“”,“parse-names”：false,“suffix”：“”}],{“dropping-particle”：“”,“family”：“Baker”,“given”：“Thomas”,“non-dropping-particle”：“”,“parse-names”：false,“suffix”：“”}],“container-title”：“Criminal Justice Policy Review”,“id”：“ITEM-1”,“issue”：“8”,“issued”:{“date-parts”:[["2016"]]},“page”：“766-790”,“title”：“Inside the Black Box: Prison Visitation, the Costs of Offending, and Inmate Social Capital”,“type”：“article-journal”,“volume”：“27”},“uris”:[“http://www.mendeley.com/documents/?uuid=9b3386eb-6c56-470f-a9ee-5a37ea3f746c”]],“mendeley”:{“formattedCitation”：“Siyu Liu, Justin T. Pickett, and Thomas Baker, “Inside the Black Box: Prison Visitation, the Costs of Offending, and Inmate Social Capital,” <i>Criminal Justice Policy Review</i> 27, no. 8 (2016
- 24 Rais Gul, “Prisoners’ Right to Fair Justice, Health Care and Conjugal Meetings: An Analysis of Theory and Practice (A Case Study of the Selected Jails of Khyber Pukhtunkhwa, Pakistan),” *Pakistan Journal of Criminology* 10, no. 4 (2018): 42–59.
- 25 Rodrigo J. Carcedo et al., “Sexual Satisfaction and Mental Health in Prison Inmates,” *Journal of Clinical Medicine* 8, no. 5 (2019): 1–18, <https://doi.org/10.3390/jcm8050705>.
- 26 Shruti Goyal, “Conjugal Rights of Prisoners,” *Bharati Law Review*, 2018, 57–73.

in language, are visiting families and not only CMK who indeed visit families. However, other rights that can be ascertained will meet their respective families, especially for women who can apply for Conditional Leave under certain conditions or reasons to meet the child or husband of the prisoner. Although conjugal visits are just a term and continue to prioritize the rights of convicts and based on the Law of Correctional, loss of freedom is a punishment that makes convicts suffer. Meanwhile, space for biological and sexual needs will be met by providing prisoners with leave to meet their families for a short duration and given on an ongoing basis without any intervention or obstacles. Thus, convicts will get their rights by the rules set.

## Punishment for Convicts

Conditions in Correctional Institutions, in particular, must be orderly and conducive to avoid things that can harm the prisoners themselves. Conditions in Correctional Institutions must be free from things that can disturb order, especially Lesbian behavior, which has a broad impact not only in the short term but can also cause serious health problems that both of them can suffer and even death in the long time. In the researcher's interview with one of the Lesbian perpetrators in Lapas, the researcher got a picture that in *Lapas*, there are perpetrators who have been Lesbian since before they were in Lapas, so they are looking for new partners in Correctional Institutions. When referring to the Decree of the Director General of Corrections Ministry of Law and Human Rights about Standards for the Prevention of Disturbances of Security and Order in Correctional Institutions and Detention Centers, where in the Standard Operating Procedures at surveillance points, Officers must take preventive action starting from an assessment of the risk needs that are applied to convicts to determine the level of risk of these convicts<sup>29</sup>. Thus, inmates who have a high risk will be placed in a particular room or block room to walk on a review of their behavior. Reviewing this, of course, with the facts in the field because of Lesbian this understands the situation in Correctional Institutions, and if someone is indicated and caught having sexual intercourse, hugging, or holding hands that exceed the limits of reasonableness, then the correctional officer has the right to give the perpetrator a punishment to deter him and not repeat his actions. Also, it can affect the assessment of officers about their behavior so that later it will be challenging to get their rights because they don't behave well.

Assessment for behavior in Correctional Institutions should get a good score (*Baik*) because the initial requirement to get leave given to convicts as a right will be delayed. Strict rules for disciplining the behavior and ethics of convicts accompanied by punishment will certainly make convicts think again if they want to take actions that are detrimental to themselves, including Lesbian behavior. According to Norau and Sanaba<sup>30</sup>, so that convicts can be educated to be disciplined and have reasonable predicates, one way to go is to participate in the various coaching recommended by the PK (Community Guidance) or *Pembimbing Kemasyarakatan*. Then the Correctional Institution also takes multiple ways to approach both approaches that prioritize family, personally persuasive methods, techniques with groups and individuals, and pay attention to security measures adapted to the Correctional Institution's conditions<sup>31</sup>.

## Vision Correctional Institutions for Lesbian Prevention

Vision, in general, is one of the most important things and must exist in an organization. Imagination becomes a foundation and a reference at the level of work levels and guides all the work of one organization. According to Shipley and Newkirk, vision is an organization's plan<sup>32</sup>. So, all organization members will indirectly be bound by one predetermined vision. In the research results, the researchers found that the vision used by Correctional Institutions in Indonesia generally has a relevant value that is not much different from strengthening the values set by the Ministry of Law and Human Rights of the Republic of Indonesia. Apart

29 "Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor: PAS-416.PK.01.04.01.Tahun 2015 Tentang Standar Pencegahan Gangguan Keamanan Dan Ketertiban Di Lapas Dan Rutan" (2015).

30 Sarbun Norau and Bustamin Sanaba, "Efektivitas Pembinaan Narapidana Di Lembaga Permasyarakatan Klas II B Sanana," *Jurnal Hukum Dan Ekonomi* 08, no. 1 (2022): 45–61.

31 CI Harsono, *New System for Convict Development* (Jakarta: Djabatan, 1995. p.134).

32 R. Shipley and R. Newkirk, "Vision and Visioning in Planning: What Do These Terms Really Mean?," *Environment and Planning B: Planning and Design* 26, no. 4 (1999): 573–91, <https://doi.org/10.1068/b260573>.

from that, the researchers also found that the influence of the leadership on Correctional Institutions also played a vital role in supporting and strengthening the vision the organization wanted to build. This is also in line with what was stated by Kantabutra in his research linking leadership which is generally representative of control and also capable of being visionary; the vision can certainly accommodate all the needs of personnel and prisoners in Correctional Institutions<sup>33</sup>. Researchers also received additional information that the vision in Correctional Institutions represents conditions and expectations and even has plans to mean relevant to the needs of Correctional Institutions and are widely known by members of Correctional Institutions. The vision that is made also not only adapts to internal conditions but also refers to the Regional Office where the Correctional Institution is located and must also be relevant to the vision of the Directorate General of Corrections because it is the parent in a line of coordination in units within the Indonesian Ministry of Law and Human Rights.

According to Van Hoven and Sibley, the vision of each Correctional Institution can also be different depending on the functions and the level of security within the Correctional Institutions<sup>34</sup>. As well as the conditions of prisoners and cases handled. This is also reinforced by Roblek & Meško; the vision must be able to answer future challenges and at least be able to describe the situations and conditions that exist in the future so that the role of the leadership in these conditions is vital as a. Researchers on the same occasion also saw that the leadership role in each Correctional Institution was very professional and implemented a bottom-up and top-down system. Both systems are known to have their strengths and weaknesses, but in uncertain situations and conditions, the leadership uses a top-down approach to create a conducive situation<sup>35</sup>. Then, the administration at each Correctional Institution also does not hesitate to accept criticism and suggestions from his subordinates for review and find solutions to problems that have not been resolved to the fullest.

So with a mechanism considered ideal, cases like lesbian can be adequately prevented by all Correctional Institutions; prevention involving internal Institutions will be more well-coordinated and still prioritize human rights<sup>36</sup>. A good vision must also prioritize human rights and the convicts' interests. Vision, in particular, is also part of the strategy in dealing with crucial cases<sup>37</sup>, so it must require good management so that the solutions provided will be right on target<sup>38</sup>. Refer to research by Zasa and Buganza that the significant development in the organization can be said to start from the vision. This study also conveys that the vision of Correctional Institutions has different characteristics depending on the conditions and culture in the place<sup>39</sup>. However, overall the vision of Correctional Institutions will refer to the values implemented in the Indonesian Ministry of Law and Human Rights as the top management in correctional institutions in Indonesia.

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- 33 Sooksan Kantabutra, "What Do We Know About Vision?," *The Journal of Applied Business Research* 24, no. 2 (2008): 155–73, <https://doi.org/10.1080/09018328.2010.527071>.
  - 34 Bettina van Hoven and David Sibley, "Just Duck": The Role of Vision in the Production of Prison Spaces," *Environment and Planning D: Society and Space* 26, no. 6 (2008): 1001–17, <https://doi.org/10.1068/d5107>.
  - 35 Maria José Sousa, "Human Resources Management Skills Needed by Organizations," in *Leadership, Innovation and Entrepreneurship as Driving Forces of the Global Economy*, 2017, 395–402.
  - 36 Phillip M. Ayoub, "With Arms Wide Shut: Threat Perception, Norm Reception, and Mobilized Resistance to LGBT Rights," *Journal of Human Rights* 13, no. 3 (2014): 337–62, <https://doi.org/10.1080/14754835.2014.919213>.
  - 37 Alex Clarke and Lorraine K. Tyler, "Understanding What We See: How We Derive Meaning From Vision," *Trends in Cognitive Sciences* 19, no. 11 (2015): 677–87, <https://doi.org/10.1016/j.tics.2015.08.008>.and requires models that incorporate different aspects of meaning. Most models focus on superordinate categories (e.g., animals, tools
  - 38 Terje Slåtten, Barbara Rebecca Mutonyi, and Gudbrand Lien, "Does Organizational Vision Really Matter? An Empirical Examination of Factors Related to Organizational Vision Integration among Hospital Employees," *BMC Health Services Research* 21, no. 483 (2021): 1–17, <https://doi.org/10.1186/s12913-021-06503-3>.research on organizational vision has predominantly been studied from a leadership perspective. In contrast to previous research, organizational vision in this paper takes an employee perspective. Specifically, the purpose is to examine factors associated with the integration of organizational vision among employees in hospital organizations. Consequently, it focuses on a relatively neglected domain within health services research. Methods: A conceptual model, centred on the concept of organizational vision integration, was developed and tested on a sample (N = 1008
  - 39 Federico Paolo Zasa and Tommaso Buganza, "Developing a Shared Vision: Strong Teams Have the Power," *Journal of Business Strategy*, 2022, 1–11, <https://doi.org/10.1108/JBS-04-2022-0065>.



## Realizing the Lesbian Prevention Mission in Correctional Institutions

Data collection regarding Lesbians cases in Correctional Institutions is challenging for researchers to fulfill because it will significantly impact these Institutions. So that the researchers, on this occasion, used a closed approach and also put forward aspects of gender equality and data validity which would be provided through research informants in each Correctional Institution. The case of lesbians is one of the cases that cannot be denied in Correctional Institutions. Because of that, through several approaches, there are aspects of the mission to prevent lesbians in Correctional Institutions that researchers found during research. Among them is by implementing Decrees about standards for preventing Disturbances of security and order in correctional and detention centers that lead to even security and order. However, the options used by the *Lapas* include providing an appropriate assessment by the *Correctional Social Work* (PK)<sup>40</sup> so that if these prisoners are found to have committed Lesbian to fellow convicts, a fatal evaluation is given. Apart from that, another fact that the researchers found was that there were disciplinary punishments applied to these convicts, and the separation of cell rooms that were different from old cellmates was an option for preventing Lesbians from being used. Other missions carried out by Correctional Institutions are also inseparable from the Law of one prisoner receiving parole<sup>41</sup>, where convicts will be given training by the assessment carried out by PK so that these convicts will have positive activity values. Researchers on the same occasion also reviewed the activities in the Correctional Institutions where several prisoners had received certification and job training for their future provision.

Through the training provided, researchers have an analysis that the phenomenon will be Lesbian, which can be handled by the Correctional Institutions too. Apart from that, the researcher also compared with other information that there are several coaching that has been implemented in several Correctional Institutions in Indonesia to prevent this case of Lesbians, one of which is by carrying out coaching, which is a mandatory program. Spiritual guidance refers to the results of research by Susanti; she researches the model of coaching on the religious and explains that the spiritual direction that has been carried out is, of course, not carried out alone and not a few involving other agencies including the Ministry of Religion which has representatives in the local area. Thus, prisoners will achieve positive activity; the researcher also attached the religious activities found in the field<sup>42</sup>. Female convicts with long Correctional Institutions terms who have participated in various training from correctional staff, including spiritual coaching, continue to become their provision and experience when they are released later, so they are not Lesbian again and to be prisoners.

Religious development in Correctional Institutions is one of the superior personality developments in Correctional Institutions; this is in line with the correctional system, which guides become the basic foundation of every human being who is religious and also one of the main activities given to both Moslem, Christian, and Hindu inmates, both Buddhist and Confucian. According to Anggranti, the results of his research stated that by providing religious activities, convicts who initially did not have spiritual knowledge would gradually change their behavior patterns in a better direction<sup>43</sup>. Where before, religion was used as the essential foundation for a more moderate lifestyle<sup>44</sup>.

In fact, in the field, researchers have found several religious activities that are actively being developed by not only involving Correctional Institution's internals but also involving spiritual elements in the Correctional Institutions area, including religious leaders and clerics who play an active role in helping inmates change their attitudes and behavior in the past. Then. The functional activities that the researchers found included recitation, praying together, procedures for worship, and other religious activities adapted to Correctional

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40 Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor: PAS-416.PK.01.04.01.Tahun 2015 Tentang Standar Pencegahan Gangguan Keamanan Dan Ketertiban Di Lapas Dan Rutan.

41 "Peraturan Menteri Hukum Dan Hak Asasi Manusia Nomor 32 Tahun 2021 Dan Satu WBP Menerima Pembebasan Bersyarat" (2021).

42 Iman Said and H. Daniel Butler, "Prison Religion: Exploring the Link Between Pre- and In-Prison Experiences to Religious Activity," *Crime and Delinquency*, 2023, 1–24, <https://doi.org/10.1177/00111287221143947>.

43 Wiwik Anggranti, "Pembinaan Keagamaan dalam Peningkatan Kesadaran Beragama Warga Binaan Lapas Perempuan Anak Kelas II Tangerang," *Jurnal Pengabdian Kepada Masyarakat* 1, no. 1 (2022): 14–22.

44 Dadang Kahmad, *Metode Penelitian Agama* (Bandung: Pustaka Setia, 2000. p.45).

Institutions' conditions. Research conducted by Abdurrauf also reinforces this<sup>45</sup>, and Kuswandi & Solihah stated that guidance through religion would be an asset for every prisoner. So, it will realize every mistake and be the correct guide to understanding the function and nature of life in the world<sup>46</sup>. The mission of prevention in Correctional Institutions that the researcher mentioned is part of an actionable strategy that must be maintained and increased to have a wider impact. The broad impact will be felt on prisoners, and of course, this can be a hope for every Correctional Institution in handling cases of lesbians in its territory.

#### **4. CONCLUSION**

Based on the results of the analysis above using a sociolegal approach, it can be seen that the prevention of lesbian cases in correctional institutions. It can be concluded that the rules regarding the handling of Lesbians in Correctional Institutions do not yet exist. The Ministry of Law and Human Rights as the leader who has total power over the arrangements in Correctional Institutions has yet to provide rules regarding this matter. On the other hand, the study's results also show that the existence of regulations related to lesbians is only imposed on rules regarding preventing disturbances of security and order as well as standard operating procedures that each officer must carry out. The vision of Correctional Institutions for the prevention of Lesbians, in general, has shown the existence of the grand vision carried out by the Indonesian Ministry of Law and Human Rights, and the authorities in Correctional Institutions have also implemented noble values, which the Indonesian Ministry of Law and Human Rights also implements.

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45 Ahmad Nawawi Abdurrauf et al., "Religious Development Management in Forming the Character of Criminers," *International Journal of Nusantara Islam* 7, no. 2 (2019): 346–52, <https://doi.org/10.15575/ijni.v7i2.12585>.

46 Kuswandi Kuswandi and Cucu Solihah, "Fostering Prisoners Through A Religious Approach: Case Study in Class II-A Prison in Magelang, Central Java and Prison Class II B Cianjur, West Java," in *1st International Conference on Progressive Civil Society (IconProCS 2019)*, vol. 317 (Yogyakarta: Atlantis Press, 2019), 157–59, <https://doi.org/10.2991/iconprocs-19.2019.32>.

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