

Review of Biological Needs Fulfillment in Human Rights Review in Class IIA Penitentiary Serang

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ABSTRACT

Married convicts need the right to fulfill their biological needs to maintain mental and physical health as well as their household, and prevent sexual deviant behavior. Indonesian prisons only focus on overcoming overcapacity, and tend to ignore the biological needs of prisoners, especially since the Class IIA Serang prison is mostly inhabited by married inmates. The fulfillment of biological needs is important, but so far this problem has not been facilitated because it is not regulated in regulations. The purpose of this study was to determine the fulfillment of the biological needs of prisoners in the review of human rights for prisoners at the Class IIA Serang Penitentiary and to find out the obstacles and efforts to fulfill the biological needs of prisoners in the review of human rights for prisoners at the Class IIA Serang Penitentiary. This study uses a normative juridical method through a qualitative approach. Data collection techniques used, namely literature study, interviews and observations. The results show that currently the Class IIA Serang Prison is experiencing overcapacity, the provision of a place to fulfill biological needs in the Class IIA Serang Prison is not implemented due to the absence of regulations, but the Class IIA Serang Prison has an alternative to meet the biological needs of its inmates. This writing results in an analysis of the mechanism for fulfilling sexual needs in Correctional Institutions through alternative models of the romance booth and the provision of Family Visiting Leave which is expected to reduce problems in Correctional Institutions.

Keyword: Human Rights, Biological Needs, Correctional Institution

ABSTRAK

Narapidana yang sudah menikah membutuhkan hak dalam pemenuhan kebutuhan biologisnya untuk mempertahankan kesehatan mental maupun fisik serta rumah tangganya, dan mencegah perilaku penyimpangan seksual. Penjara Indonesia hanya berfokus pada mengatasi *overcapacity*, dan cenderung mengabaikan kebutuhan biologis bagi narapidana, apalagi Lapas Kelas IIA Serang banyak dihuni oleh narapidana yang sudah berstatus menikah. Pemenuhan kebutuhan biologis terbilang penting hanya saja, selama ini persoalan tersebut tidak terfasilitasi karena tidak diatur dalam regulasi. Tujuan penelitian ini adalah untuk mengetahui pemenuhan kebutuhan biologis narapidana dalam tinjauan hak asasi manusia bagi narapidana di Lembaga Pemasyarakatan Kelas IIA Serang dan untuk mengetahui kendala dan upaya dalam pemenuhan kebutuhan biologis narapidana dalam tinjauan hak asasi manusia bagi narapidana di Lembaga Pemasyarakatan Kelas IIA Serang. Penelitian ini menggunakan metode yuridis normatif melalui pendekatan kualitatif. Teknik pengumpulan data yang digunakan, yaitu studi pustaka, wawancara dan Observasi. Hasil penelitian menunjukkan bahwa saat ini Lapas Kelas IIA Serang mengalami *overcapacity*, penyediaan tempat pemenuhan kebutuhan biologis di Lapas Kelas IIA Serang tidak dilaksanakan dikarenakan tidak adanya aturan, namun Lapas Kelas IIA Serang memiliki alternatif untuk memenuhi kebutuhan biologis narapidanya. Penulisan ini menghasilkan analisa dalam mekanisme pemenuhan kebutuhan seksual di Lembaga Pemasyarakatan melalui alternatif model bilik asmara dan pemberian Cuti Mengunjungi Keluarga yang diharapkan dapat mengurangi permasalahan di Lembaga Pemasyarakatan.

Kata Kunci: Hak Asasi Manusia, Kebutuhan Biologis, Lembaga Pemasyarakatan

Introduction

Biological needs are needs that are the same as other needs that need fulfillment. An inmate who is in a correctional institution should have this need, namely biological needs, in this case the concern is of course inmates who are married. Human rights are rights that humans have since they were born and are gifts from God Almighty.¹ Because prisoners are also humans, they are physically confined, it doesn't mean that their biological needs are also limited in their fulfillment.² In Law Number 12 of 1995 concerning Correctional Prisoners, the rights of prisoners are regulated in Article 14, but this article does not regulate the rights of convicts who are married or have a family to get their biological needs fulfilled while the inmate is serving his sentence in prison. Coupled with the inmates being separated by their legal partners and in this case the prison does not have the facilities to fulfill these biological needs.³ If viewed from the perspective of human rights, the important point of fulfilling the right to the biological needs of a prison inmate should be related to three human rights, namely *first*, the right to form a family and the right to protection of privacy, *second*, the right to humane treatment, and *third*, health and a decent life.⁴ Indonesian prisons are still a public concern because of the frequent

occurrence of various problems of security and order disturbances, including riots and the escape of prisoners.⁵

It can be imagined how inmates for years serving their sentences in prison without being able to channel their biological needs, of course this is a pain for the inmates. For example, in 2016 Noim Baasyir, a terrorism convict who was placed in the Correctional Institution. Class IIA Pamekasan, angry because the request for facilities to have sex with his wife, was not fulfilled. This raises the importance of biological needs for married prisoners. Due to the absence of these facilities and the absence of regulation regarding this matter, it is hereby easily exploited by irresponsible parties to make this a business field for the sake of profit. Criminologist from the University of Indonesia, Iqraq Sulhin mentioned three factors causing disturbances in security and order in prisons, first, the poor condition of prisons as a result of overcapacity issues, second, the weak ability of prisons to fulfill the basic rights of prisoners, third, the creation of a prison culture that allows them to have a bargaining position, namely the informal relationship between inmates and officers through a relationship that occurs when both parties take advantage of conditions that can bring benefits.⁶

He impact of not fulfilling the biological needs of prisoners who are married or who are married can be sexual deviations among prisoners because their sexual desires cannot be fulfilled and the Penitentiary does not provide facilities for fulfilling these biological needs if it is done by inmates frequently it will certainly cause dangerous diseases, namely HIV/AIDS

¹ Maulana Ghalib As Shidqie, "Pengaturan Narapidana Dalam Mendapatkan Kebutuhan Biologis Selama Masa Hukuman Di Penjara Menurut Hukum Pidana Indonesia," *JOM VII*, no. 2 (2020): 2.

² Erwina Suhaila. Rahmamatul Hidayati and Budi Parmono, "Conjugal Visit Bagi Narapidana Untuk Memenuhi Kebutuhan Biologis," *Jurnal Dinamika* 27, no. 9 (2021): 1296.

³ Chorina Puspita Dewi and Pudji Astuti, "Pengaturan Sarana Biologis Bagi Narapidana," *Jurnal Hukum* 4, no. 2 (2017): 2.

⁴ Harison Citrawan, "Seksualitas Dalam Penjara: Studi Tentang Kebutuhan Biologis Narapidana Dari Perspektif Hak Asasi Manusia," *Jurnal Widyaiset* 16, no. 1 (2021): 32.

⁵ Jumanter Lubis, *Penerapan Hak-Hak Narapidana di Lembaga Pemasyarakatan Ditinjau dari Perspektif Hak Asasi Manusia (HAM)* (Jakarta: Balitbangkumham Press, 2014). P. 1.

⁶ Lubis.

then also when the inmates leave the prison, it is feared that it will become a habit that they bring from the prison, of course this will lead to new cases again.

Until now, Indonesian prisons have only focused on the problem of overcapacity but there has been no significant solution in overcoming this, considering that the number of inmates who enter does not match the number of prisoners who leave. Many say that prisoners whose biological needs are not met then do deviant things because of the prison's overcapacity, even though overcapacity cannot be used as an excuse for irregularities committed by prisoners, it is because their sexual desires cannot be channeled properly. Fulfillment of biological needs in this case cannot be ruled out because of coaching in prisons with the hope that inmates can become members of society and return prisoners to become better individuals instead of having unhealthy behavior. The sexual needs that are difficult for prisoners to get in prisons are the only alternative that can be used by prisoners, namely by formal rules with leave rights contained in Law No. 12 of 1995, but these leave rights cannot be used as effective rules in fulfilling biological needs. prisoners because the conditions given are so strict and difficult. Coupled with the COVID-19 pandemic, leave rights cannot be granted. This research answers the first two questions, How to fulfill the biological needs of prisoners in the review of human rights for prisoners at the Class IIA Serang Penitentiary? And second, how are the obstacles and efforts in meeting the biological needs of prisoners in the review of human rights for prisoners at the Class IIA Serang Penitentiary?

Biological needs are primary human needs that always demand fulfillment. Because they are in a correctional institution in one sex (male) society and last a long time, they will experience pain or lose one of them losing the

opposite sex. For those who are already married, it is not easy to channel their biological needs.⁷ Biological needs are primary needs or the most important basic needs as well as eating, drinking, sleeping, breathing and so on. In family life, biological needs are spiritual needs and become the rights of husband and wife couples, so if one of the partners does not get that need, it is feared that problems will arise in a family that causes divorce.⁸ Sudarto stated that punishment is suffering that is intentionally imposed on people who commit acts and fulfill certain conditions. It can be concluded that first, punishment is suffering intentionally given by the state to someone. Second, punishment is given as a reaction to the actions of someone who violates the criminal law. Third, criminal sanctions imposed by the state are regulated and stipulated in detail.⁹

According to Law Number 12 of 1995 concerning Corrections Article 1 paragraph (7) Convicts are convicts who have served a sentence that has lost their independence in a Correctional Institution (Lapas).¹⁰ Even though they lost their independence, in Law Number 12 of 1995 concerning Correctional Article 14 prisoners in prisons have the right to:¹¹

⁷ Sri Pramudji, "Pengelolaan Pemenuhan Kebutuhan biologis (seksual) narapidana di Lapas Bekasi" (Universitas Indonesia, 2005), <https://library.ui.ac.id/detail?id=100450&lokasi=lokal>.

⁸ MENETIM SAM, "TINJAUAN HUKUM ISLAM TERHADAP PERCERAIAN TENAGA KERJA INDONESIA (TKI) YANG TIDAK MENDAPATKAN KEBUTUHAN BIOLOGIS (Studi di Kelurahan Mekarsari Kecamatan Pulo Merak Kota Cilegon Banten)" (2021), <http://repository.radenintan.ac.id/12919/>.

⁹ Eddy O.S. Hiariej, *Prinsip-Prinsip Hukum Pidana* (Surabaya: Cahaya Atma Pustaka, 2016). P. 36-37.

¹⁰ "Law Number 12 of 1995 concerning Corrections" (n.d.).

¹¹ Law Number 12 of 1995 concerning Corrections.

1. Performing worship according to their religion or belief;
2. Receive treatment, both spiritual and physical care;
3. Getting education and teaching;
4. Get proper health care and food;
5. Submit a complaint;
6. Obtain reading materials and follow other mass media broadcasts that are not prohibited;
7. Get wages or premiums for the work done;
8. Receive visits from family, legal counsel, or certain other persons;
9. Get a reduction in the criminal period (remission);
10. Gaining assimilation opportunities including time off to visit family;
11. Get parole;
12. Get leave before being free; and obtain other rights in accordance with the applicable laws and regulations.

According to Sahardjo, the term community is no longer a matter of giving sanctions and punishments. However, it is more of a process to provide guidance to prisoners. The goal is that the Prisoners can be accepted again in the community in better conditions than before (Social re-integration).¹²

A related theory of biological needs, which was put forward by Abraham Maslow, consists of five levels of Maslow's Hierarchy of Needs:

1. Physiological Needs
2. Security Needs
3. Social Needs
4. Self-Esteem Needs
5. Self-Actualization Needs

Methods of Research

The research used is a normative juridical research method. In this study, often the law is conceptualized as what is

written in the legislation (law in the book)¹³ or the law is conceptualized as a rule or norm that is a benchmark for community behavior towards what is considered appropriate.¹⁴ The approach used is a qualitative approach. The technique of collecting data is by interviewing, in this case the researcher conducts interviews using semi-structured interviews, namely the form of interviews that have been prepared, but gives the respondent the flexibility to explain a bit long, maybe not directly to the focus of discussion or questions, or maybe asking a topic. own discussion during the interview.¹⁵ The literature is obtained through books, reports on the results of previous researchers and others that are related to the problems studied.

Discussion

1. Fulfilling the Biological Needs of Prisoners in the Review of Human Rights in Class IIA Penitentiary Serang

Fulfillment of biological needs for prisoners at the Class IIA Serang Penitentiary currently does not have a special room to meet the biological needs of the Penitentiary because there are no rules or legal umbrellas that regulate the biological needs of inmates. The current Class IIA Serang Penitentiary can be said to be overcapacity so that the prison is still struggling with overcapacity issues. On the Ditjenpas website page at the Regional Office at the Technical Implementation Unit of the Class IIA

¹³ Rani Sri Agustina, "THE CREDIT RESTRUCTURING AS A FORM OF PROTECTION AGAINST CUSTOMERS DURING THE COVID-19 PANDEMIC," *International Journal of Law Reconstruction* 5, no. 2 (2021): 231, <https://doi.org/http://dx.doi.org/10.26532/ijlr.v5i2.17528>.

¹⁴ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum Normatif dan Empiris* (Depok: Prenada Media Group, 2018). P. 124.

¹⁵ Mamik, *Metodologi Kualitatif* (Siduarjo: Zifatama Publisher, 2015). P. 115.

¹² Abdul Rasyid Hendarto. Dkk, *Kapita Selekta Pemasarakatan* (Kalimantan Barat: IDE Publishing, 2020). P. 3.

Serang Penitentiary, it states that based on daily data in July-August 2021, the Class IIA Serang prison only has a capacity of about 425, but based on data on the total inmates plus the addition of prisoners, only 2 people become approx. More than 700 residents in Serang Prison so that they experience 70% (seventy percent) overcapacity.

Tabel 1. Number of Special Occupants at Serang Prison

UPT	Special Amount						Special Criminal Amount							
	SKT	CBS	CM	CMK	MNG	PBS	KOR	NKB	NKP	TER	LOG	TRA	PCU	GNS
Class IIA Penitentiary Serang	339	1	0	0	1	4	28	241	222	1	0	1	1	0

source: <http://smslap.ditjenpas.go.id/>

If viewed based on existing data, the excess capacity in the Class IIA Serang Prison is dominated by prisoners with narcotics cases with a total of 241 drug dealers or dealers and 222 drug users. Adang Ruswandi, Head of Sub-Division of Information Technology Development and Cooperation at the Penitentiary Division of the Regional Office of the Ministry of Law and Human Rights stated that while prisoners with narcotics cases cannot be given the integration of parole, conditional leave, and others whose sentences are more than 5 (five) years, especially prisoners the city, then the corruption crime to get assimilation on the condition of 2/3 (two thirds) and added by paying a fine to replace tens of billions, and also the average corruption convict does not have a justice collaborator (JC), finally can not get right.¹⁶

Adang Ruswandi, Head of Sub-Division of Information Technology Development and Cooperation at the

¹⁶ "Statement of Adang Ruswandi, Head of Sub-Division of Information Technology Development and Cooperation in the Correctional Division," n.d.

Correctional Division of the Regional Office of the Ministry of Law and Human Rights, stated that until now there is no regulation that regulates the fulfillment of biological needs for prisoners. Correctional Technical Officers (UPT) must implement the rules. Because in the Penitentiary Law, the Rights of Correctional Inmates for biological needs have not been regulated. Until now, the Ministry of Law and Human Rights has not been able to conduct socialization and implement these facilities due to the absence of regulations regarding this matter. For now, it is just a discourse regarding the construction of facilities for the biological needs of prisoners who are married, there has been no follow-up in its implementation.¹⁷

So far, the Class IIA Serang Prison only provides formal rules given the formal rules given, namely Family Visiting Leave, parole, leave before release and conditional leave. Leave to visit family cannot be granted to all inmates. There are some exceptions to the classification of special crimes such as:¹⁸

- a. Convicts who commit criminal acts of terrorism, narcotics and narcotic precursors, psychotropic substances, corruption, crimes against state security and serious human rights crimes, as well as other transnational organized crimes;
- b. Death Row;
- c. Convicts sentenced to life imprisonment;
- d. Prisoners whose life is threatened; or

¹⁷ "Statement of Adang Ruswandi, Head of Sub-Division of Information Technology Development and Cooperation in the Correctional Division."

¹⁸ "Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 18 of 2019 concerning Terms and Procedures for Granting Remission, Assimilation, Leave to Visit Family, Parole, Leave Before Release and Conditional Leave" (n.d.).

- e. Prisoners who are expected to repeat the crime

Family Visiting Leave the time given is 2x24 hours (twice 24 hours after the inmate arrives at his residence. Family Visiting Leave can only be granted to prisoners with general criminal cases. Evaluation related to the time included is for prisoners who want to apply for this facility on condition that must have served (one-half) of his criminal term. This requirement is quite long for prisoners who want to channel their biological needs, you can imagine how prisoners have been serving their sentences for years without being able to channel their biological needs, in this case the government should consider this more. Other leave is given to prisoners with special cases or extraordinary crimes. The conditions given to get leave rights are even more difficult because the conditions given are not (one half) anymore but 2/3 (two thirds) plus paying a fine, then ready b cooperation with law enforcement in dismantling cases of criminal acts committed, then on average the prisoners with special cases do not have a justice collaborator (JC). So with this, many facilities or places are illegal because the conditions are difficult to obtain, then the facilities or places are not provided by the prison.

So far, the Class IIA Serang Prison only provides formal rules that are given to inmates every 3 (three) months, then the prisoners during this time. deviate. It is also reinforced by annual data from the Class IIA Serang Penitentiary that no inmates have applied for Family Visiting Leave for the past year. Then, coupled with the COVID-19 pandemic, leave rights cannot be granted. Febrianda Ryendra, SH as the Prosecutor at the Banten High Prosecutor's Office stated that in the statute of Human Rights the state is obliged to fulfill the rights of biological needs for prisoners, the problem is how prisoners are detained for decades while

the right to meet biological needs is very important, especially inmates who are married. , while the need for biological rights will conflict with ethical and religious norms.¹⁹

In principle, in the fulfillment of the rights of biological needs for prisoners, there are many fulfillment models in the Correctional Institution. The alternative fulfillment models are as follows:

- a. Bilik Asmara

Making Bilik Asmara can be said to be the right choice for prisoners, families, security and various other aspects. The provision of romance booth facilities in the Penitentiary is one of the rights needed by inmates to maintain and improve relationships with their legal partners, in addition to fulfilling their sexual desires and avoiding sexual deviations that are often experienced by inmates in prison. In order to obtain the fulfillment of biological needs, due to the absence of policies that regulate this matter, sex business often occurs in prisons that link unscrupulous officers in this matter. Of course, the provision of this facility must be regulated in clear regulations so that it is not used as a place for illegal prostitution.

Adang Ruswandi, Head of Sub-Division of Information Technology Development and Cooperation at the Correctional Division at the Regional Office of the Ministry of Law and Human Rights, stated that the number of cases of sexual misconduct among prisoners in prisons was not due to overcapacity. Even though the number of residents in prisons is small, inmates still need biological needs. And it's not because of the many inhabitants, even one human being will be hot if their biological needs are not channeled.²⁰

¹⁹ "Statement by Febrianda Ryendra, Prosecutor at the Banten High Prosecutor's Office," n.d.

²⁰ "Statement of Adang Ruswandi, Head of Sub-Division of Information Technology

b. **Cuti Mengunjungi Keluarga**

Family Visiting Leave is regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 18 of 2019 concerning Conditions and Procedures for Granting Remission, Assimilation, Family Visiting Leave, Conditional Release, Leave Before Release and Conditional Leave. In the absence of a place to meet the biological needs of prisoners, the government provides formal rules, namely the Family Visiting Leave, with the formal rules, it is hoped that convicts who are married to meet their biological needs at the time of their visit are expected. Visits of prisoners to their respective residences can be like for inheritance, becoming guardians, attending family funerals. And at the time of the visit can be used by prisoners in meeting their biological needs.

Tabel 2. *Data on Married and Unmarried Prisoners in Class IIA Penitentiary Serang*

Data on Married and Unmarried Prisoners in Class IIA Penitentiary Serang			
Class IIA Penitentiary Serang	Unmarried	Widowed	Married
	278	81	340

Source: Class IIA Penitentiary Serang
Based on the data obtained by the researchers at the Class IIA Serang Penitentiary, that inmates at the Serang Prison are mostly inhabited by inmates with married status, this raises that biological needs are very important and the government should be able to create facilities where the fulfillment of biological needs is legally of course accompanied by clear and strict rules set out in the regulations.

2. Obstacles and Efforts in Reviewing the Biological Needs of Prisoners in

Reviewing Human Rights in Class IIA Penitentiary Serang

- a. Obstacles in the Review of Fulfilling the Biological Needs of Prisoners in the Review of Human Rights in Class IIA Penitentiary Serang
 - 1) Juridical Constraints: as it was informed that the Class IIA Serang Penitentiary could not create a system of facilities or places to fulfill biological needs due to the absence of applicable laws and regulations to regulate this policy. According to the Regional Office of the Ministry of Law and Human Rights Banten, for now, they are just waiting for the rules to implement the policy, there must be rules that regulate this, if the rules are clear, then they can only carry out socialization and will definitely carry out the construction of facilities or places to fulfill the biological needs of prisoners who are incarcerated. already married in the Correctional Institution. The Ministry of Law and Human Rights of the Directorate General of Corrections is normative as long as there is no regulation that regulates the existence of such facilities or places, they are consistent that it is a deviation carried out by unscrupulous persons.
 - 2) Constraints in HR: Currently, there are 722 prisoners in the Serang IIA Class Penitentiary as of the latest data on 17 August 2021, and it is not comparable to the number of employees in the Serang City Class IIA Penitentiary. When the construction of a place to meet the biological needs of prisoners will be implemented, it must also be accompanied by supervision and security of

Development and Cooperation in the Correctional Division.”

these rules. To be able to say ideally 1 officer supervises 25 inmates but in Class IIA Penitentiary Attack is far from ideal.

Tabel 3. *Number of Human Resources in Class IIA Penitentiary Serang*

Data Terakhir Jumlah Sumber Daya Manusia Per-UPT Pada Kanwil Banten														
UPT	Jumlah Pegawai		Total	Struktural dan Fungsional					Pendidikan Terakhir					AKIF
	TPR	TWN		STU	PAM	PEM	DTK	KES	DS	SM	DP	S1	S2	
Lapas Kelas IIA Serang	30	5	35	4	21	4	6	0	0	31	0	4	0	0

Source: <http://smslap.ditjenpas.go.id/>

- 3) Constraints in Facilities and Infrastructure: The provision of biological fulfillment facilities for married prisoners in prisons is considered very appropriate to be able to support the interests between prisoners and their partners.
- 4) Other Obstacles: Based on the results of interviews conducted by researchers on August 4, 2021, it was found that the cause of the non-enactment of the system for regulating facilities or places for distribution of biological needs at the Class IIA Serang Penitentiary was not only based on reasons of overcapacity, human resources, or facilities. and infrastructure, but because there are other things that are very worrying if the implementation of these facilities is carried out. First, there are false confessions from inmates' spouses and falsification of marriage certificates, so it is very worrying if prisoners have sexual relations in the romance booth with women who are not their wives. Second, there are pros and cons regarding this biological fulfillment facility

system and the creation of romance booths in correctional institutions. Whereas we should be able to see that the provision of facilities to fulfill biological needs for prisoners as a proper right to be given to prisoners does not mean that the government ignores or turns a blind eye to this problem for fear of creating new, more complicated problems in prisons.

- 5) Obstacles Apart from Providing Facilities for Biological Needs in Prisons (Family Visiting Leave Program, Leave Before Release, Conditional Leave, Parole)
 - a) Administrative Constraints: such as the absence of a guarantor from the family of the inmate, the guarantor is used to assist the correctional center in supervising and participating in fostering prisoners who are conducting leave programs where if there is no guarantor from the families of prisoners, the Leave program cannot be implemented. Considering the procedure when applying for a leave program, you must complete administrative documents, one of which is a guarantee letter from the family made by the inmate's family and known by the village head or lurah in the village where the inmate lives. So if there is no guarantor from the inmate's family, this results in the officer not being able to provide a leave program. Coupled with the COVID-19 pandemic, it is

mandatory for all activities to be carried out online, the system is also online. So for the application for Family Visiting Leave according to the Banten Regional Office of the Ministry of Law and Human Rights, the submission is done online. Of course, with all online submissions like this, there will be many inmates who do not apply for this formal program, because many do not understand how to access it, because there are still many people who do not understand technology, secondly for offline submissions, the requirements are quite complicated and long, especially for now there is an application for Family Visiting Leave with an online system.

b) Human Resources Constraints: Regarding Family Visiting Leave, there must be abuse when, for example, the officers don't imagine if for example 300 people want to go home, many want to go home if the inmates don't come back. Because the correctional facility is an institution under the Ministry of Law and Human Rights, the staff is limited, the prisoners are many and do not have their own autonomy.

b. Efforts in Fulfilling the Biological Needs of Prisoners in the Review of Human Rights in Class IIA Penitentiary Serang

The Correctional Law needs to make changes because the Correctional

Law is very old, namely 1995, it needs to make changes according to the times. In the current penitentiary law, it only regulates the rights of prisoners in general but does not link the rights of convicts that relate to the fulfillment of the biological needs of convicts who are married or have hundreds of marriages. This penal law is a perfecting of a human rights-based penal system. As well as providing clear rules for regulations related to the provision of facilities for biological needs for married prisoners in prisons later this facility must also be adjusted to the norms prevailing in society.

The provision of this facility for visitors who can use this facility is devoted to convicts who are married or married, of course, accompanied by original marriage certificates and other official documents, but problems related to marriage certificates can be falsified, related to the solution of this problem is expected. The directorate general of corrections works together to enter into a memorandum of understanding (MOU) with the director general of dukcapil, the ministry of home affairs so that this coordination is really the one who uses the facility, so when the legal partner visits the prison and then puts their fingerprints on them, they will the photo or identity of the person concerned is shown to be his legal partner or not.

The efforts given by prisons at least forget about biological activities and coaching, therefore they are channeled into several programs, such as art activities, sports and others, so there are many programs. Even now the minister has echoed the existence of industrial prisons, it is hoped that it can absorb workers whose activities can last until the afternoon. It is hoped that this kind of activity will make them forget the desire to do this, because they are tired so that when they are in their room they immediately rest. With this, at least the solution is considering the moral

ethics that apply in this country but still basic rights must be fulfilled, namely by rotating, for example, the first week's turn is for the theft group and so on, otherwise it is now, if it is not possible, the place and time will not be provided. this will be dangerous, and even more dangerous to damage the elements in the prison, the name of the officer is given the convenience of being repeated, what does that mean? Due to the large number of prisoners. So when on leave to visit family, you should take turns, for example block A or block B, or block C.

Overcrowding occurs due to the increasing number of sentences with imprisonment when compared to the available prison space capacity. Overcrowding has an impact on the occurrence of various problems and the lack of success of various correctional programs. For example, the coaching program did not run well because the number of occupants was too large, riots and drug trafficking in prisons and detention centers, disease transmission, many residents who fled because of the unbalanced ratio of the number of occupants and security officers, and the possibility of repeating criminal acts. (recidivism).²¹

As well as implementing an assimilation program at home in order to prevent the transmission of COVID-19. Adang Ruswandi, Head of Sub-Division of Information Technology Development and Cooperation at the Correctional Division of the Regional Office of the Ministry of Law and Human Rights, stated that the house assimilation program was not given to prisoners with murder cases, robbery, so it is likely that it will be increasingly difficult to overcome overcapacity in Correctional

Institutions.²² In addition, breakthrough steps (innovation) are also needed by encouraging the implementation of alternative punishments and restorative justice for adult offenders so that not all criminals have to serve sentences in prisons and detention centers.

Conclusion

Fulfillment of biological needs for prisoners until now there is no written regulation or legal umbrella that regulates this matter. In Law No. 12 of 1995 on the fulfillment of biological needs for married prisoners, there is no written regulation that regulates this matter, the Class IIA Serang Penitentiary does not have such biological fulfillment facilities, coupled with the excess capacity of the prison. which is still unresolved. However, the Serang Prison provides formal rules for inmates to be able to fulfill their biological needs, namely through a humanist legal model through Family Visiting Leave (CMK), parole (PB), Leave Ahead of Release (CMB), Conditional Leave (CB), these formal rules regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 18 of 2019. And to wait for the length of the conditions given for the right to leave, Serang Prison provides various activities so that inmates minimize desires related to biological needs. Through the process and gradually at least is an effort to reduce the desire to fulfill the biological needs of prisoners. Likewise, to overcome the overcapacity of prisons, house assimilation has been provided in the context of preventing the transmission of covid-19, but for house assimilation it is not given to prisoners with homicide cases, robbery with exceptions is increasingly difficult to overcome excess

²¹ Kemenkumham Kanwil Jabar, "RESTORATIVE JUSTICE BISAKAH JADI PEMECAH MASALAH OVERCROWDING DI LAPAS/RUTAN," <https://jabar.kemenkumham.go.id>, 2021.

²² "Statement of Adang Ruswandi, Head of Sub-Division of Information Technology Development and Cooperation in the Correctional Division."

capacity. Alternative punishment should be able to prioritize restorative justice.

Researchers hope that the implementation of the fulfillment of human rights through facilities or places to fulfill biological needs in prisons must be immediately realized by the government. Various technical provisions regarding this matter should be strictly regulated through regulations that are able to minimize deviations in field implementation so that they are not used by irresponsible persons. For lawmakers to be able to formulate a rule to form a legal vacuum related to the fulfillment of the biological needs of prisoners in prisons, it is only legal for prisoners who have marital ties or husband and wife as well as the mechanism or procedure for the implementation of the provision of these facilities. The romance booth facility can be used as a gift (reward) for inmates, namely inmates must behave well as long as the convict is serving his sentence in prison. So that the Penitentiary not only punishes prisoners but also has to pay attention to the rights that can be given to prisoners.

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