

## CRIMINOLOGICAL REVIEW OF DEVIANT HOMOSEXUAL BEHAVIOR OF PRISONERS IN CLASS I MADIUN PRISON INSTITUTION



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### **ABSTRACT**

*This article discusses the world of corrections as a place of punishment for prisoners, which still causes dynamics of internal problems that have not been resolved. The clash with the limitations imposed by the state on the basic needs of prisoners gives rise to various social problems as a result of the social interaction process that can disrupt the process of the correctional system. The problem of deviant sexual behavior by prisoners as a result of the loss of the right to sexual relations is something that has so far become an unresolved discourse. The purpose of this research is to identify the adaptation patterns of homosexual prisoners in prison, which mapping can later become material for strategies to control the problem. This article uses a descriptive qualitative research method to examine dynamic field phenomena. Data collection techniques were carried out through interviews and document studies. The results of the discussion show that homosexuals have a pattern of conformity and innovation adaptation that can be observed and studied as material for controlling sexual deviation problems in prisons using situational crime prevention.*

**Keywords:** Correctional; Homosexual; Prisoners



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## INTRODUCTION

The paradigm of punishing criminals has undergone a fundamental conceptual shift. There is a revitalization of the philosophy of criminal punishment in Indonesia which is directed towards human rights values. This refers to the historical approach of Dr. Sahardjo's conceptualization of corrections which transformed into a correctional system. Correctional as a philosophy of punishment is oriented towards social reintegration. Correctional views that a person who commits a crime is part of a unified entity of society that has values that are not by others, therefore a restoration of life, one's own life, and the process of living in one's existence both as an individual, part of society, and as a creature of God is needed. (Paramarta et al., 2023)

Punishment is defined as deliberate suffering given by the state to the perpetrator of a crime as a reaction to his criminal act. (Hartono et al., 2021) The direction of corrections towards social reintegration does not necessarily eliminate the essence of the criminal punishment of imprisonment itself, but rather the suffering as the core of the punishment remains in effect. Imprisonment in a correctional institution is the main punishment that causes a person to lose their right to freedom. Placing a criminal in a correctional institution creates a boundary between the outside world and what is inside the prison. Prisoners cannot decide for themselves, at their discretion, while serving their sentences. Not only limited to that, the deprivation of the right to freedom is not the only suffering felt by prisoners. In explaining this statement, Gresham M. Sykes (Scott, 2014) explains it with " The Pain of Imprisonment " which consists of 1) Deprivation of liberty/loss of freedom, 2) Deprivation of security/loss of a sense of security, 3) Deprivation of heterosexual relationship/loss of sexual relations with a partner, 4) Deprivation of good and service/loss of rights to goods and services, 5) Deprivation of autonomy/loss of the right to self-autonomy.

The various sufferings of prisoners stem from things that are basic human needs. As a result of the loss of some rights that should be fulfilled as normal humans, but are confronted with the limitations given by the state to their basic needs in prison, various social problems arise as a result of the social interaction process that can disrupt the process of the correctional system.

The problem of deviant sexual behavior by prisoners as a result of the loss of the right to sexual relations/ deprivation of heterosexual relationships is something that until now has been an unresolved discourse. There is still debate at the normative level regarding sexual relations between prisoners in Indonesian prisons. Various existing phenomena show that sexual deviations often occur in prisons which cause losses to many parties. However, until now there has been no alternative solution that can solve or at least concretely minimize sexual deviations that occur in prisons. The failure of the state to fulfill the biological needs of prisoners can be a threat to the destruction of the correctional system. Of course, this is not in line with the direction of the correctional paradigm. The noble goal of corrections is to restore the values damaged by prisoners so that they can have values that can be adjusted to society both in terms of life relationships, their livelihoods, and their lives with society. Sexual deviations between prisoners degrade the values of prisoners that they should not have received while in prison. This phenomenon is very contrary to the principles of corrections, one of which reads (DM, 2017)

Referring to previous research revealed that in Class IIA Mataram NTB prison there were sexual deviations of prisoners with variations in their actions, the results were that 78% of prisoners engaged in sexual fantasies, 57% of prisoners masturbated, and 52% of prisoners engaged in biological activities that were against the rules. Sexual

deviations also occurred in Class IIA Bengkulu Prison with homosexual prisoners at 35% of the total male prisoners, 20% lesbians, and 40% masturbating. (Maryani, Desy, 2020) Not only that, referring to the research of Brahmana (1999) in Siregar et al. (2012) located in Tanjung Gusta Medan in 1999 showed that to fulfill their sexual desires, prisoners engaged in deviant practices with masturbation 68%, anogenital and orogenital 32% (Kemur et al., 2019) some notes of information from researchers referring to the report of The National Health and Social in the journal West et al. (2008) that it turns out that women have high sexual desire up to 32% and men at 15%. This research test was obtained from 326 prisoners which showed 81% by showing the results of 264 or 81% of prisoners expressing discomfort if their biological needs were not channeled, the initiatives taken included 244 prisoners, or around 78% of them venting through sexual fantasies, 57% of prisoners masturbating and 52% of prisoners engaging in deviant sexual activities that violate the rules. (Ramadhani & Santoso, 2021)

In following up on the research to be conducted, the researcher took the research location of one of the Correctional Institutions in Indonesia. Madiun Class I Correctional Institution was chosen by the researcher because it is one of the technical implementation units of correctional institutions under the East Java Ministry of Law and Human Rights regional office which implements correctional system programs. As a correctional institution with a large capacity for accommodating prisoners with overcrowded residents, of course, the complexity of the problems in it is also very complicated. This statement is strengthened by the number of male prisoners as many as 973 people and female prisoners 19 people. Meanwhile, Madiun Class I Correctional Institution only has a capacity of 825 residents. Departing from the problems that have been described by the researcher, the following are the formulation of questions posed by the researcher, what are the patterns of homosexual behavior of prisoners that occur in Madiun Class I Correctional Institution? What are the efforts to control the homosexual behavior of prisoners that occur in Madiun Class I Correctional Institution?

## **LITERATURE REVIEW RESEARCH FRAMEWORK, AND HYPOTHESES**

In reviewing this research, the author uses two theories to be able to discuss in depth the conditions in the field. Among them are strain theory and Situational Crime Prevention, each of which is used by the author as an analytical tool for the research conducted.

The study of the concept of strain theory popularized by Robert K. Merton, initially departed from the previous theory that had been popularized by Durkheim about Anomie (a state of degradation of social order due to the loss of agreement on values). Anomie views that the complexity of society is formed from various parts of its components that are interrelated with each other. Society can be said to be stable if the social structures function well, but if one of the components in society experiences a damaged state, then instability occurs in society. Merton explained that there are 5 different forms of ways that can be used by members of society to overcome the stress that occurs due to the inability to achieve an ideal/goal. Merton developed models of a person's adaptation in dealing with such circumstances, namely: conformity (acceptance), innovation (renewal), ritualism (religious procedures), retreatism (withdrawal), and rebellion (rebellion). These forms show the roles that can be taken in certain situations and are not the whole personality, meaning that a person may shift from one choice to another in dealing with complex circumstances in different social activities (Ritzer, 2011)

In controlling crime in prisons, accuracy in mapping the main problems is an important thing. The problem of homosexuality in prisons was studied by researchers using the concept of Situational Crime Prevention. Situational Crime Prevention or

situational crime prevention starts from the analysis of circumstances that give rise to certain types of crimes from criminological science. The debate on crime emerged first over the problem of explaining crime has been confused with the problem of explaining criminals (Gottfred-Son and Hirschi, 1990). Within the framework (regulation control) the concept of situational crime prevention has 16 opportunity reduction techniques unlike the action research methodology which has seen little modification, the classification of opportunity reduction techniques, the third component of situational prevention, is continually changing. This is done by developments in theory that suggest new ways to reduce opportunities, in practice as new forms of crime are addressed by situational prevention.

The following are the opportunity reduction strategy techniques in situational crime prevention that are adjusted to the conditions in correctional institutions: 1. Increasing Perceived Effort (Target Hardening, Access Control, Deflecting Offender, Controlling Facilitators) 2. Increasing Perceived Risk (Entry/Exit Screening, Formal Surveillance, Surveillance by Employee, Natural Surveillance) 3. Reducing Anticipated Reward (Target Removal, Identifying Property, Reducing Temptation, Denying Benefits) 4. Increasing Anticipated Punishments (Increasing Cost, Removing Privileges, Increasing Social, Making an Example).

## **METHOD**

In conducting this research study on the sexual deviant behavior of prisoners, the researcher uses a qualitative research approach by examining the phenomena that exist in the social relations of research subjects, including prisoners in prisons. The researcher will try to dig up data from key informants and other informants to interpret the problem being studied more deeply. Various social activities that occur in prisons will be the main study material for the researcher so that the resulting research can explain the problem comprehensively and in a structured manner. In the research studied, the researcher uses a descriptive qualitative research design.

Primary data sources can be obtained from informants in the field or historical actors who understand field conditions with a clear explanation of the research object according to the research objectives. In addition to informants/ persons, data sources can be in the form of conditions of the place or data sources that can present signs (Arikunto, 2014). Secondary data sources are data collected, processed, and presented by other parties, not directly obtained from the research subjects. Data can be in the form of documentation, notes, inscriptions, media information, newspapers, and magazines.

## **RESULTS AND DISCUSSION**

### **Data Analysis**

In finding data on the dynamics of patterns of adaptation of deviant homosexual behavior, researchers used the strain theory popularized by Robert K. Merton. This theory is relevant to the problem being discussed because the background to the emergence of this theory is based on a state of anomie that occurs due to a person's inability to fulfill their needs or achieve their individual goals due to the limitations of social stratification. Based on the results of the analysis of the conformity element, the researcher found that data indicated the acceptance of prisoners in the scope of their sexual limitations in prison. The data found were:

### *Obey the rules*

In the data found by researchers from prisoner informants, it was found that there were prisoners who stated that with the limitations in prison, although there was a feeling of sexual desire, their rationality to think increased the value higher. In the homosexual situation that occurred in prison, prisoners with this adaptation pattern had a firm grip on their faith in upholding existing rules and avoiding the prohibitions that had been set because prisoners with this type understood the consequences of the sanctions they would receive if they were found out by officers, so they openly rejected the invitation to engage in homosexuality even though they had the opportunity to do so.

In the innovation adaptation pattern, Robert K. Merton translates it as a clash between the goals of the needs of society that are to be achieved and the formal means that prohibit these goals from being realized because the legitimacy of institutions legally has the authority to limit the space for movement or goals that society wants to achieve. As in prison, a prisoner has various limitations on his freedom of movement due to the rules that apply. Sexual needs are one of the fundamental instruments in fulfilling hierarchical needs according to Marshlow's theory of needs. Meanwhile, in prison, a person is not only restricted but cannot have sexual relations of their own free will as they please.

### *Homosexual*

Researchers divide several data findings into several sub-explanations, including origin, place of the act, time of the act, how to do homosexuality using tools, and physical touch. According to its origin, homosexuality can occur due to 2 factors, including:

#### a. External Factors

Based on this factor, researchers can interpret that homosexuality that occurs in prisons is based on prisoners as the subject of the perpetrators having tendencies or factors outside the prison from birth or innate outside the prison which is formed deviant based on their environment so that it influences their hormones to like the same sex. Such circumstances can trigger homosexuality in prison.

#### b. Factors in Prison

Then based on the Factor approach in prison, researchers interpret it as a social process in prison that can trigger the emergence of homosexuality. This can be based on several factors, one of which is unfulfilled sexual needs so with all the limitations, prisoners commit deviant acts to satisfy their sexual desires.

The conditions in the field during data collection by researchers provided new findings that 2 types of prisoners can be said to be homosexual, either gay or lesbian, by distinguishing them from the background of the emergence of homosexuality, namely external factors in prison (internal factors/hormones in the individual/formation outside prison) and the process of factors in prison or interactions between prisoners with the limitations that exist in prison.

Based on the place where homosexuality is carried out in prison, researchers found that the favorite and safest place for homosexuality to be carried out is in the bathroom of the prisoner's block. They feel that the reach of officers is not too much supervision in the block at certain times, therefore when the opportunity comes, they carry out their actions in a comfortable and safe place, namely in the bathroom. Then there are the hours that provide loopholes for homosexuals to carry out their actions. The ideal time to have deviant relationships is at night when everyone is asleep, considering that supervision from both prisoners and officers is lax, this time is considered suitable

for them to have homosexual relationships. However, the time used to have homosexual relationships may be in the afternoon when prisoner activities are relaxed, this time is an opportunity for them to meet and communicate before the block is closed, this time is also ideal for homosexual relationships.

In addition, researchers found findings regarding behavioral patterns resulting from innovation in the form of homosexuality carried out by prisoners at Madiun Class I Prison. Some of them were carried out secretly, through giving affection between prisoners, or through coercion.

a. Stealth

In the researcher's findings, inmates secretly continue to deviate from the applicable regulations to fulfill their sexual desires/do homosexuality, both male and lesbian. This is done to continue to accommodate their needs and they remain safe if they are not caught by correctional officers. This hidden pattern is carried out by taking advantage of the carelessness of officers in carrying out guards.

b. Attention

Actions found by researchers such as this attention are factors in the emergence of homosexuality that occurs in prisons in addition to the limitations of existing access. The relationship between prisoners of the same sex intensely in their communication will trigger the emergence of a sense of attention and affection for each other which can be interpreted differently if driven by sexual desire with limited circumstances.

c. Coercion

Patterns of coercion from prisoners were discovered by researchers in data collection in the field. Homosexual acts can occur when there is a strong sexual desire with a lack of individual rationality, which drives him to do anything even if it violates the rules. The sexual desire of prisoners who are restricted while in prison will make them feel depressed and stressed, so that regardless of who their partner is, to vent their desires they will do so to reach the peak of satisfaction.

This action describes the patterns and ways of prisoners in their efforts to fulfill their sexual orientation which is contrary to the rules/legitimacy of formal institutions, namely correctional institutions. In the aspect of innovation in the form of homosexuality, this means that a goal that an individual wants to achieve has a greater influence so that it is still done even though it is faced with the rules that regulate it. The result is a homosexual deviation that occurs. The adaptation carried out by prisoners is done by changing the limited circumstances into an opportunity to continue to fulfill sexual desires.

Fulfillment of sexual needs in prison is still taboo and seems to be sidelined by the prison. This is reflected in the absence of serious efforts to fulfill the rights of prisoners. The opportunity will be small if the conditions faced by prisoners result in long criminal sentences. Efforts that can be made by prisoners are with integration rights. The limited channeling of sexual desires for prisoners in prison often results in prisoners experiencing emotional instability. In a study by the National Institutes of Health, it was found that around 75% of 100 male inmate samples reported emotional problems due to sexual deprivation experienced by inmates. In addition, The National Health and Social found a strong sexual desire in 32% of female inmates, and 15% of male inmates, where this study was aimed at 326 inmates with the result that 81% or 264 inmates felt uncomfortable if their biological needs were not met. Of course, this will have an impact on the dynamics of problems in prison. This is in line with the findings of researchers at

the Class I Madiun prison which showed that the fulfillment of sexual needs is one of the factors why inmates experience increased stress levels. A situation like this will be a serious threat to officers if there is no effort to overcome it. The neglect that occurs can have an impact on continuing problems and become a time bomb for the prison.

In dealing with and controlling homosexuality in prisons, researchers studied the efforts made by prison authorities based on conditions in the field, including:

a. Target removal

Target removal is a situational crime prevention control measure by protecting or separating vulnerable prisoners so that as far as possible perpetrators cannot commit sexual crimes against them. Madiun Class I Prison has made serious efforts to handle homosexual cases in this prison. The creation of a block in the clinic as a special block that has a classification of sick people or victims of deviant behavior who are affected by HIV and crime. This block is tightly guarded by officers and is located next to the Kamtib and KPLP rooms to protect vulnerable prisoners from prisoners who will disturb them. In the context of homosexual deviation, this instrument is aimed at homosexual perpetrators so that they cannot easily meet victims.

b. Formal Surveillance

Formal surveillance in situational crime prevention theory is defined as a form of crime control by monitoring an area or person who is indicated to have committed a crime or violation. In the context of homosexual deviation in prison, formal surveillance plays an important role in monitoring the movements of prisoners to anticipate deviant acts that occur. The use of procedural measures to ensure security in prisons is an important part of prison security. The installation of CCTV at Class I Madiun Prison helps with monitoring efforts at vulnerable points in the prison that are difficult for officers to reach.

c. Surveillance by employee

Surveillance by employees in the situational crime prevention theory is defined as crime control that utilizes human performance as an additional role in supervision as a form of preventing deviations. This can be translated into steps of approach to prisoners by officers, the roles of correctional intelligence as the main source of information that can control the state of the dynamic situation between prisoners. Madiun 1 Prison implements such steps to minimize deviations between prisoners with various approaches. The existence of intense information between officers and prisoners by setting aside social hierarchy indirectly becomes a form of supervision and mapping of the officers' steps to carry out control measures.

d. Natural Surveillance

Control in this way is interpreted as the existence of supervision carried out naturally or carried out by the community around the perpetrator of the crime, such as prisoners who have limited space to move will intensively meet each other. Control from each other can make them lose the opportunity to commit crimes or deviations. In contrast to quiet conditions, prisons with very limited scope will make prisoners monitor each other. This situation will greatly assist officers in controlling homosexuality in prisons because the phenomenon of prison dynamics that have different backgrounds will make each other feel watched so that deviant homosexual behavior can be minimized if the community environment is also aware that such actions are against nature.

e. Reducing Temptation

The reducing temptation step is a strategy to control the reduction of crime opportunities by preventing a person's intentions. This strategy assumes that bad behavior is a moment to take advantage of an opportunity. Homosexual acts can be prevented if a single cell or one man one cell is applied to prisoners. This will be more effective than cells occupied by many prisoners. However, this will be difficult to implement in normal prisons whose inmates are always overcapacity. Like the Class I Madiun Prison which has 1,106 inmates with old building standards, the approach taken must be different from an ideal prison. So the implementation of reducing temptation in Class 1 Madiun Prison is diverted by condensing coaching activities to divert negative things with benefits and positive values in filling time while in Prison. Personality and independence development is intensified for those who have records from officers indicating perpetrators or victims of homosexuality.

f. Removing Privileges

The strategic steps of removing privileges in situational crime prevention are translated as the removal of a privilege from prisoners as a sanction for violating their actions. This tactic exists wherever prisons are, a reward and punishment system. This step includes expulsion from the desired room, denial of parole, loss of remission, suspension of canteen privileges, and so on. This method can be done as a warning to other prisoners not to do the same in prison. Class I Madiun prison officers apply this reward and punishment pattern in their prisons. Every time there is a problem or something that deviates from the law and regulations in prison, the perpetrator is punished, either by revoking his rights or placing him on register F as a sanction due to his actions.

g. Increasing social condemnation

This step attempts to ward off deviant behavior by prisoners with social condemnation in prison. Although prisons are known as schools of crime, it does not mean that the coaching efforts carried out by officers are unsuccessful. There is a conflict between good values that have been internalized in prisoners as a result of coaching. In an environment that has positive values, deviant behavior such as homosexuality will make the group feel uncomfortable and disturbed. This strategy seeks to form a positive entity that can ward off negative behavior that can arise in prison. Madiun Class I Prison with 1,106 inmates has various types of development that its inmates follow. This at least shapes prisoners into positive entities both in terms of personality and independence. However, social sanctions between prisoners in enforcing positive values towards homosexuals are still minimal, and concern for reminding each other is still minimal. Some prisoners still consider this to be their own business and ignore each other. They prefer to stick to the principle of focusing on improving themselves.

h. Making an example

This step is taken by assuming that the imposition of punishment on prisoners who violate the rules openly or explicitly will have a deterrent effect on any prisoner who sees it so that the prisoner will not commit similar acts. This effort can be known as general prevention. The transfer of prisoners who have homosexual cases to strafe openly or other forms of punishment known to many other prisoners can prevent the recurrence of homosexual acts in prison. This is what researchers found from several statements from several informants who stated that:

*" Yes, I was caught by an officer before, then I was immediately screened to the Malang LPP, sir, so I don't want that, it's comfortable and nice here, sir, I'd rather avoid that" (interview, March 2024)*

Prisoners still have a fear that the threat of punishment will disrupt or disturb their lives in prison. So in this case, the intention of prisoners to commit homosexual acts will be reduced because they know the risks that will be obtained after being caught by officers.

## CONCLUSION AND SUGGESTION

Based on the discussion, it can be concluded that fulfilling a person's biological needs can influence sexual behavior. Such a situation can occur in prisons where prisoners have limited access and are not free to express their sexual desires. The rules that impose restrictions on prisoners are one of the factors that give rise to homosexual deviations in prisons.

About this, it can be explained that the limitations of prisoners in enforcing the rules at Madiun 1 Prison which clash with the biological needs of prisoners influence the behavior of adaptation patterns that occur in the dynamics of life in prison. The adaptation patterns that occur include Conformity, namely a group of prisoners who continue to follow the established rules even though they have to put aside their biological needs. Innovation is the opposite of conformity, namely a group of prisoners who are steadfast in goals that are considered valuable, such as biological fulfillment, even though they conflict with their rules, they will use illegitimate means / illegal means to achieve their goals. Ritualism, namely a group of prisoners who reduce their biological needs by accepting legitimate means, remains an option. This model is similar to conformity which follows the norms of existing institutional means, but they reduce the pressure felt by lowering ambition to a point that can be easily achieved. Rebellion is a group of prisoners who reject the existing rules and regulations, they actively refuse to replace a formal system that applies to obtain equality in sexual fulfillment such as rebellion/riots.

In overcoming the deviant behavior in Madiun 1 Prison, control efforts were made using the situational crime prevention concept approach including target removal, formal surveillance, surveillance by employees, natural surveillance, reducing temptation, removing privileges, increasing social condemnation, and making an example. Prevention that has been carried out optimally by Madiun 1 Prison minimizes the disruption that exists in the continuity of life of prisoners in the Prison.

To control the smoothness of the correctional process in the prison environment, an understanding of the basics, related rules and implementation of policies must be understood by technical implementers in the field, in this case, technical officials and correctional officers who carry out the duties and functions of prison guidance and security every day. As with basic biological needs that can have a big impact on the continuity of life of prisoners in prison. Various efforts that have been made by Prison 1 Madiun only need to be implemented optimally and sustainably. In addition, the need for research and daily in-depth study of prisoners needs to be considered so that various forms of adaptation patterns of prisoners in prison can be controlled, the aim of which is to create orderly prison conditions according to the true purpose of corrections. Theoretically, technical officials can also use free emergency services which can be used at any time to adjust to the conditions in the field so that basic needs that can give rise to major conflicts can be prevented with appropriate and accurate policies.

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